

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF FEBRUARY 13, 2004

(Published February 21, 2004, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
February 13, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Johnson.

Lilligren moved acceptance of the minutes of the regular meeting held January 30, 2004. Seconded. Adopted upon a voice vote.

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

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269390)

School Site Project: Funding for It's All About the Kids and contract with Lutheran Social Services for project management.

Many Rivers West Housing Project (14th & E Franklin): Authorize project analysis.

Higher Density Corridor Housing Initiative Program: Approve program guidelines and criteria.

Midtown Exchange Project (formerly Sears): Housing mix and planning for next steps.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269391)

Village at St. Anthony Falls: Approve additional terms and provisions relating to issuance of revenue bonds for the project.

Baseball Park: Approve agreement for sale of Rapid Park Property.

GRANTS AND SPECIAL PROJECTS (269392)

Metropolitan Livable Communities Act Livable Communities Demonstration Account: Extend contract with Metropolitan Council on funding for Village in Phillips Project.

**HEALTH AND HUMAN SERVICES:**

CIVIL RIGHTS (269393)

Small and Underutilized Business Program: Update report.

HEALTH AND FAMILY SUPPORT SERVICES (269394)

Public Health Emergency Preparedness: Quarterly Update report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269395)

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

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269396)

Close the Gap Campaign: Authorize apply for grants seeking in excess of \$250,000 from General Mills, McKnight, Minneapolis, Northwest Area, U.S. Bancorp and Wells Fargo MN Foundations to raise \$6.2 million to increase the number of job placement by 2,400.

HEALTH AND FAMILY SUPPORT SERVICES (269397)

Project Safe Neighborhoods Law Enforcement Strategies: Accept two-year federal grant award of \$160,000 and execute grant agreement with Minnesota Department of Public Safety to support 1.0 FTE Sergeant level position to implement law enforcement activities to focus on guns, gangs and narcotics within the Little Earth campus and surrounding community; Execute contract with Police Department, Organized Crime/Central Investigations Division; Approve appropriation.

**INTERGOVERNMENTAL RELATIONS:**

MPLS DOWNTOWN COUNCIL (269398)

Downtown Special Service District: List of Priority Services, February 10, 2004.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

CHARTER COMMISSION (269399)

Charter Amendments:

Ordinances amending the Mpls City Charter relating to contract procedures.

COUNCIL MEMBER BENSON (269400)

Mpls Public Library Board of Trustees: Letter from Shawn Lewis.

INTERGOVERNMENTAL RELATIONS (269401)

Minnesota Twins Ownership: Support for 2004 Community Ownership Legislation-A plan to keep the Twins in Minnesota.

MINNESOTA ENVIRONMENTAL INITIATIVE (269402)

EI Colegio Charter School (4137 Bloomington Ave S): Resolution supporting environmental grant by Hennepin County Department of Environmental Services for rain garden.

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

INSPECTIONS DEPARTMENT (269403)

Housing: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, increasing annual registration fee for cooperatives, condominiums or townhouse building, or a complex of buildings under the same association and management.

**LICENSES AND CONSUMER SERVICES (269404)**

La Nuevo Rodeo and La Quebrita Restaurant (2709 and 2709 ½ E Lake St): Amend Council Action passed October 10, 2003 to change valet parking conditions and replace with new off-street parking licenses relating to On-Sale Liquor Class A with Sunday Sales License.

Tonic of Uptown (1402 W Lake St): Application for On-Sale Liquor Class B with Sunday Sales License and Tobacco Dealer License, subject to conditions.

Bellanotte (600 Hennepin Av - Block E): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Technical Advisory Committee: Approve TAC recommendations relating to On-Sale Liquor Class B with Sunday Sales License held by Empire Concepts LLC, 319 1st Av N.

**LICENSES AND CONSUMER SERVICES (269405)**

Licenses: Applications.

**REGULATORY SERVICES (269406)**

Taxicab Service Committee: Approve appointments/reappointments to Committee.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (269407)**

Quarterly Submittal: Traffic Zones, Restrictions and Controls.

**PUBLIC WORKS AND ENGINEERING (269408)**

Space Planning Presentation: Receive and file.

**REGULATORY SERVICES AND PUBLIC WORKS (269409)**

Source Water Protection: Receive and file, regarding protecting drinking water supplies.

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

**PUBLIC WORKS AND ENGINEERING (269410)**

Fire Station No. 14: Authorize to acquire through negotiation or condemnation all or part of the following properties: 3219 Morgan Av N; 3211 Morgan Av N with Hennepin County; and 2002 Lowry Av with CPED to transfer the title, and reimburse CPED from the project budget.

Auction Services: Authorize proposals for auction services to sell used city-owned vehicles and equipment.

Delegate Authority: Approve T&PW Committee to set and hold public hearings required by Minnesota Statutes 161.164 Subd 2(a) governing body action final layout approval process for improvements on trunk highways, (including Interstate Highways)

Bridges across Midtown Greenway: Authorize agreement with Federal Highway Administration and Minnesota State Historic Preservation Office to perform a planning study for grade separation bridges.

Establish 2004 Uniform Assessment Rates: Resolution establishing 2004 Street Construction and Street Renovation Uniform Assessment Rates.

Richfield Road Reconstruction Project: Designate the improvement, adopt cost estimate of \$2,749,100, and the list of benefited properties, and direction to give notice of a public hearing.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:**

**ATTORNEY (269411)**

Gabe's Construction Co, Inc: City of Mpls road restoration claims, receive and file.

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

**PUBLIC WORKS AND ENGINEERING (269412)**

Edison High Recycling Project: Acceptance of \$3,000 in grant funds from Hennepin County; establishing a grant account and passage of Resolution increasing appropriation by \$3,000; and authorize PWs Dept to enter into a contract for educational materials and supplies.

Accepting bids, OP#6186, low bid of McFarland Construction Company, for site improvements at Harriet Maintenance Facility; and OP#6194, low responsive bid of Veit Disposal Systems, and Boone Trucking, Inc. for the disposal of waste and construction debris and tree waste.

**WAYS AND MEANS BUDGET:**

COORDINATOR (269413)

Greater Minneapolis Convention & Visitors Association Quarterly Performance Report: 4th Quarter of 2003.

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

COMMUNICATIONS (269414)

Grant Award for Annual Reports: Accept grant from Center for Civic Innovation for production of two City annual reports.

Appointments to Minneapolis Telecommunications Network Board: Consider appointments/reappointments to fill four positions.

CONVENTION CENTER (269415)

Security Contract: Amend contract with Security Specialists, Inc. to expand duties to hire sworn peace officers and increase annual cost.

COORDINATOR (269416)

New Central Library Project Change Order: Increase contract with Knutson Construction Services, Inc.

Community Engagement Project: Plan to improve staff/community interaction on key projects and issues.

COUNCIL MEMBER JOHNSON LEE (269417)

Black History Month Donation: Accept funds for refreshments from General Mills.

FINANCE DEPARTMENT (269418)

Capital Budget Process and Capital Long-Range Improvements Committee: Adopt schedule for capital budget process and guidelines to consider capital requests.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (269419)

2004 CPED-Planning Division Work Plan.

Appeal:

Michael Rainville, for St. Anthony West Neighborhood Organization (re Sherman Associates/River Run Apartments, 1424-28 & 1448 Marshall St NE).

Rezoning:

Sherman Associates (1424-28 & 1448 Marshall St NE).

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

PLANNING COMMISSION/DEPARTMENT (269420)

Appeals:

LeRoy Jackson (re Northside Residents Redevelopment Council, 1254 Russell Ave N);

John Dietrich, for Lowry Hill East Neighborhood Association (re Northwestern Health Sciences University/Uptown Naturla Care Center building, 2201 Hennepin Ave S).

Vacations:

Hillcrest Development (part of west 56' of Stinson Blvd NE between Summer & Broadway Sts NE).

Rezoning:

Mahmoud Rifai (611-6th St SE);

James Harrison (2700 Grand St NE);

CountryHome Builders, Inc (811-28th St W; 2808 Aldrich Ave S; 2813 Bryant Ave S).

Zoning Code Text Amendment:

Ordinance amending Title 20, Chapter 530, to allow greater flexibility regarding alley access for uses subject to site plan review; Public Works alternative.

**PLANNING COMMISSION:**

MACHINERY LOFTS LLC (269421)

Permission to vacate alley in block bounded by Grand & Pleasant Aves S, 28th & 29th Sts W.

**FILED:**

JIM HRUBY, ET AL (269422)

I-35W Access: Constituent letter. (See T&PW Report)

CITY CLERK/SPECIAL PERMITS (269423)

26th St E, 2 (Signation Sign Group) signs;

26th St E, 20 (Signation Sign Group) signs;

University Av NE, 2424 (American Sign Co) sign.

*The following reports were signed by Mayor Rybak on 2/18/04, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Claims** - Your Committee, having under consideration a claim filed against the City by Charles Okabue, 1255 10th St. NW #124, New Brighton, MN, regarding impound lot operations, now recommends payment of \$235 to Mr. Okabue.

Adopted 2/13/04. Yeas, 8; Nays, 4 as follows:

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

Nays - Benson, Goodman, Lane, Schiff.

Absent - Johnson.

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

**Comm Dev** - Your Committee, having under consideration the "It's All About the Kids" Program that assists low-income families locate housing near the community schools in which their children are enrolled, now recommends concurrence with the recommendation of the Director of the Community Planning and Economic Development (CPED) Department that:

a) the 2003 contract with Lutheran Social Services to provide support to the program be increased by \$37,196 to correctly reflect the project budget; and

b) CPED be authorized to enter into a contract with Lutheran Social Services for 2004 in the amount of \$194,000.

Adopted 2/13/04.

Absent - Johnson.

Approved by Mayor Rybak 2/13/04.

