



[Crystal \(Minn.\).](#)
[City Council Minutes and Agenda Packets.](#)

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COUNCIL AGENDA

November 1, 1988

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on November 1, 1988, at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present:

Councilmembers

P Herbes
P Moravec 7:04
P Rygg
P Langsdorf
P Aaker
P Leppa
P Smothers

Staff

P Dulgar
A Olson
P Kennedy
P Monk
P Peterson
P George
P Johnson
P Steen
P Jones

The Mayor led the Council and the audience in the Pledge of Allegiance to the Flag.

1. The City Council considered the minutes of the Regular City Council meeting of October 18, 1988.

Moved by Councilmember Leppa and seconded by Councilmember Sm to (approve) (approve, making the following exceptions:

_____ to) the minutes of the Regular City Council meeting of October 18, 1988.

~~Motion Carried.~~
Herbes/Sm. to amend the minutes changing item 4 of the Consent Agenda to "Set 7:00 pm, or as soon thereafter as the matter may be heard, November 15, 1988", rather than November 1, 1988. Motion Carried

CONSENT AGENDA

1. Consideration of the resignation of Mary Lou Pyne from the Environmental Quality Commission.
2. Consideration of a charitable gambling license renewal application from Crystal Knights of Columbus Council 3656, 4947 West Broadway.

Moved by Councilmember _____ and seconded by Councilmember _____ to remove item _____, and _____ from the Consent Agenda.

Motion Carried.

Moved by Councilmember Lyga and seconded by Councilmember Lyga to approve the Consent Agenda.

Motion Carried.

PUBLIC HEARINGS

1. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Aaker declared this was the date and time as advertised for a public hearing at which time the City Council will sit as a Board of Adjustments and Appeals to consider a request from Gerald Coleman for a variance of 5' in the required 30' side street side yard setback to build a 24' x 22' detached garage at 4370 Brunswick Avenue North. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: (5 votes needed for approval)

The Mayor closed the Public Hearing.

Moved by Councilmember Rygg and seconded by Councilmember Sm to (approve as recommended by and based on the findings of fact of the Planning Commission) (deny) (continue until _____ the discussion of) the authorization pursuant to Section 515.55 of the Crystal City Code to vary or modify the strict application of Section 515.13, Subd. 3 a) 2) iii) to allow a variance of 5' in the required 30' side street side yard setback to build a 24' x 22' detached garage at 4370 Brunswick Avenue North as requested in application #88-48.

Motion Carried.

- 2a. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Aaker declared this was the date and time as advertised for a public hearing at which time the City Council will sit as a Board of Adjustments and Appeals to consider a request from Steve Plant and Dane Dale of Crystal Super Valu for a freezer addition which will encroach in the required 22' setback from the lot line on Colorado Avenue at 4210 Douglas Drive. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: (5 votes needed for approval)

The Mayor closed the Public Hearing.

Moved by Councilmember Sm and seconded by Councilmember Mov to (approve as recommended by and based on the findings of fact of the Planning Commission) (deny) (continue until the discussion of) the authorization pursuant to Section 515.55 of the Crystal City Code to vary or modify the strict application of Section 515.13, Subd. 2 b) 1) to allow a variance of 9' in the required 22' setback to build a 20' x 12' freezer addition at the existing building at 4210 Douglas Drive as requested in application #88-49.

Motion Carried.

- 2b. Moved by Councilmember Herbes and seconded by Councilmember Mov to (approve as recommended by and based on the findings of fact of the Planning Commission) (deny) (continue until the discussion of) building permit #1289 to install a concrete slab at 4210 Douglas Drive, Crystal Super Valu.

Motion Carried.

- 3a. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Aaker declared this was the date and time as advertised for a public hearing at which time the City Council will consider participation in joint project of proposed improvements of Medicine Lake Road between Louisiana Avenue N. and Douglas Drive with Golden Valley, New Hope, and Hennepin County. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: *Bill Johnson, 2702 Kentucky Ave. North. (spoke in opposition to the project)*

The Mayor closed the Public Hearing.

Moved by Councilmember *Lange* and seconded by Councilmember *Herber* to accept the feasibility report for the joint project of proposed improvements of Medicine Lake Road between Louisiana Avenue N. and Douglas Drive with Golden Valley, New Hope, and Hennepin County ~~and further to approve the above stated project.~~

- Sm/Rygg to adopt ... Resolution Approving Participation In A Joint Project To Improve Medicine Lake Road Between +H 169 and Douglas Drive. Motion Carried.*
- 3b. Moved by Councilmember *Sm* and seconded by Councilmember *Lange* to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

(CR70)

(CR-102)

RESOLUTION NO. 88-67

RESOLUTION REQUESTING THE VARIANCE FROM STATE
AID STANDARDS, COUNTY STATE AID HIGHWAY #70
CITY OF CRYSTAL, HENNEPIN COUNTY, MINNESOTA

By roll call and voting aye: *ALL*, _____, _____, _____, _____,
_____, _____; voting no: _____, _____, _____, _____; absent, not
voting: _____.

Motion carried, resolution declared adopted.

4. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Aaker declared this was the date and time as advertised for a public hearing at which time the City Council will consider the 1989 City of Crystal Budget. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: *Miles Johnson, Finance Director.* Mr. Johnson advised the Council that a \$10,000 error had been discovered in the Street Dept. Budget which would increase the millrate 2.8% over 1988 Budget. *Leppa/Mor. to cut back to the original .07% decrease in millrate as approved at the October 18, 1988 meeting of the City Council. Motion Carried.*

The Mayor closed the Public Hearing.

Moved by Councilmember *Rygg* and seconded by Councilmember *Leppa* to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-68

RESOLUTION ADOPTING BUDGET AND LEVYING
TAXES FOR CERTIFICATION TO THE COUNTY AUDITOR

By roll call and voting aye: *ALL*, _____, _____, _____, _____, _____, _____; voting no: _____, _____, _____, _____; absent, not voting: _____.
Motion carried, resolution declared adopted.

REGULAR AGENDA

1. The City Council considered the application of *Philip Domek* ~~Phillip Demik~~ for appointment to the Environmental Quality Commission.

Moved by Councilmember *Herber* and seconded by Councilmember *Rygg* to appoint *Philip Domek* to the Environmental Quality Commission for an unexpired term expiring December 31, 1989.

Motion Carried.

2. The City Council considered the private kennel license application for 3432 Kyle Avenue North as submitted by Donna Lundquist. *Those*

appearing and heard were:

*Tom Heenan, Sanitarian
Donna Lundquist, 3432 Kyle Ave. No.
Daniel Sanborn, 3420 Kyle Ave. No.*

The Mayor read a letter received from Daniel V. Sanborn dated October 24, 1988.

Moved by Councilmember *Sm* and seconded by Councilmember *Lopez* to (approve) ~~((deny as recommended by the Health Department))~~ (continue until _____ the discussion of) a private kennel license application for 3432 Kyle Avenue North.

Motion Carried.

- 3A. The City Council considered a resolution approving Community Energy Council Program Agreement.

- A. Moved by Councilmember *Herbes* and seconded by Councilmember *Lopez* to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-69

RESOLUTION AUTHORIZING CRYSTAL TO ENTER
INTO COMMUNITY ENERGY COUNCIL PROGRAM AGREEMENT

By roll call and voting aye: *All*, _____, _____, _____, _____,
_____, _____; voting no: _____, _____, _____, _____; absent, not
voting:

Motion carried, resolution declared adopted.

- 3B. The City Council discussed the initial draft agreement of the Project Air (House Doctor) Agreement.

Large/Leppa to approve the agreement of the Project Air (House Doctor) ~~agreement~~ as presented by the Recycling Coordinator, and further to authorize the Mayor to sign such agreement.

Motion Carried

4. The City Council considered a one-day temporary on-sale liquor license for the Minneapolis/Crystal Elks Lodge #44 for the hosting of the Minnesota Elks State Bowling Tournament for five consecutive weekends on 1-29-89, 2-5-89, 2-12-89, 2-19-89, and 2-26-89. ~~There~~ Ed Monander of the Elks Lodge #44 appeared and was heard.

Moved by Councilmember Large and seconded by Councilmember Sm to (approve) (deny) (continue until _____ the discussion of) a one-day temporary on-sale liquor license for the Minneapolis/Crystal Elks Lodge #44 for the hosting of the Minnesota Elks State Bowling Tournament for five consecutive weekends on 1-29-89, 2-5-89, 2-12-89, 2-19-89, and 2-26-89.

Motion Carried.

5. The City Council considered a charitable gambling license renewal application for Church of All Saints at the Paddock Bar.

Leppa to table and direct staff to have applicant ~~submit a~~ correct and ~~submit the lease agreement as referred to in the city attorney's letter~~ of to indicate the actual premises to be leased and for what purposes the premises are to be used, and resubmit to City Clerk.

Motion failed for lack of a second.

Mar/Leppa to Table.

Motion Carried.

6. The City Council considered a request from North Memorial Hospital to have liquor at the Becker Park Shelter for a private Christmas party on Saturday, December 3, 1988, from 7:30 p.m. to 12:30 a.m.

Mor / Rygg. to approve the request with North Memorial Hospital providing necessary insurance.

Councilmember Moranea withdrew his motion upon ~~being~~ advised that it was not North Memorial, but a staff Christmas party not being sponsored by North Memorial Hospital.

Mor / Sm. to continue to ~~meet~~ on the Nov. 15, 1988 meeting ~~and~~ direct staff to review the use of City facilities for functions ^{such as this.} Motion carried

7. The City Council considered the Second Reading of an Ordinance regarding City of Crystal license fees for refuse vehicles, lodging, pools and kennels.

Moved by Councilmember *Largo* and seconded by Councilmember *Serbes* to adopt the following ordinance:

ORDINANCE NO. 88-10

AN ORDINANCE RELATING TO LICENSE FEES
FOR VARIOUS LICENSED ACTIVITIES

and further, that this be the second and final reading.
Motion Carried.

8. The City Council considered a resolution amending senior/disabled sewer rate discount program to include renters.

Leppa / Sm to continue to next meeting and directed staff to review Item 3 - Qualifications. Motion Carried

Moved by Councilmember _____ and seconded by Councilmember _____ to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-

RESOLUTION RELATING TO SEWER USE RATES
FOR CERTAIN DISABLED AND SENIOR PERSONS

By roll call and voting aye: _____, _____, _____, _____, _____, _____, _____; voting no: _____, _____, _____, _____; absent, not voting: _____, _____, _____.

Motion carried, resolution declared adopted.

Recess 9 pm Reconvened 9:10 pm.

9. The City Council considered accepting site improvements and releasing surety for property at 3245 Vera Cruz for Volunteers of America Care Facilities.

Moved by Councilmember Sm and seconded by Councilmember Mor to accept the work required as condition of site improvements for Volunteers of America Care Facilities, 3245 Vera Cruz, subject to guaranteed provisions of the agreement, effective this date, and that surety in the amount of \$9,500 be released, subject to said guarantee, as recommended by the City Engineer.

Motion Carried.

10. The City Council considered accepting site improvements and releasing surety for Frank's Furniture, 5419 Lakeland Avenue North.

Moved by Councilmember Herbes and seconded by Councilmember Rygg to accept work required as a condition of site improvement for Franks Furniture, 5419 Lakeland Avenue North, subject to guaranteed provisions of the agreement, effective this date, and that surety in the amount of \$6,000 be released, subject to said guarantee, as recommended by the City Engineer.

Motion Carried.

11. The City Council considered a resolution establishing just compensation and authorizing purchase of 3432 Welcome Avenue North.

Moved by Councilmember Herbes and seconded by Councilmember Am to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-70

RESOLUTION ESTABLISHING JUST COMPENSATION
AND AUTHORIZING OFFERS TO ACQUIRE 3432 WELCOME AVE. N.

By roll call and voting aye: All, _____, _____, _____, _____,
_____, _____; voting no: _____, _____, _____, _____; absent, not
voting: _____

Motion carried, resolution declared adopted.

12. The City Council considered a resolution establishing just compensation and authorizing purchase of 4500 Adair Avenue North.

Moved by Councilmember *Rygg* and seconded by Councilmember *Mov* to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-71

RESOLUTION ESTABLISHING JUST COMPENSATION
AND AUTHORIZING OFFERS TO ACQUIRE 4500 ADAIR AVE. N.

By roll call and voting aye: *ALL*, _____, _____, _____, _____,
_____, _____; voting no: _____, _____, _____, _____; absent, not
voting: _____.

Motion carried, resolution declared adopted.

13. The City Council considered stop sign installation at the following locations:
- A. Two way stop signs on Welcome Avenue at 32nd Avenue North.
 - B. Two way stop signs on Brunswick Avenue at 32nd Avenue.
 - C. Two way stop signs on Perry Avenue at 35th Avenue.
 - D. Two way stop signs on Xenia Avenue at 46th Avenue.
 - E. Two way stop signs on Adair, Zane, and Yates Avenues at 57th Avenue.
 - F. Single stop signs on Brunswick, Zane, and Yates Avenues at 58th Avenue.
 - G. Single stop sign on 57th Avenue at Brunswick Avenue.

Rygg! Large to approve stop sign installations at A-G locations.

Motion carried

- A. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) two way stop signs on Welcome Avenue at 32nd Avenue North.

Motion Carried.

- B. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) two way stop signs on Brunswick Avenue at 32nd Avenue.
Motion Carried.
- C. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) two way stop signs on Perry Avenue at 35th Avenue.
Motion Carried.
- D. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) two way stop signs on Xenia Avenue at 46th Avenue.
Motion Carried.
- E. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) two way stop signs on Adair, Zane, and Yates Avenues at 57th Avenue.
Motion Carried.
- F. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) single stop signs on Brunswick, Zane, and Yates Avenues at 58th Avenue.
Motion Carried.
- G. Moved by Councilmember _____ and seconded by Councilmember _____ to (approve) (deny) (continue until _____ the discussion of) single stop sign on 57th Avenue at Brunswick Avenue.
Motion Carried.
14. The City Council considered the 1988 contract with Teamsters Local #320 (Police Dispatchers).

Moved by Councilmember Sm and seconded by Councilmember Largo to adopt the 1988 contract with Teamsters Local #320 (Police Dispatchers), to include a 3.47% increase in salary, so the top wage for a police dispatcher is now \$2,023 per month; an increase of \$10 in the City's contribution towards insurance to \$185 per month; and elimination of the 2080 hours provision used to calculate the work schedules.
Motion Carried.

Motion Carried.

OPEN FORUMINFORMAL DISCUSSION AND ANNOUNCEMENTS

- Councilmember Morawiec was absent during approval of minutes ^{the Oct. 18, 1988 meeting} and indicated that that Item 10 regarding the 1989 City Budget should read, "Moved by Councilmember Leppa and seconded by Councilmember Morawiec to reduce the 1989 City of Crystal Budget", leaving out "to accept the City Manager's proposal". Mayor Akker directed the change to be made by common consent of the Council.
- Discussion was held regarding youth serving on commissions of the City. Council directed staff to include an article in the next newsletter regarding youth participation on commissions of the City.
- Mayor Akker announced that an Executive Session of the Council would be held immediately after closing the regular Council mtg. to discuss a court case.

Moved by Councilmember Herke and seconded by Councilmember Leppa to approve the list of license applications.

Motion Carried.

Herb Leppa to close the meeting for the conduct of an Executive Session. Motion Carried

Moved by Councilmember _____ and seconded by Councilmember _____ to adjourn the meeting.

Motion Carried.

closed
Meeting adjourned at 9:30 p.m.

Moved by Councilmember Herbes and seconded by Councilmember Leppa to close the meeting for the conduct of an Executive Session.

Motion Carried.

Regular meeting closed at 9:30 P.M.

The Mayor announced that at the request of and on the advice of the City Attorney, the Council would next convene in closed session for the purpose of discussing with the City Attorney the case of Minnesota Department of Human Rights vs. the City of Crystal, presently in litigation. The City Attorney and Leslie A. Altman, Esquire, of the City Attorney's office were present to discuss the litigation. The closed meeting convened at 9:30 P.M.

At 10:40 P.M. the meeting was reopened. The Mayor announced that the full membership of the Council had discussed with its attorneys the status of the pending litigation described above in the closed meeting, that the discussions had been tape recorded by the City Clerk, and instructed the Clerk to transmit the tape to the closed meeting to the City Attorney.

Moved by Councilmember Rygg and seconded by Councilmember Leppa to adjourn the ~~Executive Session at 10:42 P.M.~~ *meeting.*

Meeting adjourned 10:42 p.m.

Motion carried.

APPLICATIONS FOR LICENSE

NOVEMBER 1, 1988

FOOD ESTABLISHMENT - Itinerant (Exempt)

Crystal Lions at Elk's Club 5410 Lakeland Avenue North,
One Day Only, Pancake Breakfast, November 27, 1988.

St. Raphael's Parish, Rosary Society, Christmas Bazaar
December 3, 1988 One Day Only at 7301 Bass Lake Road

GAS FITTER'S LICENSE - \$30.25

United Heating & Air Conditioning, 7909 30th Ave. N.,
Crystal, MN 55427

Sent with Preliminary Agenda on 10-28-88:

- Letter of resignation from the Environmental Quality Commission from Mary Lou Pyne dated 10-16-88.
- Copy of Gambling License Renewal Application from Knights of Columbus Hall.
- Memo from Bldg. Inspector dated 10-11-88 re: Variance #88-48 at 4370 Brunswick Ave. No.
- Memo from Bldg. Inspector dated 10-24-88 re: Variance #88-49 and Bldg. Permit #1289 at 4210 Douglas Dr. No. (Super Valu).
- Memo from City Engr. dated 10-24-88 re: Medicine Lake Road Improvement Hearing.
- Application of Philip J. Domek for appointment to the Environmental Quality Commission.
- Memo from Public Health Sanitarian dated 10-25-88 re: Private Kennel application for 3432 Kyle Ave. No. with pertinent data attached.
- Memo from Community Development Coord. dated 10-26-88 re: Energy Audit Program; resclution and pertinent data.
- Letter from Elks Lodge #44 dated 10-24-88 re: Application and Permit for five 1-day temporary On-Sale Liquor Licenses.
- Gambling License Renewal Application from Church of All Saints Minneapolis; letter from City Attorney dated 10-26-88 re: Church of All Saints Gambling License.
- Letter from Debora Damborg dated 10-26-88 re: holiday work party at Becker Park Community Rocm on Dec. 3, 1988.
- Letter from City Attorney dated 10-21-88 re: Modifications to Certain License Fees - Tom Heenan's Request.
- Memo from City Engr. dated 10-24-88 re: Senior/ Disabled Sewer Discount Program.
- Memo from City Engr. dated 10-24-88 re: Improve-ments at 3245 Vera Cruz.
- Memo from City Engr. dated 10-24-88 re: Improve-ments at 5419 Lakeland Ave.. - Frank's Furniture.
- Memo from Community Development Coord. dated 10-26-88 re: Just Compensation for 3432 Welcome and 4500 Adair.
- Memo from City Engr. dated 10-25-88 re: Stop Sign Installations.

Metropolitan Council Public Information Meeting
notice re: Minneapolis-St. Paul International
Airport adequacy.

Northern Mayors Association invitation to a
meeting on November 10, 1988 at Brooklyn Center
City Hall at 6:00 P.M.

Included in the packet on November 1, 1988:

Letter from City Attorney dated 10-31-88 re:
Charitable Gambling.

Memo from Asst. City Manager dated 11-1-88 re:
Police Dispatchers Contract for 1988.

Darlene

October 28, 1988

TO: Mayor & Councilmembers
FROM: John A. Olson, Assistant City Manager
RE: Preliminary Agenda for the November 1, 1988 Council Meeting

Jerry will be returning Monday from the I.C.M.A. Conference and has asked me to put together the comments for the upcoming agenda. I will only comment on those items which need some further explanation.

Public Hearings

Item #2 - Last meeting you approved a request for interior remodeling for a deli. This is the second part of their request at Super Valu.

Item #3 - Bill Monk will explain in greater detail the project being proposed for Medicine Lake Road.

Item #5 - As you recall the budget changes were approved at the last meeting and this is a public hearing to confirm those changes and abide by the law which requires a public hearing.

Regular Agenda Items

Item #2. - Consideration of a private kennel application for 3432 Kyle Avenue North as submitted by Ms. Donna Lundquist.

I believe there will be people attending the Council meeting in opposition to this private kennel application. The report from the Health Department indicates that they are not in favor of this application.

Item #3. - Consideration of a resolution approving Community Energy Council Program Agreement and Discussion of Draft Project Air (House Doctor) Agreement.

Someone will be in attendance at the meeting to explain these programs.

Item # 5. - Consideration of a charitable gambling license renewal application for Church of All Saints at the Paddock Bar.

This item was continued from the last meeting to determine if the State has set rental fees for charitable gambling licenses. As Darlene has explained to me, the State is in the process of setting a fee and will be sending us a letter in the next 10 days. We have 60 days in which to review this license renewal application and could continue until the next meeting, however, the renewal date on the agreement is October. The State may require all licensees to redo their rental agreements when a rent amount is set so that state requirement may take care of the rental problem in this case. You may

wish to do nothing on this and let the state process take care of the high rental fee being charged in this case.

Item # 6. - Consideration of a request from North Memorial Hospital to have liquor at the Becker Park Shelter for a Christmas party on December 3, 1988.

Mike Anderson, the Becker Park Program Director, has indicated that he has had several requests like this from groups to use the Becker Park building. North Memorial is providing liability for this event. However, other organizations may not have the financial backing of an organization such as this, and the liability, if a problem occurs, may fall back on the City. In short, you may consider this a precedent setting decision regarding the use of this facility and the serving of liquor.

Item #13. - Consideration of stop sign installations.

Some of these signs have already been in place in a temporary condition due to the amount of traffic going through the area around Highway 169/Bass Lake Road construction. It was necessary to control traffic in the residential area as drivers were attempting to avoid the construction delays.

One other item may be placed on the agenda and that is the contract with the Police Dispatchers. We have tentatively reached agreement on the percentage amount of increase but I have some questions yet to ask of Jerry and will do so on Monday. However, he may bring that contract to you which I believe will have only changes in salary and insurance contribution.

Darlene just received a cancellation of liquor liability insurance for Pettit's Superette, 5120 - 56th Avenue North. In checking, she found that store has been sold effective November 1, 1988 and is trying to contact the new owner. In the event she can get everything in order, there will be a 3.2 beer off-sale license added to the list of licenses for your approval.

Have a good weekend!

COUNCIL AGENDA - SUMMARY

Call to order

Roll call

Pledge of Allegiance to the Flag

Approval of the minutes of the meeting of October 18, 1988.

Consent Agenda Items

1. Consideration of the resignation of Mary Lou Pyne from the Environmental Quality Commission.
2. Consideration of a charitable gambling license renewal application from Crystal Knights of Columbus Council 3656, 4947 West Broadway.

Public Hearings

1. Public hearing to consider a request from Gerald Coleman for a variance to build a 24' x 22' detached garage at 4370 Brunswick Avenue North.
- 2a. Public hearing to consider a request from Steve Plant and Dane Dale of Crystal Super Valu for a variance to build a 20' x 12' freezer addition at 4210 Douglas Drive.
- 2b. Consideration of authorization to issue building permit #1289 to build a 20' x 12' freezer addition at 4210 Douglas Drive.
- 3a. Public hearing to consider participation in joint project of proposed improvements of Medicine Lake Road between Louisiana Avenue N. and Douglas Drive as proposed by Golden Valley, New Hope, and Hennepin County.
- 3b. Consideration of approval for street width variance to 48 foot wide section.
4. Public hearing to consider the proposed Charter Commission Amendment.
5. Public hearing to consider the 1989 City Budget.

Regular Agenda Items

1. Consideration of an application for the appointment to the Environmental Quality Commission from Phillip Domik for an unexpired term expiring December 31, 1989.
2. Consideration of a private kennel application for 3432 Kyle Avenue North as submitted by Ms. Donna Lundquist.
3. Consideration of a resolution approving Community Energy Council Program Agreement and Discussion of Draft Project Air (House Doctor) Agreement.
4. Consideration of a one-day temporary on-sale liquor license for the Minneapolis/Crystal Elks Lodge #44 on 1-29-89, 2-5-89, 2-12-89, 2-19-89, and 2-26-89.
5. Consideration of a charitable gambling license renewal application for Church of All Saints at the Paddock Bar.
6. Consideration of a request from North Memorial Hospital to have liquor at the Becker Park Shelter for a Christmas party on December 3, 1988.
7. Consideration of Second Reading of an Ordinance regarding City of Crystal license fees for refuse vehicles, lodging, pools and kennels.
8. Consideration of a resolution amending senior/disabled sewer rate discount program to include renters.
9. Consideration of accepting site improvements for property at 3245 Vera Cruz for Volunteers of America Care Facilities and releasing surety.
10. Consideration of accepting site improvements at 5419 Lakeland Avenue for Frank's Furniture as terms of releasing surety.
11. Consideration of a resolution establishing just compensation and authorizing purchase of 3432 Welcome Avenue North.
12. Consideration of a resolution establishing just compensation and authorizing purchase of 4500 Adair Avenue North.

13. Consideration of stop sign installation at the following locations:
- A. Two way stops on Welcome Avenue at 32nd Avenue.
 - B. Two way stops on Brunswick Avenue at 32nd Avenue.
 - C. Two way stops on Perry Avenue at 35th Avenue.
 - D. Two way stops on Xenia Avenue at 46th Avenue.
 - E. Two way stops on Adair, Zane, and Yates Avenues at 57th Avenue.
 - F. Single stops on Brunswick, Zane, and Yates Avenues at 58th Avenue.
 - G. Single stop on 57th Avenue at Brunswick Avenue.

