

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 23, 2004

(Published December 31, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
December 23, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Adoption of the agenda.

Benson moved to amend the agenda by adding Resolution No. 3 nominating Pam Blixt to the Minnehaha Creek Watershed District Board of Managers. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted.

Lilligren moved acceptance of the minutes of the regular meeting held December 10 and the adjourned session held December 13, 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 (270080)

Land Sales: 2216 17th Av S, 2427 14th Av S, 2445 1/2 11th Av S, and 1906 Portland Av.

Hiawatha Commons Project: Adopt tax increment finance plan, modification to Seward South Urban Renewal Plan and Common Project, authorize issuance of pay-as-you-go tax increment note, approve terms and authorize execution of redevelopment contract.

Sale of 1813 Riverside Av S: Revised land sale terms.

New Market Tax Credit and Capital Acquisition Loan Program: Authorize lender license for loan documents.

Redistribution of Sewer Access Credits: Reallocation of credits to six projects.

Management of Hennepin Stages Facility: Extend contract with Historic Theatre Group.

Emergency Shelter Grants: Allocation of 2004 funds.

Ripley Gardens Project: Authorize evaluation of project and negotiate terms with Central Community Housing Trust.

Northside Home Fund: Dedication of funds to acquire boarded/vacant properties.
Development Rights for 2500, 2506 & 2510 Plymouth Av N: Grant rights to Mississippi Pathway Development Co.
CPED Business Plan.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270081)
Lease Agreement for 1813 3rd St S: Revised recommendation for proposed land sale.
NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270084)
Neighborhood Revitalization Program 2005-2009 Revised Business Plan.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270082)
Franklin-Portland-Gateway Project - The Jourdain: Redevelopment plan and tax increment finance plan and limited revenue note.
Metropolitan Council Grant Funds for Midtown Exchange and Lowell School Site Projects.
City Housing Revenue Bond Authority: Authorize carryforward of authority from 2004 to 2005.
Environmental/Geotechnical Services Consultant: Master contracts with fourteen firms.
Small Business Loan Programs: Allocate funds to Minneapolis Consortium of Community Developers to extend partnership with City.
Tax Forfeited Land: Acquisition of parcels from Hennepin County.
Grain Belt Redevelopment Plan: Modifications to redevelopment plan and common plan to remove properties from acquisition list.
Neighborhood Revitalization Program Action Plans: Approve Phase II plans for Logan Park, Powderhorn Park and Seward neighborhoods.
Neighborhood Revitalization Program 2005 Administrative Budget.
GRANTS AND SPECIAL PROJECTS (270083)
Grant Agreements with Metropolitan Council: Extend grant agreements for Livable Communities Demonstration Account, Tax Based Revitalization Account and Local Housing Incentives Account programs.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (270085)
Blue Cross Blue Shield "Do" Campaign: Presentation on community-wide campaign to increase physical activity to improve health and save health care dollars.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270086)
Senior Citizen Advisory Committee to Mayor and City Council: Approve appointments and reappointments of James Adams; Marci Holley-Bartlett; Delores Cotton; Douglas Davis; Jean Wilson Greener; Fay Harrison; Patricia Hastreiter; Helen Holseth; Lawrence Kerzner, M.D.; Meinard Kooiker; Joanne Labernik; Herbert Nelson; Edna Sanders; Terry Diebold; Monica Lewis; Clarence Tate.
Minneapolis Advisory Committee on People with Disabilities: Approve appointments and reappointments of Jimmie Hanson; Alan Hooker; Margot Imdieke Cross; Leslye Orr; Lee Perish; Eric Peterson; Nicole Roberts; Frank Morisano; Mark Siegel.

Public Health Prevention Service Program: Execute agreements with Centers for Disease Control and Prevention for the field placement of Public Health Prevention Specialists for two year periods to work on approved projects of public health interest.

HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (270087)

Smoking Ban Implementation Update.

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

HEALTH AND FAMILY SUPPORT SERVICES (270088)

Phillips Weed & Seed Partnership: Transfer \$5,880 from Health & Family Support to Police Department to support 2004 Weed & Seed/Project Safe Neighborhood Law Enforcement Plan (Gangs, Guns and Narcotics).

Phillips Weed & Seed Partnership: Transfer \$10,070 from Health & Family Support to Police Department to support the Crime Prevention Specialist at the Franklin Safety Center.

Phillips Weed & Seed: Execute agreement with State of Minnesota for receipt of \$225,000 in Year 2005 Federal Weed & Seed funds for calendar year 2005.

"Steps" Project: Accept grant award of \$417,500 from Minnesota Department of Health to address and target populations in the City that are most vulnerable to diabetes, obesity and asthma; and Approve appropriation.

INSPECTIONS DEPARTMENT (270089)

Lead Hazard Reduction in East and Mid-Town Phillips Neighborhoods: Execute agreement with Gloria Flores to perform relocation and associated services during grant period.

INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER BENSON (270090)

Daegu Declaration.

INTERGOVERNMENTAL RELATIONS (270091)

City's 2005 Legislative Agenda.

MINNEAPOLIS POLICE RELIEF ASSOCIATION (270092)

Request for local approval of Laws 2004, Chapter 267, Article 18 - Omnibus retirement bill.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (270093)

Police Department Fine Revenue Summary.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270094)

Chapter 249 Properties at:

2210 4th St N - Authorize demolition;

3435 Cedar Av S - Authorize rehabilitation, subject to conditions.

LICENSES AND CONSUMER SERVICES (270095)

Euphoria (319 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Licenses: Applications.

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

FIRE DEPARTMENT (270096)

Smoking Cessation: Execute second year agreement with QUITPLAN to receive \$30,600 to display their logo and stop smoking message on 12 of Fire Department's highest use engines; and Approve appropriation.

Donation to Fire Department: Accept \$822.78 from proceeds of KS95 Firefighters Calendar Project to put toward purchase of thermal imaging camera; and Approve appropriation.

POLICE DEPARTMENT (270097)

2005 Drug Task Force Grant: Accept \$225,000 and execute grant agreement with Minnesota Department of Public Safety to combat sales and production of drugs; Execute Joint Powers Agreement with Hennepin County to share funding with Sheriff's Office; and Approve appropriation.

Operation Nightcap Grant: Accept \$15,000 and execute grant agreement with Minnesota Department of Public Safety for Driving While Intoxicated Saturation Program from October 1, 2004 through September 30, 2005 to target impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents; and Approve appropriation.

Mounted Patrol Training: Accept \$1,000 from City of St. Paul as partial reimbursement of registration fees for expenses incurred in hosting training seminar in May 2004; and Approve appropriation.

Automated Pawn System: Negotiate and Execute Agreement with State of Minnesota for continued housing of APS file servers and related hardware and support services.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270098)

Update on Public Works Asphalt Plant: Receive & file.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270099)

Amend Ordinance, Title 5, Chapter 95, Projections and Encroachments: Streamline encroachment permit issuance process.

Fridley Maintenance Facility: Approve change order and extend contract.

Centre Village Parking Ramp: Reserved Parking Agreement between City of Minneapolis and Felcor Lodging Trust/Embassy Suites Hotel.

West Broadway Av: Resolution establishing parking restrictions.

Railroad Quiet Zones: Submit Engineering Report to Federal Railroad Administration.

Van White Memorial Boulevard: Resolution authorizing initiation of eminent domain proceedings.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:

PUBLIC WORKS AND ENGINEERING (270100)

Public Works Water Service Fees: Increase existing and establish new fees.

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

PUBLIC WORKS AND ENGINEERING (270101)

Midtown Greenway Phase II Construction: a) Accept \$500 donation from Mr. Larry Levine for construction expenses; and b) Resolution amending 2004 Capital Appropriation Resolution.

Fridley Water Works Facility: Approve change orders in contract with Pro Tec Design, Inc. and extend contract through 9/30/05.

Stormwater Utility: Amend contract with Black & Veatch Corporation.

Columbia Heights Membrane Filtration Plant: Approve Change Orders 1, 2, and 3 to contract with Adolfsen and Peterson.

Third Avenue Distributor Ramp Project Closeout: Resolution amending 2004 Capital Improvement Appropriation.

Bids: Resolution accepting: a) OP #6306, bid of Midwest Fence and Manufacturing Company to furnish security fence at Hilltop Finished Water Reservoirs; b) OP #6099, increase contract with Mountain Environmental, Inc. to haul and dispose of lime waste; c) OP #6214, increase contract with Midwest Asphalt Corporation to provide hot mix asphalt; and d) OP 6349, bid of Custom Products and Services to provide snow removal and sidewalk maintenance in Dinkytown and Stadium Village Special Service Districts.

WAYS AND MEANS BUDGET:

ATTORNEY (270102)

Appointment to Ethical Practices Board: Intent of Appointing Committee to reappoint Dr. Laura Reich.

BUSINESS INFORMATION SERVICES (270103)

Unisys Contract: Update on contract status and amendments.

HUMAN RESOURCES (270104)

2004 Employee Survey: Results report.

HUMAN RESOURCES AND CITY ATTORNEY (270105)

Statements of Economic Interest: Updated list of petitions subject to filing requirement.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270106)

Legal Settlements: Approve settlements with Brian Flaherty, Michael E. Spoo, Zahra Omar Ali, and Ali Alowonle.

Contract with Council on Crime and Justice: Extend contract.

BUSINESS INFORMATION SERVICES (270107)

Unisys Contract: Amend contract to include additional services for City Attorney Case Management System.

CITY CLERK (270108)

Enterprise Policy Library: Establish electronic library on Intranet for City wide policies, procedures and forms.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270109)

Empowerment Zone Homeownership Funds: Allocation of funds to sub-recipients.

COORDINATOR (270110)

New Central Library Project: Construction change order with PCL Construction Services.

FINANCE DEPARTMENT (270111)

Utility Bill Insert: 2005 utility rate information.

HUMAN RESOURCES (270112)

Strategic and Business Planning Coordinator: Establish new position.

Human Resources Information System Upgrade: Increase contract with PeopleSoft for additional product.

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (270113)

Appointments: Mayoral & Council President appointments of Christi Cottrell, Heather Faulker, Marianne Norris, Randy Rowoldt, Katie Nyberg, Sue Jahn, Maxine Rossman, Judson Bemis, Noel Raymond.

INSPECTIONS/BOARD OF ADJUSTMENT (270114)

Appeal:

Mark Arlinghaus (3717-5th Ave S): Re variances for single-family dwelling.

PLANNING COMMISSION/DEPARTMENT (270115)

Waiver:

River Run Properties (1024 Morgan Ave N): Re North Mpls construction moratorium.

Appeals:

Copa Cabana Nightclub, Inc (2532-38 - 25th Ave S): Re conditional use permit, parking variance & condition of site plan for nightclub;

Hearing & Service Dogs of Minnesota (re Copa Cabana Nightclub, Inc, 2532-38 - 25th Ave S): Re conditional use permit for establishment of nightclub.

Rezoning:

Family from MUB, LLC (1824 Quincy St NE);

Hope Community (2110-20 Oakland Ave S & 610-16 E 22nd St);

American Indian Community Development Corp (2309-11 - 15th Ave S);

Walid El-Hindi (3228 Garfield Ave S).

Zoning Code Text Amendment:

Ordinance amending Title 20, Chapter 525 re transferring enforcement of zoning code to CPED-Planning Department.

PLANNING COMMISSION:

REGENTS OF THE UNIVERSITY OF MINNESOTA (270116)

Permission to vacate East-West Alleyway betw Lots 1-6 & 19 in Foster's Addn to Mpls.

RIBNICK FAMILY PARTNERSHIP & EJLL, LLC (270117)

Permission to vacate Third Ave N.

FILED:

CITY CLERK/SPECIAL PERMITS (270118)

2nd St NE, 1700 (Becky Wellington) hayride pulled by horses for holiday event.

The following reports were signed by Mayor Rybak on 12/29/04 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 **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration sale of the property at 2216 17th Av S, now recommends:

1) Passage of the accompanying resolution authorizing the sale of sale property to Mr. Ming Wijono for \$43,000 subject to the following conditions:

- a. The land sale closing must occur on or before 45 days from the date of approval;
- b. If the closing of the land sale does not occur on or before 45 days of the approval, then the sale of 2216 17th Av S is authorized to the American Indian Community Development Corporation (AICDC) for \$43,000;

2) Passage of the accompanying resolution authorizing the sale of the 2216 17th Av S to the AICDC (if sale is not completed to Mr. Wijono) subject to the following conditions that may be waived or amended with the approval of the Community Planning and Economic Development (CPED) Director:

- a. The land sale closing must occur or or before 30 days from the date of approval; and
- b. Payment of holding costs of \$150 per month from the date of approval to the date of closing if land sale closing does not occur on or before 30 days from the date of approval.

Adopted 12/23/04.

Resolution 2004R-589, authorizing sale of land Model City Urban Renewal Project Disposition Parcel No. TF-310, was passed 12/23/04 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-589

By Goodman

Authorizing sale of land Model City Urban Renewal Project Disposition Parcel No. TF-310.

Whereas, the City of Minneapolis, hereinafter known as the city, has received an offer to purchase and develop Disposition Parcel TF-310, in the Ventura Village neighborhood, from Ming Wijono, hereinafter known as the Redeveloper, the Parcel TF-310, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 17, Block 6, Foster's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$43,000, for Parcel TF-310 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on December 3, 2004, a public hearing on the proposed sale was duly held on December 14, 2004, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model City Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$43,000 for Parcel TF-310.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper

possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

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

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 12/23/04.

Resolution 2004R-590, authorizing sale of land Model City Urban Renewal Project Disposition Parcel No. TF-310, was passed 12/23/04 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-590
By Goodman

Authorizing sale of land Model City Urban Renewal Project Disposition Parcel No. TF-310.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-310, in the Ventura Village neighborhood, from American Indian Community Development Corporation (AICDC), hereinafter known as the Redeveloper, the Parcel TF-310, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 17, Block 6, Foster's Addition to Minneapolis

Whereas, the Redeveloper has offered to pay the sum of \$43,000, for Parcel TF-310 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the city a statement of financial responsibility and qualifications; and

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on December 3, 2004, a public hearing on the proposed sale was held on December 14, 2004, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model City Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$43,000 for Parcel TF-310.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate

official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

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

Adopted 12/23/04.