(Published 2/17/04; Republished 2/19/04)

**Comm Dev** - Your Committee, having under consideration a proposal to develop Many Rivers West (the second phase of the Many Rivers development on the 1400 and 1500 blocks of E Franklin Av), now recommends that City staff be directed to:

- a) Evaluate the Many Rivers West development proposal, tax increment financing (TIF) application and housing revenue bond application;
- b) Negotiate the terms and conditions of a redevelopment contract with a limited partnership with the American Indian Housing Community Development Corporation as the general partner; and
- c) Prepare redevelopment and TIF plans for the project, subject to final determination of project eligibility, required reviews, public input, notices and hearings.

Adopted 2/13/04.  
Absent - Johnson.

**Comm Dev** - Your Committee, having under consideration the Higher Density Corridor Housing Initiative Program that provides for public acquisition of sites for multifamily housing development on or near community, commercial and transit corridors, now recommends approval of the Guidelines and Criteria for said program (as included in Petn No 269390) with the addition of "Access to transit" within the listed Criteria.

Adopted 2/13/04.  
Absent - Johnson.

**Comm Dev** - Your Committee, having received a report regarding the Midtown Exchange Project (formerly Sears), now recommends concurrence with Ryan Companies' proposal for housing as one of the land uses at the Midtown Exchange Project and up to \$13 million in appropriate housing funding, subject to final agreement on a housing mix and financing plan.

Adopted 2/13/04.  
Absent - Johnson.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution relating to the issuance of Taxable Tax Increment Revenue Refunding Notes for the Village at St. Anthony Project, revising previous authorization granted on the issuance to reflect additional terms and provisions as recommended by Bond Counsel.

Adopted 2/13/04.  
Absent - Johnson.  
Approved by Mayor Rybak 2/13/04.  
(Published 2/17/04)

Resolution 2004R-047, relating to the tax increment financing of public improvements related to the Village at St. Anthony Falls multifamily housing development located in the East Hennepin & University Tax Increment Financing District; authorizing the issuance of Taxable Tax Increment Revenue Refunding Notes, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-047**  
**By Goodman and Johnson**

**Relating to the tax increment financing of public improvements related to the Village at St. Anthony Falls multifamily housing development located in the East Hennepin & University Tax Increment Financing District; authorizing the issuance of Taxable Tax Increment Revenue Refunding Notes (Village at St. Anthony Falls Project), Series 2004; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations.**

Resolved by The City Council of The City of Minneapolis:

Section 1. Background.

1.01. The Minneapolis Community Development Agency (the "Agency") and the City of Minneapolis (the "City") established the East Hennepin & University Tax Increment Financing District (the "TIF District") pursuant to authority granted by Minnesota Statutes, Sections 469.174-469.179, as amended (the "Tax Increment Act"), within the East Hennepin & University Redevelopment Project Area (the "Redevelopment Project"), and adopted a tax increment financing plan for the purpose of financing certain improvements within the TIF District. In order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the redevelopment of a three-block site located in the TIF District on the east bank of the Mississippi River at the intersection of Hennepin Avenue East and University Avenue East, referred to generally as the Village at St. Anthony Falls Project (the "Project"), the Agency entered into a Contract for Private Redevelopment, dated July 18, 2000, as amended (the "Contract"), between the Agency and Fire Barn Associates, LLC and its assignees (collectively, the "Redeveloper"). The Project is comprised, in part, of forty-eight (48) market-rate townhouses located on the block designated as Block 2 (the "Block 2 Improvements") and one hundred and twenty-one (121) market-rate lofts and brownstone units located on the block designated as Block 3 (the "Block 3 Improvements").

1.02. Pursuant to Section 469.178 of the Tax Increment Act, the Agency is authorized to issue and sell its bonds or notes for the purpose of financing public development costs in a redevelopment projects and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

1.03. On October 27, 2000, the Board of Commissioners of the Agency adopted Resolution No. 2000-2336M of the Agency (the "Note Resolution"), which provided for the issuance and sale of its tax increment revenue notes. Pursuant to the terms of the Note Resolution, the Agency issued its Block 2 Taxable Tax Increment Revenue Note (The Village at St. Anthony Falls Project), Series 2001 (the "Block 2 Note"), in the principal amount of \$2,737,000, dated as of March 20, 2001, payable solely from a portion of the proceeds of the Block 2 Note and from tax increment revenues generated from Block 2. Pursuant to the terms of the Note Resolution, the Agency issued its Block 3 Taxable Tax Increment Revenue Notes (The Village at St. Anthony Falls Project), Series 2001 (the "Block 3 Note"), in the original stated principal amount of \$8,786,000, but initially funded in the amount of \$6,739,000, and later funded in the amount of an additional \$630,000 for a total funded amount of \$7,369,000. The Block 3 Notes are payable solely from a portion of the proceeds of the Block 3 Notes and from tax increment revenues generated from Block 3. The Block 2 Note and the Block 3 Notes are hereinafter referred to collectively as the "Series 2001 Notes."

1.04. Pursuant to the terms of the Contract, the Agency agreed to refund the Series 2001 Notes with tax-exempt tax increment revenue bonds when the conditions set forth in the Contract for the issuance of such revenue bonds have been satisfied. Such conditions have been satisfied for the Block 2 Note and a portion of the Block 3 Note. The City Council has previously authorized the issuance of revenue bonds (the "Bonds") to refinance the Block 2 Note and a portion of the Block 2 Note. The portion of the Block 3 Notes not refunded with the Bonds is required to be refunded with a series of revenue notes.

Section 2. Issuance of the Notes.

2.01. In order to refund the outstanding principal amount of the Block 3 Notes not refunded with the Bonds, there is hereby authorized to be issued by the City the Notes, as hereinafter defined.

2.02. The City Council hereby authorizes the issuance of tax increment revenue notes to be designated as the "Taxable Tax Increment Revenue Refunding Notes (Village at St. Anthony Project), Series 2004 (the "Notes"), in a principal amount not to exceed \$4,400,000. The Notes shall be issued on such date and upon the terms and conditions determined by the Finance Officer. The Notes may be designated such other name or names as determined to be appropriate by the Finance Officer. The Notes shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Notes shall be issued as obligations the interest on which is includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Notes is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates

and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Notes with the assistance of a placement agent hereinafter selected by the Finance Officer (the "Placement Agent"). The City shall sell the Notes to the purchasers to whom the Placement Agent has placed the Notes (the "Purchasers") in accordance with the terms of a Private Placement Agreement between the City and the Purchasers (the "Private Placement Agreement").

2.03. There have been presented to the City Council forms of the following documents: (i) the form of the Notes; (ii) the Guaranty Agreement (the "Guaranty") to be executed by the guarantor or guarantors approved by the Finance Officer (the "Guarantor"); (iii) the Private Placement Agreement; and (iv) the Bond Purchase Agreement between the City and Dougherty & Company LLC (the "Bond Purchase Agreement") setting forth the terms and conditions for the purchase of the Bonds. The form of the Notes, the Guaranty, the Private Placement Agreement, and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this Resolution and applicable law that are approved by the Finance Officer of the City.

2.04. The Notes shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the form of the Notes and in the Private Placement Agreement. The form of the Notes is hereby approved, subject to such changes not inconsistent with this Resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Notes to be issued under the terms of this Resolution (subject to the maximum aggregate principal amount for all series authorized by this Resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Notes, and to approve other changes to the other terms of the Notes which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Notes shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Notes in accordance with the authority granted by this Resolution. The proceeds derived from the sale of the Notes, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05. The Notes shall be secured by the terms of this Resolution, the Notes, the Assessment Agreement, and the Guaranty and shall be payable solely from Available Tax Increments (as defined in the Notes) that are expressly pledged to the payment of the Notes pursuant to the terms of the Notes, or from payments made by the Guarantor pursuant to the terms of the Guaranty, or from proceeds of refunding notes or bonds which may be issued by the City.

2.06. It is hereby found, determined and declared that the issuance and sale of the Notes, the execution and delivery by the City of the Notes, Private Placement Agreement, and the Assessment Agreement (the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Notes the valid and binding special obligations of the City enforceable in accordance with their terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.07. Under the provisions of the Tax Increment Act, and as provided under the terms of the Notes, the Notes are not to be payable from or chargeable against any funds other than the revenues and assets pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues and assets pledged thereto; no holder of any Notes shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms of the Notes) to pay the principal of, premium, if any, and interest on the Notes, or to enforce payment thereof against any property of the City other than the property expressly pledged thereto; the Notes shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than the revenues or assets expressly pledged thereto; the Notes shall recite that the Notes are issued without a pledge of the general or moral obligation of the City, and that the Notes, including interest thereon, are payable solely from the revenues and assets pledged to the payment thereof; and the Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

Section 3. Terms, Execution and Delivery.

3.01. The Notes shall be issued in the form of one or more typewritten notes numbered from R-1 upwards. The Notes shall be issuable only in fully registered form. The Notes shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Note registrar and paying agent, or at the offices of such other successor paying agents as the City may hereafter designate, provided that if the Notes are then issued and outstanding, such successorship shall be effective only upon sixty (60) days' mailed notice to the registered owners at their respective registered addresses. The Finance Officer shall keep at its office a bond register in which the Finance Officer shall provide for the registration of ownership of the Notes and the registration of transfers and exchanges of the Notes.