Open Forum

Informal Discussion and Announcements

Licenses

Adjournment

APPLICATIONS FOR LICENSE

NOVEMBER 1, 1988

FOOD ESTABLISHMENT - Itinerant (Exempt)

Crystal Lions at Elk's Club 5410 Lakeland Avenue North,
One Day Only, Pancake Breakfast, November 27, 1988.

St. Raphael's Parish, Rosary Society, Christmas Bazaar
December 3, 1988 One Day Only at 7301 Bass Lake Road

GAS FITTER'S LICENSE - \$30.25

United Heating & Air Conditioning, 7909 30th Ave. N.,
Crystal, MN 55427

Darlene

October 18, 1988

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Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on October 18, 1988 at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota. The Secretary of the Council called the roll and the following were present: Herbes, Moravec, Rygg, Langsdorf, Aaker, Leppa, Smothers. Also in attendance were the following staff members: Jerry Dulgar, City Manager; John Olson, Assistant City Manager; David Kennedy, City Attorney; William Monk, Public Works Director; Donald Peterson, Building Inspector; Darlene George, City Clerk; Tom Heenan, Chief Sanitarian; Miles Johson, Finance Director.

The Mayor led the Council and the audience in the Pledge of Allegiance to the Flag.

The City Council considered the minutes of the Regular City Council meeting of October 18, 1988.

Moved by Councilmember Herbes and seconded by Councilmember Smothers to approve the minutes of the Regular City Council meeting of October 18, 1988.

Motion Carried.

The City Council considered the following items on the Consent Agenda:

1. Consideration of a charitable gambling license for Church of All Saints at the Paddock Bar.
2. Set 7:00 P.M., or as soon thereafter as the matter may be heard, November 1, 1988, as the date and time for a public hearing at which time the City Council will sit as a Board of Adjustments and Appeals to consider a request from Gerald Coleman for a variance to build a 24' x 22' detached garage at 4370 Brunswick Avenue North.
3. Set 7:00 P.M., or as soon thereafter as the matter may be heard, November 1, 1988, as the date and time for a public hearing at which time the City Council will sit as a Board of Adjustments and Appeals to consider a request from Steve Plant and Dane Dale of Crystal Super Valu for a variance to build a 20' x 12' freezer addition at 4210 Douglas Drive.
4. Set 7:00 P.M., or as soon thereafter as the matter may be heard, November 1, 1988, as the date and time for a public hearing at which time the City Council will consider the proposed Charter Commission Amendment.

Moved by Councilmember Smothers and seconded by Councilmember Moravec to remove item one from the Consent Agenda.

Motion Carried.

October 18, 1988

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Moved by Councilmember Langsdorf and seconded by Councilmember Rygg to approve items 2, 3, and 4 on the Consent Agenda.

Motion Carried.

Moved by Councilmember Smothers and seconded by Councilmember Moravec to continue consideration of a charitable gambling license for Church of All Saints at the Paddock Bar to the November 1, 1988 Council meeting and direct staff to investigate regulations on rental fees.

Motion Carried.

The City Council considered the following items on the Regular Agenda:

1. The City Council considered an itinerant food license for the Rosary Society at St. Raphael's Church for a chicken dinner to be held on October 23, 1988 with waiver of fee.

Moved by Councilmember Rygg and seconded by Councilmember Smothers to approve an itinerant food license for the Rosary Society at St. Raphael's Church for a chicken dinner to be held on October 23, 1988 with waiver of fee. :

Motion Carried.

2. The City Council considered a request from First Minnesota Bank for a building permit to relocate an instant cash machine at 5440 West Broadway. Jim Miller, Albitz Design, appeared and was heard.

- A. Moved by Councilmember Smothers and seconded by Councilmember Leppa to set surety in the amount of \$6,300 as a guarantee of faithful performance of certain work requirements as a condition of building permit approval for First Minnesota Bank, 5440 West Broadway, and further; to authorize the Mayor and City Manager to sign such site improvements agreement.

Motion Carried.

- B. Moved by Councilmember Herbes and seconded by Councilmember Smothers to approve as recommended by the Planning Commission building permit #1285 for relocation of an instant cash machine for First Minnesota Bank at 5440 West Broadway, subject to standard procedure.

Motion Carried.

3. The City Council considered a request from Crystal Super Valu for a building permit to remodel the interior of the building at 4210 Douglas Drive.

October 18, 1988

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Moved by Councilmember Rygg and seconded by Councilmember Smothers to approve as recommended by the Planning Commission building permit #1288 for remodeling the existing building at Super Valu, 4210 Douglas Drive, subject to standard procedure.

Motion Carried.

4. The City Council considered a request from Leslie Opsahl for the extension of a variance for Lot 1 of the Opsahl Addition at 4819 - 58th Avenue North.

Moved by Councilmember Rygg and seconded by Councilmember Langsdorf to approve as recommended by the Planning Commission an extension of variance application #8764 until October 19, 1989 as requested by Leslie Opsahl, 5757 Orchard Avenue North.

Motion Carried.

5. The City Council considered final approval of the plat Whinnery Terrace Second Addition for Octopus Car Wash, 5301 Douglas Drive.

Moved by Councilmember Herbes and seconded by Councilmember Leppa to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-62

RESOLUTION APPROVING PLAT

By roll call and voting aye: Herbes, Moravec, Rygg, Langsdorf, Aaker, Leppa, Smothers. Motion carried, resolution declared adopted.

6. The City Council considered a resolution seeking a grant from Metropolitan Council for state funding to carry out the 1989 Crystal Jazz Festival to be held at Crystal's Becker Park Performing Arts Center as part of the 1989 concert series.

Moved by Councilmember Langsdorf and seconded by Councilmember Rygg to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-63

RESOLUTION SEEKING A GRANT FROM METROPOLITAN COUNCIL
FOR STATE FUNDING TO CARRY OUT THE 1989
CRYSTAL JAZZ FESTIVAL TO BE HELD AT CRYSTAL'S BECKER
PARK PERFORMING ART CENTER AS PART OF THE 1989 SERIES

By roll call and voting aye: Herbes, Moravec, Rygg, Langsdorf, Aaker, Leppa, Smothers. Motion carried, resolution declared adopted.

October 18, 1988

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7. The City Council considered the First Reading of an Ordinance changing license fees for food establishments, refuse vehicles, lodging, pools and kennels as requested by Chief Sanitarian Tom Heenan.

Moved by Councilmember Langsdorf and seconded by Councilmember Moravec to adopt the following ordinance:

ORDINANCE NO. 88-

AN ORDINANCE CHANGING LICENSE FEES

and further, that the second and final reading be held on November 1, 1988.

Motion Carried.

8. The City Council considered a letter from George M. Hansen Company regarding financial system of internal control and accounting procedures as observed during the 1987 Audit.

Miles Johnson, Finance Director, reported on the financial system now in place. The City Council, by common consent, accepted the report and concurred that a recording system of fixed assets should be in place by the year 1990.

9. The City Council considered the First Reading of an Ordinance Amending Chapter 5 of the Crystal City Code - Park Dedication Ordinance.

Moved by Councilmember Moravec and seconded by Councilmember Herbes to table allowing staff to work with the City Attorney on the language in the draft ordinance.

Motion Carried.

The Mayor called recess at 8:22 p.m. and the City Council reconvened at 8:34 p.m.

10. The City Council considered the 1989 City Budget.

Moved by Councilmember Leppa and seconded by Councilmember Moravec to ~~accept the City Manager's proposal to reduce the 1989 City of Crystal Budget by \$69,334, thus decreasing the mill rate, with the City Manager using his discretion on Department 21 5-Year Programs and Department 27 Civil Service Professional Service, but making all other changes as~~ proposed.

Motion Carried.

Moved by Councilmember Herbes and seconded by Councilmember Langsdorf to set 7:00 P.M. or as soon thereafter as the matter may be heard, November 1, 1988, as the date and time for a

October 18, 1988

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public hearing at which time the City Council will consider the 1989 City Budget.

Motion Carried.

The City Council considered the following item during Open Forum:

Mayor Aaker called a Special Meeting of the City Council for 5:30 p.m. on November 9, 1988 to canvass the votes of the November 8, 1988 election.

The City Council considered the following items during Informal Discussion and Announcements:

11. The City Council considered a resolution relating to the City Treasurer.

Moved by Councilmember Rygg and seconded by Councilmember Herbes to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-64

RESOLUTION RELATING TO THE CITY TREASURER;
PRESCRIBING CERTAIN DUTIES AND AUTHORIZATIONS

By roll call and voting aye: Herbes, Moravec, Rygg, Langsdorf, Aaker, Leppa, Smothers. Motion carried, resolution declared adopted.

12. The City Council discussed a letter from City of Brooklyn Park Assistant to City Manager regarding their participation in Hennepin County Regional Rail Authority (HCRRA) Light Rail Transit EIA Increment.

Moved by Councilmember Rygg and seconded by Councilmember Langsdorf to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-65

RESOLUTION SUPPORTING EXTENSION OF THE NORTHWEST
CORRIDOR LIGHT RAIL TRANSIT ENVIRONMENTAL
IMPACT ASSESSMENT STUDY TO INCLUDE LANDS
UP TO 85TH AVENUE NORTH

By roll call and voting aye: Herbes, Moravec, Rygg, Langsdorf, Aaker, Leppa, Smothers. Motion carried, resolution declared adopted.

13. Moved by Councilmember Herbes and seconded by Councilmember Moravec to approve the list of license applications as submitted by the City Clerk to the City Council, a list of

October 18, 1988

page 331

which is on file in the office of the City Clerk, and further,
that such list be incorporated into and made a part of this
motion as though set forth in full herein.

Motion Carried.

Moved by Councilmember Herbes and seconded by Councilmember
Smothers to adjourn the meeting.

Motion Carried.

The meeting was adjourned at 9:10 p.m.

Mayor

ATTEST:

City Clerk

Environmental Quality Commission
City of Crystal

October 16, 1988

Dear Members:

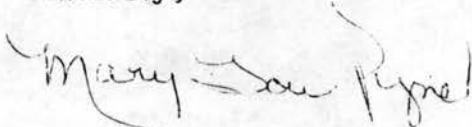
As I am unable to attend almost all of the meetings of the Environmental Quality Commission, I am notifying you of my resignation from the Commission.

Shortly after I became a member of the Commission my work schedule changed from all day hours to having to work P.M. hours frequently.

The evenings which I work fall so frequently on the meeting nights of the Commission that it is no longer feasible for me to remain on the Commission.

I am sorry to give up this opportunity to serve on a Commission in Crystal; I have wanted to do so for a long time. I wish the best to all of you. It is really a worthwhile organization.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lou Pyne". The signature is written in dark ink and is positioned above the printed name.

Mary Lou Pyne



Charitable Gambling Control Board
Rm N-475 Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MN 55104-3383
(612) 642-0555

For Board Use Only

Paid Amt: _____

Check No. _____

Date: _____

GAMBLING LICENSE RENEWAL APPLICATION

LICENSE NUMBER: A-00200-001		/ EFF. DATE: 03/01/88		/ AMOUNT OF FEE: \$100.00	
1. Applicant—Legal Name of Organization KNIGHTS OF COLUMBUS COUNCIL 3656 CRYSTAL			2. Street Address 4947 West Broadway		
3. City, State, Zip Crystal, MN 55429			4. County Hennepin		5. Business Phone (612) 537-1492
6. Name of Chief Executive Officer Russell Norbal			7. Business Phone (612) 537-5020		
8. Name of Treasurer or Person Who Accounts for Revenues Don Redden			9. Business Phone (612) 537-4953		
10. Name of Gambling Manager George Haasken			11. Bond Number R88231977 BR-231977		12. Business Phone (612) 537-7283
13. Name of Establishment Where Gambling Will Take Place Knights of Columbus Hall Crystal			14. County Hennepin		15. No. of Active Members 1329 1429
16. Lessor Name None Assoc Father Ho Blum No lessor as of 1/1/89			17. Monthly Rent: 13200 0.00		
18. If Bingo will be conducted with this license, please specify days and times of Bingo.					
Days		Times		Days Times	
Sunday		1:00 p.m.-5:00 p		Tuesday 7:30 p.m.-11:30 p	
Sunday		7:30 p.m.-11:30 p			
19. Has license ever been: <input type="checkbox"/> Revoked Date: <u>No</u> <input type="checkbox"/> Suspended Date: <u>No</u> <input type="checkbox"/> Denied Date: <u>No</u>					
20. Have internal controls been submitted previously? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy)					
21. Has current lease been filed with the board? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy) Not Applicable					
22. Has current sketch been filed with the board? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy) Not Applicable					

GAMBLING SITE AUTHORIZATION

By my signature below, local law enforcement officers or agents of the Board are hereby authorized to enter upon the site, at any time, gambling is being conducted, to observe the gambling and to enforce the law for any unauthorized game or practice.

BANK RECORDS AUTHORIZATION

By my signature below, the Board is hereby authorized to inspect the bank records of the General Gambling Bank Account whenever necessary to fulfill requirements of current gambling rules and law.

OATH

I hereby declare that:

1. I have read this application and all information submitted to the Board;
2. All information submitted is true, accurate and complete;
3. All other required information has been fully disclosed;
4. I am the chief executive officer of the organization;
5. I assume full responsibility for the fair and lawful operation of all activities to be conducted;
6. I will familiarize myself with the laws of the State of Minnesota respecting gambling and rules of the board and agree, if licensed, to abide by those laws and rules, including amendments thereto.

23. Official Legal Name of Organization Knights of Columbus Council 3656 -- Crystal	Signature (Chief Executive Officer) <i>Russell Norbal</i>	Date 10/13/88	Title Grand Knight
---	--	------------------	-----------------------

ACKNOWLEDGEMENT OF NOTICE BY LOCAL GOVERNING BODY

I hereby acknowledge receipt of a copy of this application. By acknowledging receipt, I admit having been served with notice that this application will be reviewed by the Charitable Gambling Control Board and if approved by the Board, will become effective 60 days from the date of receipt (noted below), unless a resolution of the local governing body is passed which specifically disallows such activity and a copy of that resolution is received by the Charitable Gambling Control Board within 60 days of the below noted date.

24. City/County Name (Local Governing Body) City of Crystal	Township: If site is located within a township, please complete items 24 and 25:
Signature of Person Receiving Application: <i>Harlene George</i>	25. Signature of Person Receiving Application
Title 10-20-88 A. G. (44)	Title:
Name of Person Delivering Application to Local Governing Body: <i>Harlene George</i>	Township Name

DATE: October 11, 1988

TO: Jerry Dulgar, City Manager

FROM: Don Peterson, Chief Building Inspector

RE: Variance #88-48 at 4370 Brunswick Ave. N.

This is a corner lot situation where the location of the dwelling dictates the set back required from the side street side yard to build a 24' X 22' detached garage.

Sec. 515.13 Subd 3 (a) iii requires a 30' side street side yard set back.

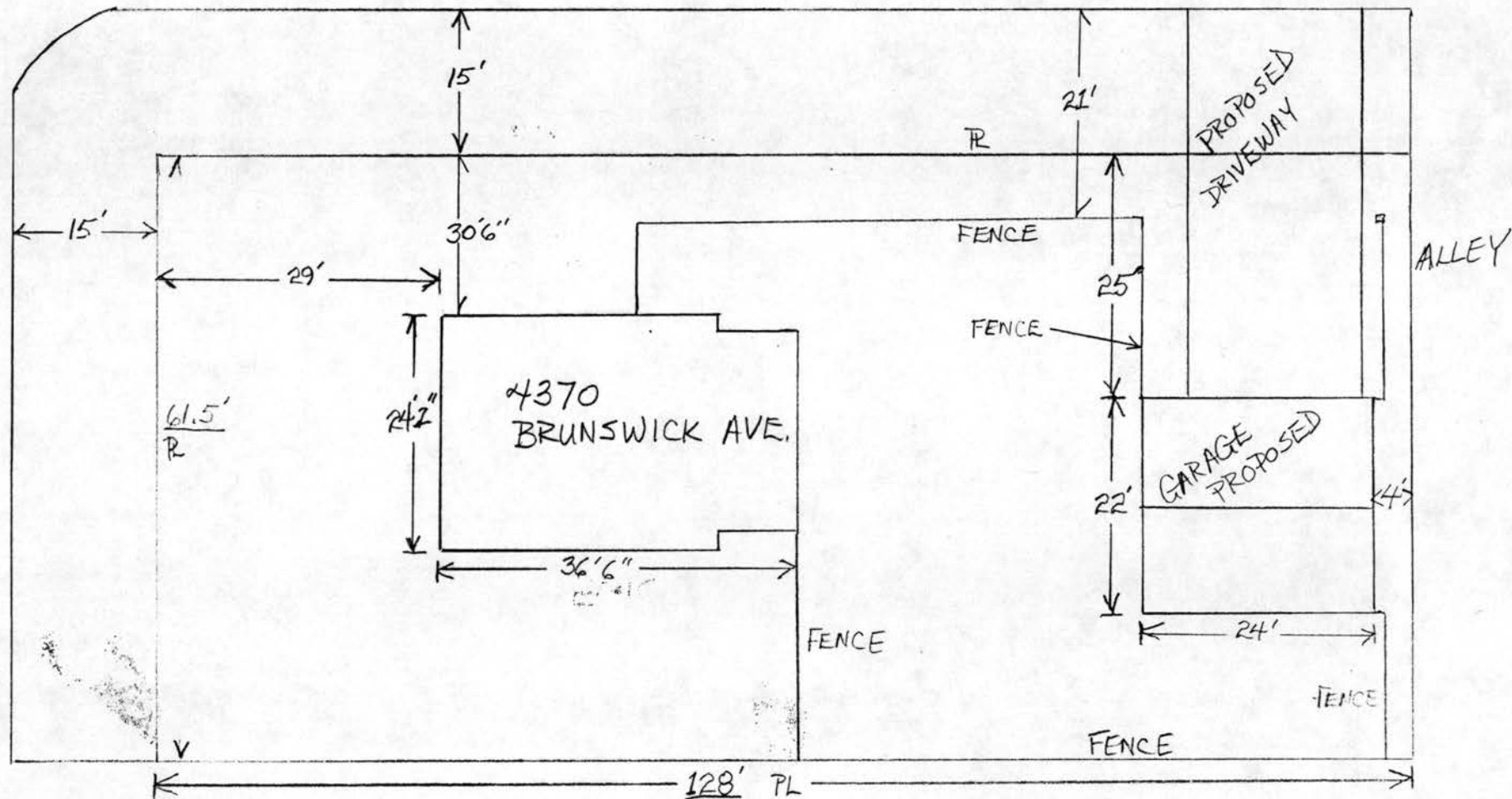
The applicant wishes to comply with Sec. 515.07 Subd 5 (c) 7 which requires a 25' set back when the garage entrance faces the public right-of-way, but does request a 5' variance to Sec. 515.13 Subd 3 (a) iii.

I will have a transparency for your review and the applicant will be present to answer questions.

kk

BRUNSWICK AVE.

N ↑
44th AVE.



CITY OF CRYSTAL
4141 DOUGLAS DRIVE NORTH
CRYSTAL, MN 55422
Phone: 537-8421

No. 28-48

Date: 10/3/88

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 4370 Brunswick Ave. N.

Legal Description of Property: Lot 24 Blk 5 Robinsdale Home Gardens 4th

Property Identification Number: N/A

Applicant: Gerald L. Coleman

(Print Name)

4370 Brunswick Ave. N.

(Address)

Bus. 785-2434

(Phone No.)

Owner: Same

(Print Name)

(Address)

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.13 of the Zoning Ordinance, as amended, which requires 30' side street with yard set back. Wishes to build a 24' x 22' detached garage @ 25' - 1/2 driveway 5' -

State exactly what is intended to be done on, or with the property which does not conform with the Zoning Ordinance. A plot plan drawn to scale showing the proposal must be submitted with the application.

Explain in detail wherein your case conforms to the following requirements:

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships (other than economic) inconsistent with its general purpose and intent.

to provide maximum usage of property.

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

maintain uniformity in neighborhood with garages.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.

property improvement & neighborhood.

NOTE: The Planning Commission is required to make a written findings of fact from the showing applicant makes that all three of the above-enumerated conditions exist and in addition thereto must find that the granting of such variance will not be contrary to the objectives of the Comprehensive Plan.

THIS PROPERTY IS:

TORRENS / ABSTRACT

(Circle one)

Gerald L. Coleman
(Applicant's Signature)

Gerald L. Coleman
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 10-3-88 RECEIPT # 42026

(Approved) (Denied) - Planning Commission _____
(Date)

(Approved) (Denied) - City Council _____
(Date)

DATE: October 24, 1988

TO: Jerry Dulgar, City Manager

FROM: Don Peterson, Chief Building Inspector

RE: Variance #88-49 and Building Permit #1289 at
4210 Douglas Dr. N. (Super Valu)

Super Valu is planning some extensive remodeling, adding a delicatessen, and a 20' X 12' freezer addition to the east side of their building.

At the October 18, 1988 Council Meeting, Council authorized me to issue building permit #1288 for the interior remodeling.

The authorization to issue building permit #1289 (for the freezer) will be on the November 1, 1988 agenda after the public hearing on Variance Application #88-49 for the freezer addition.

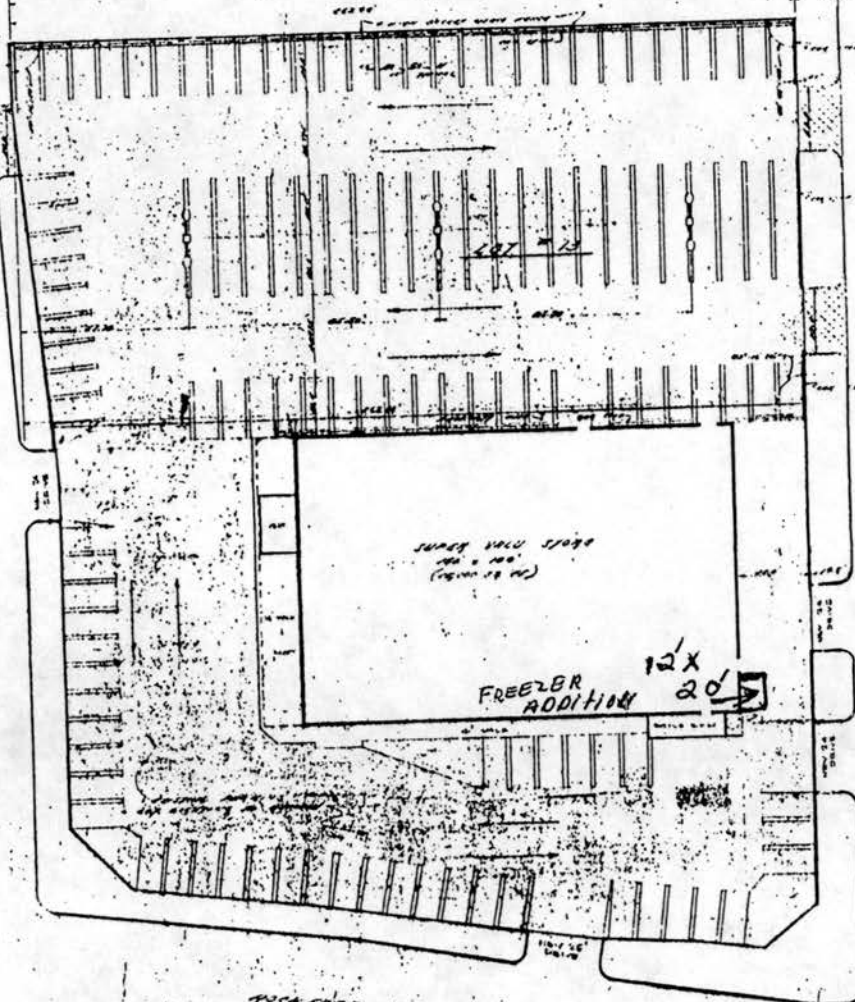
Sec. 515.13 Subd 2(b) 1 requires a 22' set back from the property line. The freezer addition will encroach 9' in that required set back. The addition will not interfere with the flow of traffic, nor the use of loading docks and doors.

I will have a transparency for your review and the applicant will be present to answer questions.

kk

SITE & PARKING DATA	
TOTAL LAND AREA	21.14 AC
BLDG. FOOT.	17,100
IMPOSED MIN. (EXIST. MAX.)	20,000
ADDITIONAL LAND AREA	2.00 AC
PARKING AREA	10,000
PARKING RATIO	25 TO 1
LAND TO BLDG. RATIO	1.2 TO 1
NO. CARS PARKED	1,000

OUTLET DRIVE



FREEZER
ADDITION

NO.	REVISIONS	BY	STORE NAME	LOCATION
1	DESIGNED BY SUPER VALU STORES, INC.	SPV	101 JEFFERSON AVE. HOPEWELL, MINN.	
2	REVISED BY SUPER VALU STORES, INC.	SPV		
3	REVISED BY SUPER VALU STORES, INC.	SPV		
4	REVISED BY SUPER VALU STORES, INC.	SPV		
5	REVISED BY SUPER VALU STORES, INC.	SPV		
6	REVISED BY SUPER VALU STORES, INC.	SPV		
7	REVISED BY SUPER VALU STORES, INC.	SPV		
8	REVISED BY SUPER VALU STORES, INC.	SPV		
9	REVISED BY SUPER VALU STORES, INC.	SPV		
10	REVISED BY SUPER VALU STORES, INC.	SPV		

SUPER VALU STORES, INC.
101 JEFFERSON AVE. HOPEWELL, MINN.
STORE ENGINEERING DEPARTMENT

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 42nd and Douglas Drive 4210 Douglas

Legal Description of Property: Village of Crystal, County of Hennepin,
State of Minnesota Lots Thru (11) and Twelve (12)

Property Identification Number: _____

Applicant: Steve Plant + Diane Dale Crystal Super Value

(Print Name)

42nd + Douglas

(Address)

#537-4551

(Phone No.)