Comm Dev – Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2427 14th Av S to Lazaro Castellon and Heraclio Castellon for \$185.

Adopted 12/23/04.

Resolution 2004R-591, authorizing the sale of land disposition parcel No. MC 129-6A, was passed 12/23/04 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-591
By Goodman

Authorizing sale of land Disposition Parcel No. MC 129-6A.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel MC 129-6A, in the Phillips, from Lazaro Castellon and Heraclio Castellon, hereinafter known as the Purchaser, the Parcel MC 129-6A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

That part of North 1/2 of Lot 10 lying Southerly of Northerly 14.5 feet thereof.

Whereas, the Purchaser has offered to pay the sum of \$185, for Parcel MC 129-6A, to the City for the land; and

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

Whereas, the Planning Commission adopted the Model City Urban Renewal Plan on September 11, 1969 and is therefore consistent with the Comprehensive Plan; and

Whereas, the City has determined the offer of \$185 to purchase the Parcel to be reasonable; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on December 3, 2004, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on December 14, 2004, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

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

That the re-use value for the MC 129-6A is hereby estimated to be the sum of \$185.

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

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

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

Adopted 12/23/04.

Comm Dev – Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2445 ½ 11th Av S to Russell A Gregg and Phyllis A. Gregg for \$180.

Adopted 12/23/04.

Resolution 2004R-592, authorizing the sale of land Disposition Parcel No. MC 126-15B, was passed 12/23/04 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-592
By Goodman

Authorizing sale of land Disposition Parcel No. MC 126-15B.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel MC 126-15B, in the Midtown Phillips, from Russell A. Gregg and Phyllis A. Gregg, hereinafter known as the Purchaser, the Parcel MC 126-15B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

That part of Lot 12, Block 8, lying South of the North 15.00 feet
of said Lot 12, Cole & Week's Rearrangement of Part of Brackett
& Bovey's Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$180, for Parcel MC 126-15B, to the City for the land; and

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

Whereas, the Planning Commission received the sale on September 11, 1969 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$180 to purchase the Parcel to be reasonable; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on December 3, 2004, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on December 14, 2004, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

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

That the re-use value for the MC 126-15B is hereby estimated to be the sum of \$180.

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

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

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

Adopted 12/23/04.

Comm Dev – Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1906 Portland Av to Central Community Housing Trust of Minneapolis (CCHT) for the development of the Franklin Portland Gateway Phase IV (Site C).

Adopted 12/23/04.

Resolution 2004R-593, authorizing the sale of land Franklin Portland Gateway Site C Disposition Parcel No TF-05, was passed 12/23/04 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-593
By Goodman**

Authorizing sale of land Franklin Portland Gateway Site C Disposition Parcel No TF-05.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-605, in the Phillips neighborhood, from Central Community Housing Trust of Minneapolis (CCHT), hereinafter known as the Redeveloper, the Parcel TF-605, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 7, Block 1, A.M. Jerome's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$43,200, for Parcel TF-605 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on December 3, 2004, a public hearing on the proposed sale was duly held on December 14, 2004, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Franklin Portland Gateway Site C plan, as amended, is hereby estimated to be the sum of \$43,200 for Parcel TF-605.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

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

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

Adopted 12/23/04.

Comm Dev- Your Committee, having under consideration the tax increment plan for Hiawatha Commons Project, a mixed-use, mixed income project of four floors of rental housing over first floor retail and underground parking at East Lake St and Hiawatha Av, now recommends:

1) Passage of the accompanying resolution adopting the Hiawatha Commons Tax Increment Financing (TIF) Plan, Modification #14 to the Seward South Urban Renewal Plan and Modification #102 to the Common Project;

2) Passage of the accompanying resolution authorizing the issuance of a "Pay-As—You-Go" Tax Increment Financing Note to Hiawatha Housing Limited Partnership in a principal amount not to exceed \$910,000;

3) Approval of the proposed redevelopment contract business terms as outlined in Petn No 270080;

4) That the proper City officers be authorized to execute a redevelopment contract with Hiawatha Housing Limited Partnership, with Alliance Housing Incorporated acting as its general partner, based on the terms outlined in Petn No 270080, and all other necessary documents related to said actions.

Adopted 12/23/04.

Resolution 2004R-594, adopting the Hiawatha Commons Tax Increment Finance (TIF) Plan, Modification No 14 to the Seward South Urban Renewal Plan, and Modification 102 to the Common Development and Redevelopment and Common TIF Plan, was passed 12/23/04 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-594
By Goodman and Johnson

Adopting the Hiawatha Commons Tax Increment Finance (TIF) Plan, Modification No 14 to the Seward South Urban Renewal Plan, and Modification 102 to the Common Development and Redevelopment and Common TIF Plan.

Resolved by The City Council of The City Of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax

increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the creation of the Common Development and Redevelopment and Common TIF Plan (the "Common Plans") relating hereto, all pursuant to Minnesota Laws. The geographical area of the Seward South Urban Renewal Project (the "Project Area") is included within the Common Development and Redevelopment Project Area and Common TIF District (the "Common Project"); however, the new Hiawatha Commons TIF District is not being incorporated into the Common Project. Rather, it is intended to be a freestanding TIF district and will not be subject to the existing Common Project obligations and commitments. The parcels included in the new Hiawatha Commons TIF District are being removed from the existing TIF District No 10 in order that those parcels can be included in the new Hiawatha Commons TIF District and will remain within the existing Seward South Project Area.

1.3. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Hiawatha Commons TIF Plan, a proposed Modification No 14 to the Seward South Urban Renewal Plan, and a proposed Modification 102 to the Common Plans ("collectively, the Plans"). The Plans modify the existing Seward South Urban Renewal Plan to delete parcels from an existing TIF (County designation No 10), designate property to be included within the boundaries of the proposed Hiawatha Commons TIF district, identify a budget for expenditures, reflect project activities and costs, and establish a housing TIF District, all pursuant to and in accordance with the Project Laws.

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

1.5. The Hiawatha Commons TIF District (the "TIF District") is being established within and under the authority of the Seward South Project Area.

1.6. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect the deletion of parcels from an existing TIF district, and project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans

2.1. The Council finds, determines and declares that the Hiawatha Commons TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. The proposed district is located within the Seward South Urban Renewal Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.2. The Council further finds, determines and declares that low income housing is defined as housing affordable to families with incomes below 80 percent of the MMI family income, and further, that moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the MMI family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.002, Subdivision 18, defines moderate income persons as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means".

2.3. The Council finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. The City's Affordable Housing Policy states that projects that receive City financial assistance must make at least 20% of the total project units affordable to households earning 50% of MMI or below.

2.4. The Council finds, determines and declares that the Hiawatha Commons Project will contain 20 units at or below 30% of MMI, 44 units at or below 60% of MMI, and 16 market rate units for a total of 64 units at or below 60% of MMI; therefore, the project complies with the City's Affordable Housing Policy, which requires that at least 16 units be affordable to low or moderate income households (i.e.

20% of 80 units). It is further found that the proposed project meets all of the income requirements for a Housing TIF District, and the establishment of the Hiawatha Commons Housing TIF district is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.5. The Council further finds, determines and declares that the fair market value of the low and moderate income housing project constitutes 92.6% of the total valuation of the improvements constructed in the Hiawatha Commons Housing TIF District, pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.6. The Council further finds, determines and declares that the Hiawatha Commons TIF district will remain within the Seward South Urban Renewal Project Area which is a redevelopment project as defined in the Minnesota Housing and Redevelopment Authorities Act (Minnesota Statutes, Section 469.002, Subdivision 14 and 16). According to Subdivision 14, paragraph 1, redevelopment projects are established "for the purpose of removing, preventing, or reducing blight, blighting factors, or the causes of blight." The redevelopment project area therefore must be found to be a blighted area, which is defined in Section 469.002, Subd. 11 of the Act as "...any area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community." It is found that the deterioration of the vacant parcels undermines the value of adjacent property. Vacant parcels may constitute a repository for debris, fire hazard, and may attract vagrants and criminal elements of the population. The vacant space is not only an uneconomic use of inner city real estate, but is considered a blighting condition.

2.7. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed redevelopment removes blight and blighting influences, and provides affordable rental housing opportunities for low and moderate income households. Adoption of the Plans is essential in order to finance a portion of the public redevelopment activities necessary to subsidize the extraordinary cost of providing affordable housing at this site. Rents are not sufficient to amortize the entire cost of this development. The proposed project meets the need for affordable workforce housing, and eliminates the blighting influences of vacant and irregularly-shaped parcels of land. Rental revenue from the project is not sufficient to amortize the entire cost of new construction.

2.8. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.9. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. The project reflects a number of key Minneapolis Plan policies related to fulfillment of affordable housing needs. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.10. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 17. As shown there, the public redevelopment activity, expenditures, and market values associated with the new development that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.11. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Hiawatha

Commons TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.12. The Council finds additional public benefits will include blight removal and environmental remediation, tax base enhancement, creation of a workforce housing project, and increased neighborhood livability. The creation of this TIF district is in the public interest because it will facilitate the development of a mixed-income affordable workforce housing project which will provide needed rental housing for low and moderate income households.

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

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

Section 3. Approval of the Plans; Creation of TIF District

3.1. Based upon the findings set forth in Section 2, the Hiawatha Commons Housing TIF Plan, Modification No 14 to the Seward South Urban Renewal Plan, and Modification 102 to the Common Plans creating the Hiawatha Commons TIF District presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

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

Adopted 12/23/04.

Resolution 2004R-595, authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$910,000 in connection with the Hiawatha Commons Housing Project within the Seward South Urban Renewal Plan Project Area, was passed 12/23/04 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-595
By Goodman and Johnson**

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$910,000 in connection with the Hiawatha Commons Housing Project within the Seward South Urban Renewal Plan Project Area.

Whereas, the City of Minneapolis (the "City"), a Minnesota municipal corporation, acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Section 31 and Minneapolis Code of Ordinances, Title 16, Chapter 415, as amended, has certain powers, including without limitation the powers contained in Minnesota Statutes, Sections 469.001 to 469.047 (the "HRA Act"), and Minnesota Statutes, Sections 469.174 to 469.179 (the "Tax Increment Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted areas of the City and the development of housing for persons of low and moderate incomes, and in this connection the City is engaged in carrying out a redevelopment project known as the Seward South Urban Renewal Plan (the "Project"); and

Whereas, pursuant to the HRA Act and the Tax Increment Act, the City has approved Modification No. 14 to the Seward South Urban Renewal Plan, Modification No. 102 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan and the Hiawatha Commons Tax Increment Financing Plan, all dated November 12, 2004, and all adopted on December 23, 2004; and

Whereas, pursuant to the Tax Increment Act, and specifically Section 469.178, subd 4, the City is authorized to issue its tax increment limited revenue notes to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Hiawatha Housing Limited Partnership, a Minnesota limited partnership (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop an 80-unit rental housing project, with 64 affordable housing units;

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

1. That it is desirable that the City issue a tax increment limited revenue note (the "TIF Note") in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS
TAX INCREMENT LIMITED REVENUE NOTE
(Hiawatha Commons Project)**

The CITY OF MINNEAPOLIS (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Hiawatha Housing Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this TIF Note, being Nine Hundred Ten Thousand and No/100 Dollars (\$910,000), or such lesser amount as may equal the Public Development Costs, with interest at the TIF Note Rate, in the installments specified in this TIF Note, on the Payment Dates.

Capitalized terms not elsewhere defined in this TIF Note shall have the following meanings, and if not defined herein, shall have the meanings assigned them in the Contract:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to Minnesota Statutes, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Contract" means that certain Contract for Private Redevelopment by and between the City and the Developer dated _____.

"District" means the Hiawatha Commons Tax Increment Finance District as defined in the Tax Increment Finance Plan adopted by the City on December 23, 2004 (the "TIF Plan").

"Improvements" shall have the meaning given to Minimum Improvements in the Contract.

"Interest Start Date" means the date when interest begins to accrue on the TIF Note, which date will be the date when the City has issued the Public Redevelopment Costs Certification.

"Maturity Date" means the earlier of (i) the final year of Tax Increment collection from the District as provided in the TIF Plan, or (ii) the date when the principal and interest amount of this TIF Note has been paid in full.

"Payment Date" means July 30 of the year of first increment collection from the District and each July 30 and December 30 thereafter until the Maturity Date.

"Property" shall have the meaning given to it in the Contract.

"Public Redevelopment Costs" shall have the meaning given to it in the Contract.

"Public Redevelopment Costs Certification" means the certification of Public Development Costs to be issued by the City pursuant to Section 4.01(b) of the Contract.

"Tax Increment" means that portion of the real property taxes generated by the Property and the Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means Minnesota Statutes, Sections 469.174 - 469.179, as amended, or any successor statutes applicable to the District.

"TIF Note Rate" means 5.6% per annum, based upon a 360-day year, compounded semiannually.

On any Payment Date the Available Tax Increment will be expended in the following order:

(1) Payment of interest which has accrued on the outstanding principal balance of this TIF Note since the last Payment Date (or the Interest Start Date if this is the first Payment Date). Any amount

of accrued interest which is not paid on that date will be added to the outstanding principal balance of this TIF Note (capitalized).

(2) Any remaining Available Tax Increment will then be used to pay principal on the TIF Note.

If the Developer is in default under the Contract, and such default has not been cured within the time period provided in the Contract, then the City may suspend payments on this TIF Note until the default is cured or the Contract and the City's obligations under this TIF Note are terminated. The City shall have no obligation to pay principal of and interest on this TIF Note from any source other than Available Tax Increment. Failure of the City to pay the interest on and the principal of this TIF Note shall not constitute a default hereunder so long as the City pays principal and interest hereon to the extent of the Available Tax Increment.

Interest shall accrue on this TIF Note from the Interest Start Date. Each payment under this TIF Note, whether a scheduled payment or any other payment, must be applied first to accrued unpaid interest and then to the unpaid principal amount of this TIF Note.

On the Maturity Date, this TIF Note shall be deemed paid in full and the City shall have no further obligation under this TIF Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this TIF Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this TIF Note has been paid in full. This TIF Note may be prepaid in full or in part at any time without penalty.