3.02. Upon surrender for transfer of any Note duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form reasonably satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, and upon satisfaction of any limitations on transfer set forth in the Note, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, a new Note of a like aggregate principal amount and maturity, as requested by the transferor. Notwithstanding the foregoing, the Notes shall not be transferred to any person, other than the Redeveloper or any guarantor of the principal and interest payments on the Note, unless the Agency has been provided with an opinion of counsel or a certificate of the transferor, in a form satisfactory to the Agency, that such transfer is exempt from registration and prospectus delivery requirements of federal and applicable state securities laws. The Registrar may close the books for registration of any transfer after the fifteenth day of the month preceding each Payment Date and until such Payment Date. The Note surrendered upon any transfer shall be promptly cancelled by the Finance Officer. When a Note is presented to the Finance Officer for transfer, the Finance Officer may refuse to transfer the same until it is satisfied that the endorsement on such Note or separate instrument of transfer is legally authorized. The Registrar shall incur no liability for its refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

3.03. The Finance Officer may treat the person in whose name any Note is at any time registered in the bond register as the absolute owner of the Note, whether the Note shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Note and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Note to the extent of the sum or sums so paid. For every transfer or exchange of any Note, the Finance Officer may impose a charge upon the owner thereof sufficient to reimburse the Finance Officer for any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange.

3.04. In case any Note shall become mutilated or be lost, stolen, or destroyed, the Finance Officer shall deliver a new Note of like amount, maturity dates and tenor in exchange and substitution for and upon cancellation of such mutilated Note or in lieu of and in substitution for such Note lost, stolen, or destroyed, upon the payment of the reasonable expenses and charges of the Finance Officer in connection therewith; and, in the case the Note lost, stolen, or destroyed, upon filing with the Finance Officer of evidence satisfactory to it that such Note was lost, stolen, or destroyed, and of the ownership thereof, and upon furnishing to the Finance Officer an appropriate bond or indemnity in form, substance, and amount satisfactory to it, in which both the City and the Finance Officer shall be named as indemnified parties. The Note so surrendered to the Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen, or destroyed Note has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Note prior to payment.

3.05. In the event the Notes are to be prepaid in whole or in part, notice thereof will be given by the Finance Officer by mailing a copy of the redemption notice by first class mail (postage prepaid) not more than sixty (60) and not less than thirty (30) days prior to the date fixed for redemption to the registered owners of the Notes at the addresses shown on the registration books kept by the Finance Officer. Failure to give notice by mail to any registered owner, any defect therein, will not affect the validity of any proceeding for the redemption of the Notes. The Notes so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for such redemption are on deposit with the place of payment at that time.

3.06. The Notes shall be prepared under the direction of the Finance Officer and shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor, City Clerk, and Finance Officer. In case any officer whose signature shall appear on the Notes shall cease to be such officer before the delivery of the Notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Notes shall not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Note has been duly executed by the manual signature of the Finance Officer or an authorized representative of the Finance Officer. Certificates of authentication on different Notes certificates need not be signed by the same representative. The executed certificate of authentication on each Note shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Note has been so executed and authenticated, it shall be delivered by the Finance Officer to the owner upon payment of the purchase price therefor, and the owner shall not be obligated to see to the application of the purchase price.

3.07. The Finance Officer may elect to provide a book entry system for registering the ownership interests in the Notes. If the Finance Officer so elects, The Depository Trust Company ("DTC") may be engaged to act as securities depository for the Notes. If the Finance Officer elects to provide a book entry system for registering the ownership interests in the Notes and engages DTC to act as securities depository for the Notes, the terms of engagement between the City and DTC shall prevail over any inconsistent provisions of this Resolution.

Section 4. Security Provisions.

4.01. The City hereby pledges to the payment of the principal of and interest on the Notes all Available Tax Increment, as defined in the Notes. Available Tax Increment shall be deposited in the Debt Service Fund (defined below) in accordance with Section 4.03 hereof and applied to payment of the principal of and interest on the Notes in accordance with the terms of the Notes.

4.02. The proceeds derived from the sale of the Notes shall be applied to the redemption and prepayment of the Block 3 Notes that are not to be redeemed and prepaid with the proceeds of the Bonds. The Finance Officer may elect to deposit a portion of the proceeds derived from the sale of the Notes in the Debt Service Fund (defined below) and applied to the payment of a portion of the interest to accrue on the Notes.

4.03. So long as the Notes are outstanding and any principal thereof or interest thereon remains unpaid, the City shall maintain a separate Debt Service Fund (the "Debt Service Fund") to be used for no purpose other than the payment of the principal of and interest on the Notes. The City appropriates and irrevocably pledges to the Debt Service Fund: (a) any proceeds of the Notes that the Finance Officer elects to deposit in the Debt Service Fund to pay interest on the Notes; (b) Available Tax Increment pledged pursuant to Section 4.01 of this Resolution; (c) all earnings derived from the investment of money held in the Debt Service Fund; and (d) any other funds appropriated to the Debt Service Fund. The Debt Service Fund and all money deposited therein pursuant to this Resolution are hereby pledged to the payment of principal of and interest on the Notes. Any payments received by the City under any Guaranty are also pledged to the Debt Service Fund and shall be deposited therein upon receipt to be applied in the same manner as Available Tax Increment.

4.04. All amounts held in the Debt Service Fund may be invested in accordance with the provisions of Minnesota Statutes, Chapter 118A, governing the investment of funds of governmental entities.

Section 5. Certification of Proceedings and Other Matters.

5.01. The Finance Officer and other officers, agents, and employees of the City are hereby authorized and directed to prepare and furnish to the registered owners of the Notes certified copies of all proceedings and records of the City, and such other affidavits, certificates, and information as may be required to show the facts relating to the legality and marketability of the Notes as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates, and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

5.02. In the event that the Finance Officer determines that the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule") are applicable to the Notes, the Finance Officer shall prepare and deliver to the registered owners of the Notes a continuing disclosure certificate setting forth the

continuing disclosure obligations of the City under the Rule and the manner by which the City will satisfy its obligations under the Rule.

5.03. In the event that the Finance Officer determines that the preparation of a disclosure document is necessary or appropriate in conjunction with the offer and sale of the Notes, the Finance Officer shall prepare or cause to be prepared a private placement memorandum or other disclosure document relating to the Notes and shall authorize the use of such document by the Placement Agent.

5.04. The Finance Officer shall execute and deliver to the purchasers of the Notes a certificate as to absence of material litigation and a certificate as to payment for and delivery of the Notes. The Finance Officer shall also deliver to the purchasers of the Notes a signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Notes.

5.05. This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 2/13/04.

Absent - Johnson.

Approved by Mayor Rybak 2/13/04.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request to extend the time period for the City's grant agreement that provides 2002 Metropolitan Livable Communities Act funds to the Village in Phillips Project, now recommends that the proper City officers be authorized to:

a) Accept and execute an amendment extending the Metropolitan Council 2002 Livable Communities Demonstration Account (LCDA) grant agreement (providing funding in the amount of \$437,600) for the Village in Phillips Project through December 31, 2004; and

b) Develop, execute and/or amend appropriate legal agreements to implement projects with the selected vendor according to specified terms and respective funding requirements before the amended contract expiration date of December 31, 2004; and

c) Accept \$437,600 from the Metropolitan Council 2002 LCDA.

Your Committee further recommends passage of the accompanying resolution increasing the Grants Fund by \$437,600 to reflect the receipt of the grant funds.

Adopted 2/13/04.

Absent - Johnson.

**RESOLUTION 2004R-048**  
**By Goodman and Johnson**

**Amending The 2004 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 Non-Departmental Agency in the Grants-Other Fund (0600-123-1232-5130) by \$437,600 and increasing the revenue source (0600-123-1232 - Source 3215) by \$437,600.

Adopted 2/13/04.

Absent - Johnson.

**Comm Dev & W&M/Budget** - Your Committee recommends approval of an agreement regarding sale of Rapid Park Property for a baseball park among the City of Minneapolis, Land Partners II Limited Partnership and Minikahda Ministorage IV Limited Partnership, dated January 16, 2004 (as further presented in Petn No 269391).

Adopted 2/13/04. Yeas, 11; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Johnson.

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

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a Workforce Investment Act (WIA) Title I Grant Agreement with the Minnesota Department of Employment and Economic Development for the release of funding under the Adult, Youth and Dislocated WIA and the Minnesota Youth Program during the period April 1, 2004 through March 31, 2007.

Adopted 2/13/04.

Absent - Johnson.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to apply for grants seeking in excess of \$250,000 from General Mills, McKnight, Minneapolis, Northwest Area, U.S. Bancorp and Wells Fargo MN Foundations as part of the Close the Gap Campaign which seeks philanthropic support from a number of foundations to raise \$6.2 million to increase the number of job placements by 2,400.

Adopted 2/13/04.

Absent - Johnson.

**H&HS & W&M/Budget** - Your Committee, having under consideration the implementation of Project Safe Neighborhoods Law Enforcement strategies focusing on guns, gangs and narcotics, now recommends that the proper City Officers be authorized to:

a. accept a two-year federal grant award of \$160,000 and execute a grant agreement with the Minnesota Department of Public Safety to provide support for a 1.0 Full-Time Equivalent (FTE) Sergeant level position within the Organized Crime/Central Investigations Division of the Police Department to implement law enforcement activities to include gang suppression, vigorous gun trafficking reduction efforts and suppression of narcotics activity within the Little Earth campus and surrounding community during the period January 1, 2004 through December 31, 2005.

b. execute a contract with the Police Department, Organized Crime/Central Investigations Division, in the amount of \$160,000, for the period January 1, 2004 through December 31, 2005.

c. passage of the accompanying Resolution appropriating \$160,000 to the Department of Health & Family Support.

Adopted 2/13/04.

Absent - Johnson.

**RESOLUTION 2004R-049**  
**By Johnson Lee and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8605) by \$160,000 and increasing the Revenue Source (030-860-8605 - Source 3210) by \$160,000.

Adopted 2/13/04.

Absent - Johnson.

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

**IGR** - Your Committee recommends approval of the reappointment of Kathleen Lamb, 2619 W 54th St, Minneapolis (Ward 13), as the City Council representative on the Minneapolis Public Library Board of Trustees, for a term of office to expire December 31, 2005.