Owner: Russ + Lois Schodengen

(Print Name)

4804 West 60th Street Edina

(Address)

#927-8991

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.13
2' (12) of the Zoning Ordinance, as amended, which requires 22' from

property line - Width to build 20' x 12'

feet, addition which will encroach 9' -

State exactly what is intended to be done on, or with the property which does not conform with the Zoning Ordinance. A plot plan drawn to scale showing the proposal must be submitted with the application.

Explain in detail wherein your case conforms to the following requirements:

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships (other than economic) inconsistent with its general purpose and intent.

At this present time the existing Super Value can not be
enlarged because of the site constraints. Much to expense
the store both in appearance + operation we are asking for this variance

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

This is a supermarket that has been in this area
for over 10 years and has not done this
property to expense

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.

This is a true statement

NOTE: The Planning Commission is required to make a written findings of fact from the showing applicant makes that all three of the above-enumerated conditions exist and in addition thereto must find that the granting of such variance will not be contrary to the objectives of the Comprehensive Plan.

THIS PROPERTY IS:

TORRENS / ABSTRACT

(Circle one)

(Applicant's Signature)

Lois Schodengen

(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 10-3-88 RECEIPT # 42038

(Approved) (Denied) - Planning Commission _____

(Date)

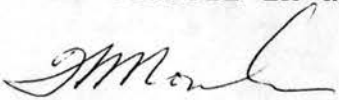
(Approved) (Denied) - City Council _____

(Date)

TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: October 24, 1988
RE: Medicine Lake Road Improvement Hearing

As directed by the City Council on October 3, improvement hearing notices were mailed and published so the upgrade of Medicine Lake Road between Louisiana Avenue and Douglas Drive can be formally considered on November 1. The feasibility study is attached denoting the nature and scope of the proposed improvements as well as a potential assessment roll. Also included in the packet is a resolution requesting a width variance to State-Aid standards to allow construction of a 48-foot wide street section.

I will be prepared to review the report and variance with the Council in detail at Tuesday's hearing.



WM:jrs

Encls

NOTICE OF IMPROVEMENT HEARING

Dear Property Owner:

Notice is hereby given that the Crystal City Council will meet in the City Hall Chambers at 7 p.m. or as soon thereafter as the matter may be heard, on Tuesday, November 1, 1988, to consider participating in a joint improvement project to widen and reconstruct Medicine Lake Road between Trunk Highway 169 (old CR 18) and Douglas Drive (CR 102), pursuant to MN Statutes, Sections 429.011 to 429.111. The property abutting the improvement within Crystal is proposed to be assessed for a portion of the project costs. The estimated total cost of the project is \$2,761,000. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

CITY OF CRYSTAL
PUBLIC WORKS DEPARTMENT

ATTEST:

Darlene George
City Clerk

(Published in The North Hennepin Post on October 20 and
October 27, 1988)

CITY OF CRYSTAL

RESOLUTION NO. _____

RESOLUTION REQUESTING A VARIANCE
FROM STATE AID STANDARDS
COUNTY STATE AID HIGHWAY NO. 70
CITY OF CRYSTAL, HENNEPIN COUNTY, MINNESOTA

WHEREAS, County State Aid Highway No. 70 (Medicine Lake Road) is for the most part a 2 lane 24' wide roadway with 6' to 8' wide bituminous shoulders along each side between Hillsboro Avenue and Douglas Avenue and

WHEREAS, the existing and projected traffic counts on C.S.A.H. No. 70 are approximately 13,000 average daily traffic (ADT) and projected 16,000 (2008) ADT respectively, and requires a 52 foot width in accordance with State Aid Standards; and

WHEREAS, the proposed improvement provides for upgrading for C.S.A.H. No. 70 to a 4 lane 48' wide roadway from Hillsboro Avenue to Douglas Avenue.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Crystal, Hennepin County, Minnesota, request a four foot variance to the required 52 foot width from the Department of Transportation Technical Services Division State Aid Operations Minnesota Rules Chapter 8820, 8820.9912 (Urban State Aid Streets) for C.S.A.H. No. 70.

Adopted by the City Council of the City of Crystal this ____ day of _____, 1988.

Mayor

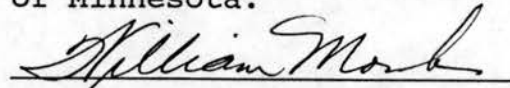
Attest: _____
City Clerk

FEASIBILITY REPORT FOR
UPGRADE OF MEDICINE LAKE
ROAD FROM TH 169 (OLD CR 18)
TO DOUGLAS DRIVE (CR 102)

Prepared by Crystal Engineering Department

October 20, 1988

I hereby certify that this
plan, specification, or
report was prepared by me or
under my direct supervision
and that I am a duly Regis-
tered Professional Engineer
under the laws of the State
of Minnesota.



Date: October 20, 1988
Reg. No. 14170

Project Review

The City of New Hope has long been a proponent of widening and channelization improvements on Medicine Lake Road between TH 169 (Old CR 18) and Douglas Drive (CR 102). Given the numerous governmental entities involved, however, the project has required an unusual amount of joint administration and has evolved over an extended period of time.

In an effort to offset the demands of residential, commercial and industrial development throughout the area, New Hope has secured tentative approval of Federal Aid Urban (FAU) Funds. This funding covers 75% of actual construction costs and is predicated on a project start-up date of January 1, 1990. The project is also dependent upon the joint participation of New Hope, Crystal, Golden Valley and Hennepin County.

Crystal's portion of this roadway is limited to the north half of the street between Douglas Drive and Louisiana Avenue as noted on the attached map. It is proposed to construct a 48-foot wide street section along this segment, identical to that used on Douglas Drive as detailed in Exhibit "B."

Cost estimates for the entire reconstruction project total \$2,761,000 based on work performed by New Hope's engineering consultant. The following breakdown of cost participation is projected:

FAU Funds	\$1,782,750
Hennepin County	506,025
Local	472,325

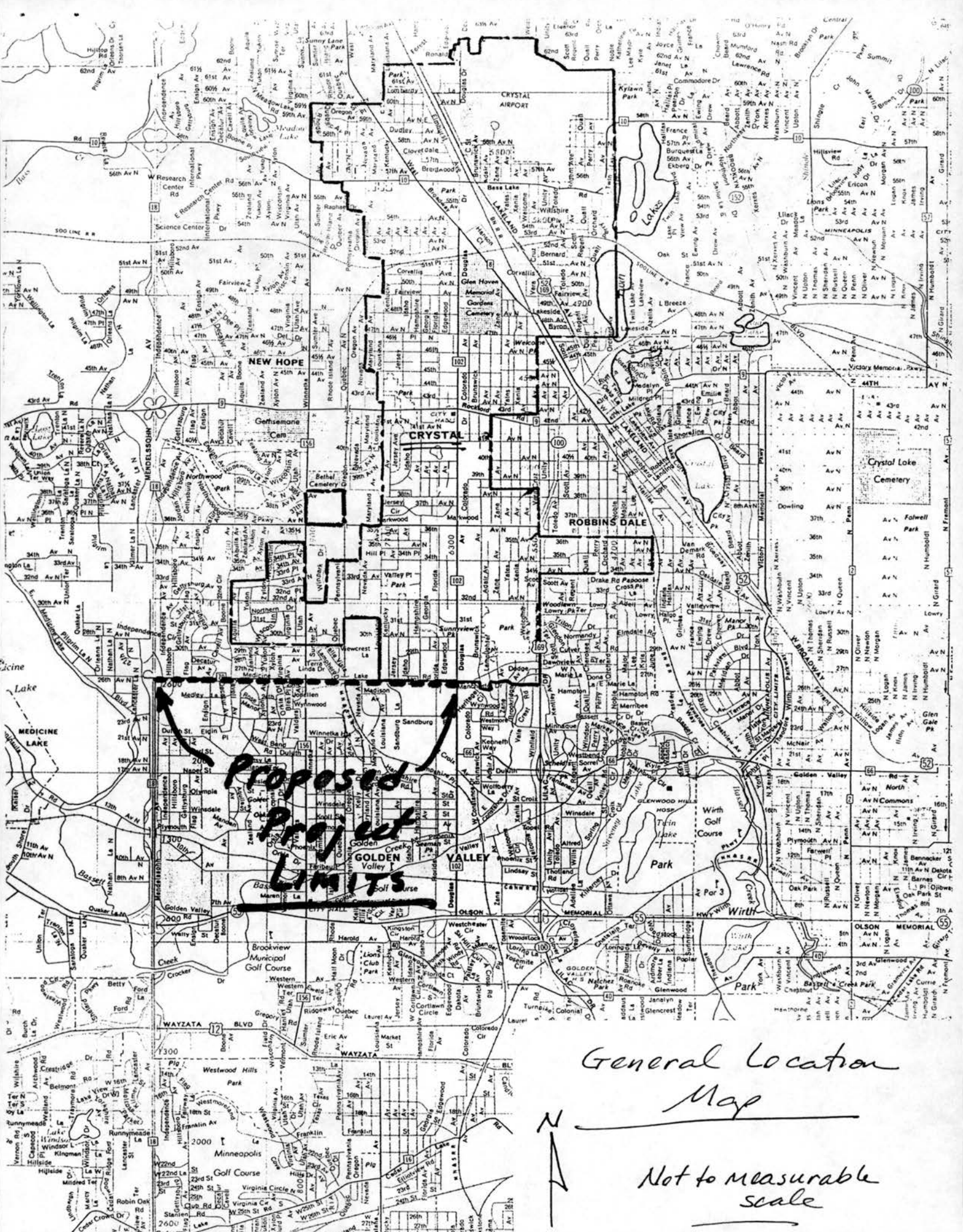
Crystal's share of the local cost is estimated to be \$78,700 based on our portion of the actual street frontage involved. It is important to note that this figure does not include acquisition of any permanent right-of-way as the existing 33-foot width will accommodate the proposed street section.

It is proposed that assessment of benefit be handled consistent with the method used along Douglas Drive. Abutting property is assessed for the costs of concrete sidewalk and curb & gutter while the balance of the project costs are covered by a combination of State-Aid funds in the City's municipal account and Infrastructure funds. Based on recent projects, estimates of \$10 per foot are being used for both sidewalk and curb & gutter construction. It should be remembered that single family property along major thoroughfares is assessed only 10% of the sidewalk costs. Applying this criteria the following assessment breakdown is proposed:

<u>Property Owner/PID/Address</u>	<u>Frontage</u>	<u>Sidewalk</u>	<u>C&G</u>	<u>Total</u>
Balard Partnership 20-118-21-43-0077 2700 Louisiana c/o Crosstown Enterprises 6905 Wayzata Blvd. Minneapolis, MN 55426	60.0	\$ 60.00	\$ 600.00	\$ 660.00
Curtis E. Anderson Jr. & Nadine Lichtenberg 20-118-21-43-0079 2701 Kentucky Ave.	38.46	38.46	384.60	423.06
William & Margaret Johnson 20-118-21-43-0090 2702 Kentucky Ave.	44.75	44.75	447.50	492.25
Mary E. Schultz 20-118-21-43-0089 2701 Jersey Ave.	44.75	44.75	447.50	492.25
Marlene & Wm. Howell Jr. 20-118-21-43-0051 6824 - 27th Ave.	40.0	40.00	400.00	440.00
Ronald MacDonald 20-118-21-43-0050 2701 Idaho Ave.	40.0	40.00	400.00	440.00
Jerry & Beth Peterson 20-118-21-43-0036 2702 Idaho Ave.	58.51	58.51	585.10	643.61
Lawrence P. Gustafson 20-118-21-43-0035 2701 Hampshire Ave.	58.52	58.52	585.20	643.72
Independent School Dist. 281 20-118-21-44-0001 6600 - 27th Ave. 4148 Winnetka Ave. New Hope, MN 55427	630.0	6,300.00	6,300.00	12,600.00
Wallace B. Kenneth 20-118-21-44-0019 6400 - 27th Ave. Lincoln Center Prop. 5172 Lincoln Dr. Minneapolis, MN 55436	232.08	2,320.80	2,320.80	4,641.60
Douglas Court Inc. 20-118-21-44-0021 6300 - 27th Ave. McKenna Management 7401 Metro Blvd. Suite 155 Edina, MN 55435	80.42	800.42	800.42	1,600.84
TOTAL				\$25,142.44

Summary

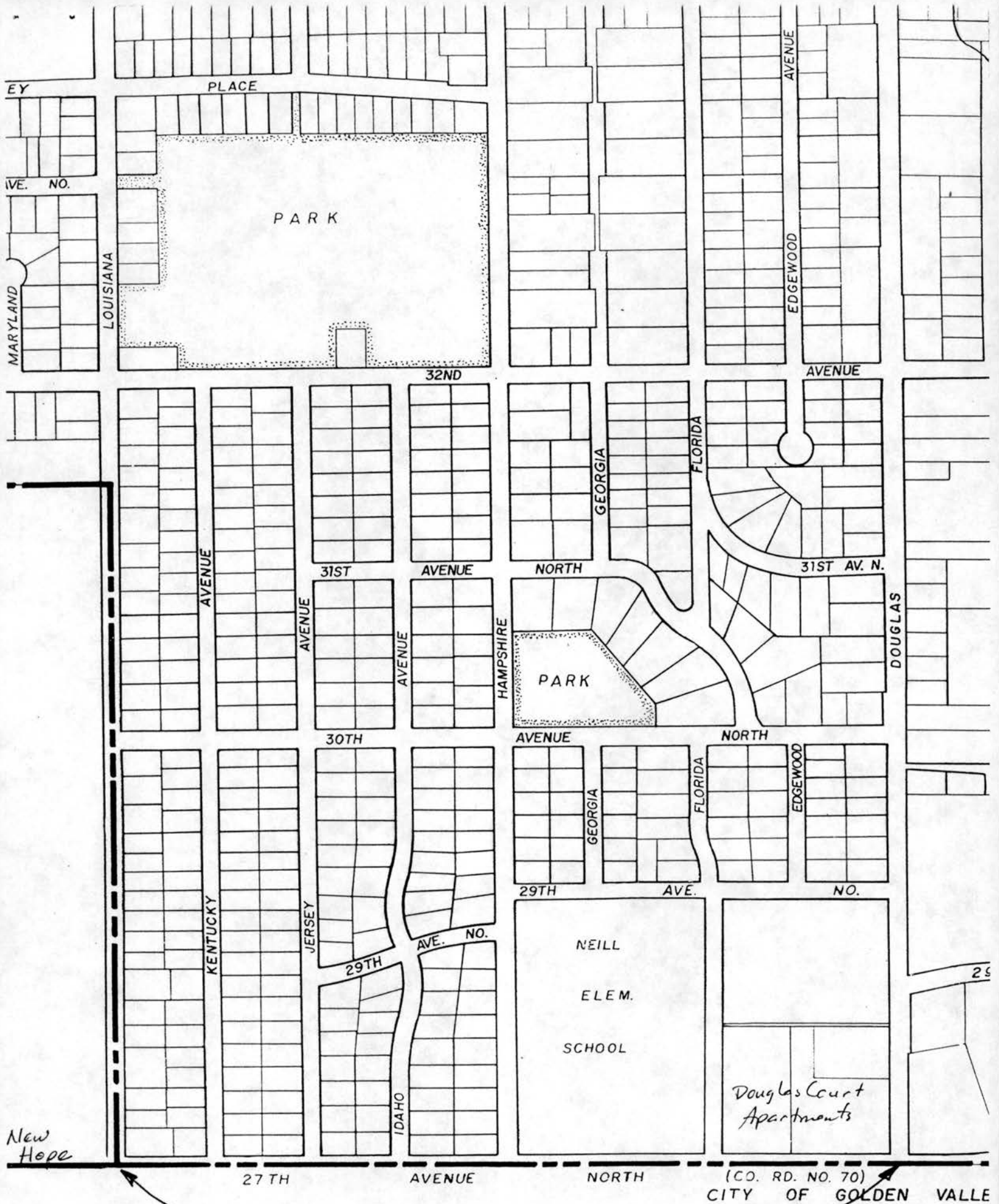
Given the traffic volumes area development has placed on Medicine Lake Road, there is no question that widening and channelization improvements will improve vehicular movement and pedestrian safety throughout the area. Further, the joint project approach in conjunction with FAU funding enhances the improvements in terms of economic feasibility. It is recommended Crystal participate in the joint project as outlined above and direct staff to prepare the required agreements as Crystal will not be acting as lead agency on this project.



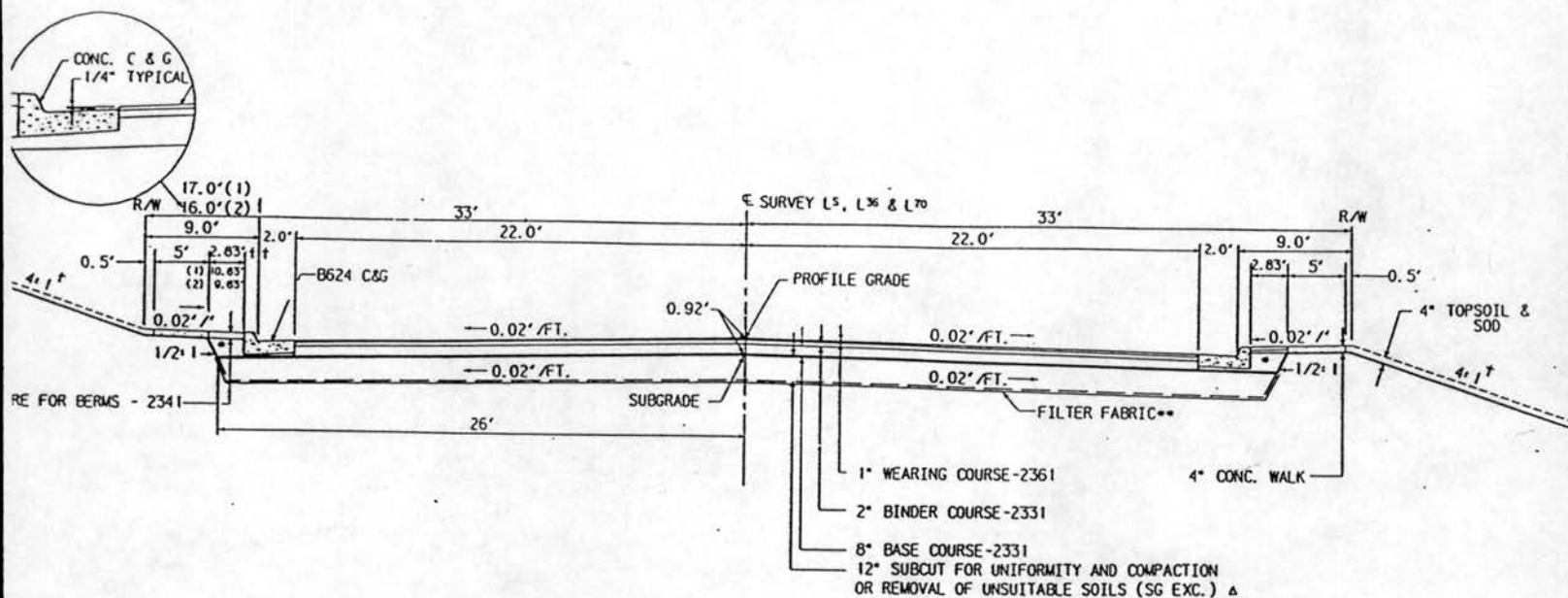
**Proposed
Project
Limits**

General Location
Map

Not to measurable
scale



PROJECT LIMITS
(In Crystal)



TYPICAL SECTION

(for 48' wide street)

Final 11-1-88

TO: Jerry Dulgar
 FROM: Miles D. Johnson
 RE: 1989 Proposed Budget - As Proposed by City Manager

5/100 mill increase

		<u>1988</u>		<u>1989</u>	
		<u>\$</u>	<u>Mills</u>	<u>\$</u>	<u>Mills</u>
General Fund		\$2,046,343	13.778	\$2,106,538	13.783
Audit Fund		15,000	0.101	15,000	0.099
Police Relief Association		127,594	0.860	118,733	0.777
Fire Relief Association		27,524	0.186	37,599	0.246
City Pension Fund		282,672	1.904	280,000	1.832
Intra Structure		213,853	1.440	225,000	1.473
Debt Service		---	---	---	---
		<u>\$2,712,986</u>	<u>18.269</u>	<u>\$2,782,870</u>	<u>18.210</u>
HRA - General	.333	48,000	0.322	66,226	0.433
HRA - Relocation	<u>.100</u>				
			<u>18.591</u>		<u>18.643</u>

1988 vs. 1989

+.28%

The above estimate of Mills is based on 1988 assessed valuation of \$148,390,000 plus a 3% growth factor (\$152,840,000).

2/0

GENERAL FUND
1988 ESTIMATED REVENUES

Acct. No.	Taxes	1986 Actual	1987 Actual	1988 Estimated	1989 Estimated
3011	Current Ad Valorem Taxes	\$1,938,184.31	\$1,998,336.64	\$2,046,343.00	\$2,106,538.00
3012	Delinquent Ad Valorem Taxes	17,596.78	11,870.62	0.00	0.00
3013	Penalties and Interest	12,807.45	10,500.58	9,000.00	10,000.00
3014	Forfeited Tax Sale	1,031.58	857.04	0.00	0.00
	Subtotal	\$1,969,620.12	\$2,021,564.88	\$2,055,343.00	\$2,116,538.00
	Licenses and Permits				
3111	Liquor Licenses - On Sale	49,500.00	51,745.00	49,500.00	49,500.00
3112	Liquor Licenses - Off Sale	1,800.00	1,936.00	1,600.00	1,600.00
3113	Beer and Tavern and Misc.	6,394.75	4,380.00	6,500.00	5,000.00
3114	Club License, Sunday Liquor	2,620.00	1,808.50	2,600.00	2,000.00
3115	Garbage and Refuse	2,004.25	1,659.00	1,700.00	1,600.00
3116	Taxi Cab	158.00	75.00	150.00	75.00
3117	Music Box, Misc. Amusements	9,820.00	8,739.50	9,500.00	9,000.00
3118	Food Handling	12,627.39	11,585.13	12,500.00	19,000.00
3119	Gas Pump and Station	1,678.98	1,717.75	1,700.00	1,700.00
3121	Bowling Alley	600.00	588.00	600.00	600.00
3123	Cigarette Licenses	823.00	857.75	900.00	850.00
3124	Miscellaneous Licenses	1,639.00	1,877.50	1,200.00	1,500.00
3125	Billboard, Sign Hangers Licenses	1,122.00	1,056.00	1,000.00	1,000.00
3126	Plumbing, Gas Licenses	5,198.50	5,230.00	4,800.00	5,000.00
3127	Sign Licenses	9,634.67	9,583.90	9,500.00	9,500.00
3128	Tree Trimming Licenses	690.25	660.00	600.00	600.00
3150	Dog Licenses and Pound Fees	6,421.88	6,396.75	6,500.00	6,300.00
3151	Building Permits	74,689.62	61,417.42	78,000.00	60,000.00
3153	Plumbing Permits	9,160.75	3,808.05	13,000.00	4,000.00
3154	Sewer Permits	1,151.50	537.75	800.00	500.00
3155	Water Permits	1,288.25	742.50	900.00	700.00
3157	Driveway Permits	690.00	465.00	700.00	450.00
3158	Street Excavation Permits	756.00	591.00	1,000.00	600.00
3159	Miscellaneous Permits	3,030.73	(2,920.00)	0.00	0.00

Acct. No.	Licenses and Permits (Cont'd)	1986 Actual	1987 Actual	1988 Estimated	1989 Estimated
3161	Gas Permits	4,301.17	2,968.05	7,000.00	3,000.00
3162	Burglar Alarm Permits	1,171.50	1,024.00	1,200.00	1,000.00
3163	Mechanical permits	10,946.33	10,383.53	11,000.00	10,000.00
3164	Sign Permits	3,066.13	2,837.92	2,800.00	2,800.00
3165	Parking Permits	30.00	0.00	0.00	0.00
3166	Restaurant Hoods	1,175.00	1,300.00	1,000.00	1,300.00
	Subtotal	\$224,189.65	\$195,971.00	\$228,250.00	\$199,175.00
	State Shared Taxes				
3350	Local Government Aids	1,553,982.00	1,630,982.00	1,630,961.00	2,232,614.00
3351	State Aid Street	127,204.20	21,003.90	26,325.00	9,206.00
3352	Machinery Tax Replacement	0.00	0.00	0.00	0.00
	Subtotal	\$1,681,186.20	\$1,651,985.90	\$1,657,286.00	\$2,241,820.00
	Other Services				
3500	Miscellaneous Receipts	2,296.50	11,598.68	3,000.00	5,000.00
3501	Cable and CTC	1,741.33	(673.14)	2,000.00	3,000.00
3503	Bicycle License Fee		177.00		
3511	Special Zoning	3,750.00	5,813.00	3,500.00	4,500.00
3512	Sale of Maps, Documents	222.46	174.12	200.00	200.00
3513	Engineering & Clerical Fees	50,776.19	58,878.02	50,000.00	55,000.00
3514	Weed Cutting Charges	1,507.32	500.00	1,500.00	1,500.00
3515	Filing Fees	25.00	0.00	0.00	0.00
3516	License Investigation	230.00	400.00	500.00	500.00
3517	Jail & Breathalyzer Tests	3,740.00	4,520.00	1,200.00	4,000.00
3568	Accident Reports	1,459.50	1,673.95	1,000.00	1,500.00
3569	Special Assessment Searches	9,521.00	8,832.00	5,000.00	6,000.00
3570	Sanitarian Cost Reimbursement	98,873.30	162,408.85	131,653.00	83,097.00
3580	Recreation Program Receipts	92,404.28	99,631.23	105,765.00	137,407.00
3581	Use of recreation Facilities	576.00	1,045.00	200.00	200.00
3591	Insurance Refunds	0.00	39,600.00	0.00	25,000.00