Each payment on this TIF Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and must be made by check or draft made payable to the Developer and mailed to the Developer at 118 East 26th Street, #202, Minneapolis, Minnesota 55404, or such other address as the Developer provides in writing to the City's notice address as set forth in the Contract or by wire transfer according to written wire transfer instructions from the Developer.

This TIF Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Section 469.178, subdivision 4, to aid in financing a "project," as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THIS TIF NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA (THE "CITY"), EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THIS TIF NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT, NOR SHALL THIS TIF NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT.

This TIF Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter executed by the proposed transferee in a form reasonably acceptable to the City.

This TIF Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this TIF Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this TIF Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this TIF Note is issued

pursuant to the Tax Increment Act; and that this TIF Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the Agency to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this TIF Note to be executed by the manual signature of the Finance Officer of the City; and has caused this TIF Note to be dated _____, 20____.

CITY OF MINNEAPOLIS

By _____
Patrick Born, City Finance Officer

Department Head Responsible
For Monitoring Contract:

CPED Director of Housing Policy
and Development

Approved as to form:

Assistant City Attorney

2. That the form of the TIF Note is hereby approved and shall be executed by the City Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the officers may approve, which approval shall be conclusively evidenced by the execution thereof.

3. That all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the TIF Note are hereby approved, ratified and confirmed.

4. That the sale of said TIF Note to the Developer is hereby approved; and the TIF Note is hereby directed to be sold to the Developer, at the price and rate set forth in the TIF Note, and upon the terms and conditions set forth in the Redevelopment Contract.

5. That the City Finance Officer, is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the TIF Note.

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

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

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

9. That in case any one or more of the provisions of this resolution, the TIF Note or the Redevelopment Contract shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution, the TIF Note or the Redevelopment Contract.

10. That this resolution shall be in full force and effect from and after its passage.
Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration sale of the property at 1813 Riverside Av S to Yang Pham & Chanh T Le and having been informed that revisions to the land sale terms are required under the buyer's mortgage terms, now recommends passage of the accompanying resolution authorizing the sale of the property at 1813 Riverside Av S with revisions.
Adopted 12/23/04.

Resolution 2004R-596, approving revisions to the land sale terms for the property at 1813 Riverside Av S, was passed 12/23/04 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-596
By Goodman

Authorizing Sale of Land (Approve Revisions to Resolution No. 2004-3891M) Cedar Riverside Urban Renewal Area Disposition Parcel No. CR 28-14A.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel CR 28-14A, in the Cedar Riverside neighborhood, from Yang Pham & Chanh T Le dba K-Wok Restaurant, hereinafter known as the Redeveloper, the Parcel CR 28-14A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description
(See Exhibit A Attached)

Whereas, the Redeveloper has offered to pay the sum of \$185,000, for Parcel CR 28-14 to the City, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on April 23, 2004, a public hearing on the proposed sale was duly held on May 4, 2004, following the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota.

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

That the re-use value for uses in accordance with the Cedar Riverside Urban Renewal Area plan, as amended, is hereby estimated to be the sum of \$185,000 for Parcel CR 28-14A, and

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition program and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program; and

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

Be It Also Further Resolved that the Chairman and Secretary, or any other two Commissioners of the City, are hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Chairman and Secretary, or any other two Commissioners of the City.

Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration a recommendation from the Director of the Community Planning and Economic Development (CPED) Department that the City enter into a lender license with Harland Financial Solutions (HFS) to receive documentation created by Community Reinvestment Fund (CRF) on Laser Pro Lending software, now recommends that the proper City officers be authorized to enter into said lender license and are authorized to pay \$200 to CRF for the use of and preparation of loan documents for the Capital Acquisition Loan Program and the New Market Tax Credits Program.

Adopted 12/23/04.

Comm Dev – Your Committee recommends approval of the Community Planning and Economic Development (CPED) Business Plan (2005-2009) as updated and refined (Petn No 270080).

Adopted 12/23/04.

Comm Dev - Your Committee, having under consideration the availability of Sewer Access Credits (SAC) due to the remodeling of the old Bureau of Engraving site at 3311 Washington St NE, now recommends approval of the distribution of said credits to the following projects as proposed in a joint agreement by the Department of Public Works, the Community Planning and Economic Development (CPED) Department, Regulatory Services Division and Finance Department:

- Heritage Park: 4 credits for 741, 743, 745 and 747 Aldrich Av N (Habitat for Humanity);
- St. Anne's Senior Housing: 39 credits at 2300 W Broadway;
- Many Rivers West Housing Project: 22 credits for 1400-10 E Franklin Av (American Indian Community Development Corporation);
- Midtown Exchange Condominiums and Rental Apartments: Waiver from Metropolitan Council Environmental Services for 165 credits for 2929 Chicago Av S;
- River Run Apartments and Townhomes: 68 credits for 1428 Marshall St NE.

The total of the redistributed credits is 270; the remainder of credits available will be deposited in the City's Sewer Fund to off set charges for the City's Heritage park infrastructure investment.

The distribution of the SAC credits are conditioned upon the credits being used by the designated projects within the next 60 days.

Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration a request for proposals issued for the acquisition, lease or operation of the Hennepin Stages facility at 824 Hennepin Av and having been informed that the only proposal received was from the Historic Theatre Group (HTG), now recommends that the proper City officers be authorized to extend the City's current agreement with HTG for the management and operation of the Hennepin Stages property for one year (through December 31, 2005).

Said authorization is granted contingent upon the Trust/HTG//Clear Channel team being chosen to lease and operate the Orpheum, State and Pantages Theatres.

Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration the recommendations of an external review committee on the allocation of Emergency Shelter Grant (ESG) Program funds, now recommends approval of the allocation of ESG fund to the following projects and authorization to use either 2003 or 2004 ESG funds, as needed, for the recommended projects to ensure that the 2003 ESG funds are spent by May 31, 2005:

- 1) Up to \$273,000 for Exodus Hotel by Catholic Charities;
- 2) Up to \$87,000 for the PLUS Program by the Northside Residents Redevelopment Council;
- 3) Up to \$65,000 for St. Stephen's Shelter by St. Stephen's Human Services, Inc.; and
- 4) Up to \$46,000 for Simpson Housing Services.

Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration the Ripley Gardens Project, a housing development proposal for the former Ripley Maternity Hospital property at 300 Queen Av N, now recommends that the proper City officers be authorized to:

- 1) Evaluate the Ripley Gardens development proposal and tax increment financing (TIF) application;
- 2) Negotiate the terms and conditions of a redevelopment contract with a limited partnership with Central Community Housing Trust (CCHT) as the general partner; and
- 3) Prepare the redevelopment and TIF plans for the project, subject to final determination of project eligibility, required reviews, public input, notices and hearings.

Adopted 12/23/04.

Comm Dev – Your Committee, having under consideration the Northside Home Fund (NHF) and a proposal for the terms to utilize pledged City funds, now recommends that the \$1 million dedicated to the NHF be utilized to establish a pilot pool of funds for "last resort" non-voluntary acquisition of boarded and vacant (Chapter 249) blighted properties for redevelopment and sale to owner-occupants in the Northside Partnership target area (as further outlined in Petn No 270080).

Adopted 12/23/04.

Comm Dev – Your Committee recommends that exclusive development rights be granted to Mississippi Pathway Development Company LLC for up to twelve months to formulate and begin implementation of a redevelopment plan on three vacant residential properties owned by the City (Community Planning and Economic Development) at 2500, 2506 and 2510 Plymouth Av N.

Adopted 12/23/04.

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

Comm Dev & W&M/Budget – Your Committee recommends passage of the accompanying resolutions adopting the Franklin-Portland Gateway Redevelopment Plan and The Jourdain Tax Increment Finance Plan and authorizing issuance of a tax increment limited revenue note in a principal amount not to exceed \$583,000.

Adopted 12/23/04.

Resolution 2004R-597, adopting the Franklin-Portland Gateway Redevelopment Plan and the Jourdain Tax Increment Finance Plan, was passed 12/23/04 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-597
By Goodman and Johnson

Adopting the Jourdain Tax Increment Finance (TIF) Plan, and the Franklin-Portland Gateway Redevelopment Plan.

Resolved By The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Jourdain TIF Plan, and a proposed new Franklin-Portland Gateway Redevelopment Plan ("together, the Plans"). The Plans establish a new redevelopment project area, establish objectives for redevelopment, identify land uses for the redevelopment of the project area, authorize the creation of a new housing tax increment finance district, designate property to be included within the boundaries of the proposed TIF district, authorize public redevelopment activities, and establish a budget for expenditures, all pursuant to and in accordance with the Project Laws.

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

1.4. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans; Creation of TIF District

The Council finds, determines and declares that the Jourdain TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. The proposed district is located within the Franklin-Portland Gateway Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.2. The Council further finds, determines and declares that low income housing is defined as housing affordable to families with incomes below 80 percent of the MMI family income, and further, that moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the MMI family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.002, Subdivision 18, defines moderate income persons as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means".

2.3. The Council finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. The City's Affordable Housing Policy states that projects that receive City financial assistance must either make at least 20% of the total project units affordable to households earning 50% of MMI or below, pay \$80,000 per affordable unit (20% of total project units) into the Affordable Housing Trust Fund, or provide the affordable units at a different, but comparable location.

2.4. The Council finds, determines and declares that the Jourdain Project will contain 9 units at 50% of Metropolitan Median Income (MMI), and 15 units at 60% of MMI, for a total of 24 affordable units; therefore, the project complies with the City's Affordable Housing Policy, which requires that at least

8.2 units be affordable to low or moderate income households (i.e. 20% of 41 units). It is further found that the proposed project meets income requirements for a Housing TIF District, and the establishment of the Jourdain TIF district is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.5. The Council further finds, determines and declares that the fair market value of the low and moderate income housing project constitutes 89% of the total valuation of the improvements constructed in the Jourdain TIF District, pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.6. The Council further finds, determines and declares that the property to be included in the Redevelopment Project Area consists of 4 tax parcels including vacated streets and alleys. Construction Management Specialist staff conducted inspections of the proposed redevelopment project area and TIF district in August 2004. The proposed Redevelopment Project Area consists of four vacant lots, including an abandoned convenience store and gas station, and a vacated used car lot. All structures are vacant, and are poorly maintained. Parcels contain volunteer tree and weed growth, with broken asphalt and concrete coverings with possible soil contamination due to the type of business formerly located on the property. The vacated used car lot contains damaged concrete pilasters once used for pole lights. Debris has been dumped on the lot. The structure on the parcel has rotted gutters, rotted soffit and fascia, leaking roof, boarded windows, broken glass door, no handicap accessibility, wet and moldy interior components, peeling paint and an uneven concrete floor with deteriorated floor tiles. The deterioration of the vacant parcels undermines the value of adjacent property, constitutes a repository for debris, is a fire hazard, and may attract vagrants and criminal elements of the population. The vacant space is not only an uneconomic use of inner city real estate, but is considered a blighting condition. These vacant and underutilized lots are in an area of high traffic with high visibility and have abandoned and/or deteriorating buildings (2 lots). The surrounding area is going through redevelopment and upgrading. Open or undeveloped land may be determined to be blighted due to unusual and difficult physical characteristics of the ground, faulty planning characterized by lots laid out in disregard of contours or of irregular form and shape or of inadequate size (no access) or other conditions which have prevented normal development of the land. It is therefore found that the existing buildings were found to be detrimental to the "safety, health, morals, or welfare of the community" by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or lack of ventilation.

2.7. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed redevelopment removes blight and blighting influences, and provides affordable rental housing opportunities for low and moderate income households. Adoption of the Plans is essential in order to finance a portion of the public redevelopment activities necessary to subsidize the extraordinary cost of providing affordable housing at this site. Rents are not sufficient to amortize the entire cost of this development. The proposed project meets the need for affordable housing, creates a strong statement of progress along Franklin and Portland Avenues, and eliminates the blighting influences of vacant and irregularly-shaped parcels of land. Rental revenue from the project is not sufficient to amortize the entire cost of new construction. Without the tax increment financing, the project would be abandoned, as it is not possible to replace the revenue from the tax increment with any other available and attainable resource.

2.8. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.9. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. The project reflects a number of key Minneapolis Plan policies related to fulfillment of affordable housing needs. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.10. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after

subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 13. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the development in this TIF District could not occur solely through private investment within the foreseeable future.

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

2.12. The Council finds additional public benefits will include blight remediation, tax base enhancement, and increased neighborhood livability. The creation of this TIF district is in the public interest because it will facilitate the development of a mixed-income affordable housing project which will provide needed rental housing for low and moderate income households.

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

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

Section 3. Approval of the Plans; Creation of TIF District

3.1. Based upon the findings set forth in Section 2, the Jourdain TIF Plan and the Franklin-Portland Gateway Redevelopment Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

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

Adopted 12/23/04.

Resolution 2004R-598, authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$583,000 in connection with the Franklin-Portland Gateway Phase II Housing Project within the Newly Created Franklin-Portland Gateway Redevelopment Project Area, was passed 12/23/04 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-598 By Goodman and Johnson

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$583,000 in connection with the Franklin-Portland Gateway Phase II Housing Project within the Newly Created Franklin-Portland Gateway Redevelopment Project Area.

Whereas, the City of Minneapolis (the "City"), a Minnesota municipal corporation, acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Section 31 and Minneapolis Code of Ordinances, Title 16, Chapter 415, as amended, has certain powers, including without limitation the powers contained in Minnesota Statutes, Sections 469.001 to 469.047 (the "HRA Act"), and Minnesota Statutes, Sections 469.174 to 469.179 (the "Tax Increment Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted areas of the City and the development of housing for persons of low and moderate incomes, and in this connection the City is engaged in carrying out a redevelopment project known as the Franklin-Portland Gateway Phase II Redevelopment project (the "Project"); and

Whereas, pursuant to the HRA Act and Tax Increment Act, the City has approved the Franklin-Portland Gateway Phase II Redevelopment Plan dated November 12, 2004, and adopted on December 23, 2004, and the Jourdain Tax Increment Finance Plan dated November 12, 2004, and adopted December 23, 2004.