Adopted 2/13/04.

Absent – Johnson.

**IGR** - Your Committee concurs in the recommendation of the Minneapolis Charter Commission that accompanying ordinances be adopted by unanimous vote, pursuant to Minnesota Statutes, Section 410.12, Subd. 7, which amend the City Charter to remove the Mayor and City Clerk signatures from City contracts; allow the Finance Officer to designate up to two persons to sign contracts on behalf of the Finance Officer and to establish administrative procedures necessary for the management of City contracts:

- a) Amending Chapter 3, Sections 1, 5, 11, 12 and 16 relating to *Powers and Duties of Officers*;
- b) Amending Chapter 4 relating to *City Council—Powers—Duties, Etc.*, adding a new Section 25;
- c) Amending Chapter 5, Section 24 relating to *Taxation and Finance*; and
- d) Amending Chapter 15, Section 9 relating to *Board of Estimate and Taxation*.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**IGR** - Your Committee recommends passage of the accompanying resolution supporting the environmental financial grant by the Hennepin County Department of Environmental Services to the Minnesota Environmental Initiative for assistance to ECCS Building Company, dba Instituto de Cultura y Educacion, to build a rain garden at the El Colegio charter school, 4137 Bloomington Ave S.

Adopted 2/13/04.

Absent – Johnson.

Resolution 2004R-050, supporting the environmental financial grant by the Hennepin County Department of Environmental Services to the Minnesota Environmental Initiative for a rain garden at the El Colegio charter school, 4137 Bloomington Ave S, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-050**  
**By Lilligren and Benson**

**Supporting the environmental financial grant for the El Colegio charter school site at 4137 Bloomington Avenue South, Minneapolis.**

Whereas, the Minneapolis City Council recognizes the value of ecological education opportunities; and

Whereas, El Colegio charter school offers an opportunity to create a unique ecological area (rain garden) in the City of Minneapolis;

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

That the City of Minneapolis supports the environmental financial grant by the Hennepin County Department of Environmental Services to the Minnesota Environmental Initiative for assistance to ECCS Building Company, dba Instituto de Cultura y Educacion, for the El Colegio charter school site at 4137 Bloomington Avenue South, in Minneapolis.

Adopted 2/13/04.

Absent – Johnson.

**IGR** - Your Committee recommends that the City's agenda for the 2004 Legislative Session, adopted January 16, 2004, be amended to include support for the 2004 Community Ownership Legislation-A plan to keep the Twins in Minnesota.

Benson moved that the report be referred back to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote.

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

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, increasing the annual registration fee for cooperatives, condominiums or townhouse building, or a complex of buildings under the same association and management, now recommends that said ordinance be given its second reading for amendment and passage.

Goodman moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, repealing Section 244.220 entitled *Annual registration; fee; change of status*, now recommends that said ordinance be given its second reading for amendment and passage.

The report, as substituted, was adopted 2/13/04.

Absent - Johnson.

Ordinance 2004-Or-013 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, repealing Section 244.220 entitled *Annual registration; fee; change of status*, was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-013**  
**By Goodman**  
**Intro & 1st Reading: 11/7/03**  
**Ref to: PS&RS**  
**2nd Reading: 2/13/04**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

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

Section 1. That Section 244.220 of the above-entitled ordinance be and is hereby repealed:

**244.220. Annual registration; fee; change of status.** All buildings or building complexes required to be registered pursuant to the provisions of this article shall be registered prior to occupancy and thereafter all registrations of such buildings or building complexes shall be renewed annually on or before a date established by the director of inspections.

Upon failure to comply with this provision, the annual renewal registration fee to be paid shall be increased by fifty (50) per cent when more than fifteen (15) calendar days late.

The annual fee for registration of the common areas in a cooperative, condominium or townhouse building, or complex of buildings under the same association and management, shall be as follows:

- 0 to 5 units . . . \$ 20.00
- 6 to 15 units . . . 35.00
- 16 to 50 units . . . 50.00
- Over 50 units . . . 100.00

No registration shall be assignable. For a change in the contact person, or any change made in the number of units in the building or complex of buildings, then a new registration statement shall be properly made and filed with the director of inspections within fourteen (14) days from the date of such event, in the same manner and form as herein prescribed.

Should the registrant submit a registration fee that is more than the required amount printed on the registration statement; or a fee which includes a late payment penalty amount when such late payment

is not required; or should registrant request a second registration statement to replace one which has been lost or misplaced and later submit payments on both the original and replacement statements, then such monies will be accepted by the department. Refund of such payments made in error shall be made upon written request of the registrant within ninety (90) days of the payment of the registration fee. The city finance officer shall refund such overpayment by issuing a check to the registrant for the amount paid in error, upon receipt of a check request approved by the department of inspections. Said request shall contain the name and address of the registrant, the housing registration reference number, and the amount to be refunded.

Adopted 2/13/04.

Absent - Johnson.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, adding a new Section 362.45 entitled "*Off-Sale Malt Liquor*", to allow an on-sale licensee who is also a brewer licensed under State Statute to be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises in 64-ounce containers known as "growlers", now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 2/13/04.

Absent - Johnson.

Ordinance 2004-Or-014 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, adding a new Section 362.45 entitled "*Off-Sale Malt Liquor*" to allow an on-sale licensee who is also a brewer licensed under State Statute to be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises in 64-ounce containers known as "growlers", was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-014**  
**By Niziolek**  
**Intro & 1st Reading: 1/16/04**  
**Ref to: PS&RS**  
**2nd Reading: 2/13/04**

**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 Chapter 362 of the Minneapolis Code of Ordinances be amended by adding thereto a new section 362.45 to read as follows:

**362.45 "Off-Sale" Malt Liquor.** (a) An "on-sale" licensee who is also a brewer licensed under Minnesota Statute 340A.301, Subdivision 6 (d) may be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises, subject to the following conditions:

1. Off sale of malt liquor may only be made during the hours that "off-sale" of liquor may be made;
2. The malt liquor shall be packaged in 64-ounce containers commonly known as "growlers";
3. The malt liquor sold at "off-sale" must be removed from the licensed premise before the applicable closing time at exclusive liquor stores;
4. The "growler" must be sealed in such a manner that the seal must be broken in order to open the container and the seal must bear the name and address of the brewer, and the legend "Not for Consumption in Public" must be prominently displayed on the seal.

- (b) "Off-Sale" Malt Liquor premises shall not be subject to the requirement that they be in excess of two thousand (2,000) feet from another "off-sale" liquor premise.
- (c) The annual license fee shall be as listed in Appendix J.  
Adopted 2/13/04.  
Absent - Johnson.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, amending the wine definition in Section 363.10 to be a vinous beverage containing not more than 24% alcohol by volume, now recommends that said ordinance be given its second reading for amendment and passage.  
Adopted 2/13/04.  
Absent - Johnson.

Ordinance 2004-Or-015 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, amending Section 363.10 to change the wine license definition to be a vinous beverage containing not more than 24% alcohol by volume, was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-015**  
**By Niziolek**  
**Intro & 1st Reading: 1/16/04**  
**Ref to: PS&RS**  
**2nd Reading: 2/13/04**

**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 363.10, Definitions, be amended to read as follows:

**363.10. Definitions.** As used in this chapter, unless some other meaning is clearly required by the context, the following words and phrases shall mean:

*Wine:* A vinous beverage containing not more than ~~fourteen (14)~~ twenty-four (24) per cent alcohol by volume.

Adopted 2/13/04.  
Absent - Johnson.

**PS&RS** - Your Committee, having under consideration the application of Bellanotte Hospitality LLC, dba Bellanotte, 600 Hennepin Av #170 - Block E, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2005, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of the terms of said condition shall provide a basis for revocation of the licensee's Class A Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/13/04.  
Declining to Vote - Benson.  
Absent - Johnson.  
Approved by Mayor Rybak 2/13/04.  
(Published 2/17/04; Republished 2/19/04)

**PS&RS** - Your Committee, having under consideration the application of Lakes Restaurant Inc, dba Tonic of Uptown, 1402 W Lake St, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire January 1, 2004, and a Tobacco Dealer License (new business) to expire April 1, 2004, now recommends that said licenses, along with the following conditions, be sent forward without recommendation:

a. a valet parking service shall be offered continuously from at least 6:00 p.m. to closing time from the main entrance of the licensed business to the parking lot located at 3017 Holmes Av S with a minimum of 24 off-street parking spaces available for the valet service.

b. the licensee shall immediately cease all operations authorized by said license in the event that the parking lot at 3017 Holmes Av S shall become unavailable for valet parking use, and that the licensee shall continue to refrain from operations until such time as a replacement lot of like size has been obtained for use by the valet parking service.

c. the extension of the use of valet parking to satisfy off-street parking needs shall not be assignable to any successor to the Lakes Restaurant Inc or to any other subsequent applicant for an alcoholic beverage or entertainment licensee which might enter into a lease agreement for the premises without prior approval of the Minneapolis Department of Licenses and Consumer Services.

d. the licensee acknowledges that Section 360.100(c) of the Minneapolis Code of Ordinances permits the operation of an outdoor service bar only, and that patrons are not to be permitted to either place an order or to be seated at the outdoor bar.

e. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved to amend the report, as follows:

1. to add the following two conditions as items "f" and "g":

"f. that the applicant shall not utilize the second and third floor banquet facilities during the 11:00 a.m. to 2:00 a.m. time period until such time as a permanent resolution to the lack of off-street parking accommodations during this time period is arrived at."

"g. that the applicant shall, from 6:00 p.m. until closing on Thursdays, Fridays and Saturdays, make provisions for access to no fewer than 50 additional valet-served off-street parking spaces."