Acct. No.	Other Services (Cont'd)	1986 Actual	1987 Actual	1988 Estimated	1989 Estimated
3592	Misc. Land & Equipment Sales	17,495.44	25,941.39	25,000.00	25,000.00
3593	Misc. Transfers	0.00	0.00	0.00	0.00
3594	Building Subrental	340.00	30.00	400.00	0.00
3595	Waste Oil	0.00	6,091.39	800.00	1,500.00
3599	Interest Earned	235,859.03	140,888.49	160,000.00	140,000.00
3610	Court Fines	223,964.89	235,036.54	225,000.00	230,000.00
3611	Alarm Fees		100.00		
3630	Forfeited Bail	5,422.50	6,571.71		
3590	Reimbursement from (HRA \$6,000.00)				
	(Comm. Dev. \$500,000				
	(W & S \$55,000.00)				
	(St. Light. \$5,500.00)	75,766.41	74,026.59	71,500.00	73,000.00
3590	Civil Defense Reimbursement				
3580	Swim Pool Receipts	34,101.75	44,868.03	36,490.00	42,490.00
3582	Non-Budgeted Activities	(452.13)	968.92	0.00	
3586	Water Testing	1,080.00	(31.50)	500.00	500.00
	Previous Year Fund Balance	0.00	0.00	850,000.00	600,000.00
	Subtotal	\$860,700.77	\$929,070.27	\$1,675,208.00	\$1,439,394.00
	GRAND TOTAL	\$4,735,696.74	\$4,798,592.05	\$5,616,087.00	\$5,996,927.00

1989 SUMMARY OF DEPARTMENT APPROPRIATIONS
BY OBJECT CLASSIFICATION
GENERAL FUND

DEPARTMENT		PERSONAL SERVICES	SUPPLIES	PROF. SERVICES	COMM.	TRANS.	ADV.	PRINTING	INSURANCE	UTILITIES	CONTR. REPAIR	CONTR. MAINT.	RENTALS	MISC.	OTHER CONTR.	CAPITAL OUTLAY	CONTIN- GENCY	TOTAL	
Mayor & Council	10	\$43,200	\$1,100	\$0	\$0	\$100	\$0	\$100	\$0	\$0	\$300	\$0	\$0	\$56,000	\$0	\$1,000		\$101,800	10
Administration	11	255,377	4,900	1,000	23,900	400	0	9,600	0	0	1,800	3,500	8,700	25,700	600	1,500		336,977	11
Assessing	12	96,040	905	100	2,200	900	0	10,600	0	0	50	105	8,250	440	50	0		119,640	12
Finance	13	86,400	6,550	0	0	300	0	0	0	0	800	2,500	27,700	2,200		600		127,050	13
City Buildings	14	21,940	7,500	0	21,750	0	0	0	0	34,800	14,600	31,900	0	75	21,000	3,000		156,565	14
Police	15	1,421,450	48,450	34,314	22,100	500	0	3,000	0	0	9,375	15,630	25,400	17,200	4,500	106,500		1,708,419	15
Fire	16	123,854	13,800	1,050	600	0	0	300	0	425	7,500	4,053	1,100	7,475	300	77,820		238,277	16
Planning & Inspection	17	89,155	1,860	0	0	50	0	50	0	0	150	410	4,500	3,150	0	650		99,975	17
Police Reserve-Civil Def.	18	32,097	4,000	0	800	0	0	500	0	35	1,950	240	0	50	0	0		39,672	18
Engineering	19	200,549	2,550	500	0	50	0	1,300	0	0	400	900	12,500	2,350	150	1,000		222,249	19
Street	20	320,686	81,425	0	0	0	0	0	0	29,500	12,000	1,735	6,250	2,400	1,500	19,800		475,296	20
Park	21	262,235	46,650	0	0	0	0	0	0	22,950	26,400	0	1,000	1,285	0	123,750		484,270	21
Recycling	22	36,819	900	10,000	3,400	500	3,600	2,350	1,000	0	0	0	100	660	1,081,396	40,000		1,180,725	22
Recreation	25	257,280	45,265	54,180	7,025	5,850	6,200	6,650	0	0	650	1,235	52,962	17,080	10,000	13,500		477,877	25
Health	26	119,072	4,050	500	900	1,000	0	300	0	0	500	550	850	3,475	0	500		131,697	26
Civil Service	27	0	500	5,000	0	0	3,500	950	0	0	0	0	300	300	200	0		10,750	27
Legal	28	15,000	0	95,000	0	0	0	0	0	0	0	0	0	0	0	0		110,000	28
Elections	29	9,600	3,600	0	800	75	0	350	0	0	1,000	0	0	2,225	500	1,000		19,150	29
Misc. Commissions	30	375	0	0	0	50	0	0	0	0	0	0	0	1,500	0	0		1,925	30
Swimming Pool	31	40,840	12,410	0	680	0	0	200	0	14,925	1,000	200	100	150	0	6,000		76,505	31
Non-Departmental	32	498,250	0	48,000	0	0	0	0	212,000	0	0	0	0	0	94,000	0	70,500	922,750	32
Tree Disease/Weed Control	34	8,500	1,425	1,400	75	25	0	75	0	50	550	0	25	10,000	30,035	0		52,160	34
		\$3,938,719	\$287,840	\$251,044	\$84,230	\$9,800	\$13,300	\$36,325	\$213,000	\$102,685	\$79,025	\$62,958	\$149,737	\$153,715	\$1,244,231	\$396,620		\$7,093,729	
Less Recycling Revenue																		(1,096,802)	
																		\$5,996,927	
Water	23	134,325	32,050	1,000	3,400	0	0	0	0	3,200	78,600	1,080	9,350	1,950	531,000	25,500	27,500	\$848,955	23
Sewer	24	134,325	20,700	0	5,500	0	0	0	0	16,200	70,500	980	9,350	1,950	806,000	27,500	27,500	\$1,120,505	24

Departmental Expenses

Dept. 13	4551	Computer & Work Station	- 5,480
Dept. 15	4157	Clothing Allowance	+ 7,500.
Dept. 15	4310	Wellness Program	-12,000
Dept. 15	4552	1 Unmarked Auto	-12,000
Dept. 20	4234	Street Maintenance Materials	+ 7,000
Dept. 21	Page 21-8	5 Year Programs - Cut 3 Parks Capital	-49,800
Dept. 21	4384	Sealcoat Swim Pool Lot	- 4,130
Dept. 22	4390	Service Contract on Computer	- 115
Dept. 22	4551	½ Computer Cost	- 3,051
Dept. 25	4130	Add back PT Men's Supervisor	+ 7,730
Dept. 25	4400	Add back Rental Fees - Schools	+ 2,212
Dept. 27	4310	Civil Service Professional Service	<u>- 7,200</u>
			-69,334

CITY OF CRYSTAL

APPLICATION FOR APPOINTMENT TO THE

ENVIRONMENTAL QUALITY COMMISSIONName Domek, PHILIP J Address 6709 MARKWOOD DR N. 55427
Zip #Phone (home) (612) 537-8082 (Office) (612) 881-2111Resident of Crystal Since (year) 1986Occupation Asst. Mgr / Retail Employer T.J. MAXEducation: (please indicate highest grade completed or highest degree and major course of study) High School + 3 1/2 years at Univ. Min. Mph.

Civic and other activities: (please list past and present civic activities and organizational memberships, particularly those which may be relevant to the appointment you are seeking)

Worked as instructor asst. in Edina Community Ed.
adult woodworking courses

Comments (please briefly describe other qualifications, experience and other information which you would like the City Council to consider or which you believe are particularly relevant to the appointment you are seeking. Use additional pages if necessary.)

Have completed 3 1/2 years at the univ.
studying Economics plus math and natural resource mgmt. Hope to
further this by appt. to Environmental Quality Commission.Date Submitted: 10/26, 19 88.

(Return to: City Manager, 4141 Douglas Drive North, Crystal, Minnesota 55422)

FOR COUNCIL MEETING OF November 1, 1988

<u>ITEM</u>	<u>SUPPORTING DATA</u>	<u>RECOMMENDED ACTION</u>
Private Kennel License	Attached	Recommend Disapproval
NAME: Donna Lundquist		
ADDRESS: 3432 Kyle Avenue North		

SUBMITTED BY: Thomas L. Heenan

DEPARTMENT: Health

DATE: October 25, 1988

M E M O R A N D U M

TO: Jerry Dulgar, City Manager
FROM: Mary Fandrey, Public Health Sanitarian
RE: Private Kennel Application for 3432 Kyle
Avenue North
DATE: October 25, 1988

An application for a Private Kennel license for 3432 Kyle Avenue North, has been submitted by Ms. Donna Lundquist.

The request is for permission to maintain four (4) dogs on the premises. These are all large Collie and Shepherd crosses: two (2) females, one of which is spayed and two (2) males. All are currently licensed and their rabies vaccinations are current.

There are no complaints on record at the Police Department regarding this address.

The four (4) dogs are confined to a fenced kennel area with concrete floor and two dog houses for protection from the elements. These meet our criteria for sanitation and humane conditions for the animals. It also meets correct setback from neighboring property. Woodlake Sanitary Service provides weekly garbage pickup for the premises.

Our office has been involved with Ms. Lundquist since we received a complaint regarding unsanitary conditions present in the home. Upon investigation by myself, the complaint was found to be valid. The home contained rotting food, garbage, non-functioning toilet facilities and strong odor as well as large amount of clutter and an accumulation of dog feces in the basement.

It was at this time we discovered Ms. Lundquist was keeping five (5) dogs on the premises and ordered her to begin application for license. We issued orders to Ms. Lundquist twice before she actually completed her application.

From that time until the present, we have made numerous inspections of the premises to insure the kennel and house are clean and maintained in a sanitary condition.

On September 6, September 27, and October 25th, the kennel was not in acceptable condition as far as removal of

feces. Two of these, September 6th and October 25th, were scheduled visits.

The dogs also seem to do an excessive amount of barking. Barking occurred as we approached the house on all inspections. We also noted the dogs barking due to some deliverymen several houses away from Ms. Lundquists. Neighbors have also complained of the dogs barking when they are in their yard. Barking was also continuous when we went near the kennel, even if Ms. Lundquist was present.

We have spent a large amount of time trying to get Ms. Lundquist to achieve sanitary conditions in the house and kennel simultaneously. She has stated to us she fails to see the connection between having a sanitary house and keeping the kennel clean.

Although Ms. Lundquist has made improvements to the kennel, enlarging it and providing an additional dog house, as required, she was advised before the work was done, to wait for council approval.

Although tremendous improvement was present on our final inspection of October 25, 1988, due to the history of unsanitary conditions that have been present in the house and kennel, I cannot recommend approval of this Private Kennel application.

MEF:jt
Encl.

APPLICATION FOR LICENSE

4141 Douglas Drive, Crystal, Minnesota 55422

10-7-88
\$27.50
42182

HONORABLE CITY COUNCIL
CRYSTAL, MINNESOTA

COUNCILMEMBERS:

I
WE Donna Lundquist
3432 Kyle Avenue North
Crystal, MN 55422

Fee, \$ 27.50
New XX Renewal
Telephone 588-8113

enclose the sum of Twenty Seven and 50 100 DOLLARS
to the City of Crystal as required by the Ordinances of said City and have complied with all the
requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, I

Donna Lundquist

4 dogs

hereby make application to

operate a Private Kennel at 3432 Kyle Avenue North

for the period through December 31, 1988 subject to all
conditions and provisions of said Ordinance.

City Use Only

X Donna Lundquist
Print Name of Applicant

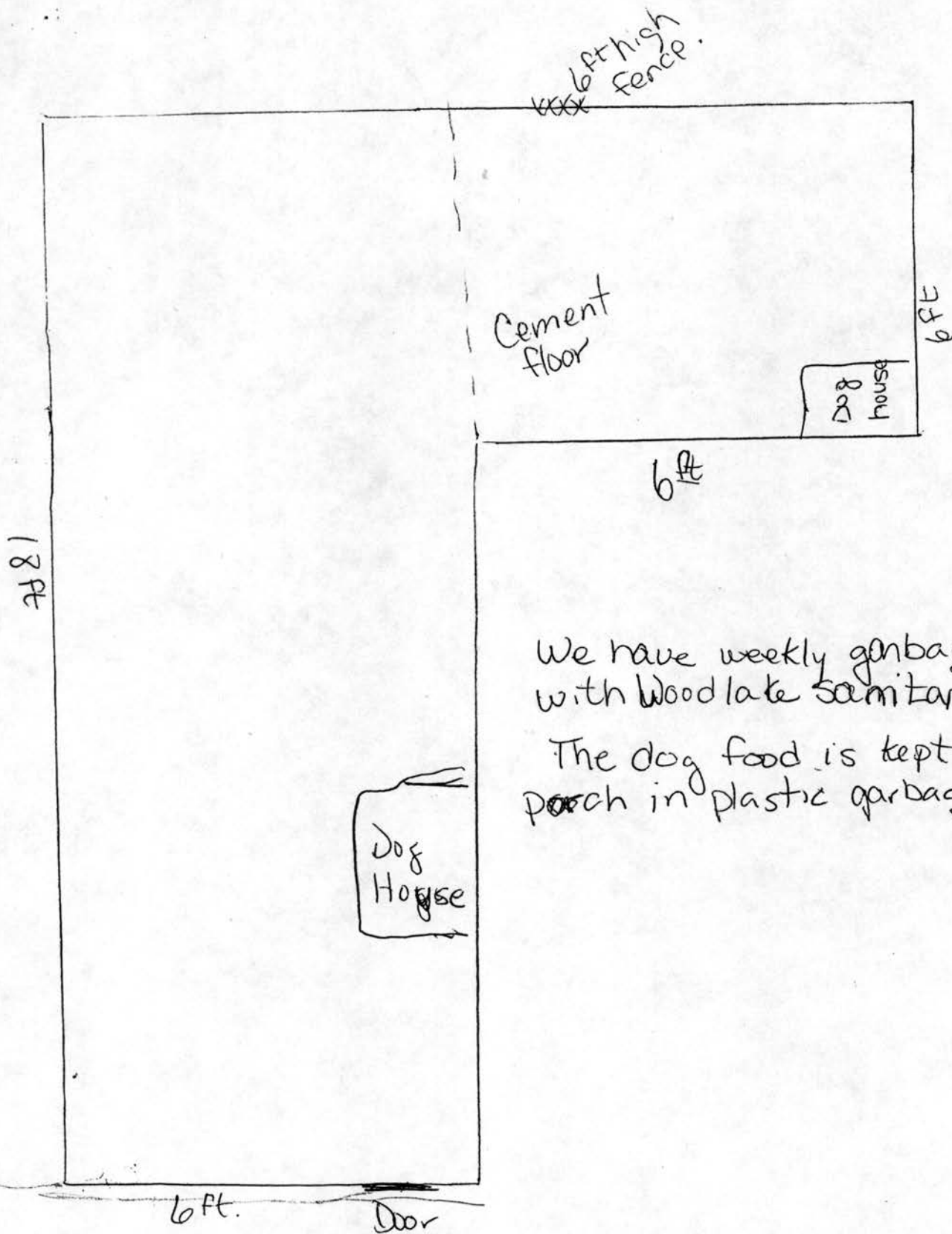
X

Signature of Applicant

CITY OF CRYSTAL
4141 Douglas Drive
Crystal, Minnesota 55422

APPLICATION FOR KENNEL LICENSE

1. Applicant's Name Donna M. Lundquist
2. Applicant's Address 3432 Kyle Avenue North, Crystal, MN
3. Applicant's Telephone Number 588-8113
4. Kennel Name _____
5. Kennel Address 3432 Kyle Avenue North
- X 6. Kennel Telephone Number 588-8113 Business # X 535-6170
7. Type of Kennel (Check one): Commercial _____ Private X
8. Zoning Classification of Land residential
- X 9. Adjacent Property Uses: North _____
East Woods
South residential
West residential
- X 10. Nature and/or extent of kennel operation including number of animals on the premise 4
- X 11. Kennel Layout and Construction Cement floor
6 by 18 feet dog house
12. All certificate of rabies shots up to date.
Baby - Dog License #1414 Certificate expires September 1990
Spayed Collie-Shepherd mix.
Prince - Dog license #1415 certificate expires September 1990
Male Collie-Shepherd mix.
Freckles - Dog license #1416 certificate expires September 1990
Male Collie-Shepherd mix
Cindy - Dog license #1417 certificate expires October 1990
Collie-Shepherd Mix female
13. APPLICANT'S SIGNATURE X Donna Lundquist DATE 9/14/88 Shep. X



We have weekly garbage pick up
with Wood Lake Sanitary Service.

The dog food is kept in the
porch in plastic garbage can.

Kyle

CHRONOLOGY OF EVENTS REGARDING
PRIVATE KENNEL INSPECTION AT
3432 Kyle Avenue North
Crystal, Minnesota
October 13, 1988

The following is a chronology of events and conditions concerning the property at 3432 Kyle Avenue North, Crystal, Minnesota, home of Donna Lundquist.

August 26, 1988

Complaint received from regarding unsanitary conditions in house at 3432 Kyle Avenue North. Person I spoke with was not person who actually saw conditions in house. said he would have -
 call me on Monday, August 29, 1988.

August 29, 1988

I spoke with who said home had a "dog smell", a mattress in the basement soaked with dog urine, dog hair in the carpeting. He did not mention dogs or dog feces in the basement or rotting food. He did confirm the house had electricity and running water. He said he had been refused entry to the residence on a couple occasions.

I arranged to inspect the premises with Animal Control Officer, Pat Brady.

August 31, 1988

Animal Warden, Pat Brady, and myself met Ms. Donna Lundquist. We explained that we were there as a result of a complaint made to our office alleging unsanitary conditions in the home. She granted us permission to enter and inspect the house and premises.

There was a noticeable, unpleasant odor in the house as well as quite an accumulation of dirty clothes on the floor throughout the house. Clothes were scattered about the floor in the living room, on furniture and on the beds in the bedrooms.

In the kitchen, there was old food in several pans on the stove, dirty dishes piled in the sink and the counter, and food garbage spilling out of a garbage bag lying on the floor.

I checked for electricity and running water and both were connected and operating.

I asked to see the basement area and Ms. Lundquist said she had not been down there to clean up yet. On the carpeted stairway to the basement, there was a large amount of dog hair and brown stains which may have been fecal material.

Three (3) dogs were confined in an area of about 100 square feet. There was a mattress which was obviously urine-stained lying in this area. There were also several piles of dog feces present.

The kennel area on the exterior contained two dogs which barked the whole time we were there, as did the dogs confined to the basement. As in the basement, there was an accumulation of dog feces in the exterior kennel.

When I checked the bathroom, I noted the toilet was not functioning and was filled with feces.

Orders were left to maintain the home in a sanitary manner and to remove all garbage from floor, clean dishes, deodorize carpeting and remove rotting food from the counters. We also ordered that the urine-stained mattress be removed and ordered that the carpeting be shampooed and deodorized.

September 6, 1988

A follow-up inspection was conducted by Mary Fandrey and Pat Brady. All dog feces had not been removed from the kennel. Ms. Lundquist stated she had not had a chance to clean up yet. She was in the process of washing the kennel floor with the hose and there was a dog food bag lying on the kennel floor. It was about one half full, I asked if there was food in the bag. Donna said, "No, it was from cleaning up the kennel".

The interior of the house was a tremendous improvement. The home had been vacuumed, the floor scrubbed, dishes washed, counters cleaned, beds made, and garbage removed.

Two dogs were still in the basement and an odor present but no sign of feces or urine. The toilet was functioning.

Orders were left to make application for a Private Kennel license by September 16, 1988. It was also discussed with Ms. Lundquist the the exterior kennel was too small for four (4) dogs. It was explained to her that she also needed to provide protection from the elements for the dogs. I told her she would need to enlarge the kennel area and add an additional dog house. She wanted to know if she should accomplish this before taking her application before the council and I said yes.

Orders were left to apply for a Private Kennel license by September 16, 1988.

September 27, 1988

I attempted to inspect the premises with Sanitarian Pam Foster. The kennel was fairly full of dog feces (at least 8 piles) and dogs barked continually at us. Three (3) dogs were in the kennel and there was also barking coming from the house. Repeated knocking on the front door brought no response although we could hear someone in the house moving around and talking.

Also, we walked past the northside of the house where a foul odor was emanating from the living room window.

September 30, 1988

A certified letter was sent to Ms. Lundquist advising her to submit her completed application by October 7, 1988. She was informed that failure to comply would mean that there should be no more than two (2) dogs on the premises by October 17, 1988. She did bring her additional information to the office on October 7, 1988.

This same day we received a complaint regarding a terrible smell emanating from the house. The complaint alleged the odor was detectable from the sidewalk. The complainant also stated that they had heard Ms. Lundquist was applying for a kennel license. Complainant was opposed due to the dogs' barking and fear of creating a nuisance.

October 3, 1988

Ms. Lundquist called regarding the letter I sent and promised to have additional information we needed to us. I informed her of the new complaint alleging the odor. She denied there was a problem. I urged her to do a thorough cleaning and obtain a product from the vet or a pet supply store for neutralizing odors for urine and feces. She agreed to do this.

October 7, 1988

Ms. Lundquist submitted additional required information for private kennel application; including plans for the planned expansion of the outdoor dog kennel, and rabies vaccination certificates and the appropriate fee.

October 10, 1988

At approximately 3:30 P.M., Pam Foster and I went to investigate the newest complaint.

We knocked on the front door numerous times but no one came to the door.

We then walked around the northside of the house and to the back yard. On the back of the house (west side) we noticed that there was approximately a one foot section of foundation which had crumbled, which caused an opening that appeared to lead directly into the basement.

As we entered the back yard, three (3) dogs in the kennel began barking at us. The kennel area was clean with only one pile of dog feces present and three (3) pans of fresh water.

I decided to try knocking on the back door. Ms. Lundquist came to the door holding the baby. We entered and noticed a terrible odor immediately.

The kitchen area was clean, as was the living room and bathroom.

I proceeded down the basement stairs and passed a pile of dirty clothes on the landing. The stairs were covered with dog hair and had brown stains on them. After leaving the house, I noted I had the brown material on my clothes.

There was one dog in the basement who Ms. Lundquist admitted was not housetrained. The odor was strongest at that point; there was one pile of feces present.

We then moved our conversation outside. I explained to Ms. Lundquist that until the house was in complete order, I could not recommend to the council that her application be approved. She became irate and said it did not make any sense. She failed to see how the two things were related. She said she thought I "had an attitude" about her. I explained to her we treat everyone the same and perform several inspections before making a recommendation.

I clearly stated to her what was expected of her as far as deodorizing the house and recommended she seal up the hole at the back of the house.

I explained numerous diseases can be spread through dog feces and flies and rodents. I told her we wanted to be sure she could maintain the house before taking on additional work of the kennel. Ms. Lundquist said she felt she had done everything we had asked, said she works nights so has only small part of the day and weekends to get things done.

October 11, 1988

Called Ms. Lundquist about the plans she had submitted for kennel expansion to verify she was expanding it to the south. Wanted to make sure she would meet property setbacks since she was expanding to the south toward her neighbors.

I suggested to her that she may want to wait to pour the concrete until after the council made a decision. She became upset and said, "You were the one who told me to get the work done first". I said, "I hate to see you spend the money and then not have it approved". She said she could not get her money back and had already paid her cousin to do the work.

She said that I and Pam Foster had been terribly rude the day before. She said we acted like we were in the "lowest, dirtiest" place we had ever seen. She said our facial expressions and just the way we held ourselves showed it.

I explained to her that sometimes physical reactions to bad odors are hard to control. She still did not believe her home had an odor and talked about calling her councilperson. I said I thought that might be a good, objective third party.

She cried and said we did not know anything about her life and we did not care.

She also stated that she would not have the premises ready for inspection to my satisfaction on Tuesday; she said we just were not allowing her enough time and just did not believe she could satisfy me. She also told me she would try the odor neutralizer I had suggested, which just the day before, she said she had already done.

She said she felt better after talking to me and after I explained we never meant to "dehumanize" her or put her down. I explained to her we cannot get personally involved with people and have to remain business-like to treat everyone the same. I told her it was to her benefit we do several inspections, because it gave her more than one chance to show how well she could maintain her home and kennel. Also told her, it helps give us a clearer picture of conditions as they usually exist.

October 11, 1988

Referred Ms. Lundquist's case to Child Protection as requested by Tom Heenan. Nicole, the child, has always appeared clean and well cared for on our visits and appears very attached to her mother.

October 18, 1988

Mary Fandrey attempted to inspect premises as arranged with Ms. Lundquist. No one answered our knocks on doors. Kennel area was clean but odorous.

October 19, 1988

Pam Foster arranged with Ms. Lundquist to inspect premises when Mary Fandrey back from vacation on October 25, 1988.

October 25, 1988

Interior of Lundquist home very clean and neat, including basement. One pest strip in basement loaded with immature flies, showing they had most likely been breeding in basement.

Kennel area had several piles of dog feces smeared on it. Ms. Lundquist stated hose was frozen so she could not clean it up. Advised her to get some lime to place around kennel to absorb odors. Also reminded her to pick up and dispose of feces properly, not to simply wash off concrete pad into grass.