Whereas, pursuant to the Tax Increment Act, and specifically Section 469.178, subd 4, the City is authorized to issue its tax increment limited revenue notes to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Franklin-Portland Gateway Phase II Limited Partnership, a Minnesota limited partnership (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 41 unit rental housing project, with 24 affordable housing units;

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

1. That it is desirable that the City issue a tax increment limited revenue note (the "TIF Note") in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS
TAX INCREMENT LIMITED REVENUE NOTE
(The Jourdain Housing Project)**

The CITY OF MINNEAPOLIS (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Franklin-Portland Gateway Phase II Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this TIF Note, being Five Hundred Eighty-Three Thousand and No/100 Dollars (\$583,000), or such lesser amount as may equal the Public Development Costs, with interest at the TIF Note Rate, in the installments specified in this TIF Note, on the Payment Dates.

Capitalized terms not elsewhere defined in this TIF Note shall have the following meanings, and if not defined herein, shall have the meanings assigned them in the Contract:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to Minnesota Statutes, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Contract" means that certain Contract for Private Redevelopment by and between the City and the Developer dated _____.

"District" means the Jourdain Tax Increment Finance District as defined in the Tax Increment Finance Plan adopted by the City on December 23, 2004 (the "TIF Plan").

"Improvements" shall have the meaning given to Minimum Improvements in the Contract.

"Interest Start Date" means the date when interest begins to accrue on the TIF Note, which date will be the date when the City has issued the Public Redevelopment Costs Certification.

"Maturity Date" means the earlier of (i) the final year of Tax Increment collection from the District as provided in the TIF Plan, or (ii) the date when the principal and interest amount of this TIF Note has been paid in full.

"Payment Date" means July 30 of the year of first increment collection from the District and each July 30 and December 30 thereafter until the Maturity Date.

"Property" shall have the meaning given to it in the Contract.

"Public Redevelopment Costs" shall have the meaning given to it in the Contract.

“Public Redevelopment Costs Certification” means the certification of Public Development Costs to be issued by the City pursuant to Section 4.01(b) of the Contract.

“Tax Increment” means that portion of the real property taxes generated by the Property and the Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

“Tax Increment Act” means Minnesota Statutes, Sections 469.174 - 469.179, as amended, or any successor statutes applicable to the District.

“TIF Note Rate” means 6% per annum, based upon a 360-day year, compounded semiannually.

On any Payment Date the Available Tax Increment will be expended in the following order:

(1) Payment of interest which has accrued on the outstanding principal balance of this TIF Note since the last Payment Date (or the Interest Start Date if this is the first Payment Date). Any amount of accrued interest which is not paid on that date will be added to the outstanding principal balance of this TIF Note (capitalized).

(2) Any remaining Available Tax Increment will then be used to pay principal on the TIF Note.

If the Developer is in default under the Contract, and such default has not been cured within the time period provided in the Contract, then the City may suspend payments on this TIF Note until the default is cured or the Contract and the City's obligations under this TIF Note are terminated. The City shall have no obligation to pay principal of and interest on this TIF Note from any source other than Available Tax Increment. Failure of the City to pay the interest on and the principal of this TIF Note shall not constitute a default hereunder so long as the City pays principal and interest hereon to the extent of the Available Tax Increment.

Interest shall accrue on this TIF Note from the Interest Start Date. Each payment under this TIF Note, whether a scheduled payment or any other payment, must be applied first to accrued unpaid interest and then to the unpaid principal amount of this TIF Note.

On the Maturity Date, this TIF Note shall be deemed paid in full and the City shall have no further obligation under this TIF Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this TIF Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this TIF Note has been paid in full. This TIF Note may be prepaid in full or in part at any time without penalty.

Each payment on this TIF Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and must be made by check or draft made payable to the Developer and mailed to the Developer at _____, Minneapolis, Minnesota 55404, or such other address as the Developer provides in writing to the City's notice address as set forth in the Contract or by wire transfer according to written wire transfer instructions from the Developer.

This TIF Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Section 469.178, subdivision 4, to aid in financing a “project,” as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THIS TIF NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE “STATE”), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA (THE “CITY”), EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THIS TIF NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT, NOR SHALL THIS TIF NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT.

This TIF Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter executed by the proposed transferee in a form reasonably acceptable to the City.

This TIF Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this TIF Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this TIF Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this TIF Note is issued pursuant to the Tax Increment Act; and that this TIF Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the Agency to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this TIF Note to be executed by the manual signature of the Finance Officer of the City; and has caused this TIF Note to be dated _____, 20____.

CITY OF MINNEAPOLIS

By _____
Patrick Born, City Finance Officer

Department Head Responsible
For Monitoring Contract:

CPED Director of Housing Policy
and Development

Approved as to form:

Assistant City Attorney

2. Be It Further Resolved that the form of the TIF Note is hereby approved and shall be executed by the City Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the officers may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the TIF Note are hereby approved, ratified and confirmed.

4. Be It Further Resolved that the sale of said TIF Note to the Developer is hereby approved; and the TIF Note is hereby directed to be sold to the Developer, at the price and rate set forth in the TIF Note, and upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the City Finance Officer, is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the TIF Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the TIF Note or in any other document related to the TIF Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues that are to be applied to the payment of the TIF Note, as provided therein and in the Redevelopment Contract. The TIF Note shall not constitute

a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City, except the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the TIF Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the TIF Note or the interest thereon, or to enforce payment thereon against any property of the City. The TIF Note shall not constitute a payment thereon against any property of the City. The TIF Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

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

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

10. Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.

Adopted 12/23/04.

Comm Dev & W&M/Budget – Your Committee, having under consideration the award of Metropolitan Council grant funds for the Midtown Exchange and Lowell School Site projects, now recommends:

1) Acceptance of a Metropolitan Council LCA Inclusionary Housing Account (IHA) grant in the amount of \$178,700 for the Midtown Exchange For-Sale Housing Project and authorization to execute grant and sub-recipient agreements for the grant;

2) Authorize execution of sub-recipient agreements for a Metropolitan Council LCA Local Housing Incentives Account (LHIA) grant for the Lowell School Site project;

3) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation and revenue in the amount of \$178,700 to reflect the receipt of the IHA grant.

Adopted 12/23/04.

RESOLUTION 2004R-599
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 appropriation for the Community Planning and Economic Development Agency in the State Grant Fund (SMN0-890-8952) by \$178,700 and increasing the revenue source (SMN0-890-8952) by \$178,700.

Adopted 12/23/04.

Comm Dev & W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing the carry forward of the City's housing revenue bond authority for up to \$36,410,000 for multi-family projects and single family programs.

Adopted 12/23/04.

Resolution 2004R-600, authorizing Carryforward of Unused Private Activity Bond Volume Cap, was passed 12/23/04 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-600
By Goodman and Johnson**

Authorizing Carryforward of Unused Private Activity Bond Volume Cap.

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation for 2004 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$36,410,000; and

Whereas, the City expects to issue bonds attributable to such allocation in the amount of \$786,500; and

Whereas, the City expects to have unused entitlement allocation for 2004 in the amount of \$35,623,500; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation for the year 2004; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes any 2004 entitlement allocation remaining unused on December 31, 2004;

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

That the City hereby elects to carryforward \$5,600,000 for qualified mortgage bonds and the remainder of any part of its 2004 entitlement allocation which remains unused at the end of 2004 for the purpose of qualified residential rental bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2005. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted 12/23/04.

Comm Dev & W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into three-year Master Contract agreements with the following fourteen firms to provide environmental and/or geotechnical consulting services to the City, with each contract to not exceed \$300,000 in scope:

- Bay West, Inc.
- Braun Intertec Environmental, Inc.
- Conestoga-Rovers & Associates
- Delta Environmental Consultants, Inc.
- Earth Tech, Inc.
- GME Consultants, Inc.
- Natural Resources Group, Inc.
- Peer Engineering, Inc.*

Pinnacle Engineering, Inc.
R. J. Rykken Consulting, Inc.*
Service Engineering Group*
STS Consultants, LTD.
URS Corporation

Wenck Associates, Inc.

* Indicates firm classified as Small Business Enterprise(SBE)

Adopted 12/23/04.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04)

Comm Dev & W&M/Budget – Your Committee recommends approval of the allocation of \$135,000 (funds appropriated to the Small Business Finance budget in the Community Planning and Economic Development (CPED) Department) to the Minneapolis Consortium of Community Developers to extend the City's partnership with that group on small business loan programs for 2005.

Adopted 12/23/04.

Comm Dev & W&M/Budget – Your Committee recommends that the proper City officers be authorized to proceed with the acquisition of 16 tax forfeit land parcels from Hennepin County for \$1 each (as outlined in Petn No 270082), in accordance with Amendment #1 to the Memorandum of Understanding between the City and Hennepin County.

Adopted 12/23/04.

Comm Dev & W&M/Budget- Your Committee recommends passage of the accompanying resolution adopting Modification No. 4 to the Grain Belt Brewery Redevelopment Plan and Modification No. 103 to the Common Development and Redevelopment and Common Tax Increment Finance Plan, removing certain properties from the possible acquisition category.

Adopted 12/23/04.

Resolution 2004R-601, adopting Modification No 4 to the Grain Belt Brewery Redevelopment Plan, and Modification No 103 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, was passed 12/23/04 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-601
By Goodman and Johnson

Adopting Modification No 4 to the Grain Belt Brewery Redevelopment Plan, and Modification No 103 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. That by Resolution duly adopted on December 19, 1986, the City approved the creation of the Grain Belt Brewery Redevelopment Project and the adoption of the Grain Belt Brewery Redevelopment Plan dated November 14, 1986, revised December 19, 1986, which was further modified on August 11, 2000 which modification amended the Grain Belt Development Objectives, and an expansion of the Grain Belt Redevelopment Project Area boundary, further modified on September 26, 2003, which modification adopted the Grain Belt TIF Plan, and further modified on July 23, 2004, which modification adopted the Marshall River Run TIF Plan. The Grain Belt Brewery Redevelopment Project Area is included within the Common Development and Redevelopment Project Area and Common Tax Increment Finance District.

1.3. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the creation of the Common Development and Redevelopment and Common TIF Plan (the "Common Plans") relating hereto, all pursuant to Minnesota Laws. The Grain Belt Brewery Redevelopment Project Area (the "Project Area") is included within the Common Development and Redevelopment Project Area and Common TIF District (the "Common Project"). The parcels included in the modifications to the Grain Belt Brewery Redevelopment Plan and Common Plans remain within the existing Grain Belt Brewery Redevelopment Project Area, however, they are no longer designated as property that may be acquired.

1.4. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed Modification No 4 to the Grain Belt Brewery Redevelopment Plan, and Modification No 103 to the Common Plans (the "Modifications"). The Modifications amend the existing Grain Belt Brewery Redevelopment Plan and Common Plans to remove the designation of certain property from the "property that may be acquired" category, all pursuant to and in accordance with the Project Laws.

1.5. The City has performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the City Planning Commission, and transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment.

1.6. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Modifications to reflect the removal of the designation of "property that may be acquired" category for certain properties in the Project Area.

Section 2. Findings for the Adoption of the Modifications

2.1. The Council hereby finds, determines and reaffirms all previous findings related to the Grain Belt Brewery Redevelopment Project.

2.2. The Council further finds, determines and declares that the Modifications conform to the general plan for the development or redevelopment of the City as a whole.

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

2.4. The Council hereby finds, determines and declares that the action authorized by the Modifications is consistent with the undertaking of a redevelopment project, all pursuant to and in accordance with the Project Laws.

Section 3. Approval of the Modifications

3.1. Based upon the findings set forth in Section 2, Modification No 4 to the Grain Belt Brewery Redevelopment Plan and Modification No 103 to the Common Plans deleting certain parcels from the designation of "property that may be acquired" category presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications

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

Adopted 12/23/04.

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

1) Approve of said action plan (as included in Petn No 270082) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$418,010;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$369,110, to the NRP fund for implementation of the Logan Park Neighborhood Action Plan; and

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

Funding for the Plan is contingent upon there being NRP funds.

Adopted 12/23/04. Yeas, 12; Nays, 1 as follows:

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

Nays – Goodman.

RESOLUTION 2004R-602

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 appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$369,110.

Adopted 12/23/04. Yeas, 12; Nays, 1 as follows:

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

Nays – Goodman.

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

1) Approve of said action plan (as included in Petn No 270082) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$687,638;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$497,868, to the NRP fund for implementation of the Powderhorn Park Neighborhood Action Plan; and

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

Funding for the Plan is contingent upon there being NRP funds.

Adopted 12/23/04.

RESOLUTION 2004R-603

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 appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$497,868.

Adopted 12/23/04.

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

- 1) Approve of said action plan (as included in Petn No 270082) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$450,139;
- 2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$375,139, to the NRP fund for implementation of the Seward Neighborhood Action Plan; and
- 3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Funding for the Plan is contingent upon there being NRP funds.

Adopted 12/23/04. Yeas, 12; Nays, 1 as follows:

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

Nays – Goodman.

RESOLUTION 2004R-604

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 appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$375,139.

Adopted 12/23/04. Yeas, 12; Nays, 1 as follows:

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

Nays – Goodman.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the NRP 2005 Administrative Budget, now recommends:

- a) Approval of the 2005 NRP Administrative Budget as set forth in Petn No 270082;
- b) Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$1,545,912 and requesting that the Community Planning and Economic Development (CPED) Department immediately transfer \$1,545,912 to the NRP's City of Minneapolis Fund 230; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement activities set forth in the administrative budget.

Adopted 12/23/04.

RESOLUTION 2004R-605

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 appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$1,545,912.

Adopted 12/23/04.