2) delete the language "be sent forward without recommendation" and insert in lieu thereof "be granted". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

**PS&RS** - Your Committee, having under consideration the application of Lucky Spin Laundries LLC, dba Spincycle Coin Laundry #121, 2937 Dupont Av S, for a Laundry License (new proprietor) to expire January 1, 2005, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration report passed October 10, 2003 granting the On-Sale Liquor Class A with Sunday Sales License held by Midwest Latino Entertainment and Talent Inc, dba La Nuevo Rodeo and La Quebrita Restaurant, 2709 and 2709 ½ E Lake St, and having placed certain conditions on said license, now recommends that said report be amended by deleting the valet parking conditions and inserting in lieu thereof the following new off-street parking conditions on the license, to read as follows:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

b. the licensee shall immediately cease all operations authorized by said license in the event that the parking lot at 2800 E Lake St (US Bank) shall become unavailable for patron use, and that the licensee shall continue to refrain from operations until such time as a replacement lot of like size has been obtained for use by patrons or a valet parking service.

c. the extension of the US Bank lot to satisfy off-street parking needs shall not be assignable to any successor to Midwest Latino Entertainment and Talent, Inc or to any other subsequent applicant for an alcoholic beverage or entertainment licensee which might enter into a lease agreement for the premises without prior approval of the Minneapolis Department of Licenses and Consumer Services.

d. the licensee shall not offer beverage alcohol special prices that are substantially less than the normal selling price.

e. the licensee shall not include free beverage alcohol drinks with the price of admission.

f. the City will reinstate a valet parking service requirement should conditions warrant.

g. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

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

Adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2004R-051, granting applications for Liquor, Wine and Beer Licenses, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-051**

**By Niziolek**

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

Resolved by The City Council of The City of Minneapolis:

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

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

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

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

Mickys Liquor Store Inc, dba Mickys Liquor Store, 1100 Plymouth Av N;

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

Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 322 1st Av N;

Kieran's Irish Pub Inc, dba Kieran's Irish Pub, 330 2nd Av S;

Gay Nineties Inc, dba Gay Nineties, 400 Hennepin Av, 1st & 2nd floors;

Al Di Sal Inc, dba Lounge, 411 2nd Av N;

Graves Hospitality Corporation, dba Le Meridien Minneapolis Hotel, 601 1st Av N;

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

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

SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2004**

Old Chicago of Colorado Inc, dba Old Chicago, 510 1st Av N #SF-508;

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

Lymar Inc, dba Lyon's Pub, 16 S 6th St, Ground floor;

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor;

CSM Hospitality Inc, dba Courtyard by Marriott;

Fleming Clarence G, dba Terminal Bar, 409 E Hennepin Av;

JWM Investments Inc, dba Mayslack's, 1428 4th St NE;

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE;  
Katabays Corporation, dba Blue Nile, 2027 E Franklin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2004**

Sam Ventures Inc, dba Imperial Room, 417 1st Av N #100;

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2004**

Jesse's Concepts Inc, dba Baja Riverside, 1501 S 6th St (regular expansion of premises);  
Dashen Restaurant & Bar LLC, dba Dashen Restaurant & Bar, 2713 E Lake St (new business);

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

Keegan Pubs LLC, dba Keegans Pub, 16 University Av NE;  
HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av S;

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

Aster Pictures Corporation, dba Aster, 125 Main St SE;  
3 Muses Inc, dba 3 Muses, 2817 Lyndale Av S;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2004**

Pier Group LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2004**

J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N;

**On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2004**

S B Food Services Inc, dba Jewel of India, 1427 Washington Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2004**

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St (new manager);  
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av (new manager);

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S (new manager);

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall (new manager);

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd #103 (new manager);

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

Two Wiseguy's Inc, dba Origami Restaurant, 30 1st St N, 1st floor;  
Brinda Companies Inc, dba Pracna on Main, 117 Main St SE;  
OSF International Inc, dba Old Spaghetti Factory, 233 Park Av;  
Biggsby Enterprises Ltd, dba Biggsby's Café, 701 4th Av S;  
Zelo Inc, dba Zelo, 831 Nicollet Mall;

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE;

Haanpaa Restaurants Inc, dba King & I, 1346 LaSalle Av;

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av #301A;

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

Market Bar-B-Que Inc, dba Market Bar-B-Que, 1414 Nicollet Av;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004**

Lai Wong Inc, dba Red Dragon Inn, 2116 Lyndale Av S;

**Temporary On-Sale Liquor**

Minnesota Restaurant Association, dba Up Show, 305 Roselawn Av E, St. Paul (February 22, 23 & 24, 2004, 11:00 a.m. to 5:00 p.m. at Minneapolis Convention Center);

**On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2004**

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage, 215 E Hennepin Av;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2004**

Pizza Luce II Inc, dba Pizza Luce, 3200 Lyndale Av S;

**Off-Sale Beer, to expire April 1, 2004**

RBF Corp of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av.

Adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

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

Adopted 2/13/04.  
Absent - Johnson.

Resolution 2004R-052, granting applications for Business Licenses, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-052**  
**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 13, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269405'):

Amusement Devices; Billboard Erector; Bill Posting & Sign Painting; Bill Posting, Sign Painting & Hanger; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Ice Producer-Dealer/Wholesale; All Night Special Food; Confectionery; Grocery; Indoor Food Cart; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Lodging House with Boarding; Gasoline Filling Station; Motor Vehicle Repair Garage; Pawnbroker Class A; Peddler - Special Religious; Pet Shop; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Suntanning Facility; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 2/13/04.  
Absent - Johnson.

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

Adopted 2/13/04.  
Absent - Johnson.

Resolution 2004R-053, granting applications for Gambling Licenses, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-053**  
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class B**

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: Spring St Bar & Grill, 355 Monroe St);

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis, 714 18 ½ Av NE (Site: 22nd Avenue Station, 2121 University Av NE);

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis, 714 18 ½ Av NE (Site: Jimmy's Bar & Lounge, 1828 4th St NE);

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis, 714 18 ½ Av NE (Site: Vegas Lounge, 965 Central Av NE);

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis, 714 18 ½ Av NE (One Day Off-Site: Raffle March 10, 2004 at Jax Café, 1928 University Av NE);

**Gambling Lawful Exempt**

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle February 16, 2004 at Jax Cafe, 1928 University Av NE);

Hopkins Education Foundation, dba Hopkins Education Foundation, 1001 Hwy 7, Hopkins (Raffle February 21, 2004 at International Market Square, 275 Market St);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle, pulltabs March 28, 2004 at Kolbe Hall, 1630 4th St NE);

Church of St. Austin, dba Church of St. Austin, 4050 Upton Av (Raffle March 28, 2004);

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle April 24, 2004);

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle and paddlewheel April 25, 2004);

Minnesota Chorale, dba Minnesota Chorale, 528 Hennepin Av (Raffle May 29, 2004 at Orchestra Hall, 1111 Nicollet Mall).

Adopted 2/13/04.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the Combined Trades License held by Midland Heating and Air Conditioning, 6442 Penn Av S.

Adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-054, approving Technical Advisory Committee recommendations relating to the Combined Trades License held by Midland Heating and Air Conditioning, 6442 Penn Av S, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-054**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the Combined Trades License held by Midland Heating and Air Conditioning, 6442 Penn Av S.**

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations after the Licenses Division received a consumer complaint against Midland Heating and Air Conditioning; and

Whereas, the licensee has agreed to forgo a Technical Advisory Committee hearing for violating the Minneapolis Code of Ordinances by operating without a license after December 1, 2003; operating without a permit at 5132 Park Av S; and for failure to timely notify the Licensing Department after a change in ownership of the business in September 2003; and

Whereas, the licensee has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct;

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

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

a. the licensee be assessed an administrative fine of \$250 for operating without a license in the City of Minneapolis, a \$100 administrative fine for failing to obtain a permit before the work was performed; and a \$100 administrative fine for failing to call for the required inspections. Total administrative fines, in the amount of \$450, are due upon signing of the TAC Agreement.

b. the licensee agrees that all future work performed in the City of Minneapolis will have permits as stipulated by City ordinances. Emergency work must have permits obtained within 24 hours.

c. all inspections shall be scheduled with the Inspections Department within 24 hours of the completion of work that is required to be inspected. Failure to obtain required inspections shall result in additional administrative fines starting at the amount of \$100 and doubling on each occurrence.

d. the licensee agrees to honor all inspection orders by the date specified on the order unless they request and receive an extension date on the order.

e. the licensee understands that they cannot work under a homeowner obtained permit at any time. If any more complaints are made in the future, the licensee understands that their Combined Trades would be considered for license revocation.

Adopted 2/13/04.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Empire Concepts LLC, 319 1st Av N.

Adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2004R-055, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Empire Concepts LLC, 319 1st Av N, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-055**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Empire Concepts LLC, 319 1st Av N.**

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations after the Licenses Division received reports of violations of laws relating to the operation of a licensed beverage alcohol establishment; violations of the Minneapolis and Minnesota Building Codes; and failure to file State of Minnesota Sales and Income Tax Returns; and

Whereas, a Technical Advisory Committee hearing was held for

violating Section 364.100 of the Minneapolis Code of Ordinances in that numerous persons not in the employ of the licensee were in the licensed premise after 2:30 a.m.;

- failure to properly file State of Minnesota Sales and Withholding tax returns;

- violating Section 109.1 of the 1997 Uniform Building Code and Section 85.20 of the Minneapolis Code of Ordinances by conducting operations and excessive occupancy of the second floor of the licensed premise; and

- failure to properly complete construction work necessary to obtain a Certificate of Occupancy; and Whereas, the licensee, Empire Concepts LLC was properly notified of said TAC hearing but failed to appear;

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

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

a. that the application for renewal of the On-Sale Liquor License be denied.

b. that the licensee pay an administrative fine in the amount of \$500 for violating Section 364.100 that occurred on December 14, 2003.

c. that the licensee pay an administrative fine of \$1,000 for violating Section 364.100 that occurred on January 1, 2004.

d. that the licensee pay a false burglar alarm fee of \$550.

e. that all administrative fines and the burglar alarm fee be deducted from any unused license fees that may have been paid by the licensee.