MEF:jt

Visit to 3432 Kyle Ave N., Crystal w/MEJ

10-10-88 3:45pm

~~entered~~ contacted Dispatch of our location. Knocked on front door numerous times with no response, ^(Noted odor in doorway) Animals outside barking as well as inside. Went around house to north side of premises, turned to east side of premises (rear of house). Noted large opening in foundation (approx 6 inches in diameter) to north side of deck. Kennel was ~~not~~ cleaner than previous visits, (pile of feces. Animals barking very loudly. Knocked on rear door. Opened by tenant carrying infant. Entered infants room → Kitchen → Dining. Strong stench noted upon entering, became strong enough in dining area to gag me. MEJ went down stairs I went down steps to landing. There was a pile of dirty clothes in landing, animal hair all over steps and brown substance smeared on numerous steps. (Both MEJ + I got this on our clothes (appeared to be old fecal material). Numerous flies were adhered to a sticky tape in dining room, hanging from the light fixture. I did note a few flies flying around inside the house.

Ms. Lundquist stated that the animal in the basement was not housetrained.

There were no major confrontations or arguments. MEJ clearly explained that we have gone out of our way to accommodate her and that we expect the same requirements of everyone. She clearly stated what was expected of her. Ms. Lundquist complained that she felt she was being picked on and we were out to get her. No derogatory comments were made on our part.

The baby looked in good shape + clean.
Closed premises approx 4:20pm.

Pamela A. Foster, Public Health Sanitarian

October 12, 1988

Donna Lundquist
3432 Kyle Avenue North
Crystal, MN 55422

Dear Ms. Lundquist:

This letter is being sent to inform you that your request for a Private Kennel license at your address, 3432 Kyle Avenue North, Crystal, Minnesota, will be considered by the Crystal City Council on November 1, 1988.

This meeting begins at 7:00 P.M., and takes place in the Council Chambers at the City Hall, 4141 Douglas Drive, Crystal, Minnesota.

We would appreciate your attendance to aid in the disposition of your request. The kennel license is necessary in order for you to maintain more than two animals at your residence.

If you have any questions, please call me at 537-8421.

Sincerely,

Mary E. Fandrey
Public Health Sanitarian
Crystal Health Department

MEF:jt

Letters also sent to: Daniel Sanborn, 3420 Kyle Ave. No.
Delores Gulbranson, 3436 Kyle Ave. No.
Cindy Bechtold 3429 Kyle Ave. No.
June Ave. No. wooded area (behind)

October 12, 1988

Wendie Price
3433 Kyle Avenue North
Crystal, MN 55422

Dear Ms. Price:

This letter is being sent to inform you that the Crystal City Council will be considering the application for a Private Kennel license at 3432 Kyle Avenue North, Crystal, Minnesota. The meeting will be held on Tuesday, November 1, 1988, at the Crystal City Hall, 4141 Douglas Drive, in the Council Chambers.

The meeting will begin at 7:00 P.M. The City Code requires that, in any household containing more than two animals, a Private Kennel license is required. The applicants, in this case, have 4 dogs which necessitates their request.

If you have any comments, your attendance will be appreciated. If you have any questions, please call me at 537-8421.

Sincerely,

Mary E. Fandrey
Public Health Sanitarian
Crystal Health Department

MEF:jt

It is agreed that we, the undersigned, consent to the residence at 3432 Kyle Avenue North, Crystal, Minnesota, having 3 or more animals in their home (no more than 5 animals).

NAME	ADDRESS	PHONE
Wendie Price	3433 Kyle	529-7550
Velous Gulbransen	3436 Kyle	588 9133
Andy Bechtold	3429 Kyle	529-5524

No homes behind.

September 30, 1988

Ms. Donna Lundquist
3432 Kyle Avenue North
Crystal, MN 55422

Dear Ms. Lundquist:

Enclosed you will find portions of the City Code pertaining to obtaining and maintaining a private kennel.

To date, we have not received the application form and fee required to begin processing your request to obtain a Private Kennel license.

We also have not received the proof of rabies vaccination for the other three dogs.

If you want to continue with plans to obtain a Private Kennel license, submit the necessary items to us by October 7, 1988. Failure to comply will mean that you must have no more than two dogs on the premises by October 17, 1988.

Submit your plans for the completed size of the kennel area as well as plans for protection of the animals in inclement weather.

Submit an explanation of manner and frequency of disposal of animal waste.

Describe method of cleaning kennel and storage of dog food as well.

If you have any questions, please contact me at 537-8421.

Sincerely,

Mary E. Fandrey
Public Health Sanitarian
Crystal Health Department

MEF:jt

Daniel V. Sanborn
3420 Kyle Av. No.
Crystal, MN 55422
Phone: (612) 521-2161

Oct 24th, 1988

Mayor Thomas Aaker
City of Crystal
4141 Douglas Dr. No.
Crystal, MN 55422

Honorable Mayor Aaker and Council Members:

The residents at 3432 Kyle Ave. No. of Crystal have applied for a private kennel license. As neighbors directly to the south of this residence, we are writing to voice our opposition.

Last spring, Donna Lundquist approached us with a petition to be signed. She explained that she needed signatures from 3 adjoining neighbors in order to proceed with the application. After stating to her that we would not sign, we assumed that they could not continue with the application process. We have now discovered that our assumption was wrong.

There are several reasons why we feel their private kennel license should not be granted:

1. The kennel is located directly outside our bedroom windows and our family is frequently awakened by barking.
2. We have also been concerned about the impact that a kennel would have on the future saleability of our home. We feel that four dogs right next door would be undesirable to many potential buyers.
3. We also believe that the care the dogs have been receiving is inadequate. To the best of our knowledge five dogs were confined in the home without regular exercise or fresh air from August, 1986 to the Fall of 1987. At that time a kennel was built in which several of the dogs were placed. Since this time they are fed and watered but seem to remain in the kennel day and night without regular exercise.

Thank you for allowing us to voice our concerns. We plan to attend the council meeting next Tuesday, November 1st.

Sincerely,

Daniel V. Sanborn
Marilee & Sanborn
Daniel and Marilee Sanborn

October 26, 1988

MEMO

TO: Jerry Dulgar, City Manager

FROM: Julie Jones, Community Dev't Coord.

RE: Energy Audit Program

The grant agreement with the State of Minnesota for the Energy Audit Program has been approved by the City of Brooklyn Center, the lead city for this 3-city program. The state grant covers the administrative costs of this program.

Audit costs are covered by NSP funds for the Home Energy Check-Ups and by Minnegasco for the Project Air audits. The contract with NSP is finalized and will be on the Nov. 1 council agenda. As soon as this agreement is approved, the program may begin. There are several Crystal residents already on a waiting list.

The Project Air Agreement with Minnegasco is incomplete. WHHS is waiting for bids from subcontractors, so the dollar amounts are left blank in the agreement. I am including a draft copy in the Nov. 1 council packet and have placed the item on the agenda for consideration. The council could approve the agreement's form, pending inclusion of the dollar amounts at a later date.

jg



west hennepin human services planning board

4100 vernon avenue south, st. louis park, minnesota 55416

920-5533

October 24, 1988

Julie Jones
City of Crystal
4141 Douglas Drive
Crystal, Minnesota 55422

Dear Julie;

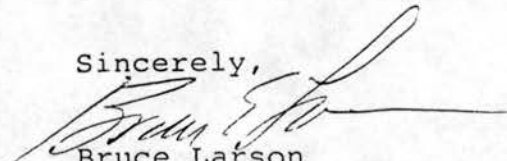
The Brooklyn Center, Crystal, Golden Valley Community Energy Conservation Program has been contracted for a two year period. According to the plan submitted to the Minnesota Department of Public Service the program is to provide audits under the Home Energy Check-up Program. These are to be funded by Northern States Power. This would be through October 30th, 1989.

Enclosed is a contract between Northern States Power, the City of Crystal and West Hennepin Human Services Planning Board. This contract will provide for the Home Energy Check-up Program November 1, 1988 through October 31, 1989, the first year of the Community Energy Conservation Program. It needs to be approved, signed and returned to WHHS.

I have also included a draft of the contract between Minnegasco, the City of Crystal and WHHS. As stated in the copy, the dollar amount will be filled in after the bids. We should have that by the next CEC meeting.

Thank you.

Sincerely,



Bruce Larson
Assistant Director

BL:ce
cc: encl:

RESOLUTION 88-____
RESOLUTION AUTHORIZING CRYSTAL TO
ENTER INTO COMMUNITY ENERGY COUNCIL
PROGRAM AGREEMENT

WHEREAS, the City of Crystal has received funding from the Minnesota Department of Public Service, jointly with the cities of Brooklyn Center and Golden Valley, to conduct an energy audit program; and

WHEREAS, the City has also applied for additional funding assistance from Northern States Power Company to conduct Home Energy Check-ups to Crystal's NSP residential customers with the assistance of West Hennepin Human Services;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Crystal, Minnesota enter into a Community Energy Council Program Agreement with Northern States Power Company and authorize the Mayor to sign such agreement on behalf of the City.

Adopted by the Crystal City Council the ____ day of _____, 1988.

Mayor

ATTEST:

City Clerk

COMMUNITY ENERGY COUNCIL PROGRAM AGREEMENT

THIS AGREEMENT, effective as of the First day of October, 1988, is between Northern States Power Company (NSP) a Minnesota corporation, the City CRYSTAL (the "City") a municipal corporation, and WEST HENNEPIN HUMAN SERVICES (WHHS).

WITNESSETH:

WHEREAS, the Minnesota Public Utilities Commission ("MPUC") ordered NSP to implement a conservation investment program which included providing assistance to conduct the Home Energy Check-Up (HEC), or equivalent audit and implementing other energy conservation programs, for NSP residential customers, and

WHEREAS, the City through West Hennepin Human Services ("WHHS") has established a Community Energy Council (CEC) whose responsibilities include conducting the Home Energy Check-Up (HEC), or equivalent audit and implementing other energy conservation programs for NSP residential customers.

NOW THEREFORE, in consideration of the terms and conditions stated herein, the parties agree as follows:

1. Publicity: The WHHS shall develop a program to stimulate interest and publicize the availability of the HEC in order to sign up households for the service. The City will assist in the promotion of the Home Energy Check-Up Program through advertising, mailings and other direct communications and will recommend households for possible participation in this program. Upon request by the City or the WHHS, NSP will assist with publicity by providing mailing labels and offering advertising assistance at the option of NSP.

2. Selection of Participants: Any NSP residential customer qualifies for the CEC audit. The WHHS is responsible for recording the number of participants where special assistance is given as defined in the Weatherization section.

3. Customer Release Form: The WHHS will obtain signed authorization from each participant in the HEC allowing NSP to release consumption data to the auditor. This release form, a sample of which is attached hereto and incorporated herein by reference as "Attachment A", shall be signed by each such participant prior to the release of the consumption data, or alternatively, the WHHS shall submit to NSP written confirmation of a customer's oral agreement to sign the attached form and thereafter the WHHS shall obtain the customer's signature on the form. The WHHS will file release forms and make them available to NSP upon request. A copy should be submitted to the regional office with the completed audit information.

4. Audits. NSP shall pay the WHHS \$60 for each approved residential energy audit completed by a City auditor. An approved audit is either the HEC, or an alternative audit approved by the Minnesota Department of Public

Service. Each customer receiving an audit will be billed \$10 by NSP. Groups requiring special assistance as defined in the Weatherization section, will not be billed.

When a blower door test and analysis is included in the HEC an additional \$15 will be paid by NSP.

5. Auditor Training: NSP shall pay the tuition for the local training for up to two auditors, not to exceed a total of \$600, who will perform audits for a WHHS sponsored energy conservation program.

6. Weatherization Materials: NSP shall reimburse the WHHS \$20 for weatherization materials installed in each home receiving the HEC. A WHHS auditor will identify and demonstrate the installation of the materials to the participants, answer questions and provide special assistance to senior citizens, handicapped persons, low income individuals and renters.

7. Literature: NSP will provide informational publications for WHHS of offer to program participants.

8. Referral and Assistance: The WHHS auditors will inform participants of applicable energy and assistance programs offered by the Energy Division of the Minnesota Department of Public Service, Minnesota Department of Economic Security, the WHHS and other local agencies.

9. Equipment: NSP will assist the WHHS in obtaining the necessary equipment required to perform the HEC's.

10. Start-Up Costs: NSP will advance a total of \$ None to the WHHS of None for start-up costs. This amount will be considered payment for the first None HEC completed audits.

11. Reporting Requirements: Each month, the WHHS shall submit an invoice to the NSP General Office Coordinator along with a list of the participant names, addresses, account numbers and cases where blower door assistance was given (hereafter called Audit Summary). The audits in the Audit Summary should be numbered consecutively from program start to finish.

A copy of the Audit summary, audit results and Customer Release Form should simultaneously be sent to the NSP Regional Representative for data entry.

In addition, the WHHS shall adhere to these and other NSP recordkeeping procedures as agreed when the program is initiated.

The WHHS shall grant NSP reasonable access to any books and records concerning the CEC and any of the funds and activities specified herein. The WHHS shall cooperate with NSP to respond to any requests for information or other relevant orders of the MPUC.

12. Reimbursement Procedure: If audit expenses satisfy the criteria stated herein, NSP shall send a check to the WHHS within 15 days after receipt of the itemized statement.

13. Goodwill: The WHHS agrees that each employee, independent contractor, or other person performing any duties required of the WHHS under this agreement shall be instructed to refrain from taking any action that will damage or injure the reputation or goodwill of NSP. Should an event occur that violates this provision, the City and NSP will mutually agree as to the appropriate measures to be taken.

14. Indemnity: WHHS Obligations. The WHHS shall defend, indemnify, and hold NSP harmless from and against all claims, damages, losses and expenses including attorney's fees and other litigation expenses, arising out of the performance or the failure to perform under this Agreement, or any claimed defect in the supplies and materials provided. West Hennepin Human Services Planning Board will have the following insurance: (1) General Public Liability Insurance policy (including owned and hired vehicles) with a \$600,000 combined single limit policy which includes protection against personal injury and property damage; (2) automobile Public Liability Insurance policy (including owned and hired vehicles) with a \$600,000 combined single limit policy which includes protection against personal injury and property damage; and (3) Workers' Compensation Insurance according to applicable statutory requirements. In no event shall NSP be liable to WHHS or any of its employees in contract, tort, warranty (express or implied), or otherwise, in any amount in excess of \$40,000.00. This section shall survive the completion of, or termination of this Agreement, or any breach thereof.

14.2 Northern States Power's Obligation. Northern States Power shall indemnify and hold harmless the City and the WHHS against any claim, loss, judgement, liability, or expense caused by the negligent acts or omissions or willful misconduct of Northern States Power, and its employees, regarding Northern States Power's duties under this Agreement

14.3 The City shall defend, indemnify, and hold NSP harmless from and against all claims, damages, losses and expenses including attorney's fees and other litigation expenses, arising out of the performance or the failure to perform under this Agreement, or any claimed defect in supplies and materials provided. In no event shall NSP be liable to the City or any of its employees in contract, tort, warranty (expressed or implied), or otherwise, in any amount in excess of \$40,000. This section shall survive the completion of or termination of this Agreement, or any breach thereof.

15. Term: This agreement shall be effective until WHHS completes the program unless NSP notifies the WHHS that it elects to terminate this agreement earlier after the occurrence of any one of the following events: a) the MPUC specifically orders NSP to terminate this Agreement, b) the MPUC rejects NSP's request to recover in rates any expenses incurred pursuant to this Agreement, or c) the WHHS fails to perform the obligations specified herein.

16. Notices: All information should be sent by United States mail, postage thereon prepaid.

The WHHS shall direct information to the appropriate General Office and Regional NSP representatives as discussed in the Reporting Requirements section. The correct addresses and phone numbers are as follows:

General Office Coordinator

Name Wanda Reder

Phone 612-330-7594

Regional Representative

Name Terri Tieman

Phone 347-9555

Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

All notices from NSP to the WHHS shall be sent to:

Name Bob Palrud
Address West Hennepin Human Services
4100 Vernon Avenue South
St Louis Park, Minnesota 55416
Phone 927-8387

All parties shall be entitled to rely and act upon notices sent pursuant to this section.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective duly authorized officers, as of the day and year first above written.

NORTHERN STATES POWER COMPANY

By: Bruce A. Johnson Title: _____

THE CITY OF _____

By: _____ Title: _____

WEST HENNEPIN HUMAN SERVICES PLANNING BOARD

By: _____ Title: _____

HOME ENERGY CHECK-UP
DATA WORKSHEET / WORK CERTIFICATION

Exhibit A
CLIENT # _____

CLIENT'S NAME _____ HOME PHONE: _____

ADDRESS: _____ WORK PHONE: _____

CITY: _____ ZIP CODE: _____

NSP ACCOUNT #: _____

PRETEST ACH-50: _____; AT _____ LABOR HRS. ACH-50: _____; _____ HRS. ACH-50: _____
CFM NAT: _____ CFM NAT: _____ CFM NAT: _____

@ _____ HRS. ACH/50: _____ . POSTTEST CFM-50: _____
CFM NAT: _____ . CFM NAT: _____

HOUSE VOLUME: _____ AREA: _____ ACH: _____ CFM: _____

LABOR HOURS:

AIR INFILTRATION: _____ HRS; INSULATION: _____ HRS; LOW COST MEASURES: _____ HRS;
CLIENT EDUCATION: _____ HRS; DUCT JOINTS SEALED: _____ HRS; SETBACK: _____ HRS.

ESTIMATED REDUCTOIN IN HEATING SEASON CONSUMPTION: _____ CCF.

HOMEOWNER: Below is a check list of energy saving improvements made by the contractor. PLEASE INSPECT YOUR HOME to insure that these improvements have been made to your satisfaction. If you are satisfied that the work has been completed as indicated, please SIGN below on the line provided. If you have questions, concerns, or complaints regarding the work, address those to the contractor before your sign. THE CONTRACTOR WILL BE PAID ONLY WITH YOUR SIGNED CERTIFICATION OF WORK. If there are other questions or concerns please contact the Energy Conservation Staff at West Hennepin Human Services, 927-8387.

Please indicate the starting time and the ending time of the Contractor:
Starting Time: _____ Ending Time: _____

Homeowner Signature: _____ DATE: _____

Conservation Coordinator Signature: _____

CONTRACTOR CHECKLIST (Use NA where Not Applicable, NN where Not Needed)

____ SEAL ATTIC BYPASSES/AIR LEAKS	____ CAULK/WEATHERSTRIP ATTIC HATCH
____ CAULK CEILING/FLOOR MOLDINGS	____ ADJUST/REPLACE WINDOW SASH LOCKS
____ CAULK/WEATHERSTRIP WINDOWS	____ INSTALL A/C (WINDOW/WALL UNITS)
____ CAULK/WEATHERSTRIP DOORS	____ SEAL BASEMENT CEILING PENETRATIONS
____ CAULK FIREPLACE/WALL JOINTS	____ CAULK RIM JOIST AREAS

(ALL CAULKING SHALL BE PAINTABLE CLEAR SILICON OR SILICON LATEX)

____ INSULATE RIM JOIST AREAS ____ CORRECT ATTIC INSULATION DEFECTS

CONTRACTOR RECOMMENDATIONS FOR FURTHER WEATHERIZATION:

Draft
PROJECT AIR
AGREEMENT

*\$ will be filled
in after bids.*

This Project Air Infiltration Reduction (AIR) Agreement for Low Income Homeowners ("Agreement") is among the City of Crystal, Minnesota, ("City"), 4141 Douglas Drive North, Crystal, Minnesota 55422; West Hennepin Human Services ("WHHS"), a unit of government, 4100 Vernon Avenue South, St. Louis Park, Minnesota, 55416; and Minnegasco, Inc. ("Minnegasco"), a Minnesota corporation, 201 South Seventh Street, Minneapolis, Minnesota 55402.

RECITALS

Minnegasco is a natural gas distribution company which is directed by Minnesota law to implement residential energy conservation programs which serve low income homeowners who are Minnegasco residential heating customers. Minnegasco has designed a Conservation Improvement Program ("CIP") which as been approved by the Minnesota Public Utilities Commission ("MPUC"). The CIP includes "Project AIR," a project designed to be delivered in conjunction with a city. Minnegasco desires to implement Project AIR in conjunction with the City as an approved CIP.

The City desires to enter into this Agreement to insure that effective energy conservation projects are offered to selected low income homeowners living in Crystal (see Sections 1.2 and 2.2). The City desires to have WHHS implement this project for the City of Crystal.

WHHS, a unit of government created by a joint powers agreement among 15 municipalities in Western Hennepin County, is qualified and willing to implement this project in the City of Crystal for the City.

Therefore, the parties intending to be legally bound, agree for themselves, their successors and assigns as follows:

SECTION 1. DUTIES OF WHHS

WHHS is responsible for implementation of all facets of Project AIR. These duties include:

- 1.1 Marketing: WHHS will promote Project AIR through advertising, mailings or other direct communications. In any advertising, mailing or other direct communications about Project AIR, WHHS will disclose that the project is jointly sponsored by WHHS, the City of Crystal, and Minnegasco and that Minnegasco ratepayers are funding a portion of the project.

- 1.2 Selection and Scheduling of Participants: WHHS will create and implement a procedure to select up to 100 low income homeowners, as defined by the City (see Section 2.2), who are Minnegasco residential heating customers on the day of the Project AIR visit.
- 1.3 Referral and Assistance: WHHS will inform all applicants for and participants in Project AIR of the various assistance programs offered by the Energy Division of the Minnesota Department of Public Service, the Minnesota Department of Jobs and Training, the City of Crystal and other local agencies. WHHS will assist any applicant or participant in seeking assistance from other programs for which they may be qualified.
- 1.4 Customer Release Form: WHHS will obtain signed authorization from each participant in Project AIR allowing Minnegasco to release their consumption data to WHHS or the subcontractors. WHHS will have these authorization forms on file and will make them available to Minnegasco upon request.
- 1.5 Project AIR: Project AIR is described in Section 4 of this Agreement. WHHS will ensure Project AIR is delivered in accordance with the project description in Section 4 of this Agreement.
- 1.6 Project AIR Forms: WHHS will provide, for Minnegasco and the City's approval, Project AIR forms that document pertinent information concerning each Project AIR visit, including labor hours spent on each task and a clear designation between improvements installed and improvements recommended. Project AIR forms will include:
- ° Participant name, address, and telephone numbers;
 - ° Minnegasco account number;
 - ° House volume and square footage;
 - ° Labor hours spent on each task;
 - ° Pre and post blower door test results;
 - ° A list of improvements installed in the residence;
 - ° A list of improvements recommended to the participant;
 - ° Participant's signature and date of visit;
 - ° WHHS or subcontractor telephone number for participant to call if clarification or additional information is desired.

Project AIR forms will be available in triplicate--one copy for the participant, one copy for WHHS, and one copy for Minnegasco.

- 1.7 Participant Information: WHHS will provide Minnegasco, upon request, any participant information it obtains to fulfill WHHS's and the City's obligations under this Agreement.

- 1.8 Selection of Personnel/Subcontractor: WHHS is responsible for the personnel selected to administer and perform Project AIR (see Section 2.3). WHHS will take bids for a qualified subcontractor to do the required work. Prior to the subcontractor's acceptance, Minnegasco, the City, and WHHS must approve the subcontractor.
- 1.9 Certification of the Work: Within ten working days of the subcontractor's submission of its invoice to WHHS, WHHS will approve or disapprove the work. If WHHS disapproves the work, the subcontractor will have fifteen working days to cure any problems and resubmit the invoice. WHHS will not pay the subcontractor if it fails to correct the problems.
- 1.10 Monthly Progress Report: WHHS will submit a monthly progress report to Minnegasco and the City by the 10th of each month. The report will include:
- ° The promotion completed;
 - ° The number of homes contacted, scheduled and completed;
 - ° Other items which indicate the progress of the project.
- 1.11 Follow-up Duties: Between thirty and sixty days following the completion of a Project AIR visit, WHHS will contact each household to solicit feedback on the effectiveness of the visit, including:
- ° Name and address of household;
 - ° Family size or number of persons in household;
 - ° Income category of household;
 - ° Age of home;
 - ° Previous energy workshop or weatherization experience; and
 - ° Information on additional energy conservation actions taken by the household as a result of knowledge acquired through the Project AIR visit.

If action is pending, WHHS will re-contact the household to obtain the required information within one month of the date of the pending action.

WHHS will further obtain the following ratings from participants:

- ° Subcontractor's knowledge of subject matter;
- ° Courteousness and helpfulness of subcontractor;
- ° Quality and neatness of installed weatherization workmanship;
- ° Usefulness of information presented;
- ° Clarity and understandability of the information presented;
- ° Courteousness and helpfulness of WHHS energy office staff; and
- ° Other follow-up which has taken place by the homeowner or WHHS energy office staff.

To ensure information is consistent, WHHS will use the questionnaire provided by Minnegasco.

- 1.12 Survival: Sections 1.10 and 1.11 shall survive termination of this Agreement until the tasks described therein are completed.

SECTION 2. DUTIES OF THE CITY

- 2.1 Marketing: The City will assist in promoting Project AIR through advertising, mailings, and other direct communications.
- 2.2 Selection of Participants: The City will recommend to WHHS low income homeowners who are Minnegasco heating customers for possible participation in this project. The City is responsible for defining "low income" for its community. The definition will be provided to Minnegasco for approval and to WHHS for use in selecting participants for Project AIR. Payments hereunder, however, only pertain to Minnegasco heating customers.
- 2.3 Selection of Personnel/Subcontractor: The City will participate in the selection of a subcontractor to perform Project AIR.