Comm Dev & W&M/Budget - Your Committee, having under consideration a request to extend the grant agreement for nine grants from the Metropolitan Council to allow additional time for use of the funds, now recommends that the proper City officers be authorized to amend/extend agreements for Livable Communities Demonstration Account (LCDA), Tax Based Revitalization Account (TBRA) and Local Housing Incentives Account (LHIA) grants as follows:

- 1) St. Barnabas, TBRA, #SG-02-080, extended to 03/31/05, original grant amount of \$135,000;
- 2) Ivy Tower, TBRA, #SG-01-143, extended to 12/31/05, original grant amount of \$721,758;
- 3) Hollywood Theatre, TBRA, #SG-02-079, extended to 12/31/05, original grant amount of \$160,000;
- 4) Washington Ave, TBRA, #SG-03-069, to be extended to 12/31/05, original grant amount of \$359,785;
- 5) Heritage Park Initiative Phase II, LHIA, #SG-03-053, to be extended to 12/31/05, original grant amount of \$200,000;
- 6) Franklin-Portland Gateway Phase II (Jourdain), LCDA, #SG-02-161, to be extended to 12/31/05, original grant amount of \$500,000;
- 7) Urban Village, LCDA, #SG-99-176b, to be extended to 12/31/05, original grant amount of \$1,140,000;
- 8) Grain Belt Housing Project, LCDA, #SG-02-154, to be extended to 12/31/05, original grant amount of \$ 775,000;
- 9) Ventura Village Carriage Homes, LCDA, #SG-01-133, to be extended to 12/31/05, original grant amount of \$ 100,000;

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Community Planning and Economic Development (CPED) Department by \$4,091,543 to reflect the continuation of said grant agreements.

Adopted 12/23/04.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04)

RESOLUTION 2004R-606
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 appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (SMN0-890-8031) by \$4,091,543 and increasing the revenue source (SMN0-890-8031 - Source3215) by \$4,091,543.

Adopted 12/23/04.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04)

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

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments and reappointments to the Minneapolis Senior Citizen Advisory Committee to the Mayor and City Council

Adopted 12/23/04.

Resolution 2004R-607, approving appointments and reappointments to the Minneapolis Senior Citizen Advisory Committee to the Mayor and City Council, was passed 12/23/04 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-607

By Johnson Lee

Approving appointments and reappointments to the Minneapolis Senior Citizen Advisory Committee to the Mayor and City Council.

Resolved by The City Council of The City of Minneapolis:

That the following persons be reappointed to the Committee for two-year terms to expire December 31, 2005:

James Adams, 4234 19th Av S, representing Ward 9;

Marci Holley-Bartlett, 5590 Harding Ln, Shorewood, representing the Minneapolis Public Housing Authority;

Delores Cotton, 115 2nd Av S, representing Member-at-Large;

Douglas Davis, 2936 Johnson St NE, representing Ward 1;

Jean Wilson Greener, 1018 W Minnehaha Pkwy, representing Ward 13;

Fay Harrison, 818 Penn Av N, representing Ward 5;

Patricia Hastreiter, 201 W 49th St, representing Adult Education;

Helen Holseth, 5837 Wentworth Av S, representing Ward 11;

Lawrence J. Kerzner, M.D., 5828 Jeff Pl, Edina, representing Hennepin Faculty Associate;

Meinard Kooiker, 825 Summit Av, representing American Association of University Women;

Joanne Labernik, 1831 Irving Av N, representing Downtown Action Network;

Herbert Nelson, 4416 Cedar Av S, representing Member-at-Large;

Edna Sanders, 825 Summit, representing Ward 7.

Be It Further Resolved that the following persons be appointed/reappointed to the Committee for two-year terms to expire December 31, 2004:

Reappointment

Terry Diebold, 3539 Holmes Av S, representing Ward 10;

Appointments

Monica Lewis, 1423 26th Av NE, representing MAO Legal Services;

Clarence Tate, 3110 Blaisdell Av S, representing Member-at-Large.

Adopted 12/23/04.

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities.

Adopted 12/23/04.

Resolution 2004R-608, approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities, was passed 12/23/04 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-608

By Johnson Lee

Approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities.

Resolved by The City Council of The City of Minneapolis:

That the following persons be reappointed/appointed to the Committee for two-year terms to expire December 31, 2005:

Reappointments

Jimmie Hanson, 2015 Upton Av S (Ward 7)
Alan Hooker, 4417 Upton Av N (Ward 4);
Margot Imdieke Cross, 528 19th Av S (Ward 2);
Leslye Orr, 3553 45th Av S (Ward 12);
Lee Perish, 720 20th Av S (Ward 2);
Eric Peterson, 4440 Beard Av (Ward 13);
Nicole Roberts, 5444 44th Av S (Ward 12);

Appointments

Frank Morisano, Jr, 110 W Grant St (Ward 7)
Mark Siegel, 433 S 7th St (Ward 7).
Adopted 12/23/04.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute agreements with the Centers for Disease Control and Prevention (CDC) for the field placement of Public Health Prevention Specialists, for two-year periods, to work on approved projects of public health interest. Said agreements shall be effective when the Department of Health & Family Support is selected as an approved field placement site. The CDC will be the employer responsible for wages and benefits; and the Health Department will be required to provide quality local supervision, office space and support, assistance with incidental expenses, and a reasonable amount of staff development opportunities in a manner comparable to department employees.

Adopted 12/23/04.

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

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$5,880 from Health & Family Support to the Police Department to support the 2004 Weed & Seed/Project Safe Neighborhood Law Enforcement Plan (Gangs, Guns and Narcotics).

Adopted 12/23/04.

RESOLUTION 2004R-609
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 as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$5,880.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$5,880 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$5,880.

Adopted 12/23/04.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$10,070 from Health & Family Support to the Police Department to support the Crime Prevention Specialist at the Franklin Safety Center as part of the 2004 Weed & Seed Law Enforcement Plan.

Adopted 12/23/04.

RESOLUTION 2004R-610
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 as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$10,070.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$10,070 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$10,070.

Adopted 12/23/04.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed and Seed site, now recommends that the proper City Officers be authorized to execute an agreement with the State of Minnesota, Office of Justice Programs, for the receipt of \$225,000 in Year 2005 Federal Weed & Seed funds during the period January 1 through December 31, 2005.

Adopted 12/23/04.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a federal grant award of \$417,500 from the Minnesota Department of Health for the first year of the five-year "Steps" Project, to address and target populations in the City that are most vulnerable to diabetes, obesity and asthma during the period December 1, 2004 through September 21, 2009. Further, passage of the accompanying Resolution appropriating \$417,500 to the Health & Family Support Agency.

Adopted 12/23/04.

RESOLUTION 2004R-611
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 (030-860-8615) by \$417,500 and increasing the Revenue Source (030-860-8615 - Source 3210) by \$417,500.

Adopted 12/23/04.

H&HS & W&M/Budget - Your Committee, having under consideration lead hazard reduction in the East and Mid-Town Phillips Neighborhoods, now recommends that the proper City Officers be authorized to execute an agreement with Gloria Flores to perform relocation and associated services during the term of the HUD Round XII Lead Hazard Reduction Grant Project; and that up to \$183,400 for activities performed by Gloria Flores during the contract period shall be payable from grant funds.

Adopted 12/23/04.

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

IGR – Your Committee recommends approval of the following individuals for appointment to the Metropolitan Sports Facilities Commission, for terms to expire 1/5/2009:

a) Margaret (Peggy) Lucas, 184 Bank St, Minneapolis, MN 55414 (reappointment);

b) Loanne Thrane, 868 Fairmount Ave, St. Paul, MN 55105 (reappointment); and

c) Ray Waldron, 2525 St. Anthony Blvd, St. Anthony Village, MN 55418.

Adopted 12/23/04.

IGR – Your Committee, having under consideration an international collaboration to support the implementation of verifiable standards for sustainable development and realistic climate change policies, now recommends approval of the Daegu Declaration, as set forth in Petn No 270090.

In order to facilitate achieving the goals of the Daegu Declaration, including setting targets for renewable energy adoption, the reduction of the City's per capita emissions and the development of partnerships, the Mayor and City Council recommend appointment of a task force composed of the following individuals:

- a) Representative Jean Wagenius;
- b) Michael Krause, Green Institute;
- c) Professor Steven Hoffman, University of St. Thomas (St. Paul);
- d) Michael Noble, Minnesotans for an Energy-Efficient Economy;
- e) Guy Fischer, City of Minneapolis/Environmental Division;
- f) Two additional appointees of the Mayor.

This task force will meet and return to the Intergovernmental Relations Committee with recommendations for the City Council to consider by February 22, 2005.

Adopted 12/23/04.

IGR – Your Committee, having under consideration granting local approval of Laws 2004, Chapter 267, Article 18 relating to the Minneapolis Police Relief Association (MPRA) (Omnibus retirement bill), extending the amortization date, enhancing service and survivor annuities and changing thirteenth check triggers, now recommends that local approval not be granted for legislative changes governing the MPRA.

Johnson moved to substitute a new report for the above report, which grants local approval for legislative changes governing the MPRA. Seconded.

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

Yeas – Colvin Roy, Lilligren, Johnson Lee, Benson, Johnson.

Nays – Zimmermann, Schiff, Zerby, Niziolek, Goodman, Lane, Samuels, Ostrow.

The report was adopted 12/23/04. Yeas, 8; Nays, 5 as follows:

Yeas – Zimmermann, Schiff, Zerby, Niziolek, Goodman, Lane, Samuels, Ostrow.

Nays – Colvin Roy, Lilligren, Johnson Lee, Benson, Johnson.

IGR – Your Committee recommends passage of the accompanying resolution supporting legislation relating to Minneapolis Police Relief Association permanent pension reform initiatives.

Adopted 12/23/04.

Resolution 2004R-612, supporting legislation relating to Minneapolis Police Relief Association permanent pension reform initiatives, was passed 12/23/04 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-612

By Ostrow

Supporting legislation relating to Minneapolis Police Relief Association permanent pension reform initiatives.

Whereas, the City of Minneapolis is interested in permanent pension reform for the three local Minneapolis pension funds; and

Whereas, permanent pension reform includes issues related to governance, financial management and administration;

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

That in developing legislation related to the Minneapolis Police Relief Association (MPRA), the City supports the inclusion into the legislative agenda of the following items:

1. The establishment of trust status for MPRA when the last active member retires.
 2. Limit future annual benefit increases to no more than 5% including the thirteenth check or post retirement benefit.
 3. Transfer 100% of assets of the MPRA Fund to the State Board of Investment December 31, 2009.
 4. Limit administrative expenses from plan assets to 125% of the administrative expense calculated on a per capita basis of the Minnesota Public Retirement Association (PERA).
 5. Limit payment of the thirteenth check until the MPRA fund is fully funded.
 6. Once the fund is fully funded, the City of Minneapolis would not be obligated to levy property taxes or appropriate funds regardless of the fund's status.
- Adopted 12/23/04.

IGR – Your Committee recommends approval of the appointment of Council Member Scott Benson to the G7 (formerly the Property Tax Study Group), replacing Council Member Barret Lane.

Adopted 12/23/04.

IGR - Your Committee recommends approval of the City's agenda for the Year 2005 Legislative Session, which describes local government finance, City bonding priorities, affordable housing, transportation, public safety, municipal government, City livability, and jobs and economic development, as set forth in Petn No 270091.

Adopted 12/23/04.

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

PS&RS - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint Bonnie Bleskachek to serve as the Fire Chief for a two-year term to expire January 2, 2006, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 12/23/04.

PS&RS - Your Committee, having under consideration the application of Raising the Bar LLC, dba Zeno Cafe, 800 LaSalle Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/23/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Metrotrend Inc, dba Euphoria, 319 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 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 the 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 these terms shall provide a basis for revocation of the City's consent for the licensee to operate a Class A On-Sale Liquor License.

b. completion of the background investigation by the Police Licenses Division.

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

Adopted 12/23/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04)

PS&RS - Your Committee, having under consideration the application of T M M S Inc, dba C C Club, 2600 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises) to expire October 1, 2005, now recommends that said license be granted, subject to the formulation of conditions.

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

Adopted upon a voice vote.

PS&RS - Your Committee, to whom was referred back from the City Council on September 24, 2004 a report relating to the application of Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av, for an Off-Sale Beer License to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/23/04.

PS&RS - Your Committee, having under consideration the application of AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License to expire January 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be postponed. Seconded.

Adopted upon a voice vote.

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

Adopted 12/23/04.

Declining to Vote - Benson.

Resolution 2004R-613, granting applications for Liquor, Wine and Beer Licenses, was passed 12/23/04 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-613

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Off-Sale Liquor, to expire January 1, 2006

Jessy & Luke Inc, dba Hi-Lake Liquors, 2218 E Lake St #B (change in ownership from Jose & Luke Inc);

Haskell's, Inc., dba Haskell's, 81 S 9th St;

V & Y Inc, dba Dom's Liquor, 2201 University Av NE;

2538 Central Corporation, dba Central Avenue Liquors, 2538 Central Av NE;

Off-Sale Liquor, to expire April 1, 2005

Town Hall Brewery Ltd PTN, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (Growler License);

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

701 Ventures Inc, dba First Avenue, 29 S 7th St, two floors (change in ownership from Committee Inc);

TRBK Inc, dba Suite Life Catering, 600 1st Av N (change in manager for both On-Sale and Off-Sale);

Bellanotte Hospitality LLC, dba Bellanotte Hospitality, 600 Hennepin Av #170 (regular expansion of premises);

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

Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S;
Grandma's of Minneapolis Inc, dba Grandma's Saloon & Deli, 1810 Washington Av S;

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

Mindwalk Enterprises Inc, dba Bobino Cafe, 222 E Hennepin Av;

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

Food and Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises, December 31, 2004, 6:00 p.m. to January 1, 2005, 2:30 a.m.);

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

Midwest Latino Entertainment & Talent, dba El Nuevo & La Quebradita Restaurant, 2709 E Lake St;

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

City Center Hotel Ltd Partnership, dba Marriott City Center Minneapolis, 30 S 7th St;
Nath Midwest Lodging LLC, dba Ramada Inn, 41 10th St N;
Western Host Inc, dba Four Points by Sheraton-Minneapolis Metrodome, 1330 Industrial Blvd;

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

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av (new shareholder/partner);
Junction Operations LLC, dba Whiskey Junction, 901 Cedar Av S (change in owner from Tay-Mac Inc);

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

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor;
Baz Inc, a Minnesota Corporation, dba Champps, 100 6th St N (includes Class B outdoor entertainment);

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

11th Street Restaurant Inc, dba Times Bar & Café/Jitters at the Times, 201 E Hennepin Av;

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

Campus Partners Inc, dba Sally's, 712 Washington Av SE;

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

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av;