Adopted 2/13/04.

Declining to Vote - Benson.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving appointments/reappointments to the Taxicab Service Committee.

Adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-056, approving appointments/reappointments to the Taxicab Service Committee, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-056**

**By Niziolek**

**Approving appointments/reappointments to the Taxicab Service Committee.**

Resolved by The City Council of The City of Minneapolis:

That the following persons be appointed/reappointed to serve on the Taxicab Service Committee:

**Appointments**

Maureen Scallion, Greater Minneapolis Convention & Visitors Association;

Pat White, Manager, Red & White Taxi;

Zen Tessma, Driver/Owner; member Minneapolis Taxi Owner and Driver Association;

Mustafa Hussan, Taxicab Driver; member Minneapolis Taxi Owner and Driver Association;

Moor Ali, Taxicab Driver; member Minneapolis Taxi Owner and Driver Association;

Fred Anderson, Cab College Instructor; Taxicab Driver, Rainbow Taxi;

Michael Pilgrim, Cab College Instructor; former Taxicab Owner and Driver;

Vanessa Freeman, Public Partner;

Lt. Anthony Diaz, Police Department;

John McKusick, Manager, Green & White Taxi;

Michelle Reinke, Manager, Airport Taxi

**Reappointments**

Mark Shields, Manager, Rainbow Taxi;

Steve Dryer, Taxicab Driver;

Richard Loeffler, Metro Transit

Adopted 2/13/04.

Absent - Johnson.

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

**T&PW** - Your Committee, having under consideration the Fire Station No. 14 Project, now recommends that the proper City officers be authorized to acquire through negotiation or condemnation all or part of the property at 3219 Morgan Av N.

Your Committee further recommends that the proper City officers be authorized to negotiation with Hennepin County the property at 3211 Morgan Ave N.

Your Committee further recommends that Community Planning & Economic Development (CPED) be directed to transfer the title of 2002 Lowry Av N. to the City for construction of Fire Station No. 14. CPED will be reimbursed of all expenses they incur for the land assembly from the Fire Station No. 14 project budget.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** - Your Committee having been informed that the auction house produces a better return for re-marketing heavy trucks and construction equipment for the City, now recommends that the proper City officers be authorized to obtain proposals for auction services for the sale of used city-owned vehicles and equipment.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** - Your Committee recommends that the City Council delegate authority to set and hold public hearings required under Minnesota Statutes 161.164 Subdivision 2 (a) regarding the final layout approval process for improvements on trunk highways, (including Interstate Highways) to its Transportation and Public Works Committee.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** - Your Committee recommends that the proper City officers be authorized to enter into a Memorandum of Agreement and implementation of its stipulations with the Federal Highway Administration and the Minnesota State Historic Preservation Office related to the grade separation bridges across the Midtown Greenway.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** – Your Committee recommends passage of the accompanying Resolution establishing uniform assessment rates for street construction and street renovation improvements for the 2004 calendar year.

Colvin Roy moved that the report be amended by adding the language “, and further that for mixed use properties, the property will be assessed using both rates (residential and non-residential) based on the percentage of land market value for each classification, subject to City Attorney approval (legal review).” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-057, establishing uniform assessment rates for street construction and street renovation improvements for the 2004 calendar year, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-057**

**Colvin Roy**

**Establishing uniform assessment rates for street construction and street renovation improvements for the 2004 calendar year.**

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998 and June 12, 1998 relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Engineer has submitted the recommended 2004 Uniform Assessment Rates, all as contained in Petn No 269410 on file in the Office of the City Clerk;

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

That the following rates are hereby established as the 2004 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2004 calendar year:

Construction (street paving, curb and gutter and other street paving related improvements) – appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.12/sq ft – Local – Non-Residential;

\$1.12/sq ft – Other – Non-Residential;

\$0.46/sq ft – Local – Residential;

\$0.37/sq ft – Other – Residential.

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) – appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.56/sq ft – Local – Non-Residential;

\$0.56/sq ft – Other – Non-Residential;

\$0.23/sq ft – Local – Residential;

\$0.185/sq ft – Other- Residential.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the Richfield Road (36<sup>th</sup> St W to Sheridan Av S) Reconstruction Project.

Adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-058, designating the improvement of certain existing streets for the Richfield Road (36<sup>th</sup> St W to Sheridan Av S) Reconstruction Project, Special Improvement of Existing Street Number 6696, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-058**

**By Colvin Roy**

**Richfield Road (36<sup>th</sup> St W to Sheridan Av S) Reconstruction Project,  
Special Improvement of Existing Street Number 6696**

---

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

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt and concrete pavements and concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Richfield Road (6696)

Richfield Road from 36<sup>th</sup> Street West to Sheridan Avenue South.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** - Your Committee, having received a cost estimate of \$2,749,100 for street reconstruction improvements and a list of benefited properties for the Richfield Road Reconstruction Project, Special Improvement of Existing Street Number 6696, as designated by Resolution 2004R-058, passed February 13, 2004, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2004 Uniform Assessment Rates as per Resolution 2004R-058 passed February 13, 2004.

Your Committee further 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 March 23, 2004, 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 project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 2/13/04.

Absent - Johnson.

**T&PW** - Your Committee recommends passage of the accompanying Resolution supporting the reappointment of Monica Gross (Ward 13) to the Minnehaha Creek Watershed District Board.

Adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-059, supporting the reappointment of Monica Gross to the Minnehaha Creek Watershed District Board, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-059**

**By Lane**

**Supporting the reappointment of Monica Gross to the Minnehaha Creek Watershed District Board.**

Whereas, Monica Gross, a Minneapolis resident, has served on the Minnehaha Creek Watershed District's Board of Managers since 1997 and she is seeking re-appointment to the Board of Managers.

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

That the City of Minneapolis supports the re-appointment of Monica Gross to the Minnehaha Creek Watershed District Board of Managers by the Hennepin County Board of Commissioners.

Adopted 2/13/04.

Absent - Johnson.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Edison High School Recycling Project, now recommends:

- a) Acceptance of a Waste Abatement Grant from Hennepin County in the amount of \$3,000;
- b) Authorize establishing a grant account for the project, by increasing the appropriation in the Grant Fund and increasing the revenue source by \$3,000; and
- c) Authorize the Public Works Department to enter into a contract with Edison High School for the school to purchase educational materials and supplies.

Adopted 2/13/04.

Absent - Johnson.

**RESOLUTION 2004R-060**  
**By Colvin Roy and Johnson**

**Amending The 2004 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 Public Works - Solid Waste Agency in the Grants - Other Fund (0600-664-6660) by \$3,000, and increase the revenue estimate in Fund (0600-664-6660 - Source 3220) by \$3,000.

Adopted 2/13/04.

Absent - Johnson.

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

Adopted 2/13/04.

Absent - Johnson.

Resolution 2004R-061, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-061**  
**By Colvin Roy and Johnson**

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

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. (Petn. No. 269412)

a) OP #6186, low bid of McFarland Construction Company in the amount of \$144,800 to furnish all labor, materials, equipment and incidentals necessary to accomplish the site improvements at the Harriet Maintenance Facility, contingent on approval of the Civil Rights Department; and

b) OP #6194, low responsive bid for each section for the disposal of waste and construction debris and tree waste, as follows:

1. Veit Disposal Systems for an estimated annual expenditure of \$ 50,000 (haul to bidder location); and

2. Boone Trucking, Inc. for an estimated annual expenditure of \$ 175,000 (bidder to supply containers - 20 cubic yards).

Contingent on approval of the Civil Rights Department.

Adopted 2/13/04.

Absent - Johnson.

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

**W&M/Budget** - Your Committee recommends acceptance of \$1,500 donated by General Mills to the City to support the Black History Lecture Series and passage of the accompanying resolution increasing the appropriation for City Council - Ward 5 to reflect the receipt of said funds.

Adopted 2/13/04.

Absent - Johnson.

**RESOLUTION 2004R-062**

**By Johnson**

**Amending The 2004 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 City Council (Ward 5) Agency in the General Fund (0100-240-2405) by \$1,500 and increasing the revenue source (0100-240-2405 - Source 3755) by \$1,500.

Adopted 2/13/04.

Absent - Johnson.

**W&M/Budget** - Your Committee, having received recommendations from the Finance Department regarding the capital budgeting process in 2004 and Capital Long-Range Improvements Committee (CLIC) (Petn No 269418), now recommends:

a) Adoption of the 2004 CLIC Schedule and establishment of the capital budget submission deadline as noon on April 9, 2004;

b) Adoption of the 2004 CLIC Capital Guidelines for use in evaluating 2005-2009 capital requests; and

c) Provision of tax supported resource direction to CLIC, City departments, independent boards and commissions.

Adopted 2/13/04.

Absent - Johnson.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order #4 increasing the City's contract with Knutson Construction Services, Inc. (Contract #019214) by \$168,841, for a new contract total of \$4,737,377, for additional construction services for the project, payable from the project contingency.

Adopted 2/13/04.

Absent - Johnson.

Approved by Mayor Rybak 2/13/04.

(Published 2/17/04)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 1 to Contract 19086 with Security Specialists, Inc. (SSI) for providing event security services at the Minneapolis Convention Center to expand the administrative duties of the contractor (SSI) to include hiring and scheduling of sworn peace officers for event security and to increase the annual cost from \$400,000 to \$900,000. Funds for the increase have been budgeted and are payable from the Convention Center Operations Fund.

Adopted 2/13/04.

Absent - Johnson.