SECTION 3. DUTIES OF MINNEGASCO

- 3.1 Pre-Retrofit Consumption History: Minnegasco will make available to WHHS or the subcontractor the pre-retrofit 12-month consumption history for each participant in Project AIR for whom WHHS has on file a signed consumption release authorization form. Heat factor, base factor and total annual consumption will be made available telephonically if necessary. If WHHS or the subcontractor desires a consumption history print-out, Minnegasco will need a minimum of 5 working days to obtain the history and mail it to WHHS.
- 3.2 Post-Retrofit Consumption History: Upon request by WHHS, Minnegasco will make available to WHHS the post-retrofit 12-month consumption history for each participant in Project AIR for whom WHHS has on file a signed consumption release authorization form and where there has been no change in residency of the involved dwelling unit. The consumption history print-out on these residences will be provided within 30 days of the request by WHHS.
- 3.3. Informational Publications: Minnegasco will provide available Minnegasco informational publications for the subcontractor to provide to residents who participate in the project.

SECTION 4. PROJECT AIR

WHHS may subcontract with a qualified subcontractor to complete the weatherization improvements listed in Sections 4.1-4.3. These improvements will be based on reductions of air leakage which will be measured by depressurizing the home and calculating Cubic Feet per Minute (CFM) of air flow through the blower door at 50 Pascals (50 Pa). The calculations may be modified by height, wind shielding, and leakiness correction factors as developed by Lawrence Berkeley Laboratories and adapted to Minnesota by the Energy Division, Minnesota Department of Public Service.

WHHS will establish a goal for the subcontractor to reduce the correctable air infiltration rate of each home by an average of 40%. Homes will not be tightened beyond the following limits:

- ° For homes with 5 or less current or potential occupants (estimated at 2 occupants per bedroom): 1200 CFM at 50 Pa.
- ° For homes with 6 or more current or potential occupants (estimated at 2 occupants per bedroom): Number of occupants times 225 CFM at 50 Pa.

The subcontractor shall perform blower door tests throughout the day, at appropriate intervals, to insure that the house is not tightened below the CFM limits stated above and to determine whether further air infiltration reduction is practical, safe and cost effective or whether the subcontractor should perform non-air infiltration reduction measures listed in Sections 4.2 and 4.3. The subcontractor shall document the rationale for the decision to discontinue air infiltration reduction measures and implement non-air infiltration reduction measures. No home shall be left at an infiltration rate less than the above stated limits to ensure the home remains above nationally recognized safe ventilation levels. Each home is subject to the cost limitations stated in Section 6.

4.1 Reduce Air Infiltration

- ° Seal leakages into attics, including but not limited to those around light fixtures, chimneys and flues, soil stacks, wiring, partition walls, dropped ceilings over cabinetry and closets;
- ° Weatherstrip attic entries;
- ° Caulk interior ceiling moldings with clear paintable caulks;
- ° Caulk interior window jambs, trims, stops, stools and sills as needed;
- ° Install pulley seals to window pulley holes;
- ° Adjust or replace window sash locks;
- ° Caulk interior door trim and jambs;
- ° Repair or replace door weatherstripping and sweeps;
- ° Weatherstrip windows in poor condition;
- ° Install air conditioning cover on window air conditioners which remain in the window all year;

- ° Install gaskets for electrical outlets and switches and insert safety plugs with gaskets into unused outlets;
- ° Seal plumbing entries into partition walls;
- ° Caulk baseboards;
- ° Caulk penetration in basement of crawlspace ceiling;
- ° Caulk rim joist area; and
- ° Caulk sill/foundation joist.

All caulking shall be clear silicon or silicon/latex.

4.2 Install/Replace or Recommend Replacement/Installation of Insulation in the following areas:

- ° Attic entries where missing or damaged to meet a minimum of R-19;
- ° Rim joist area to R-19; and
- ° Knee wall area to R-19 where missing.

4.3 Improve or Recommend Improvements to Heating and Domestic Hot Water (DHW) System Efficiency relative to:

- ° Heating duct joints in unheated areas;
- ° Furnace filters, including advising homeowners on replacement procedure for a filter needing replacement;
- ° Placement of furniture, draperies or carpeting so these articles do not inhibit heat distribution and advise homeowners of the importance of unobstructed heat distribution;
- ° Comparison of thermostat setting with actual temperature to check for any variance;
- ° Insulation of ducts and hot water pipes in attics, crawlspaces and other unheated areas;
- ° Installation of flow restricters for faucets and showers.

SECTION 5. COSTS

- 5.1 Costs of the City: The City is responsible for all costs incurred in performing its duties.
- 5.2 Costs of WHHS: WHHS is responsible for all costs incurred in performing its duties.
- 5.3 Costs of Minnegasco: Minnegasco is responsible for all costs incurred in performing its duties.

SECTION 6. COMPENSATION

- 6.1 Start-Up Costs: Minnegasco will advance WHHS a total of \$ _____ for start-up costs. This amount will be considered payment for the first \$ _____ worth of Project AIR visits.

6.2 Project AIR Visits: Minnegasco will pay WHHS \$_____ per 8-hour Project AIR visit or \$_____ per 16-hour Project AIR visit completed and certified by WHHS, excluding the first \$_____ as specified in Section 6.1 above.

6.3 Invoicing: WHHS will invoice Minnegasco by the 10th working day of each month for work completed and certified the previous month. WHHS will simultaneously forward a copy of the invoice to the City. If for any reason the City disapproves of any portion of the invoice, the City will notify Minnegasco of such with 10 days of the date of the invoice. If the City approves the invoice, no action need be taken and Minnegasco will assume approval. Minnegasco will submit payment within 30 days of receipt of the invoice. The invoice must list:

- ° Names, addresses, and Minnegasco account numbers of households included in the invoice;
- ° Total number of visits being invoiced; and
- ° Total amount of the invoice.

The terms of Section 1.9 must be completed for each listed home prior to invoicing. Project AIR forms for each participant listed on the invoice, including a copy of the pre and post blower door test computer printouts, and the Progress Report must accompany the invoice.

6.4 Limitations: For the duration of this Agreement, funding for Project AIR is limited to 100 8-hour Project Air visits, or 50 16-hour Project AIR visits, or a combination of the two not to exceed a maximum total funding of \$_____. This Agreement further limits funding to a maximum of \$_____ for the first _____-month period of this Agreement and \$_____ for the second _____-month period. If the maximum amount is not spent in the first _____-month period, no carry-over or accrual to the second _____-month period will be permitted.

SECTION 7. GOODWILL

The City and WHHS agree that any of their respective employees, independent contractors or other persons performing any duties required of the City or WHHS under this Agreement shall be instructed to avoid words or actions that would convey a negative image for Minnegasco. Should an event occur that violates this provision, the City, WHHS, and Minnegasco will mutually agree as to the necessary corrections to be made.

SECTION 8. MPUC APPROVAL

The terms of this Agreement are dependent upon MPUC's approval of the request by Minnegasco to operate this project in Crystal. Unless this Agreement is prohibited by the MPUC, or recovery of project costs through natural gas rates is disallowed by the MPUC, this Agreement

shall be in force through April 30, 1990. If approval is withdrawn, Minnegasco shall notify the City and WHHS and thereafter performance by the parties will not be required.

SECTION 9. LIABILITY AND INDEMNIFICATION

- 9.1. City's Obligations: The City shall indemnify and hold harmless Minnegasco and WHHS against any claim, loss, judgment, liability, or expense for damage to any property, or for death or injury to any person caused by or arising from the negligent acts or omissions or willful misconduct of the City's officers, employees, and representatives during its performance of its duties under this Agreement.
- 9.2. WHHS's Obligations: WHHS shall indemnify and hold harmless Minnegasco and the City against any claim, loss, judgment, liability, or expense for damage to any property, or for death or injury to any person caused by or arising from the negligent acts or omissions or willful misconduct of WHHS's officers, employees, and representatives during its performance of its duties under this Agreement.
- 9.3. Minnegasco's Obligations: Minnegasco shall indemnify and hold harmless the City and WHHS against any claim, loss, judgment, liability, or expense caused by the negligent acts or omissions or willful misconduct of Minnegasco, and its agents and employees during its performance of its duties under this Agreement.

SECTION 10. INSURANCE

The City and WHHS will have the following insurance: (1) General Public Liability Insurance policy (including owned and hired vehicles) with a \$1 million combined single limit policy which includes protection against personal injury and property damage; (2) Automobile Public Liability Insurance policy (including owned and hired vehicles) with a \$1 million combined single limit policy which includes protection against personal injury and property damage; and (3) Workers' Compensation insurance according to applicable statutory requirements. The City and WHHS will provide certificates of insurance upon request. Minnegasco has General Public Liability Insurance and Automobile Public Liability Insurance in excess of \$25 million. Minnegasco has Workers' Compensation Insurance according to applicable statutory requirements. Minnegasco will provide certificates of insurance or other evidence of the insurance upon request.

*will be
changed to
\$600,000*

SECTION 11. COMPLETE AGREEMENT

This is the parties complete Agreement and cannot be modified except by a written amendment signed by all parties, except as specified in Sections 7 and 8.

SECTION 12. NOTICES

All notices under this Agreement will be deemed delivered when mailed, postage paid, to the other parties at the following addresses:

If to Minnegasco:

Susan K. Nathan
Administrator
Energy Programs
Minnegasco, Inc.
201 South 7th Street
Minneapolis, MN 55402

If to WHHS:

Bruce Larson
West Hennepin Human
Services
4100 Vernon Ave. So.
St. Louis Park, MN
55416

If to the City:

Julie Jones
City of Crystal
4141 Douglas Drive No.
Crystal, MN 55422

SECTION 13. TERMS

This Agreement shall be in effect from November 1, 1988 through April 30, 1990.

MINNEGASCO, INC.

WEST HENNEPIN
HUMAN SERVICES

CITY OF CRYSTAL

By Phillip R. Hammond
Vice President
Gas Supply &
Regulatory Admin.
Division

By Marcia Shapiro
Executive Director

By _____

*name & title
of person who
will sign the
contract.*

Dated: _____

Dated: _____

Dated: _____



MINNEAPOLIS – CRYSTAL

Elks Lodge No. 44

Benevolent and Protective Order of Elks

A FRATERNAL ORGANIZATION

5410 LAKELAND AVENUE • CRYSTAL, MINNESOTA 55429 • (612) 533-8360

October 24, 1988

City of Crystal and Liquor Control Division

RE: Application and Permit for five (5) 1-Day
Temporary On-Sale Liquor Licenses.

Our organization will be hosting the Minnesota Elks State Bowling Tournament for 5 consecutive weekends beginning with January 28-29, 1989.

As we currently do not have a Sunday Liquor License, we are making an application for five (5) 1-Day Temporary On-Sale Licenses for January 29th, February 5th, 12th, 19th, and 26th, 1989. We would appreciate your consideration of this request at your November 1st Council Meeting.

Thank you for your consideration.

Sincerely and fraternally,

Ed Thonander
Exalted Ruler

**MINNESOTA DEPARTMENT OF PUBLIC SAFETY
LIQUOR CONTROL DIVISION
333 SIBLEY • ST. PAUL, MN 55101**



**APPLICATION AND PERMIT
FOR A 1 to 3 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION MINNEAPOLIS-CRYSTAL ELKS LODGE #44		DATE ORGANIZED 4/25/1886	NO. OF MEMBERS 329	TAX EXEMPT NUMBER 5370485	
STREET ADDRESS 5410 Lakeland Avenue North		CITY Crystal		STATE MN	ZIP CODE 55429
NAME OF PERSON MAKING APPLICATION Ed Thonander		BUSINESS PHONE (612) 541-1234		HOME PHONE (612) 535-1264	
DATES LIQUOR WILL BE SOLD? (1 TO 3 DAYS) 1/29/89; 2/5/89; 2/12/89; 2/19/89; 2/26/89		DOES ORGANIZATION HAVE A CHARTER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		GENERAL PURPOSE OF ORGANIZATION philanthropic & fraternal	
ORGANIZATION OFFICER'S NAME Ed Thonander, Exalted Ruler		ADDRESS 5409 53rd Ave. N., Crystal, MN 55429			
ORGANIZATION OFFICER'S NAME Don Trout, Treasurer		ADDRESS 11343 73rd Ave. N., Maple Grove, MN, 55369			
ORGANIZATION OFFICER'S NAME Len Stelzel, Secretary		ADDRESS 8005 36th Ave. N. #321, New Hope, MN 55427			

Location where license will be used. If an outdoor area, describe.

All inside of our building located at 5410 Lakeland Ave. N., Crystal

Will the applicant contract for intoxicating liquor services? If so, give the name and address of the Liquor licensee providing the services.

NO

Will the applicant carry liquor liability insurance? If so, the carrier's name and amount of coverage.
(Note: Insurance is not mandatory)

YES Reliance Insurance Co. \$5,000,000
North River Insurance Co. \$5,000,000

APPROVAL

CITY OF _____	DATE APPROVED _____
CITY FEE AMOUNT _____	LICENSE DATES _____
DATE FEE PAID _____	APPROVED LIQUOR CONTROL DIRECTOR _____
SIGNATURE CITY CLERK _____	

NOTE:

Do not separate these two parts, send both parts to the address above and the original signed by this division will be returned as the license. Submit to the City Clerk at least 30 days before the event.



Charitable Gambling Control Board
Rm N-475 Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MN 55104-3383
(612) 642-0555

For Board Use Only

Paid Amt: _____
Check No. 41
Date: _____

GAMBLING LICENSE RENEWAL APPLICATION

LICENSE NUMBER: <u>8-02301-002</u>		/ EFF. DATE: <u>01/10/88</u>		/ AMOUNT OF FEE: <u>\$50.00</u>	
1. Applicant—Legal Name of Organization <u>CHURCH OF ALL SAINTS MINNEAPOLIS X</u>			2. Street Address <u>435 4TH ST NE</u>		
3. City, State, Zip <u>Minneapolis, MN 55413</u>			4. County <u> Hennepin</u>		5. Business Phone <u>(612) 379-4986</u>
6. Name of Chief Executive Officer <u>Rev George Kovalik</u>					7. Business Phone <u>(612) 379-4986</u>
8. Name of Treasurer or Person Who Accounts for Revenues <u>Lori Olson</u>					9. Business Phone <u>(612) 422-9389</u>
10. Name of Gambling Manager <u>Thadeus Dudek</u>			11. Bond Number <u>RPS304997</u>		12. Business Phone <u>()</u>
13. Name of Establishment Where Gambling Will Take Place <u>Paddock Bar Crystal</u>			14. County <u>Hennepin</u>		15. No. of Active Members <u>620</u>
16. Lessor Name <u>Paddock Bar</u>					17. Monthly Rent <u>1233</u>

18. If Bingo will be conducted with this license, please specify days and times of Bingo.

Days	Times	Days	Times	Days	Times

19. Has license ever been: ☐ Revoked Date: _____ ☐ Suspended Date: _____ ☐ Denied Date: _____

20. Have internal controls been submitted previously? ☒ Yes ☐ No (If "No," attach copy)

21. Has current lease been filed with the board? ☒ Yes ☐ No (If "No," attach copy)

22. Has current sketch been filed with the board? ☒ Yes ☐ No (If "No," attach copy)

GAMBLING SITE AUTHORIZATION

By my signature below, local law enforcement officers or agents of the Board are hereby authorized to enter upon the site, at any time, gambling is being conducted, to observe the gambling and to enforce the law for any unauthorized game or practice.

BANK RECORDS AUTHORIZATION

By my signature below, the Board is hereby authorized to inspect the bank records of the General Gambling Bank Account whenever necessary to fulfill requirements of current gambling rules and law.

OATH

I hereby declare that:

- I have read this application and all information submitted to the Board;
- All information submitted is true, accurate and complete;
- All other required information has been fully disclosed;
- I am the chief executive officer of the organization;
- I assume full responsibility for the fair and lawful operation of all activities to be conducted;
- I will familiarize myself with the laws of the State of Minnesota respecting gambling and rules of the board and agree, if licensed, to abide by those laws and rules, including amendments thereto.

23. Official Legal Name of Organization	Signature (Chief Executive Officer) <u>George Kovalik</u>	Date <u>10/29/88</u>	Title <u>CEO</u> <u>Pastor</u>
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ACKNOWLEDGEMENT OF NOTICE BY LOCAL GOVERNING BODY

I hereby acknowledge receipt of a copy of this application. By acknowledging receipt, I admit having been served with notice that this application will be reviewed by the Charitable Gambling Control Board and if approved by the Board, will become effective 60 days from the date of receipt (noted below), unless a resolution of the local governing body is passed which specifically disallows such activity and a copy of that resolution is received by the Charitable Gambling Control Board within 60 days of the below noted date.

24. City/County Name (Local Governing Body) <u>City of Crystal</u>	Township: If site is located within a township, please complete items 24 and 25:
Signature of Person Receiving Application: <u>Antonia Lopez</u>	25. Signature of Person Receiving Application
Title <u>City Clerk</u>	Title:
Date Received (this date begins 60 day period) <u>10-10-88</u>	Township Name
Name of Person Delivering Application to Local Governing Body: <u>Lori Olson</u>	

CG-00022-02 (8/88)

White Copy—Board

Canary—Applicant

Pink—Local Governing Body

IC 9/30/88 am

Keep Lori.

THIS LEASE AGREEMENT, Made this 31st day of October, 1988,
by and between Paddock, herein called LANDLORD(S), and Church of All Saints
herein called TENANT(S).

The LANDLORD(S) agrees to lease and rent to the TENANT(S), in consideration of rent paid and promises made by the TENANT(S), and the TENANT(S) agrees to rent and lease from the LANDLORD(S), the premises described below, located in the County of Hennepin and State of Minnesota:

To use and occupy the premises just as they are, without any liability or obligation on the part of the LANDLORD(S), to make any alterations, improvements or repairs of any kind on or about the premises, for and during the full term of 10-31-88 from and after the _____ day of 10-31, 19 89 for the following purposes:

The TENANT(S) agree to pay to the LANDLORD(S) as rent the sum of 33,600 dollars for and during the full term of this lease:

(2,800 per month)

IT IS FURTHER MUTUALLY AGREED between the parties as follows:

QUIET ENJOYMENT. The LANDLORD(S) promises that on paying the rent and performing the promises contained in this agreement, the TENANT(S) shall peacefully and quietly have, hold and enjoy the leased premises for the agreed term.

ASSIGNMENT AND SUBLETTING. The TENANT(S) shall not assign this lease or sublet the premises described above, in whole or in part, without first obtaining the LANDLORD(S) written consent.

SURRENDER OF PREMISES. At the expiration of the lease term, the TENANT(S) shall vacate and surrender the premises to the LANDLORD(S) in as good condition and repair as they were at the commencement of this lease, reasonable use and wear excepted.

VIOLATION OF AGREEMENT. If the TENANT(S) fails to make any payments mentioned in this lease agreement or fails to pay any rent when it becomes due, or violates any other promise, condition or agreement contained in this agreement, the LANDLORD(S) may re-enter and take possession of the premises. The LANDLORD(S) re-entry will not affect the TENANT(S) obligation to pay rent and fulfill any promise or agreement contained in this agreement for the full term of the lease. Or, the LANDLORD(S) may at _____ option cancel and terminate this lease agreement and may re-enter and take possession of the premises.

IN TESTIMONY WHEREOF, Both parties have hereunto set their hands the day and year first above written.

Signed, Sealed and Delivered in presence of

Joe Hutterer Seal
Thaddeus J. Dzik Seal
George J. Kozaluk Seal

State of Minnesota
County of Hennepin } ss.

On this 6th day of October, A.D. 19 88, before me, a
Notary Public _____ within and for said County, personally appeared
Joe Hartinger, Thaddeus J. Dudek and George J. Kovalik

to me known to be the persons _____ described in and who executed the foregoing instrument, and acknowl-
edged

that they executed the same as their free act and deed.



My Commission expires _____, 19 _____

Robert C. Flanders
Notary Public

County of Hennepin

State of Minnesota

Lease

FROM

Paddock

LANDLORD(S)

TO

Church of all Saints

TENANTS(S)

Amount, \$ 2,800 per month

payable 1st of the month

at _____

LeFevere
Lefler
Kennedy
O'Brien &
Drawz

a Professional
Association

2000 First Bank Place West
Minneapolis
Minnesota 55402

Telephone (612) 333-0543
Telecopier (612) 333-0540

J. Dennis O'Brien
John E. Drawz
David J. Kennedy
Joseph E. Hamilton
John B. Dean
Glenn E. Purdue
Richard J. Schieffer
Charles L. LeFevere
James J. Thomson, Jr.
Thomas R. Galt
Steven B. Schmidt
John G. Kressel
James M. Strommen
Ronald H. Batty
William P. Jordan
William R. Skallerud
Corrine A. Heine
David D. Beaudoin
Steven M. Tallen
Mary Frances Skala
Leslie M. Altman
Timothy J. Pawlenty
Rolf A. Sponheim
Julie A. Bergh
Darcy L. Hitesman
David C. Roland
Karen A. Chamerlik
Paul D. Baertschi
Arden Fritz

Clayton L. LeFevere, Retired
Herbert P. Lefler, Retired

October 26, 1988

Mr. Jerry Dular
City Manager
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

Re: Church of All Saints Gambling License

Dear Jerry:

Enclosed you will find a copy of a proposed emergency rule of the Charitable Gambling Control Board which is now under review by the Attorney General. It is my understanding that the rule will probably be in effect about November 15. As you will note, the rule would impose a maximum rate of \$24 per square foot with a total lease limitation of \$600 per month (different limitations are imposed on bingo places). As you know, the monthly rate proposed in the Church of All Saints - Paddock lease for the period October 1, 1988 - October 31, 1989, is \$2800 per month.

I understand from the Attorney General's office that the Charitable Gambling Control Board will be sending out a notice this week to all licensees informing them of the limitations and indicating that in its judgment the rule will require renegotiation of existing leases to conform with the rule. It is conceivable that licensees with existing leases, such as the Paddock, may challenge the Board's position on this point on the theory that the legislature and a state agency cannot by rule impair the terms of an existing contract. I suspect, however, that the landlords will probably accede to the new rule.

The Church of All Saints application is presently before the Council and the Council still has time to consider it for approval or rejection. It would seem to me that unless the Council has assurance that the lease with the Paddock will conform to the new rule that the Council has adequate grounds for not approving

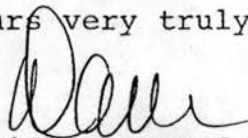
Mr. Jerry Dulgar
October 26, 1988
Page 2

the licensee's request if it is so inclined. Perhaps you or Darlene might want to contact the parties involved to determine their intentions so that the Council can consider the matter on Tuesday.

I want to also call your attention to the proposed lease as it presently is drafted. The lease does not indicate the actual premises to be leased nor does it indicate for what purpose the premises are to be used. I think the lease should be corrected to cover those points.

In addition, the Attorney General's office informs me that they have now ruled on the question of the ability of a municipality to direct the use of the revenues of the gambling tax such as the City of Crystal has imposed. I do not have the text of that opinion yet, but should have it by Tuesday, and we can discuss it with the Council at that time.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'D. Kennedy', with a stylized, cursive flourish.

David J. Kennedy

DJK:caw

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Charitable Gambling Control Board

Proposed Emergency Amendments to Permanent Rules Relating to Lease Payments

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the State Charitable Gambling Control Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Laws of Minnesota*, Chapter 684, Article 1, sec. 7. (1988). The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Roger Franke, Executive Secretary
200 Centennial Building
St. Paul, MN 55155
(612) 296-0937

A copy of the proposed rule is attached to this notice.

A free copy of the proposed emergency rule is available by contacting the Charitable Gambling Control Board Office at 642-0555.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Roger Franke. The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 7 September 1988

Roger Franke
Executive Secretary

Rules as Proposed

7860.0090 [Emergency] LEASE AGREEMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Payments.

A. The amount of the lease payment that an organization shall pay to a lessor for premises leased for lawful gambling, with the exception of bingo, may not exceed \$24 per square foot per month. In no instance may rent payments for the leased premises exceed \$600 per month.

B. The amount of the lease payment that an organization shall pay to a lessor for premises leased for the conduct of bingo and all other gambling activities during that bingo occasion shall not exceed \$200 for leased premises of not more than 6,000 square feet, \$300 for leased premises of not more than 12,000 square feet, and \$400 for leased premises of more than 12,000 square feet.

C. The storage of the inventory of gambling equipment may be on that leased premises.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Education**District Financial Management and Transportation Section****Notice of State Registration Requirements for EPA-Certified Asbestos Abatement Project Designers**

The Asbestos Management Program of the Department of Education has been officially designated to administer the registration of qualified Abatement Project Designers for asbestos-related work in Minnesota schools.

Persons who have successfully completed an Environmental Protection Agency (EPA)-approved course of training for Abatement Project Designer may register with the State of Minnesota to be included on the eligibility list supplied to Minnesota public and nonpublic schools.

Applicants may receive instructions and an application form by calling (612) 296-9786, or by writing to:

Asbestos Management Program
936 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Department of Health**Office of Health Systems Development****Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by Physicians Health Plan (PHP)**

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a Application for Approval of Demonstration Projects and Waiver of HMO Requirements—Individual Contract for Supplemental Medicare Benefits #601. Such waivers are authorized for demonstration projects by *Minnesota Statutes* 62D.30.

The request submitted by PHP is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, MN 55440
(612) 623-5365

Comments on the request must be received by September 23, 1988.