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

Smith & Hance Entertainment Inc, dba Five Corners Saloon, 501 Cedar Av S (change in ownership from McTeague Enterprises Inc);

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

Mirviss Israel, dba Sunny's, 2944 Chicago Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2006

Aster Pictures Corporation, dba Aster, 125 Main St SE;

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

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S;

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

Jewell One Inc, dba Little Jacks, 201 Lowry Av NE (change in ownership from Jang One Inc);

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

101 Blu LLC, dba 101 Blu, 3001 Hennepin Av;

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

Two Wise Guys Inc, dba Origami Restaurant, 30 1st St N (new corporate officer);
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE (new corporate officer);

Pickled Parrot LLC, dba Pickled Parrot, 1400 Lagoon Av (new corporate officer/internal transfer of shares);

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

Back Bar LLC, dba Eli's, 1225 Hennepin Av (change in ownership);

Brinda Companies Inc, dba Pracna On Main, 117 Main St SE;
OSF International Inc, dba Old Spaghetti Factory, 233 Park Av;
Bigsby Enterprises, Ltd, dba Bigsby's Cafe, 701 4th Av S;
Zelo Inc, dba Zelo, 831 Nicollet Mall;
Ariza Enterprises LLC, dba Salsa a la Salsa Mexican Grill, 1420 Nicollet Av;

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

Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av;

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

510 Groveland Assoc, Minnesota Cooperative, dba 510 Restaurant, 510 Groveland Av;

On-Sale Liquor Class E with Sunday Sales, to expire December 18, 2004

Restaurants Unlimited Inc, dba Palomino, 825 E Hennepin Av (temporary expansion of premises, December 18, 2004, 2:00 p.m. to 9:00 p.m.);

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

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St;

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington Av S;

Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE;

Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S;

Halek's Inc, dba Halek's Bar, 2024 Washington Av N (new shareholder/partner);

Temporary On-Sale Liquor

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (December 17, 2004, 5:00 p.m. to 7:30 p.m., Skyway over Nicollet Mall, 9th to 10th Sts; Licensed Facilitator: The Local);

On-Sale Wine Class D with Strong Beer, to expire April 1, 2005

Wazobia Nigerian Cafe & Catering LLC, dba Wazobia Nigerian Catering Service, 2817 Lyndale Av S;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2005

Three Strands Enterprises Inc, dba Rix Bar and Grill, 2203 44th Av N (change in ownership);

Pizza Joints Inc, dba Galactic Pizza, 2917 Lyndale Av S (new business);

Cafe Brenda Company, dba Cafe Brenda, 300 1st Av N;

Pierre's Bistro Inc, dba Pierre's Bistro, 2221 W 50th St;

Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av.

Adopted 12/23/04.

Declining to Vote - Benson.

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

Adopted 12/23/04.

Resolution 2004R-614, granting applications for Business Licenses, was passed 12/23/04 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-614

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 December 23, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270095):

Asphalt Shingles & Roofing Manufacturer; Christmas Tree; Fire Extinguisher Servicing Class A; Laundry; Caterers; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Horse and Carriage; Hotel/Motel; Lodging House with Boarding; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class B; Peddler - Foot; Pet Shop; Plumber; Precious Metal Dealer; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Solid Waste Hauler; Suntanning Facility; Taxicab Unlimited; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/23/04.

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

Adopted 12/23/04.

Resolution 2004R-615, granting applications for Gambling Licenses, was passed 12/23/04 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-615

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

Circle of Discipline, dba Circle of Discipline, 1201 E Lake St (Site: T-Shoppe Bar, 4154 Fremont AvN);

Gambling Lawful Exempt

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Raffle and Pulltabs February 8, 2005 at Kolbe Hall, 1630 4th St NE);

Minnesota Children's Museum, dba Minnesota Children's Museum, 10 W 7th St, St. Paul (Raffle February 12, 2005 at International Market Square, 275 Market St);

Carondelet Catholic School, dba Carondelet Catholic School, 3210 W 51st St (Raffle February 26, 2005 at St. Thomas the Apostle (Gym), 2900 W 44th St;

Pacer Center Inc, dba Pacer Center Inc, 8161 Normandale Blvd (Raffle May 7, 2005 at Convention Center).

Adopted 12/23/04.

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

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

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the property located at 3435 Cedar Av S (PID #01-028-24-32-0019) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the property owner be authorized to rehabilitate the structure, subject to the following terms, and in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a. the property owner is ordered to schedule a Code Compliance inspection no later than January 15, 2005.

b. the property owner is ordered to pay the required \$2,000 Code Compliance deposit and pull all necessary permits no later than January 31, 2005.

c. the property owner is ordered to supply evidence of securing a performance bond, in the amount of \$185,520 no later than January 31, 2005.

d. the property owner is ordered to complete rehabilitation and secure a Certificate of Code Compliance no later than July 31, 2005.

e. if the owner fails to abide by this order, the Director of Inspections shall immediately notify the Committee, who may order immediate demolition or otherwise amend its order.

Adopted 12/23/04.

PS&RS - Your Committee, to whom was referred back by the City Council on November 19, 2004 a report relating to the property located at 4400 Park Av which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 1, Block 3, Auditor's Subdivision No 257 (PID #11-028-24-33-0043), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/23/04.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a second-year agreement with QUITPLAN whereby the City shall receive \$30,600 to display QUITPLAN's logo and stop smoking message on the rear canvas hose cover of 12 of the Fire Department's highest use engines. Further, passage of the accompanying Resolution appropriating \$30,600 to the Fire Department Agency.

Adopted 12/23/04.

RESOLUTION 2004R-616
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the General Fund (010-280-2800) by \$30,600 and increasing the Revenue Source (010-280-2800 - Source 3455) by \$30,600.

Adopted 12/23/04.

(Republished 1/22/05)

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$822.78 from the proceeds of the KS95 Firefighters Calendar Project to put toward the purchase of a thermal imaging camera for the Fire Department. Further, passage of the accompanying Resolution appropriating \$822.78 to the Fire Department Agency.

Adopted 12/23/04.

RESOLUTION 2004R-617
By Niziolek 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 Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$822.78 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$822.78.

Adopted 12/23/04.

PS&RS & W&M/Budget - Your Committee, having under consideration the continuation of the Hennepin County/Minneapolis Drug Task Force, now recommends that the proper City Officers be authorized to:

a. accept \$225,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention, to combat sales and production of drugs by providing federal funds for overtime, training and equipment during Calendar Year 2005.

b. execute a Joint Powers Agreement with the Hennepin County Sheriff to share Task Force funding (\$112,500) with the Hennepin County.

c. provide matching funds for said grant, in the amount of \$75,000, from the Police Special Revenue Fund.

Further, passage of the accompanying Resolution appropriating \$225,000 to the Police Department Agency.

Adopted 12/23/04.

RESOLUTION 2004R-618
By Niziolek 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 Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$225,000 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$225,000.

Adopted 12/23/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept an Operation Nightcap Grant award of \$15,000 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program during the period October 1, 2004 through September 30, 2005. Said grant funds will reimburse overtime costs to police officers for the increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying Resolution appropriating \$15,000 to the Police Department Agency.

Adopted 12/23/04.

RESOLUTION 2004R-619
By Niziolek 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 Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$15,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$15,000.

Adopted 12/23/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$1,000 from the City of St. Paul for partial reimbursement of registration fees (\$500 per participant) for expenses incurred in hosting a training seminar that was held on May 15, 2004 by the Police Department Mounted Patrol. Further, passage of the accompanying Resolution appropriating \$1,000 to the Police Department Agency.

Adopted 12/23/04.

**RESOLUTION 2004R-620
By Niziolek 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 Police Department Agency in the General Fund (010-400-B11) by \$1,000.

Adopted 12/23/04.

PS&RS & W&M/Budget - Your Committee, having under consideration the Automated Pawn System (APS), now recommends that the proper City Officers of the Police Department be authorized to negotiate and implement a housing and support services agreement with the State of Minnesota, Department of Administration, in an amount not to exceed \$75,000 annually, for continued housing, maintenance and support of the APS hardware and network management.

Adopted 12/23/04.

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

T&PW - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 95, of the Minneapolis Code of Ordinances relating to *Projections and Encroachments*, streamlining the encroachment permit issuance process, now recommends that said ordinance be given its second reading for amendment and passage.

Colvin Roy moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Change Order No. 1 increasing Contract No. C-20506 with James Steele Construction by \$35,801, for a revised contract total of \$4,464,201, to provide for modifications to structural, mechanical, and electrical equipment in the construction of the Fridley Maintenance Facility.

Adopted 12/23/04.

Absent - Samuels.

T&PW - Your Committee, having under consideration the Centre Village Municipal Parking Ramp, now recommends that the proper City officers negotiate and execute a Reserved Parking Agreement, as set forth in Petition No. 270099 on file in the office of the City Clerk, between the City of Minneapolis and Felcor Lodging Trust/Embassy Suites Hotel.

Adopted 12/23/04.

Absent - Samuels.

T&PW - Your Committee recommends passage of the accompanying Resolution directing the City Engineer to establish rush hour parking restrictions on West Broadway Avenue between Girard Avenue North and 29th Avenue North, as required by Minnesota State Aid requirements.

Adopted 12/23/04.

Absent - Samuels.

Resolution 2004R-621 establishing rush hour parking restrictions on West Broadway Av between Girard and 29th Av N, was passed 12/23/04 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-621
By Colvin Roy

Directing the City Engineer to establish rush hour parking restrictions on West Broadway Avenue between Girard Avenue North and 29th Avenue North.

Whereas, Hennepin County wishes to reconstruct West Broadway Avenue from Girard Avenue North to West City limits; and

Whereas, Minnesota Department of Transportation (MnDOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes; and

Whereas, the project requires an additional driving lane in each direction during peak traffic hours; and

Whereas, to meet State Aid Rule 8820 the County and the City recommend establishing No Parking 4 PM – 6 PM Monday – Friday on the northerly side of West Broadway between Girard Ave N and 29th Ave N and No Parking 7 AM – 9 AM Monday – Friday on the southerly side of West Broadway between 29th Ave N and Girard Ave N; and

Whereas, State Aid rules require a certified resolution documenting the requested action;

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

That the City engineer is hereby directed to install the parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

Adopted 12/23/04.

Absent - Samuels.

T&PW - Your Committee, having under consideration the Federal Railroad Administration (FRA) Quiet Zone Requirements, now recommends that the proper City officers submit an Engineering Report to the FRA, as set forth in Petition No. 270099 to determine if the operation of trains can continue over at-grade crossings in the City of Minneapolis at reasonable levels of safety without the sounding of locomotive horns.

Adopted 12/23/04.

Absent - Samuels.

T&PW - Your Committee, having under consideration the construction of the Bassett Creek Valley portion of Van White Memorial Boulevard (from Glenwood Avenue to Highway 394), now recommends passage of the accompanying Resolution authorizing the exercise of the City's power of eminent domain to acquire land or easements to permit public infrastructure activities in order to accomplish said construction.

Adopted 12/23/04.

Absent - Samuels.

Resolution 2004R-622 authorizing the exercise of the City's power of eminent domain for the development of Heritage Park, was passed 12/23/04 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-622

By Colvin Roy

Authorizing the exercise of the City's power of eminent domain for the development of Heritage Park.

Whereas, the City as part of the development of Heritage Park needs to acquire certain property for infrastructure including streets and roadways; and

Whereas, the acquisition of said property is in the public interest and serves a valid public purpose.

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

That the City Attorney or designee is hereby authorized to acquire land or easements to permit public infrastructure activities at 301 Fremont Avenue North, 1138 Glenwood Avenue North, 300 Fremont Avenue North, 1207 Glenwood Avenue North, 241 Fremont Avenue North, 1131, 1207, & 1215 2nd Avenue North, 210 Girard Avenue North, 212 Girard Avenue North, 1001 2nd Avenue North, and 101 Fremont Avenue North through the exercise of the City's power of condemnation if negotiation between the private parties and the City are not successful.

That the City's Director of Community Planning and Economic Development has authorization to sign purchase agreements and any other documents required for purchases and pay the purchase price and any related costs as long as the purchase price is reasonable as determined by the City's Director of Community Planning and Economic Development and as supported by an independent appraisal from the CPED Panel as validated by the CPED City Appraiser.

Adopted 12/23/04.

Absent - Samuels.

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

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$500 from Mr. Larry Levine, 7229 East Crystal Mist Drive, Tucson, Arizona, donated for the purpose of Midtown Greenway construction expenses.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue to the PW-Transportation Capital Agency in the Permanent Improvement Fund by \$500.

Your Committee further recommends that staff be directed to request that Mayor Rybak send a letter of thanks to Mr. Levine.

Adopted 12/23/04.

Absent - Samuels.

RESOLUTION 2004R-623

By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for Midtown Greenway (Phase 2) construction in PW-Permanent Improvement Projects Fund (4100-943-9470) and increasing the revenue source (4100-943-9440-3845) by \$500.

Adopted 12/23/04.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration Contract C-19851 with Pro Tec Design, Inc. for security enhancements at the Minneapolis Water Works' Fridley facility, now recommends:

a) That the proper City officers be authorized to extend said contract from December 31, 2004 through September 30, 2005; and

b) That the proper City officers be directed to execute a change order increasing the contract in the amount of \$215,937.70, for a revised contract amount of \$795,807.70. Funds are available within the project budget.

Adopted 12/23/04.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration Phases II and III of the Stormwater Utility project, now recommends that the proper City officers execute Amendment No. 1 to Contract C-20551 with Black & Veatch Corporation in the amount of \$61,659, for a revised contract total of \$374,885. Funds are available within the project budget.

Adopted 12/23/04. Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Samuels.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04; Republished 12/31/04)

T&PW & W&M/Budget - Your Committee, having under consideration the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers execute Change Orders 1, 2, and 3 to Contract No. C-19530 with Adolfson and Peterson in the amount of \$1,453,104, for a revised contract total of \$35,756,104, and extending the project completion date. Funds are available within the project budget.

Adopted 12/23/04.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution utilizing excess revenue in the U.S. Courthouse Projects for payment of the final construction invoice related to the Third Avenue Distributor ramp projects.

Adopted 12/23/04.

Absent - Samuels.