**W&M/Budget** - Your Committee, having been informed that the Communications Department has been awarded a grant to be used in producing City of Minneapolis annual reports over the next two years, now recommends that the proper City officers be authorized to accept said grant award from the Center for Civic Innovation in the amount of \$30,000 and execute a contract for funded activities.

Your Committee further recommends passage of the accompanying resolution increasing the Communications Department appropriation to reflect the receipt of said grant funds.

Adopted 2/13/04.

Absent - Johnson.

**RESOLUTION 2004R-063**

**By Johnson**

**Amending The 2004 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 Communications Agency in the Grants-Other Fund (0600-842-8422) by \$30,000 and increasing the revenue source (0600-842-8422 - Source 3729) by \$30,000.

Adopted 2/13/04.

Absent - Johnson.

**W&M/Budget** - Your Committee, having under consideration a report from the City Coordinator outlining a Minneapolis Engagement and Community Building Project, now recommends that the City's goal and expectation regarding community engagement be reaffirmed as follows:

*Goal* - Strengthen City government management and enhance community engagement.

*Community Engagement Expectation*: The voices of individuals and the community are valued and will be heard and involved at appropriate points in the City's decision-making processes. The City will be more effective and efficient in how we communicate with and engage residents, and will work to include those who are typically under-represented in public dialogue. We will focus our engagement efforts in a manner that supports the long-term strength of a community.

Adopted 2/13/04.

Absent - Benson, Lane, Johnson.

**W&M/Budget** - Your Committee, having under consideration a report from the City Coordinator outlining a Minneapolis Engagement and Community Building Project, now recommends that the Communications Department assume the responsibility for coordinating the City's community engagement activities and that the City Coordinator be directed to identify funds within the existing department budget to create a permanent, full-time position dedicated to coordinating the community engagement efforts.

Adopted 2/13/04. Yeas, 8; Nays, 3 as follows:

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

Nays - Lilligren, Schiff, Zerby.

Absent - Johnson, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration a report from the City Coordinator outlining a Minneapolis Engagement and Community Building Project, now recommends that a "Communications/Community Engagement" component be added to departmental business plans.

Adopted 2/13/04.

Absent - Benson, Lane, Johnson.

**W&M/Budget** - Your Committee, having under consideration applications for appointment/reappointment to the Minneapolis Telecommunications Network (MTN) Board, now recommends that the following applicants be sent forward without recommendation:

**Appointment by City Council for a term to expire 2/13/2008**: Mark Engebretson, 4731 Park Av S (requests reappointment)

**Appointment by Mayor/City Council for a term to expire 2/13/2008**:

Teresa Konechne (Mayor's recommendation to fill vacancy)

**Appointment by Mayor with Council Approval - 2 Openings - one four year term and one unexpired term to end on 1/15/2005**

Joan Higinbotham, 442 Summit Av (requests reappointment)

Thomas M. Cassidy, 5136 Lyndale Av S (applicant recommended by Mayor)

Marido C. Huber, 3026 Ulysses St NE

Joel Rainville, 2200 26th Av NE.

Goodman moved to amend the report as follows:

1. To approve the following appointments:

**Appointment by City Council for a term to expire 2/13/2008:**

Mark Engbretson, 4731 Park Av S (reappointment)

**Appointment by Mayor with Council Approval for a term to expire 2/13/2008:**

Joan Higinbotham, 442 Summit Av (reappointment)

**Appointment by Mayor with Council Approval to fill an unexpired term through 1/15/2005:**

Thomas M. Cassidy, 5136 Lyndale Av S;

2. That consideration of filling the following vacant position be referred back to the Ways & Means/ Budget Committee:

**Appointment by Mayor/City Council for a term to expire 2/13/2008.**

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/13/04.

Absent - Johnson.

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

**Z&P** - Your Committee, having under consideration the appeal filed by LeRoy Jackson from the decision of the Planning Commission which granted applications of Northside Residents Redevelopment Council for variances for a proposed four-unit condominium development at 1254 Russell Ave N, now recommends that said appeal be denied and the following variances be granted, and that the findings prepared by the Planning Department staff be adopted:

a) to reduce the front yard setback along Russell Ave N from established 28' to 24' to allow a four-plex;

b) to reduce the front yard setback along Russell Ave N from established 28' to 18'-6" to allow a stairway landing/trellis;

c) to reduce the front yard setback along Russell Ave N from established 28' to 24' to allow a maneuvering area;

d) to reduce the corner side yard setback along Plymouth Ave N from 12' to 4' to allow a four-plex;

e) to reduce the corner side yard setback along Plymouth Ave N from 12' to 0' to allow a balcony, stairway landings and trellises.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by John Dietrich, for Lowry Hill East Neighborhood Association (LHENA), from the decision of the Planning Commission which approved the site plan review submitted by Northwestern Health Sciences University for a 1,085 square foot addition to the existing building know as Uptown Natural Care Center at 2201 Hennepin Ave, now recommends that said appeal be denied and the site plan be approved, with the additional conditions outlined by LHENA on February 5, 2004 relating to addition/alteration of windows, and that the findings prepared by the Planning Department staff be adopted.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Hillcrest Development (#1399) to vacate the property located at that part of the west 56 feet of Stinson Blvd NE as shown on the plat of the Minneapolis Industrial District (vicinity of Stinson Blvd NE between Broadway St NE and Summer St NE), to be used for site access and parking, subject to retention of easement rights, and to adopt the related findings prepared by the Planning Department.

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

Adopted 2/13/04.

Absent – Johnson.

Resolution 2004R-064, vacating that part of the west 56 feet of Stinson Boulevard NE as shown on the plat of the Minneapolis Industrial District, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the south line of Lot 11, Auditors Subdivision No. 268, file of the County Recorder, and which lies southerly of a line 40.00 feet southerly of and parallel with the easterly extension of the north line of Lot 1, Auditors Subdivision No. 268, was passed 2/13/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-064**

**By Schiff**

**Vacating that part of the west 56 feet of Stinson Boulevard NE as shown on the plat of the Minneapolis Industrial District, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the south line of Lot 11, Auditors Subdivision No. 268, file of the County Recorder, and which lies southerly of a line 40.00 feet southerly of and parallel with the easterly extension of the north line of Lot 1, Auditors Subdivision No. 268.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the west 56 feet of Stinson Boulevard NE as shown on the plat of the Minneapolis Industrial District, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the south line of Lot 11, Auditors Subdivision No. 268, file of the County Recorder, and which lies southerly of a line 40.00 feet southerly of and parallel with the easterly extension of the north line of Lot 1, Auditors Subdivision No. 268 is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel, Qwest, and CenterPoint Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel, Qwest, and CenterPoint Energy: That part of the west 56 feet of Stinson Boulevard NE, which lies northerly of the easterly extension of the south line of Lot 11, Auditors Subdivision No. 268 and southerly of the easterly extension of the north line of Lot 1 Auditors Subdivision No. 268, Minneapolis, Minnesota.

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 alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Mahmoud Rifai (BZZ-1548) to rezone the property at 611 - 6th St SE from R2B to the R4 District to permit a duplex with up to five unrelated people living in each of the two dwelling units, and adopting the related findings prepared by the Planning Department.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of James Harrison (BZZ-1539) to rezone the property at 2700 Grand St NE from R2B to the R3 District to legalize an existing duplex residential dwelling unit.

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

Adopted 2/13/04.

Absent – Johnson.

Ordinance 2004-Or-016, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2700 Grand St NE to the R3 District, was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-016**

**By Schiff**

**1st & 2nd Readings: 2/13/04**

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

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

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

A. That part of Lot 15, Block 5, East Riverside Addition to Minneapolis (2700 Grand St NE - Plate 9) to the R3 District.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of CountryHome Builders (BZZ-1370) to rezone the property at 811 - 28th St W and 2808 Aldrich Ave S from R5 to the R6 District and 2813 Bryant Ave S from OR2 to the R6 District to permit a planned unit development, and adopting the related findings prepared by the Planning Department.

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

Adopted 2/13/04.

Absent – Johnson.

Ordinance 2004-Or-017, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 811 - 28th St W, 2808 Aldrich Ave S and 2813 Bryant Ave S the R6 District, was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-017**  
**By Schiff**  
**1st & 2nd Readings: 2/13/04**

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

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

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

A. That part of the East 42.67 feet of Lots 11 and 12 of Block 2 of Windom's Addition to Minneapolis, Hennepin County, MN (811 - 28th St W - Plate # 24) to the R6 District.

B. Lot 3 of Block 2 of Windom's Addition to Minneapolis, Hennepin County, MN (2808 Aldrich Ave S - Plate # 24) to the R6 District.

C. Lots 9 and 10, Block 2 of Windom's Addition to Minneapolis, Hennepin County, MN (2813 Bryant Ave S - Plate # 24) to the R6 District.

Adopted 2/13/04.

Absent – Johnson.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, to allow greater flexibility regarding alley access for uses subject to site plan review, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 2/13/04. Yeas, 11; Nays, 1 as follows:

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

Nays – Lilligren.

Absent – Johnson.

Ordinance 2004-Or-018, amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, amending Section 530.140 to allow greater flexibility regarding alley access for uses subject to site plan review, was passed 2/13/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-018**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 8/8/03**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/13/04**

**Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.**

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

Section 1. That Section 530.140 of the above-entitled ordinance be amended to read as follows:

**530.140. Vehicular access.** (a) *In general.* Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible.

(b) *Vehicular alley access.* Where vehicular alley access is provided, traffic shall be directed to minimize impact upon residential properties. Alley access shall be prohibited for the following uses when located on a block containing any residence or office residence zoning, ~~except for commercial deliveries when approved by the city engineer:~~

- (1) Automobile services uses.
- (2) Transportation uses.
- (3) Any use with a drive-through facility.
- (4) Food and beverages uses over four thousand (4,000) square feet.
- (5) Grocery stores over four thousand (4,000) square feet.
- (6) Video stores over four thousand (4,000) square feet.
- (7) Drug stores over four thousand (4,000) square feet.
- (8) Shopping centers over four thousand (4,000) square feet.