LeFevere
Lefler
Kennedy
O'Brien &
Drawz

a Professional
Association

2000 First Bank Place West
Minneapolis
Minnesota 55402

Telephone (612) 333-0543
Telecopier (612) 333-0540

J. Dennis O'Brien
John E. Drawz
David J. Kennedy
Joseph E. Hamilton
John B. Dean
Glenn E. Purdue
Richard J. Schieffer
Charles L. LeFevere
James J. Thomson, Jr.
Thomas R. Galt
Steven B. Schmidt
John G. Kressel
James M. Strommen
Ronald H. Batty
William P. Jordan
William R. Skallerud
Corrine A. Heine
David D. Beaudoin
Steven M. Tallen
Mary Frances Skala
Leslie M. Altman
Timothy J. Pawlenty
Rolf A. Sponheim
Julie A. Bergh
Darcy L. Hitesman
David C. Roland
Karen A. Chamerlik
Paul D. Baertschi
Arden Fritz

Clayton L. LeFevere, Retired
Herbert P. Lefler, Retired

October 31, 1988

Mr. Jerry Dulgar
City Manager
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

Re: Charitable Gambling

Dear Jerry:

Enclosed is a copy of the Attorney General's opinion about charitable gambling that I mentioned in my letter the other day.

The thrust of the opinion is that the statute does not authorize the City to direct the distribution of charitable gambling proceeds remitted to the City by licensees under our ordinance. I think the opinion is correct in its view of the statute in that as long as the proceeds go to authorized public purposes under the statute that their actual use is a matter for determination by the licensee. As you recall, there was some discussion in the Council about setting up a mechanism for distribution of those funds. The Cloquet scheme discussed in the opinion contemplated a non-profit corporation to parcel out the funds, and the opinion finds that unauthorized. You may recall, too, that the City of St. Paul adopted such a program, but the opinion casts considerable doubt on it, and I understand from the Attorney General's office that the St. Paul program is being challenged in the courts.

In view of all this, I think it best that the City continue its program on charitable gambling donations as presently constituted. You will note, too, that the 3% tax which the City imposes must be used only for administration and regulation of the licensed activities.

Yours very truly,


David J. Kennedy

DJK:caw

LOCAL GOVERNMENTS: NONPROFIT CORPORATIONS: GAMBLING: Local units of government may not establish nonprofit corporations to carry out general governmental functions. Local governments are limited in their authority to license or refuse licensure of nonprofit organizations wishing to conduct lawful gambling within the local government's jurisdiction.

July 29, 1988

Harry L. Newby, Jr.
City Attorney
City of Cloquet
1219 - 14th Street
Cloquet, MN 55720-3139

733

Dear Mr. Newby:

In your letter to Attorney General Hubert H. Humphrey, III, you ask substantially the following questions:

QUESTION ONE

Under Minn. Stat. § 349.213, subd. 1, can the City of Cloquet form a nonprofit corporation, the directors of which are residents of the City of Cloquet appointed by the City Council, the income of which is obtained as a result of the ordinance requiring organizations licensed to conduct gambling under Chapter 349 to contribute ten percent of net profits to the corporation, to be used to fund youth and adult recreation activities or to build public structures for that purpose?

OPINION

We answer your question in the negative. Cities, like other local units of government, are creatures of laws establishing those local units for specified purposes. Therefore, the acts of local units of government must be authorized by law as found either in the state constitution or in state statutes. State ex. rel. Village of Fridley v. City of Columbia Heights, 237 Minn. 124, 53 N.W.2d 831 (1952).

It is well established that a municipality has such powers only as are expressly conferred upon it by statute or as

Harry L. Newby, Jr.
page 2

may be necessarily implied from those powers expressly conferred. It has no inherent powers.

Id. at 53 N.W.2d at 835. See, generally, 13 A Dunnell Minn. Dig. 2d Municipal Corporations § 3.01 (3rd Ed. 1981).

We are aware of no express grant of authority for the City of Cloquet to form a nonprofit corporation for the purpose of funding and administering adult and youth recreational programs and facilities. The question then seems to turn on whether the authority to form a nonprofit corporation for the purpose stated in your question is necessarily implied or incident to powers expressly granted.

We have found no Minnesota case which has examined the notion of implied power in a factual context of the kind contemplated here. The question of the power of local units of government to form nonprofit corporations for the purpose of carrying out general governmental or other functions was addressed by this office on at least one prior occasion. In Op. Atty. Gen. 92a-30, January 29, 1986, it was noted that there appears to be no express statutory authority for local units of government to form nonprofit corporations for the purpose of carrying out general governmental functions, nor could such authority be properly implied from existing grants of power to such units. The one possible exception noted dealt with the power of certain local units of government to establish hospital authorities pursuant to Minnesota Statutes section 144.581. An

Harry L. Newby, Jr.
page 3

examination of current state law yields no reason to contradict that prior opinion.

Minn. Stat. § 349.123 (Supp. 1987) provides that a statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate in that city or county, except as authorized under section 349.16, subdivision 4, or section 349.212. Inasmuch as there appears to be no express or implied authority granted to local units of government to form nonprofit corporations and given the language of section 340.213, the City of Cloquet cannot require an organization to contribute directly to the city for the purpose of funding any activity or government function. The city does, however, have the authority to identify one or more specific lawful purposes (as defined in Sec. 349.12 (Supp. 1987) and Minn. Rules Part 7860.0010, subp. 16) to which ten percent of the net profits must be directed. Minn. Stat. § 349.213, subd. 1 (Supp. 1987).

In addition, pursuant to Minnesota Statute section 349.212, subd. 5 (Supp. 1987) a city may impose a local gambling tax on each licensed organization within the city's jurisdiction not to exceed three percent of the organization's gross receipts from all lawful gambling less prizes paid out by the organization. In imposing that tax, however, the city is prohibited from using the monies collected for any purpose other

than for the regulation of lawful gambling. Furthermore, the imposition of such a tax precludes the imposition of any other taxes or fees on lawful gambling. Clearly the legislature intended that tax revenues collected by local units of government from lawful gambling were to be expended directly on the regulation of lawful gambling.

QUESTION TWO

Can the city require an organization, as a condition of conducting lawful gambling, to meet all, or any combination of the following requirements:

- (a) The organization have at least fifteen (15) members that are residents of the City of Cloquet.
- (b) At least fifty percent (50%) of all members of the organization be residents of the City of Cloquet.
- (c) The physical site for the organization's headquarters or the registered business office of the organization located within the city and have been located within the city for at least two (2) years immediately preceding application for a license.
- (d) The organization own real property within the city and the lawful gambling be conducted on the property owned by the organization within the city.
- (e) The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling and fund-raising, be within the City of Cloquet and have been located within the City of Cloquet for at least two (2) years immediately preceding application for a license.

OPINION

We answer your question in the negative, with qualifications. Minn. Stat. § 349.213, subd. 1 (Supp. 1987) states:

A statutory or home rule city or county has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction, including the prohibition of any form of lawful gambling,
.

(Emphasis added.)

Nothing in the statute speaks to the authority of a local unit of government to regulate the composition, local control or residency of the organization seeking approval to conduct gambling within the jurisdiction of the local unit of government. Form of gambling contemplates the various games themselves and the manner in which those games are conducted. The term also arguably contemplates authority to regulate the site of the gambling activity. Therefore, the local unit of government can determine what kind of lawful gambling (if any) can take place in its jurisdiction; it can specify the hours during which lawful gambling can be conducted within the jurisdiction; it can indicate where in the jurisdiction gambling can and cannot be conducted; it can limit the number of sites within the jurisdiction where gambling will be allowed; and it can prohibit gambling altogether.

Harry L. Newby, Jr.
page 6

The statute does not expressly authorize a local unit of government to determine the membership of an organization, or to decree that any organization seeking to conduct gambling in the jurisdiction must expend what may be precious resources to own property in that jurisdiction, or to prescribe where the organization's meetings must be held.

Other than those organizations exempt from licensing under Section 349.214, the licensing of organizations to conduct lawful gambling is done by the Charitable Gambling Control Board. The state has preempted the licensing function by prohibiting local units of government from requiring licenses or permits to conduct lawful gambling by those organizations already licensed by the Board. Minn. Stat. § 349.213, subd. 1 (Supp. 1987).

The question then arises whether there is implied from the statute the authority to limit gambling within the jurisdiction of a local government only to those organizations that meet specific criteria set by the local unit of government -- in this instance, organizations which are essentially local organizations.

Minn. Stat. § 349.213, subd.2 (1986), states that the Charitable Gambling Control Board may not issue a license to an organization if the local unit of government has adopted a resolution disapproving the license and so informs the board within 30 days of receiving notice of the license [application] (60 days as of 8/1/88). The statute offers no guidance with

Harry L. Newby, Jr.
page 7

respect to reasons a local unit of government may disapprove an organization's application. Impliedly, the local unit of government can develop certain criteria upon which to base the governing body's decisions to approve or reject applications by organizations wishing to conduct lawful gambling in the jurisdiction. Failure to do so could result in claims that actions by the governing body are arbitrary and capricious.

The City of Cloquet, though lacking the authority to license organizations to conduct lawful gambling pursuant to Chapter 349, has been given the authority to deny an application under Section 349.213, subd. 2. Again, it is well-settled that a local unit of government may not act arbitrarily in denying an application for a license. See, e.g., State ex rel. Ratner v. City of Minneapolis, 164 Minn. 49, 204 N.W. 632 (1925). Given what is contemplated by the City of Cloquet, namely, limiting lawful gambling to local organizations, possible violation of the equal protection clause of the state and/or federal constitution must be considered by the city. See, e.g., Const. & Gen. Lab. Union Local 563 v. City of St. Paul, 270 Minn. 427, 134 N.W.2d 266 (1965); Berg v. City of Minneapolis, 274 Minn. 277, 143 N.W.2d 200 (1966).

Resolution of the reasonableness of such restrictions as related to the asserted local purposes, however, calls for factual and policy determinations that are generally beyond the scope of our opinions. Thus we are not in a position to

Harry L. Newby, Jr.
page 8

authoritatively state whether conditions of the sort you propose
would be found reasonable in the circumstances.

Respectfully submitted,

HUBERT H. HUMPHREY, III
Attorney General
State of Minnesota

PEGGY L. BUNCH
Special Assistant
Attorney General

200 Ford Building
117 University Avenue
St. Paul, MN 55155
(612) 297-4606

Oct. 26, 1988

Crystal City Council

We are applying for a
provisional liquor license
for the purpose of a Holiday
work party at Becker Park
Community room on Sat., Dec. 3, 1988
7:30 pm to 12:30 am.

There will be approximately
fifty people present. We would
individually bring what beverage
or liquor we wanted to drink.

Thank-you

V. West Staff

North Memorial Medical Center

Laboria Hamburg

5512 Louisiana No.

Crystal, MN. 55428

533-5780

LeFevere
Lefler
Kennedy
O'Brien &
Drawz

a Professional
Association

2000 First Bank Place West
Minneapolis
Minnesota 55402

Telephone (612) 333-0543
Telecopier (612) 333-0540

J. Dennis O'Brien
John E. Drawz
David J. Kennedy
Joseph E. Hamilton
John B. Dean
Glenn E. Purdue
Richard J. Schieffer
Charles L. LeFevere
James J. Thomson, Jr.
Thomas R. Galt
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Darcy L. Hitesman
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Paul D. Baertschi
Arden Fritz

Clayton L. LeFevere, Retired
Herbert P. Lefler, Retired

October 21, 1988

Mr. Jerry Dulgar
City Manager
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

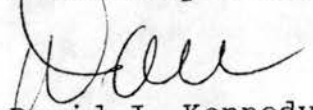
Re: Modifications to Certain License Fees - Tom
Heenan's Request

Dear Jerry:

Enclosed you will find a draft ordinance for second reading embodying Tom Heenan's recommendations approved by the Council at its last meeting.

The ordinance is a "special" ordinance, as permitted under our code, because Tom feels the need to have these new fees in place as soon as possible. On the other hand, as you know, Darlene is attempting to pull together all current fees for a comprehensive revision of the table of fees that appears in the code. Using this special ordinance technique will avoid the rather substantial costs of publication involved if we were to use the normal amendment procedure at this time. I will also be recommending, when that fee study is completed, that the ordinance code be amended to provide that the various license and permit fees can be set by Council resolution, thus again minimizing the expenses of publication. The present fee structure is embodied in our ordinance code because of my reluctance in the past to use the resolution method. On the other hand, that technique is used in a number of other cities and there has been no real objection to it. I think it will simplify matters greatly.

Yours very truly,



David J. Kennedy

DJK:caw

cc: Tom Heenan

ORDINANCE NO. 88-_____

AN ORDINANCE RELATING TO LICENSE
FEES FOR VARIOUS LICENSED ACTIVITIES.

THE CITY OF CRYSTAL DOES ORDAIN:

Section 1. Notwithstanding any provision to the contrary in Crystal Code, Subsection 1010.03, the license fees specified in this ordinance apply to the activities listed below:

Restaurant, Bar, Food Additional Facility	220.00w/QA* 150.00 30 ea. addl. fac. w/QA 40 ea. addl. fac. w/out QA
Retail Additional Facility Plan Review	170 w/QA 100 30 w/QA, 40 w/out QA New - License Fee Remodel - 50% of License Fee
Special Food	35.00
Honor Snacks	35.00
More than one location	220.00
Food Vehicle	30.00
Fleet (5 or more) (Inc. Bakery)	150.00
Catering Food Vehicle	110.00
Itinerant - 1st Day	30.00
Additional Day	12.00
Refuse Vehicle Company License each Vehicle	50.00 25.00
Lodging 1-15 16-35 36-100 over 100 w medication additional	70.00 + 2.50/room 50.00
Pools	
Outdoor	100.00
Indoor	150.00
Kennels	
Private	30.00
Commercial	50.00

* Quality Assurance Program

Sec. 2. This ordinance is a special ordinance within the meaning of Crystal Code, Subsection 110.09.

Sec. 3. This ordinance is effective in accordance with Crystal City Code, Subsection 110.11.

Mayor

Attest:

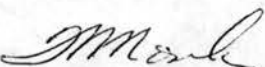
Clerk

00110D07.F16

TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: October 24, 1988
RE: Senior/Disabled Sewer Discount Program

As directed by the City Council at its meeting of September 20, a resolution (attached) has been prepared whereby renters will be included in the senior/disabled sewer discount program. If approved, a concerted effort will be made to make eligible parties aware that the program is available. Administratively, renters will be processed using a three-step process:

- 1) Verification of age/disability and residence will be handled at City Hall by the Utility Clerk. This process will be the same for all program participants.
- 2) Renters will be required to sign a copy of the Certificate of Rent Paid (attached) that each apartment owner is required to process at the end of each year and furnish said document to City Hall as a further verification of residence.
- 3) Reimbursement of applicable sewer rate discounts will be mailed directly to the qualified renter.


WM:jrs

Encl

RESOLUTION 88-

RESOLUTION RELATING TO SEWER USE RATES FOR
CERTAIN DISABLED AND SENIOR PERSONS

WHEREAS, with the approval of Ordinance No. 80-6 Crystal established authorization to adjust sewer use rates for senior citizens and disabled persons, and

WHEREAS, it is deemed appropriate to adjust eligibility as last established in Resolution No. 80-45, to include senior and disabled renters.

NOW, THEREFORE, BE IT RESOLVED that the Crystal City Council hereby restates its senior and disabled persons sewer discount program as follows:

1. Definitions. For purposes of this resolution a senior citizen is any resident of Crystal who has attained the age of sixty-five years, and a disabled person is a resident receiving a monthly disability benefit from the U.S. Social Security System.
2. Established Rate. The sewer use rate for a qualified senior citizen and/or disabled person is the user classification established in Section 710.03, Subdivision 2 of City Code; and the user charge is \$14.00 per quarter.
3. Qualification. Any senior citizen and/or disabled person who lives in the City of Crystal and presents proof of age/disability and residence satisfactory to the Utility Clerk shall be billed for sewer use at the rate established in Paragraph 2 above. Eligible individuals must be one of no more than three (3) inhabitants of the residence. Such rates shall apply to all billings as of the date of receipt of age/disability and residence by the City.
4. Procedure. Any senior citizen or disabled person who lives in a residence and is directly billed for sewer service shall be billed at the user rate established in Paragraph 2. Qualified individuals in a rental situation who are not billed directly for sewer service shall be reimbursed the sewer discount as an annual lump sum following submission of an owner/resident verification form established by the City.
5. Rate Continued. The special sewer rate established in Paragraph 2 shall continue in effect for all qualified

senior citizens and disabled persons until modified by subsequent resolution of the City Council.

6. Effective Date. The special sewer rate established in this resolution for qualified senior citizens and disabled persons is effective as of January 1, 1989.

7. Rescinded. Resolution 87-74 is hereby rescinded.

By roll call and voting aye:

Adopted this 18th day of October, 1988.

Mayor

ATTEST:

City Clerk

Form
CRP

1987 Certificate of Rent Paid (CRP)

Fill out and give to renters before February 1, 1988.

Renter's name and address of the unit rented

Owner's name and address (including zip code)

Property ID number (from property tax statement)

Number of rental units on this property

Rented month day month day
from: — 1987 to: — 1987

Number of adults paying rent on
unit (count married couple as 1):

If rental unit is in a nursing home or health care facility,
fill in the amount paid for renter by welfare or Medicaid

- 1 Rent paid to you by this individual renter or married couple for 1987 1
- 2 Percentage which property tax is of total rent for property. (If a government
housing agency pays you part of rent for this unit, check box ☐ and fill in 20%) 2 %
- 3 Multiply line 1 by line 2 3

I declare that this certificate is correct and complete to the best of my knowledge and belief.

Owner's or agent's signature

Date

Business phone

TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: September 15, 1988
RE: Senior Citizen Sewer Rates

At present Crystal bills for sanitary sewer service on a set quarterly basis per dwelling unit. The current sewer charge is \$24 per quarter which is billed to 7,960 customers. This number does not include the 1,458 customers who are eligible for the senior/disability discount and charged at a rate of \$14 per quarter.

The senior sewer rate program which was initiated in 1978 is currently operated using the following three parameters:

- 1) To be eligible the individual(s) must be a resident of Crystal who has attained the age of sixty-five years or a disabled person receiving a monthly disability benefit from the U.S. Social Security System.
- 2) Any senior citizen or disabled person who lives in a single family residence and is directly billed for sewer service and who presents proof of age or disability satisfactory to the City Clerk is qualified.
- 3) The special rate for seniors/disabled was expanded in 1980 to include individuals who own and occupy a dwelling unit in a double bungalow.

Senior and disabled renters are not eligible to receive any sewer discount in the present program unless they rent a single family dwelling where direct payment of utility bills is involved. The exclusion of renters in multiple dwelling structures is primarily based on administrative difficulties with certification and reimbursement as the owner is not directly involved.

Based on direction given at the Council meeting of July 19, 1988, staff estimates as many as 400 of the 1,767 multiple rental units in Crystal may involve senior or disabled persons. This projection is in addition to the 1,458 present program participants which again includes renters in single family homes.

In terms of sewer revenue, it is estimated that approximately \$1,000,000 will be receipted in 1988. This total already takes into account \$58,320 in projected elderly/disabled discounts. This amount would be increased by up to

September 15, 1988

Page 2

\$16,000 if all types of rental property were included in the discount program.

While inclusion of all elderly/disabled renters in the sewer discount program would increase the number of participants by a factor of over 25%, the sewer fund could absorb the impact in the short term. However, there is no question that sewer rates would be affected as future charges are projected.

In reviewing the inclusion of renters in the discount program with the Finance Director and Utility Clerk, it was agreed that provisions to cover a rental situation where the occupant does not directly pay the utility bill could be provided. Administrative involvement would be significant in performing the necessary eligibility certification, verification of rental and dispersion of an annual reimbursement to each renter. However, the discount program would be more equitable in its overall approach if all senior and disabled persons residing in Crystal were included.

While staff considered questions regarding basic eligibility and use of income parameters in a two tier system, the large number of participants, the long-standing nature of the program, and the difficulties of income verification, all contribute to making major changes controversial as well as difficult to administer. It is therefore recommended at this time that all renters be included in a program that otherwise remains unchanged. Further, that as future rate increases are considered, the senior/disabled discount rate of \$10 per quarter not be increased until the discount represents about 5% of the overall sewer fund revenue.

Lastly, due to the impact this change will have on the sewer fund, the program expansion for renters should not become effective until 1989 giving staff time to work out the details of the expanded program including preparation of the authorizing resolution. It is also proposed that the impacts of the above-detailed program be re-reviewed as a rate increase is considered in the future to see if discount rate or program adjustments are needed based on financial constraints within the enterprise fund.


WM:jrs

TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: October 24, 1988
RE: Improvements at 3245 Vera Cruz

Site improvements as specified in the attached agreement were required as a condition of plat approval issued in 1986 to Volunteers of America Care Facilities at 3245 Vera Cruz. The improvements, which involved a parking lot on the southern portion of the property, are now complete. It is recommended the \$9,500 performance bond on file to guarantee completion of said work be released.



WM:jrs

Encls

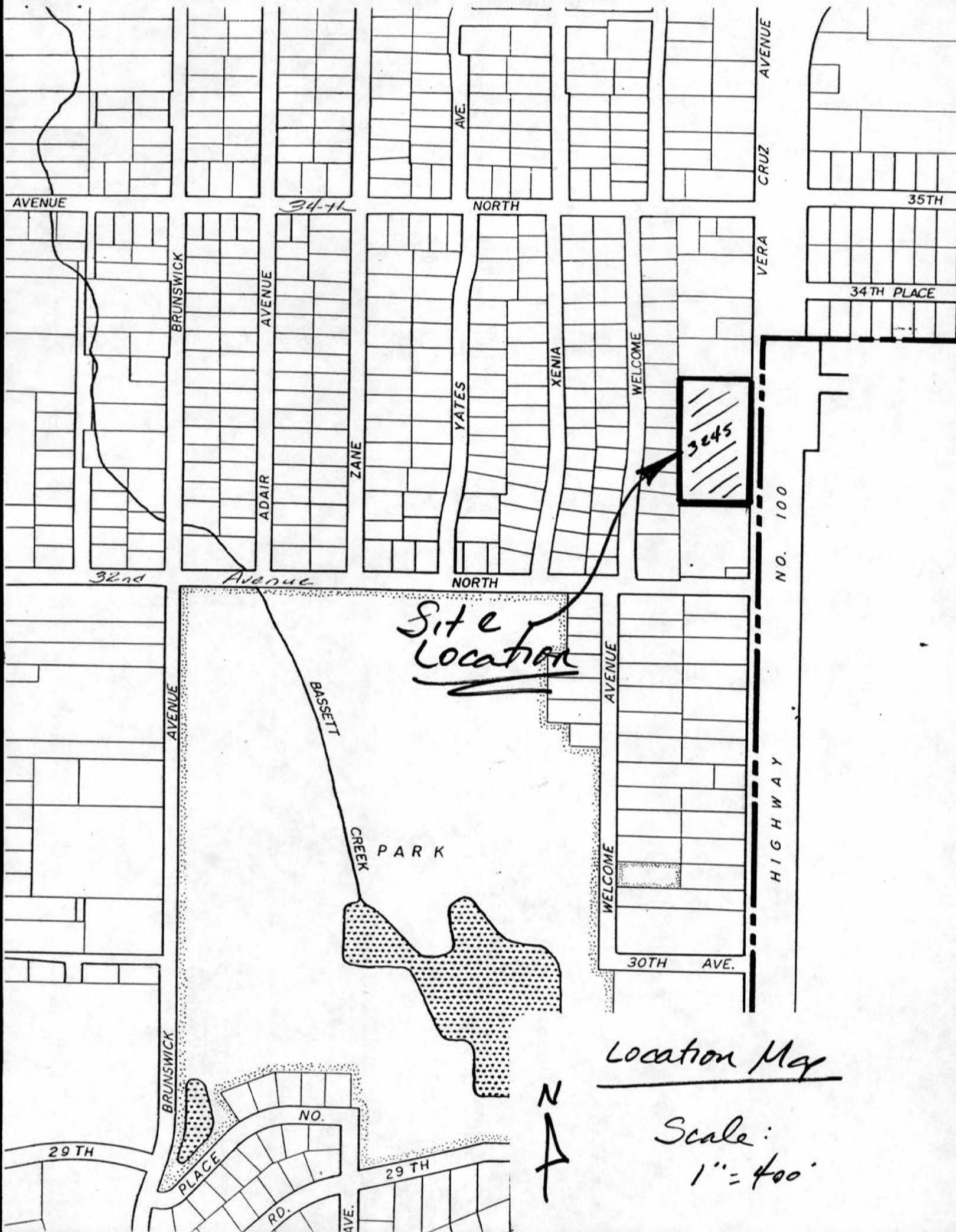


EXHIBIT "A"

A G R E E M E N T

THIS AGREEMENT made by and between the City of Crystal, a municipal corporation in the State of Minnesota, hereinafter called the City, the first party, and Volunteers of America Care Facilities, a Minnesota non-profit corporation, hereinafter called the second party.

WHEREAS, second party desires to develop certain lands within the City of Crystal to be known as Schweitzer 2nd Addition.

WHEREAS, second party has submitted a plat to the City Council, City of Crystal,

WHEREAS, as a prerequisite to the approval of said plat, the City Council requires the construction of certain improvements and requirements for the orderly development of the property known as Schweitzer 2nd Addition.

NOW THEREFORE, in consideration of the approval, said second party agrees and covenants as follows:

Construct V6 cast-in-place concrete barrier curb per approved plot plan.
Construct parking area, access aisles and drives with a minimum of 6" Class 5 base and 2" bituminous surface.
Stripe parking stalls with white paint.
Area lighting shall conform to Section 515.07, Subd. 10, of the Crystal City Code, if any lighting is installed.
Landscape all open areas.
Provide all lot irons in place and to grade at the time of final acceptance.

That all property irons and survey monuments be in place and to grade at the time of final acceptance of the above construction work by the City.

That the second party warrants and guarantees all work done under the agreement against any defect in workmanship, materials, or otherwise that may occur within one year from the date of final acceptance by the City of all said work and other requirements.

That the work be completed not later than December 31, 1986.