RESOLUTION 2004R-624
By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) By decreasing the appropriation in the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9464) by \$272,884 to close out projects A6232 and A6233;

b) By increasing the appropriation in the PW-Transportation Capital Agency in the Municipal Parking Fund (7500-943-9464) by \$357,072; and

c) By increasing the appropriation in the PW-Interfund Transfer Agency in the Permanent Improvement Fund (4100-127-1270) by \$1,781,184, increasing the revenue source in the PW-Interfund Transfer Agency in the Municipal Parking Fund (7500-127-1270-3841) by \$1,424,112, and increasing the revenue source in the PW-Transportation Capital Agency in the Municipal Parking Fund (7500-943-9464-3841) by \$357,072.

Adopted 12/23/04.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petn No 270101).

Adopted 12/23/04.

Absent - Samuels.

Resolution 2004R-625 granting approval of bids for fencing, asphalt, disposal of lime waste, and snow removal and sidewalk maintenance, was passed 12/23/04 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-625
By Colvin Roy and Johnson

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

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petn. No. 270101)

a) OP #6306, Accept responsive bid of Midwest Fence and Manufacturing Company in the amount of \$775,935 to furnish and deliver a high security fence and gates around the perimeter of Hilltop Finished Water Reservoirs;

b) OP #6099, Approve Amendment No. 1, increasing Contract No. C-19558 with Mountain Environmental, Inc. in the amount of \$150,000, for a new estimated annual expenditure of \$872,000, to haul and dispose of lime waste for the Public Works Water Department;

c) OP #6214, Approve increase in Contract C-20484 with Midwest Asphalt Corporation in the amount of \$125,500, for a new estimated expenditure of \$1,263,300, to provide hot mix asphalt; and

d) OP #6349, Accept low responsive bid of Custom Products and Services for an estimated annual expenditure of \$97,213 to provide snow removal and sidewalk maintenance in the Dinkytown and Stadium Village Special Service Districts.

Adopted 12/23/04.

Absent - Samuels.

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

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

Adopted 12/23/04.

Absent - Samuels.

Resolution 2004R-626 authorizing settlement of the legal claims of Brian Flaherty, Michael E. Spoo, Zahra Omar Ali and Ali Alowonle, was passed 12/23/04 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-626

By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

- a) Brian Flaherty, by payment of \$91,801.70 to Mr. Flaherty and his attorney Kathryn Engdahl;
- b) Michael E. Spoo, by payment of \$16,250 to Mr. Spoo and his attorney Erick Hageman;
- c) Zahra Omar Ali, by payment of \$5,000 to Ms. Ali and her attorney, Michael Fay; and
- d) Ali Alowonle, by payment of \$3,000 to Mr. Alowonle and his attorney, Craig Goudy.

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

Adopted 12/23/04.

Absent - Samuels.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the City's contract with the Council on Crime and Justice (Contract #017534) by extending the period of performance for a period up to June 30, 2005, with all terms of the current contract to remain in place.

Adopted 12/23/04.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration establishment of an electronic library on the City's internal Web site for information on enterprise policies, procedures and forms as an information source for supervisors and employees, now recommends:

- 1) Adoption of the Policy on Enterprise Policies (as included in Petn No 270108);
- 2) Approval of the following directions to City staff:

a. Participation: Require that departments post all employee-related enterprise policies on the City's Intranet site by June 30, 2005, using the City standard policy summary format (included in Petn No 270108) followed by the existing policy. Require all subsequent policy revisions be posted by their effective date;

b. Stewardship: Direct department heads to designate a Departmental Policy Coordinator in each department, responsible for reviewing, editing, coordinating posting and updating policies under their jurisdiction; and

c. Leadership: Form a Policy Review Group (PRG), including designees from the City Attorney, City Clerk, City Coordinator, Human Resources and Finance and co-chaired by two members of the Group. Committee responsibilities include establishing procedures for review and posting of enterprise policies, procedures and forms, reviewing new and revised employee-related enterprise policies before they are sent to the Council for approval, establishing a process for reviewing procedures related to enterprise policies and establishing a periodic review process of all employee-related enterprise policies, procedures and forms.

Adopted 12/23/04.

Absent - Samuels.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the City's contract with Unisys (#C-18881) to accommodate an increase in scope in the amount of \$421,021 related to a document management system in the City Attorney's Office Case Management System, representing a one-time capital cost of \$162,301 and annual on-going supports costs of \$51,744 from 2005 through 2009.

Adopted 12/23/04.

Absent - Samuels.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to amend the City’s contract with PeopleSoft (#C96-10150) to provide for the purchase of additional products to support key initiatives and improve on-line services, increasing the contract by an amount not to exceed \$269,000.

Adopted 12/23/04.
Absent - Samuels.
Approved by Mayor Rybak 12/23/04.
(Published 12/28/04; Republished 12/31/04)

W&M/Budget – Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position Performance Evaluation and Business Planning Coordinator from Grade 11 (508 points) to Strategic and Business Planning Coordinator, Grade 11 (508 points) and an annual salary of \$68,316 to \$75,507, effective December 9, 2004.

Adopted 12/23/04.
Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 1 increasing Contract No. C-20481 with PCL Construction Services, Inc. by \$534,180, for a new contract total of \$18,208,180.

Adopted 12/23/04.
Absent - Samuels.
Approved by Mayor Rybak 12/23/04.
(Published 12/28/04; Republished 12/31/04)

W&M/Budget - Your Committee recommends authorization to place an insert in the January 2005 utility bills providing information on 2005 Utility Rates.

Adopted 12/23/04.
Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the allocation of Empowerment Zone (EZ) funds for homeownership education/outreach, financing and post-purchase support, now recommends concurrence with the recommendation of the EZ Governance Board that funding in the amount of \$1 million be allocated as follows:

1. Education/Outreach: \$200,000 available
 - African Credit Ed. and Financial Counseling, My First Home \$15,000
 - Hmong American Mutual Assistance Assoc., Home Buyers Club \$25,000
 - Homeownership Center, Home Run! \$130,000
 - Project for Pride in Living, Immigrant Homeownership Project: \$30,000
2. Financing (affordability of development gap): \$600,000 available
 - Central Community Housing Trust, Ripley Gardens: \$100,000
 - Central Community Housing Trust, Franklin-Portland Gateway \$100,000
 - Heritage Housing LLC, Sumner Field at Heritage Park \$133,334
 - Minneapolis Public Housing Authority, Homeownership Program \$133,333
 - Project for Pride in Living, Midtown Exchange \$133,333
3. Post-Purchase Support: \$200,000 available
 - ACORN Housing Corp., Saving Homes from Predatory Lending \$30,000
 - African Credit Ed. and Financial Counseling, My First Home \$15,000
 - Homeownership Center, Homeownership Preservation Project \$155,000

Your Committee further recommends that the proper City officers be authorized to execute contracts with the sub-recipients.

Adopted 12/23/04.
Absent - Samuels.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Severance Pay, Retirement Incentive and Health Care Savings Plan, providing for participation of appointed and non-represented Community Planning and Economic Development (CPED) Department employees who are members of the Union Central Pension Plan, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/23/04.

Absent - Samuels.

Ordinance 2004-Or-140 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Severance Pay, Retirement Incentive and Health Care Savings Plan, providing for participation of appointed and non represented Community Planning and Economic Development Department employees who are members of the Union Central Pension Plan, was passed 12/23/04 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-140

By Johnson

Intro & 1st Reading: 12/10/2004

Ref to: W&M/Budget

2nd Reading: 12/23/2004

Amending Title 20, Chapter 20, Art. VI of the Minneapolis Code of Ordinances relating to Administration: Personnel, Severance Pay, Retirement Incentive and Health Care Savings Plan.

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

Section 1. That Section 20.440(b) of the above-entitled ordinance be amended to read as follows:

(b) Accrued vacation leave.

- (1) Appointed employees participating in the Minneapolis Employees Retirement Fund and Union Central Pension Plan who retire or terminate employment with accrued vacation leave will have one hundred (100) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination.
- (2) Appointed employees participating in the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association who retire or terminate employment with accrued vacation leave will have one hundred (100) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination.
- (3) Non-represented employees participating in the Minneapolis Employees Retirement Fund who retire or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination. The remaining fifty (50) percent of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.

- (4) Appointed employees participating in the Public Employees Retirement Association who retire or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination. The remaining fifty (50) percent of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.
- (5) Non-represented employees participating in the Public Employees Retirement Association and Union Central Pension Plan who retire, or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement. The remaining fifty (50) percent of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.

Section 2. That section 20.440(c) of the above-entitled ordinance be amended to read as follows:

(c) Percentage of the annual salary adjustment.

- (1) Appointed employees who are members of the Minneapolis Employees Retirement Fund and Union Central Pension Plan shall contribute sixty-six and two-thirds ($66 \frac{2}{3}$) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (2) Appointed employees who are members of the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association shall contribute sixty-six and two-thirds ($66 \frac{2}{3}$) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (3) Non-represented employees who are members of the Minneapolis Employees Retirement Fund shall contribute thirty-three and one-third ($33 \frac{1}{3}$) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (4) Appointed employees who are members of the Public Employees Retirement Association shall contribute thirty-three and one-third ($33 \frac{1}{3}$) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (5) Non-represented employees who are members of the Public Employees Retirement Association and Union Central Pension Plan shall contribute thirty-three and one third ($33 \frac{1}{3}$) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.

Adopted 12/23/04.

Absent - Samuels.

W&M/Budget – Your Committee, to whom was referred back a report authorizing execution of an agreement with the Minnesota State Fair providing for parking of one or more trucks or other vehicles as needed during events at the Convention Center, as well as use of the office space located at the Fairgrounds at a flat rate of \$200 per day or \$1 per day per vehicle dependent upon anticipated usage, a flat fee of \$30 per day for utility cost (lighting), and \$150 per day for office use on said property, for the

period of October 1, 2004 through September 30, 2005, with an option to renew on an annual basis, payable from the Convention Center Operations budget, now recommends that said action be approved.

Adopted 12/23/04. Yeas, 10; Nays, 2 as follows:

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

Nays - Colvin Roy, Goodman.

Absent - Samuels.

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

Z&P - Your Committee, having under consideration the application of River Run Properties for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for construction of a new single-family home at 1024 Morgan Ave N, now recommends that said waiver be granted, subject to the following conditions, and that the findings prepared by the Planning Department staff be adopted: a) Provision of a window on the north side of the first floor for the living room; provision of a window on the north side for the second floor master bedroom; provision of a window on the north side of the second floor for bedroom two; and provision of a window on the south side of the second floor for bedroom three. These windows shall be in addition to the existing windows shown on the elevations, and shall be similar in design to the first floor window on the left side elevation; and b) Provision of skirting under the porch.

Adopted 12/23/04.

Z&P - Your Committee, having under consideration the appeal filed by Copa Cabana Nightclub, Inc, from the decision of the Planning Commission a) denying a conditional use permit for extended hours of a nightclub at 2532-38 – 25th Ave S to allow a one-hour extension beyond the hours permitted by the liquor license ordinance, from 2:00 a.m. to 3:00 a.m.; b) denying a variance to reduce the number of parking spaces from the required 70 to 24 spaces; and c) appealing condition #4 on approval of the site plan which states “the bollards or barriers shall be erected across the back of the lot at the alley subject to staff approval,” now recommends that said appeals be denied, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

Schiff moved to amend the above report by adding the following paragraph: “Your Committee further recommends that the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/23/04.

Z&P - Your Committee, having under consideration the appeal filed by Hearing and Service Dogs of Minnesota from the decision of the Planning Commission which granted the application of Copa Cabana Nightclub, Inc, for a conditional use permit for establishment of a nightclub at 2532-38 – 25th Ave S, now recommends that said appeal be granted, and the conditional use permit be denied.

Schiff moved to amend the above report by adding the following paragraph: “Your Committee further recommends that the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/23/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Family from M.U.B., LLC (BZZ-2049) to rezone the property at 1824 Quincy St NE by adding the Industrial Living Overlay District to the existing I2 District to permit a new residential structure with three dwelling units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 12/23/04.

Ordinance 2004-Or-141, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1824 Quincy St NE by adding the Industrial Living Overlay District to the existing I2 District, was passed 12/23/04 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-141
By Schiff
1st & 2nd Readings: 12/23/04

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 the East 80 feet of Lot 1 and North 39 feet of the East 80 feet of Lot 2, Block 42, East Side Addition to Minneapolis (1824 Quincy St NE – Plate 9) by adding the Industrial Living Overlay District to the existing I2 District.

Adopted 12/23/04.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Hope Community, Inc (#1447) to vacate all of the drainage and utility easements in the plat of Hope Community Court and Hope Community Court 2nd Addition for multi-family residential use (2110-20 Oakland Ave S and 610-16 E 22nd St), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 12/23/04.

Resolution 2004R-627, vacating all of the drainage and utility easements in the plat of Hope Community Court and Hope Community Court 2nd Addition (2110-20 Oakland Ave S and 610-16 E 22nd St), was passed 12/23/04 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-627
By Schiff

Vacating all of the drainage and utility easements as dedicated in the plat of Hope Community Court 2nd Addition to Minneapolis (No. 1447).

Resolved by The City Council of The City of Minneapolis:

That all of the drainage and utility easements as dedicated in the plat of Hope Community Court 2nd Addition to Minneapolis are hereby vacated.

Adopted 12/23/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of the American Indian Community Development Corporation (BZZ-2065) to rezone the property at 2309-11 – 15th Ave S from R5 to the R4 District to permit a new single-family home.

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

Adopted 12/23/04.

Ordinance 2004-Or-142 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2309-11 – 15th Ave S to the R4 District, was passed 12/23/04 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-142
By Schiff
1st & 2nd Readings: 12/23/04

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 the North 14.62 feet of Lot 10 and South 16.38 feet of the West 79 feet of Lot 11 and the South 19.38 feet of the East 38.51 feet of Lot 11, Block 16, Subd Elliott's Addition to Minneapolis, Hennepin County (2309-11 – 15th Ave S - Plate 21) to the R4 District.