(c) *Exceptions.* The city planning commission may approve exceptions to allow alley access where strict adherence is impractical because of site location or conditions and the exception meets the intent of this section. The city planning commission shall accept input from the Fire, Police, and Public Works Departments and shall consider, but not be limited to, the following factors when determining whether to approve an exception:

- (1) The number of residential uses on the block and their use of the alley.
- (2) The number of commercial uses on the block and their use of the alley.
- (3) The location of the site on the block and its proximity to the end of the block.
- (4) Other access to/from the site.
- (5) The nature of the use and the number of vehicle trips the site is expected to generate.
- (6) Public safety and crime prevention.
- (7) The hours and days of operation of the use.
- (8) Alley design and traffic safety impacts.

(e) (d) *Service access.* Access for service vehicles shall be provided which does not conflict with pedestrian traffic and shall be screened as specified in this chapter. Where practical, truck loading areas shall be located away from residence and office residence districts.

(d) (e) *Snow storage and removal.* Adequate areas for snow storage shall be provided unless the applicant provides an acceptable snow removal plan.

(e) (f) *Reduction of impervious surface.* To the extent possible, site plans shall minimize the use of impervious surfaces. The use of interlocking pavers capable of carrying a wheel load of four thousand (4,000) pounds is encouraged for areas that serve low impact parking needs such as remote parking lots, parking facilities for periodic uses and parking in natural amenity areas.

Adopted 2/13/04. Yeas, 11; Nays, 1 as follows:

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

Nays – Lilligren.

Absent – Johnson.

## MOTION

Johnson's motion that regular payrolls of City employees under Council jurisdiction for the month of March 2004 was deleted from the agenda.

## RESOLUTIONS

Niziolek, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Colvin Roy and Lane offered a Resolution honoring John Bergquist for his 30 years of service to the City of Minneapolis.

Adopted 2/13/04.

Absent - Johnson.

(Not published. See Resolution 2004R-065 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-065**

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

**Honoring John Bergquist for his 30 years of service to the City of Minneapolis.**

Whereas, John Bergquist has served the City of Minneapolis for thirty years in various capacities, including License Inspector, License Director, Acting Director of Human Resources, Acting Director of Information and Technology Services, Acting City Coordinator, and Assistant City Coordinator Operations and Regulatory Services; and

Whereas, John Bergquist has overseen efforts in the City of Minneapolis to promote the City as a first rate convention and visitor destination, including the construction and expansion of the Minneapolis Convention Center; and

Whereas, John Bergquist has lead City initiatives to improve neighborhood livability, promote safe, healthy and affordable housing, foster thriving commercial corridors and a vital downtown, and enhance the physical environment of the City of Minneapolis; and

Whereas, John Bergquist has represented the City of Minneapolis on dozens of community boards, forums, committees, and task forces, including but not limited to the Aquatennial, Red Cross, Downtown Council, and the Greater Minnesota Convention and Visitors Association; and

Whereas, John Bergquist has mentored and befriended hundreds of City employees through his leadership, values, honesty, compassion, intelligence, work ethic, sense of humor, kindness and generosity over three decades of public service, and

Whereas, John Bergquist has received recognition and awards from numerous programs he has coordinated from local, state, federal and non-profit agencies; and

Whereas, John Bergquist has consistently performed his duties with integrity, professionalism and diligence for thirty years;

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

That the City Council extends its appreciation and gratitude for thirty years of dedicated service to Minneapolis residents, businesses, and visitors.

Adopted 2/13/04.

Absent – Johnson.

Schiff offered a Resolution honoring Bruce Vilanch.

Adopted 2/13/04.

Absent - Johnson, Lane.

(Not published. See Resolution 2004R-066 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-066**

**By Schiff**

**Honoring Bruce Vilanch.**

Whereas, Bruce Vilanch is one of the most sought-after comedy writers working today, having written for the most popular entertainers in the world and virtually every major awards show, including The Oscars, The Emmys, The Tonys and The Grammys; and

Whereas, Bruce Vilanch has co-written 15 Academy Awards telecasts which have won six Emmy Awards; and

Whereas, in addition to his appearances on television and in film, Bruce Vilanch has authored "Bruce! My Adventures in the Skin Trade and Other Essays," and has written material for Bette Midler

and for numerous variety shows including the original "Donny and Marie" and "The Brady Bunch Hour" and has, further, provided material for Richard Pryor, Joan Rivers, and Lily Tomlin among others; and

Whereas, Bruce Vilanch has devoted endless hours working with such charitable organizations as the Anti Defamation League, National Foundation for Jewish Culture, and AIDS organizations, including AIDS Project Los Angeles, Project Angel Food, AIDS Healthcare Foundation, Project Inform and countless others as part of his personal contribution to surviving what he terms "the plague"; and

Whereas, tonight at the Orpheum Theatre in downtown Minneapolis, the 60's musical phenomenon *HAIRSPRAY* will open for a three week engagement with Bruce Vilanch playing the role of Edna Turnbald; and

Whereas, we wish to recognize Mr. Vilanch on the opening night of *Hairspray*, congratulate him on his many successes and extend to him our best wishes for outstanding engagement in Minneapolis.

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

That Tuesday, February 17<sup>th</sup>, 2004, be proclaimed as Bruce Vilanch Day in The City of Minneapolis.

Adopted 2/13/04.

Absent - Johnson, Lane.

Schiff offered a Resolution pardoning Charlie Warner for an illustrious career of housing advocacy and related acts of insubordination.

Adopted 2/13/04.

Absent - Johnson, Lane.

(Not published. See Resolution 2004R-067 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-067**

**By Schiff**

**Pardoning Charlie Warner for an illustrious career of housing advocacy and related acts of insubordination.**

Whereas, Charles R Warner, longtime Minneapolis resident, has just retired from his position as executive director of HOME Line, a Minneapolis-based agency which provides free legal, organizing, education and advocacy services so that tenants throughout Minnesota can solve their own rental housing problems; and

Whereas, Charlie has served the community in an exceptionally large number of ways, including stints as a member of the U.S. Army; a VISTA volunteer; housing development specialist with the West Bank Community Development Corporation; executive director of Common Space; project director for the Minnesota Housing Project at the Center for Urban and Regional Affairs; lecturer in urban studies at the University of Minnesota; housing programs director for Community Action of Suburban Hennepin; co-founder of many organizations, including Park Co-operative Apartments, Findley Place Housing Corporation, and the Minnesota Housing Partnership; board member or director of many organizations, including the Minnesota Council of Non-Profits, the National Cooperative Bank, the Southside Federal Credit Union, North Country Development Services, and the National Low Income Housing Coalition; and

Whereas, Charlie has done all of the above with his famous combination of commitment, cantankerousness, and comedy; and

Whereas, all of the current members of the City Council are too young to remember it, but information has reached us regarding an incident involving Charlie and the City Council in the early 1980s; and

Whereas, our sources tell us that Charlie, frustrated when the Council refused to recognize his wisdom on a point of housing policy, was later accused of manifesting disrespect for this august body; and

Whereas, the State of New York has officially pardoned Lenny Bruce, who died a long time ago, for his disrespectful behavior; and

Whereas, it is not nice to wait until someone has passed away to pardon them, and it is much more thoughtful to do so when they are alive and well;

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

That the City Council officially recognizes and thanks Charlie Warner for a tremendous career advocating for tenants, establishing co-ops, fighting for affordable housing, and improving housing policies, in Minneapolis and around the state, and officially, or at least unofficially, pardons him for the disrespect for august bodies that he may or may not have manifested in the early 1980's or at any other time in the past, present, or future.

Adopted 2/13/04.

Absent - Johnson, Lane.

### UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

**T&PW** - Approval.

**W&M/Budget** - Sent forward without recommendation

(Postponed 10/24/03, T&PW & W&M/Budget)

By unanimous consent, the above report continued to be postponed.

### NEW BUSINESS

Zimmermann introduced an Ordinance amending Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 244.915 relating to Smoke Detectors).

Lilligren moved to adjourn to Room 315 immediately following the Minneapolis Community Development Agency Board of Commissioners meeting for consideration of the *Hollman, et al. vs. Martinez et al.* lawsuit. Seconded.

Adopted 2/13/04.

Absent - Johnson.

Adjourned.

Room 315 City Hall

Minneapolis, Minnesota

February 13, 2004 - 11:05 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Hollman et al. vs. Martinez et al.* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:07 a.m.

Present - Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy (In at 11:12), Zimmermann (In at 11:08), Zerby, Ostrow.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Carol Lansing, Assistant City Attorney; Merry Keefe, City Clerk; Peter Wagenius, Mayor's Office; Jan Hrnecir, City Clerk's Office.

Carol Lansing summarized the *Hollman et al. vs Matinez* lawsuit from 11:07 a.m. to 11:15 a.m.

Benson moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Lilligren moved that the City Council authorize the City Attorney's office to execute any documents necessary to effectuate the settlement of the pending motions in the matter of *Hollman et al. vs. Martinez et al.*, United States District Court File No. 4-92-712, which will result in dismissal of the Class Plaintiff's motion against the City, affirm the City's continuing obligations under the Consent Decree relating to housing, infrastructure and park development, and release Housing and Urban Development (HUD) from additional claims of financial responsibility under the Decree. Seconded.

Adopted 2/13/04.

Absent - Johnson, Schiff.

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

Johnson Lee moved to adjourn. Seconded.  
Adopted by unanimous consent.

Merry Keefe,  
City Clerk.

Unofficial Posting: 2/17/2004  
Official Posting: 2/20/2004  
Corrections: 2/24/2004  
3/04/2004  
3/16/2004