

**August 22, 2005**

**In the Matter of  
On-Sale Wine w/ Strong Beer, Class E  
Yummy, Inc.  
Yummy's  
Ximin Yu  
10 W. 25<sup>th</sup> St.  
Minneapolis, MN 55404**

**Findings of Fact,  
Conclusions and  
Recommendations**

This matter came before the Department at a Technical Advisory Committee hearing on Monday, August 22, 2005 at 2:00 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the business was Ximin Yu, owner. Appearing for the City were Stuart Roberson, Zoning Inspector II; Angie Hugen, License Inspector; Natalie Collins, Council Member Aide; Grant Wilson, Manager; and Ricardo Cervantes, Deputy Director of Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of facts:

### **FINDINGS OF FACT**

1. That on June 29, 2005, the Zoning Enforcement Office conducted its final inspection of the property and found that the site was not in compliance with the approved site plan and continues to be out of compliance.
2. That since December 9, 2003, the business has had numerous violations involving unlicensed activities, unscreened dumpsters, trash, debris, and dumpsters off the property which resulted in five administrative citations totaling \$1050 in fines.
3. That the business failed to pay one of the citations issued on 01-04-05 for \$200.

### **CONCLUSIONS**

1. That the owner failed to complete requirements of the approved zoning site plan in violation of Mpls. Ord. 530.170b and 535.80.
2. That the owner failed to store trash and debris in the dumpsters, to keep lids closed, to properly screen dumpsters at all times, and to keep dumpsters in their designated area in violation of Mpls. Ord. 259.125.
3. The owner failed to pay all administrative citation fines in a timely manner in violation of Mpls. Ord. 2.80.

### **RECOMMENDATIONS**

The Department acknowledges the business's interest to resolve the issues at 10 W. 25<sup>th</sup> St. Due to the willingness of all to bring the property into compliance with all ordinances, the Department makes the following recommendations:

1. The owner shall be assessed a civil penalty of \$1000, an additional \$1200 to recover the cost of staff time, and \$200 for the unpaid citation for a total of \$2400. This amount is due at the signing of this agreement.

2. The owner will be given an additional 30 days from the signing of this agreement to complete all requirements for the approved site plan. Some of the approved landscaping materials to be planted include pine trees, alder buckhorn hedge, and crabapple. Stuart Roberson can be contacted at 612-685-8529 for more any questions on the site plan or specific plants.
3. If all required items of the approved site plan are not completed by the deadline, the business agrees to a five day suspension of all business activity.

I have read the above report and recommendations. I agree with the report and I agree with the above noted recommendations. I understand that failure on my part to adhere to this agreement with the Department may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I also understand that future violations may put my license in jeopardy.

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Signature

Date

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Printed Name