Adopted 12/23/04.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to transfer enforcement of the zoning code to the Department of Community Planning & Economic Development-Planning; to specify penalties for zoning violations; to increase from 10 to 15 business days the time allowed to determine whether an application is incomplete; to reduce the time to appeal a decision of the zoning administrator from 20 to 10 days; and to clarify the scope of the city council's authority on matters appealed to the city council, now recommends that said ordinance be forwarded without recommendation.

Schiff moved to amend the report by deleting the language, "forwarded without recommendation," and inserting in lieu thereof, "given its second reading for amendment and passage." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/23/04.

Ordinance 2004-Or-143 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to transfer enforcement of the zoning code to the Department of Community Planning & Economic Development-Planning; to specify penalties for zoning violations; to increase from 10 to 15 business days the time allowed to determine whether an application is incomplete; to reduce the time to appeal a decision of the zoning administrator from 20 to 10 days; and to clarify the scope of the city council's authority on matters appealed to the city council, was passed 12/23/04 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-143
By Schiff
Intro & 1st Reading: 4/30/04
Ref to: Z&P
2nd Reading: 12/23/04

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

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

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

525.90. Zoning administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. That Section 525.95 of the above entitled ordinance be amended to read as follows:

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

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

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

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

525.110. Board of adjustment.

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

(1) To hear and decide applications for variances from the provisions of this zoning ordinance pursuant to the procedures and standards set forth in this chapter.

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

(3) To hear and decide applications for certificates of nonconforming use pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

Section 4. That Section 525.130 of the above entitled ordinance be amended to read as follows:

525.130. City council. The city council shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To initiate amendments to this zoning ordinance.

(2) To adopt amendments to this zoning ordinance.

(3) To adopt and amend a comprehensive plan for the city or portions thereof.

(4) To hear and decide appeals from decisions of the city planning commission and board of adjustment, as authorized by this zoning ordinance. The city council shall have the authority to accept new evidence regarding the matter on appeal. The city council shall have the same authority as the city planning commission or board of adjustment to approve, deny, modify, grant exceptions or impose conditions on the application or other matter that is the subject of the appeal.

(5) To adopt and amend interim ordinances, and to hear and decide applications for waivers from such ordinances.

(6) To approve interim uses.

(7) To grant variances from the provisions of this zoning ordinance to historic properties as provided in Chapter 34 of the Minneapolis Code of Ordinances, Heritage Preservation Commission.

(8) To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this zoning ordinance.

Section 5. That Section 525.140(c) of the above entitled ordinance be amended to read as follows:

525.140. Application procedures.

(c) *Incomplete applications.* If after the application has been accepted, the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing within ~~ten (10)~~ fifteen (15) business days of receipt, ~~or within ten (10) business days of discovering the deficiency;~~ specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action shall be taken by the city on the application until the deficiencies are corrected.

Section 6. That Section 525.170 of the above entitled ordinance be amended to read as follows:

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, director of ~~inspections~~ regulatory services, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ~~twenty (20)~~ ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Section 7. That Section 525.540 of the above entitled ordinance be amended to read as follows:

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

Section 8. That Section 525.550(a) and (b) of the above entitled ordinance be amended to read as follows:

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

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

Section 9. That Section 525.560(a) and (b) of the above entitled ordinance be amended to read as follows:

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

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

Section 10. That Section 525.570(d) of the above entitled ordinance be amended to read as follows:

525.570. Fees for reinspection of property to determine abatement.

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

Section 11. That Section 525.580 of the above entitled ordinance be amended to read as follows:

525.580. Penalties and remedies for violations. ~~(a)~~ Violations of the provisions of this zoning ordinance or the conditions of any zoning approval granted thereunder may be enforced by any one (1), all, or any combination of the following penalties and remedies:

(a) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.

(b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.

~~(b)~~ (c) This zoning ordinance may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

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

~~(d) Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce this zoning ordinance.~~

Adopted 12/23/04.

Z&P—Your Committee recommends approval of the following Mayoral and City Council appointments to the Minneapolis Arts Commission, for terms beginning 2/1/2005 and expiring 1/31/2007:

MAYORAL APPOINTMENTS:

- a) Christi Cottrell, 1114 – 37th Ave N, Minneapolis (Administrative staff person or board member of an arts organization);
- b) Heather Faulker, 4115 Oakland Ave, Minneapolis (Layperson);
- c) Marianne Norris, 3139 Calhoun Pkwy, Minneapolis (reappointment) (Layperson);
- d) Randy Rowoldt, 331 Busch Terrace, Minneapolis (reappointment) (Artist);

CITY COUNCIL APPOINTMENTS:

- e) Katie Nyberg, 5540 – 45th Ave S, Minneapolis (Administrative staff person or board member of an arts organization);
- f) Sue Jahn, 428 N 1st St, Minneapolis (reappointment) (Artist);
- g) Maxine Rossman, 164 Bank St, Minneapolis (reappointment) (Administrative staff person or board member of an arts organization);
- h) Judson Bemis, 2308 W Lake of Isles Pkwy, Minneapolis (reappointment) (Layperson).

ALTERNATE APPOINTMENT:

- i) Noel Raymond, 4003 Blaisdell Ave S, Minneapolis (new appointment) (Administrative staff person or board member of an arts organization).

Adopted 12/23/04.

(Republished 1/22/05)

Z&P - Your Committee, having under consideration the appeal filed by Mark Arlinghaus, 3717 – 5th Ave S, from the decision of the Board of Adjustment denying a) a variance to reduce the required lot area from 5,000 square feet to 4,880 square feet (2.8%) to allow for the re-establishment of a platted lot with an existing two-family dwelling; and b) denying a variance to reduce the required lot area from 5,000 square feet to 4,880 square feet (2.8%) to allow for the re-establishment of a platted lot to allow for the construction of a single-family dwelling, now recommends that said appeal be granted, and the variances be approved.

Adopted 12/23/04.

Z&P—Your Committee concurs in the recommendation of the Planning Commission granting the petition of Walid El-Hindi (BZZ-2042) to rezone the property at 3228 Garfield Ave S from R2B to the R5 District to permit a four-story, six-unit owner-occupied condominium development, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Niziolek moved to substitute a new report for the above report. Seconded.

Adopted upon a voice vote.

Z&P—Your Committee, having under consideration the recommendation of the Planning Commission which granted the petition of Walid El-Hindi (BZZ-2042) to rezone the property at 3228 Garfield Ave S from R2B to the R5 District to permit a four-story, six-unit owner-occupied condominium development, now recommends that said petition to rezone be denied, and that the City Attorney's Office be directed to prepare written reasons for the denial consistent with those stated on the record, for adoption at the next meeting of the City Council.

Your Committee further directs City staff to waive the application fee, should the applicant apply for a rezoning to the R4 District.

Adopted 12/23/04. Yeas, 11; Nays, 2 as follows:

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

Nays – Zimmermann, Schiff.

MOTIONS

Schiff introduced the subject matter of ordinances amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee, amending the following:

a) Chapter 91 relating to *Permit Fees* (Amending Section 91.390 relating to annual registration fees for signs and billboards).

b) Chapter 109 relating to *Signs and Billboards* (Amending Section 109.100).

Johnson introduced the subject matter of an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, which was given its first reading and referred to the Ways & Means/Budget Committee (Amending Section 15.160, *Nepotism*, and Section 15.280, definitions of “related person” and “significant familial relationship”).

Zerby moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the liquor license application submitted by the Varsity Theater. Seconded.

Adopted upon a voice vote.

Zerby moved to grant the application of Varsity Arts, LLC, dba Varsity Theater, 1308 4th St SE, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2005, subject to the following conditions:

a. the licensee will not allow any activities to occur on the 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 these terms shall provide a basis for revocation of the City's consent for the licensee to operate a Class A On-Sale Liquor License.

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

Seconded

Adopted 12/23/04. Yeas, 12; Nays none.

Declining to vote - Benson.

Approved by Mayor Rybak 12/23/04.

(Published 12/28/04; Republished 12/31/04)

RESOLUTIONS

Ostrow, Lilligren, Schiff, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Niziolek, Benson, Colvin Roy, Lane offered a Resolution honoring Blake M. Graham for his dedicated service to the City of Minneapolis.

Adopted 12/23/04.

(Not published. See Resolution 2004R-628 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution:

RESOLUTION 2004R-628

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

Honoring Blake M. Graham for his dedicated service to the City of Minneapolis.

Whereas, Blake M. Graham has served the City of Minneapolis and the Department of Community Planning and Economic Development as a City Planner, Planning Supervisor, and Manager of Zoning and Development Controls since 1972; and

Whereas, Blake has contributed to furthering the department mission to promote and advance the City's planning and community development goals through strategic partnerships and responsible management of resources, and to support the public interest through implementation of the City's plans and priorities; and

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

Whereas, Blake has provided consistently sound guidance and direction in drafting, interpreting and administering the City's Zoning Code, Land Subdivision and Heritage Preservation Regulations that provide enormous benefits to current and future City residents, neighborhoods and the business community; and

Whereas, Blake has made significant contributions to the City during this tenure, including:

- Ø Served as Chief Planner to the City Planning Commission and authored the largest single rezoning study since the adoption of the 1963 code (R3 zoning study);
- Ø Served as interim Planning Director on more than one occasion;
- Ø Served as Manager of the Research and Strategic Planning section during which time several successful research methods and reports were developed, including the State of the City statistical profile;
- Ø Served as the Manager of the comprehensive revision to the City's Zoning Code, Zoning Map, Land Subdivision and Heritage Preservation regulations;
- Ø Served as the designated Zoning Administrator.

Whereas, the City of Minneapolis and the Community Planning and Economic Development Department wishes to formally recognize the achievements of Blake and his dedicated service to the Department and City;

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

That we thank Blake M. Graham for his outstanding support and dedication to the City of Minneapolis.

That we wish Blake much happiness, good health and personal fulfillment in the years to come knowing he will go on to great new challenges and successes.

Adopted 12/23/04.

Ostrow, Lilligren, Schiff, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Niziolek, Benson, Colvin Roy, Lane offered a Resolution honoring Neil E. Anderson for his dedicated service to the City of Minneapolis.

Adopted 12/23/04.

(Not published. See Resolution 2004R-629 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution:

RESOLUTION 2004R-629

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

Honoring Neil E. Anderson for his dedicated service to the City of Minneapolis.

Whereas, Neil E. Anderson has served the City of Minneapolis and the Department of Community Planning and Economic Development as a City Planner and Planning Supervisor, since 1975; and

Whereas, Neil has contributed to furthering the department mission to promote and advance the City's planning and community development goals through strategic partnerships and responsible management of resources, and to support the public interest through implementation of the City's plans and priorities; and

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

Whereas, Neil's knowledge, skills and dedication to his profession throughout his tenure, and to the work of the Development Services section for the past 27 years, have earned him the respect and friendship of his staff, colleagues and customers; and

Whereas, Neil has made significant contributions to the City during his tenure, including:

- Ø Developed the City's environmental review process and processed environmental reviews from 1981-1994;
- Ø Developed and assisted with several community plans;
- Ø Conducted planning presentations for several high school and college students and visiting professionals;
- Ø Staffed the City Planning Commission since 1978 and served as lead staff since 1993; and
- Ø Supervised the Development Services section since 1993, mentoring several planners as they began their careers;
- Ø Earned a reputation for being kind and thoughtful, with a good sense of humor and a flare for creative ties.

Whereas, the City of Minneapolis and the Community Planning and Economic Development Department wishes to formally recognize the achievements of Neil and his dedicated service to the Department and City; and

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

That we thank Neil E. Anderson for his outstanding support and dedication to the City of Minneapolis.

That we wish Neil much happiness, good health and personal fulfillment in the years to come knowing he will go on to great new challenges and successes.

Adopted 12/23/04.

Benson offered a resolution nominating Pamela Blixt to the Minnehaha Creek Watershed District Board of Managers. Seconded.

Adopted 12/23/04.

Resolution 2004R-630, nominating Pamela Blixt to the Minnehaha Creek Watershed District Board of Managers, and urging the Hennepin County Board of Commissioners to re-appoint her to this position, was passed 12/23/04 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-630
By Benson and Colvin Roy**

Nominating Pamela Blixt to the Minnehaha Creek Watershed District Board of Managers.

Whereas, the Minnesota Watershed Law provides that municipalities within a watershed district in the Metropolitan Area may nominate persons to serve on the Board of Managers of the watershed district, from which the County Board of Commissioners appoint the Managers; and

Whereas, Pamela Blixt, a long-time resident of the City of Minneapolis has served with distinction on the Minnehaha Creek Watershed District Board of Managers, demonstrating a strong commitment to cooperation with the Minneapolis City Council and Park and Recreation Board; and

Whereas, Pamela Blixt, in her service on the Minnehaha Creek Watershed District Board of Managers has demonstrated that she is sensitive to neighborhood concerns and committed to listening carefully to the input from citizens and affected property owners concerning the water resources implications of land use development; and

Whereas, Pamela Blixt has demonstrated a commitment to the protection and restoration of wetlands and wildlife habitat in order to assure sustainable development for residential communities in Minneapolis; and

Whereas, Pamela Blixt has a life long commitment to the stewardship of Minneapolis lakes and other regional lakes by working to protect and improve lake water quality and wise water resources management;

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

That the City of Minneapolis nominates Pamela Blixt to the Minnehaha Creek Watershed District Board of Managers, and urges the Hennepin County Board of Commissioners to re-appoint her to this position.

Adopted 12/23/04.

NEW BUSINESS

Schiff introduced an Ordinance amending Title 20, Chapter 551 of the Minneapolis Zoning Code relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending the Pedestrian Oriented Overlay District to include specific zoning regulations and incentives that would apply in and around light rail transit stations).

Schiff introduced an Ordinance amending Title 20, Chapter 521 of the Minneapolis Zoning Code relating to *Zoning Code: Zoning Districts and Maps Generally*, which was given its first reading and referred to the Zoning & Planning Committee (Changing the zoning map to include the Pedestrian Oriented Overlay District in and around neighborhood light rail transit stations).

Niziolek recognized members of Boy Scout Troup #187 who were visitors to the Council today.

President Ostrow offered thanks to all City employees for their hard work and dedication and wished them a happy holiday season.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Merry Keefe,
City Clerk.

DECEMBER 23, 2004

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Official Posting: 12/30/2004
Corrections: 02/09/2005