To hold the City harmless from any and all claims which may arise from third parties for damages sustained resulting from pursuance of the above-described work.

That all just claims incurred in the completion of aforementioned work requirements shall be paid in full by said second party

to all persons doing work or furnishing skill, tools, machinery, services, materials, equipment, supplies or insurance.

All work pursuant hereto shall be in compliance with the existing laws, ordinances, pertinent regulations, standards, specifications of the City of Crystal, and subject to approval of the City Engineer.

Second party covenants and agrees to maintain all roads within said subdivision in a safe and passable condition on and after the date of approval of said plat to the date of final acceptance by the City of all said work and other requirements.

It is further agreed between both parties that in the event that such roads are not maintained in a safe and passable condition, as determined by the City Engineer, that the City shall have the right to perform such work and in that event second party shall reimburse the City for all costs incurred in the maintenance thereof.

In the event that said second party has not completed any or all of the aforementioned work and requirements on the completion date as set forth herein, then in that event said second party shall be considered to be in default. Should said second party be in default, then second party authorizes said City, its officers, its employees or its authorized agents to enter upon said second party's property and to complete any or all such uncompleted or improperly performed work or other requirements in conformity with this agreement.

That surety be deposited with the City in the amount of \$9,500 to insure the faithful performance of the above construction work and requirements, said surety to be in the form and manner as prescribed by law.

IN WITNESS WHEREOF we have hereunto set our hands this 17th day of June, 1986.

SEAL

ATTEST:

Delores Ahmann
CITY CLERK

IN THE PRESENCE OF:

[Signature]

CITY OF CRYSTAL, MINNESOTA

[Signature]
MAYOR

[Signature]
CITY MANAGER

BY [Signature]
SECOND PARTY

BY [Signature] Vue Pres
SECOND PARTY

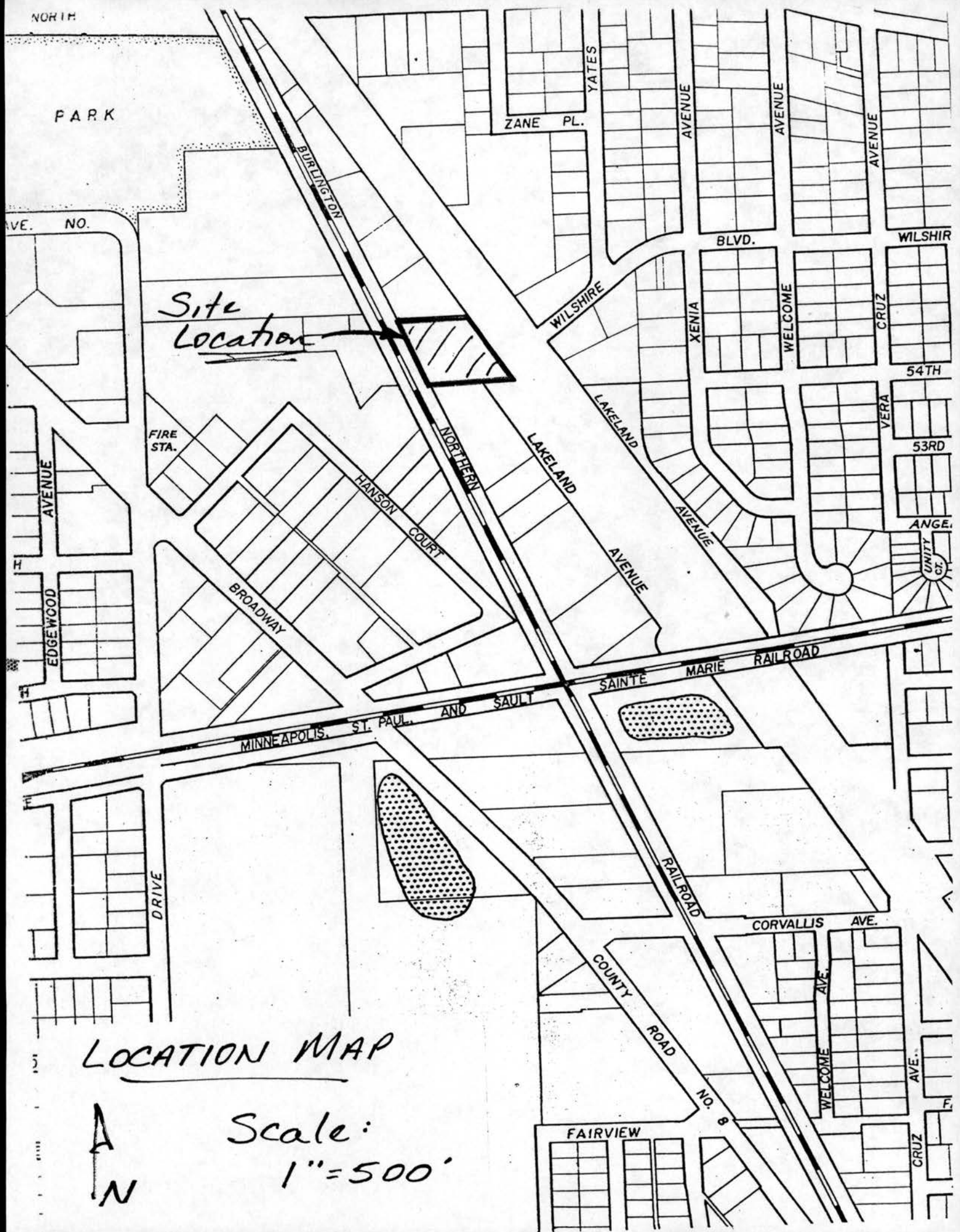
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: October 24, 1988
RE: Improvements at 5419 Lakeland Avenue -
Frank's Furniture

Site improvements at 5419 Lakeland Avenue, as required in the attached agreement as part of a building permit issued in 1985, are complete. It is recommended the remaining \$6,000 surety be released.



WM:jrs

Encls



Site Location

LOCATION MAP

Scale:
1"=500'

A
N

EXHIBIT "A"

A G R E E M E N T

THIS AGREEMENT made by and between the City of Crystal, a municipal corporation in the State of Minnesota, hereinafter call the City, the first party, and Kraus-Anderson Building Company, hereinafter called the second party,

WHEREAS, second party has requested that the City Council approve the issuance of a building permit.

WHEREAS, as a prerequisite to the approval of said permit, the City Council requires the construction of certain improvements for the orderly development of the property known as Frank's Furniture, 5419 Lakeland Avenue North.

NOW THEREFORE, in consideration of the granting of said permit, said second party agrees and covenants as follows:

- Prepare and record plat of property.
- Construct B618 concrete curb & gutter adjacent to site and repair street.
- Construct V6 cast-in-place concrete barrier curb per approved plot plan.
- Construct parking area, access aisles and drives with a minimum of 6" Class 5 base and 2" bituminous surface.
- Stripe parking stalls with white paint.
- Erect 2 handicap parking stall signs.
- Disconnect 4 abandoned water services at the main.
- Prepare and submit "as built" utility plans.
- Area lighting shall conform to Section 515.07, Subd. 10, of the Crystal City Code.
- Landscape all open areas.
- Provide all lot irons in place and to grade at the time of final acceptance.

That the second party warrants and guarantees all work done under the agreement against any defect in workmanship, materials, or otherwise that may occur within one year from the date of final acceptance by the City of all said work and other requirements.

That construction work be completed prior to issuance of the occupancy permit but not later than October 1, 1985, except for the construction of B618 concrete curb & gutter adjacent to site and repair street which completion shall be June 1, 1986.

To hold the City harmless from any and all claims which may arise from third parties for any loss of damage sustained resulting from pursuance of the above-described work.

That all just claims incurred in the completion of aforementioned work requirements shall be paid in full by said second party to all persons doing work or furnishing skill, tools, machinery, services, materials, equipment, supplies or insurance.

All work pursuant hereto shall be in compliance with existing laws, ordinances, pertinent regulations, standards, specifications of the City of Crystal, and subject to approval of the City Engineer.

In the event that said second party has not completed any or all of the aforementioned work and requirements on the completion date as set forth herein, then in that event said second party shall be considered to be in default. Should said second party be in default, then said second party authorizes said City, its officers, its employees or its authorized agents to enter upon said second party's property and to complete any or all such uncompleted or improperly performed work or other requirements in conformity with this agreement.

That surety be deposited with the City in the amount of \$53,000 to insure the faithful performance of the above construction work and requirements, said surety to be in the form and manner as prescribed by law.

IN WITNESS WHEREOF we have hereunto set our hands this 29th day of March, 1985.

SEAL

ATTEST:

DeLores Ahmann
CITY CLERK

CITY OF CRYSTAL

[Signature]
MAYOR

[Signature]
CITY MANAGER

IN THE PRESENCE OF:

Worothy C. Lockhart

Kraus-Anderson Building Company
SECOND PARTY

By: D.A. Zoray Vice Pres

Marge Buss
Frank's Furniture

October 26, 1988

MEMO

TO: Jerry Dulgar, City Manager

FROM: Julie Jones, Community Development Coord. *JJ*

RE: Just Compensation for 3432 Welcome and 4500 Adair

The appraisals have been received for the two properties which the HRA wishes to acquire through the Scattered Site Acquisition Program. The amounts stated as just compensation for each property in the attached resolutions are the appraised values. The HRA must offer the owners the appraised value as a purchase price. If the owner wishes to negotiate a higher price, they must obtain another appraisal (at their cost) which shows a higher value.

The HRA has directed staff to offer the appraised values as just compensation by form of motion on each property. However, at their next meeting they will have to pass the same attached resolutions before purchase agreements may be signed.

jg

RESOLUTION NO. 88-

RESOLUTION ESTABLISHING JUST COMPENSATION
AND AUTHORIZING OFFERS TO ACQUIRE
3432 WELCOME AVENUE NORTH

WHEREAS, the City of Crystal is carrying out a redevelopment project known as Scattered Site Acquisition, which includes the acquisition of real property; and

WHEREAS, the Crystal HRA has had the parcel of real property described in Exhibit A appraised for its fair market value by a qualified real estate appraiser, who has reported to the HRA his opinion as to said values; and

WHEREAS, another qualified appraiser has reviewed these appraisal reports and has on file a written report setting forth his opinion as to fair market value; and

WHEREAS, the work of the appraiser with respect to such property has been performed in a competent manner in accordance to the U.S. Department of Housing and Urban Development Uniform Act.

NOW, THEREFORE, BE IT RESOLVED by the City of Crystal City Council that:

1. Said opinions of fair market value in writing by the qualified appraiser are determined to be accurate and correct and the fair market value contained in Exhibit A is hereby adopted by the City of Crystal as just compensation; and
2. The Crystal City staff and its attorneys are hereby authorized to acquire the subject properties by direct purchase or donation for amounts not to exceed those certified herein as just compensation; and
3. If the Crystal City's staff and its attorneys are unable to acquire any of the subject properties by direct purchase or donation for the amounts of just compensation, the City of Crystal will either authorize payment in excess of fair market value or the institution of eminent domain proceedings to complete the acquisitions.

Adopted by the Crystal City Council the _____ day of _____, 1988.

Mayor

ATTEST:

City Clerk

EXHIBIT A

3432 WELCOME AVENUE NORTH

Property Description:

That part lying W of E 155' except street
Lot 14, Block 1, Rosedale Acres
P.I.D. #21-118-21-21-0044

Just Compensation:

Land and building - \$52,000

RESOLUTION NO. 88-

RESOLUTION ESTABLISHING JUST COMPENSATION
AND AUTHORIZING OFFERS TO ACQUIRE
4500 ADAIR AVENUE NORTH

WHEREAS, the City of Crystal is carrying out a redevelopment project known as Scattered Site Acquisition, which includes the acquisition of real property; and

WHEREAS, the Crystal HRA has had the parcel of real property described in Exhibit A appraised for its fair market value by a qualified real estate appraiser, who has reported to the HRA his opinion as to said values; and

WHEREAS, another qualified appraiser has reviewed these appraisal reports and has on file a written report setting forth his opinion as to fair market value; and

WHEREAS, the work of the appraiser with respect to such property has been performed in a competent manner in accordance to the U.S. Department of Housing and Urban Development Uniform Act.

NOW, THEREFORE, BE IT RESOLVED by the City of Crystal City Council that:

1. Said opinions of fair market value in writing by the qualified appraiser are determined to be accurate and correct and the fair market value contained in Exhibit A is hereby adopted by the City of Crystal as just compensation; and
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Adopted by the Crystal City Council the _____ day of _____, 1988.

Mayor

ATTEST:

City Clerk

EXHIBIT A

4500 ADAIR AVENUE NORTH

Property Description:

Lot 5, Block 1, (W 84ft. ex. st.)
Wagner's Garden Tracts
P.I.D. #09-118-21-33-0092

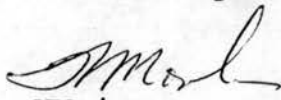
Just Compensation:

Land and building - \$16,000

TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
DATE: October 25, 1988
RE: Stop Sign Installations

Based on problems with physical characteristics or traffic flow, the following stop sign installations are recommended:

- A) Two-way stop signs on Welcome Avenue at 32nd Avenue to provide relief from offset intersection setup and sight limitations caused by grades in area.
- B) Two-way stop signs on Brunswick Avenue at 32nd Avenue to offset dense vegetation problem that limits sight distance.
- C) Two-way stop signs on Perry Avenue at 35th Avenue based on sight restrictions caused by grades on surrounding private property. It is also proposed to replace the yield signs presently on 35th at Orchard Avenue with stop signs.
- D) Two-way stops on Xenia Avenue at 46th Avenue to provide for traffic control at all corners of the heavily used park.
- E) Two-way stops on Adair, Zane and Yates Avenues at 57th Avenue to control cut-through traffic attempting to by-pass light at CR 81/10.
- F) Single stop on Brunswick, Zane and Yates Avenues at 58th Avenue to control traffic at "T" intersections with limited sight distance and narrow width on 58th Avenue.
- G. Single stop on 57th Avenue at Brunswick Avenue to control movements at "T" intersection with restricted sight distance.


WM:jrs

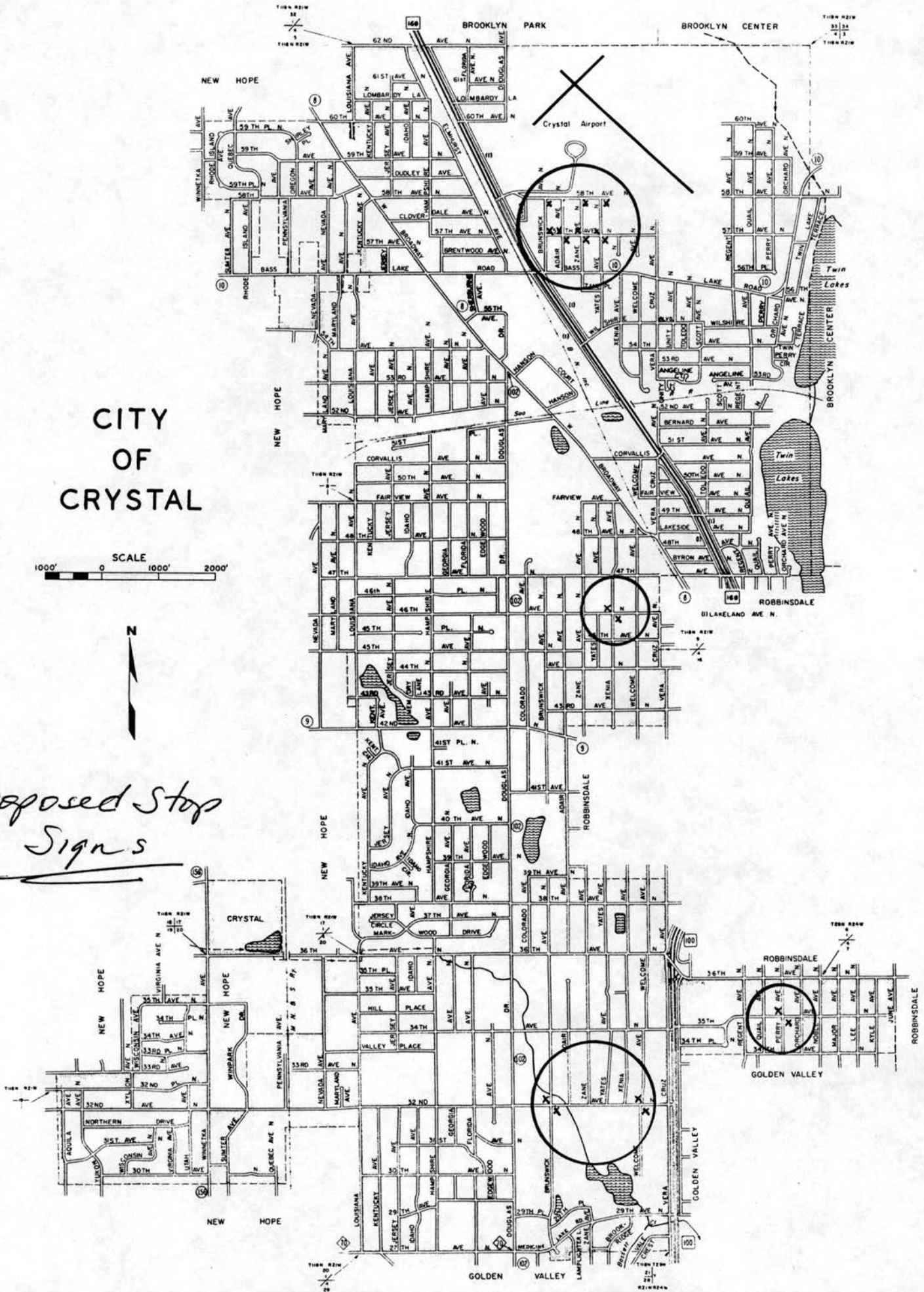
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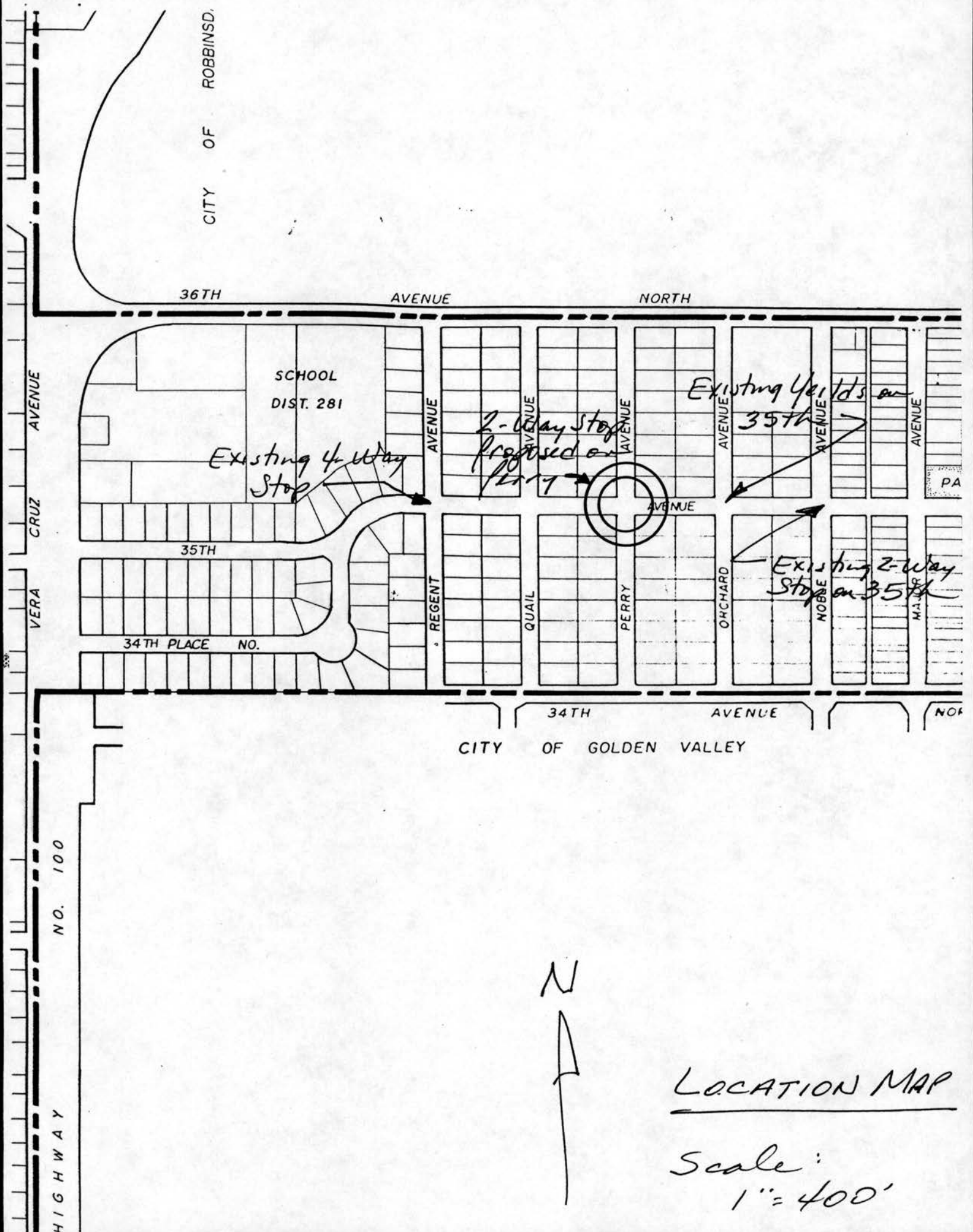
CITY OF CRYSTAL

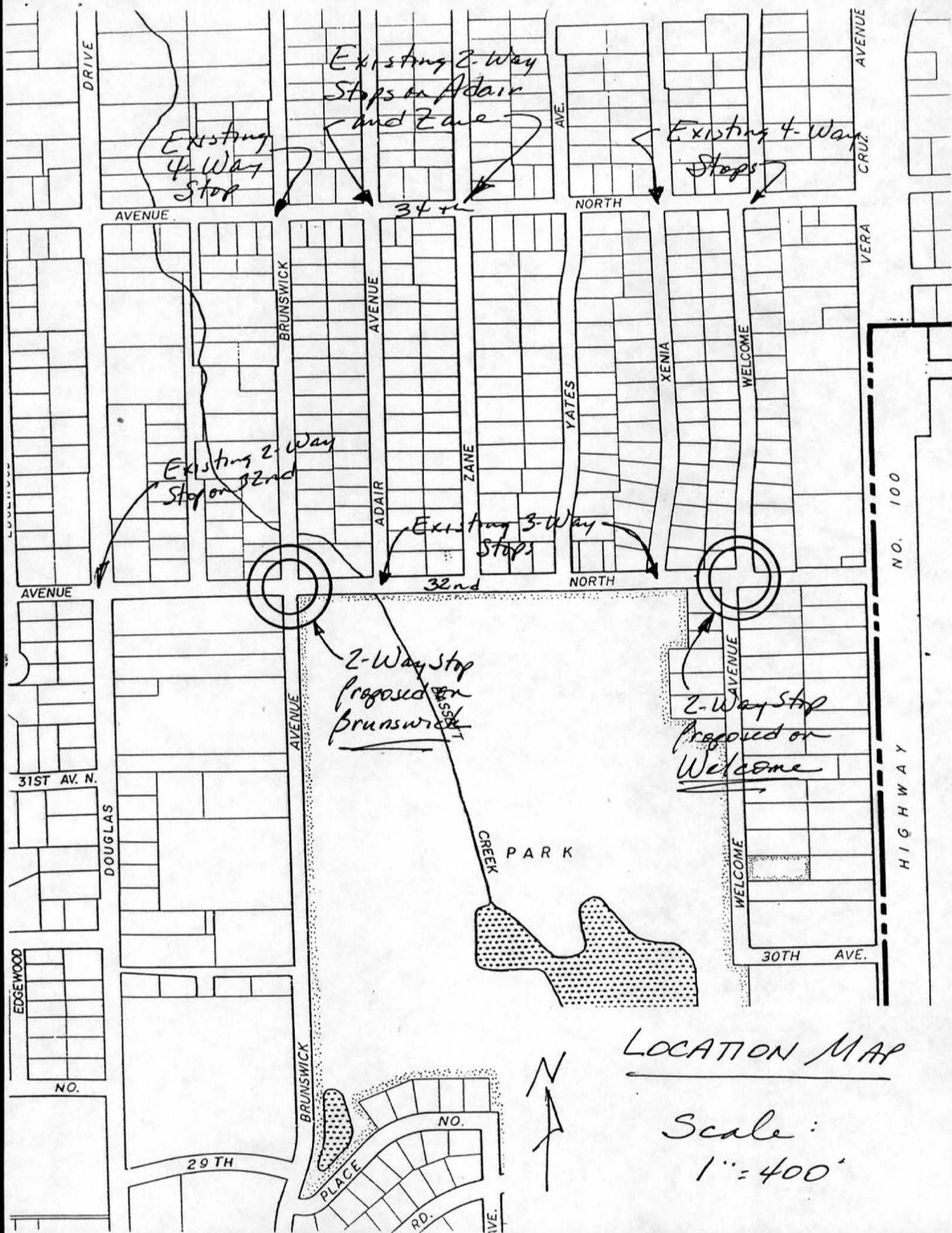
SCALE
1000' 0 1000' 2000'



Proposed Stop Signs









LOCATION MAP

Scale:
1" = 400'

November 1, 1988

TO: Jerry Dulgar, City Manager
FROM: John A. Olson, Assistant City Manager
Re: The Police Dispatchers 1988 Contract

The changes in the contract for the Police Dispatchers are as follows:

1. a 3.47 percent increase in salary so that the top wage for a police dispatcher is now \$2,023 per month;
2. an increase of \$10 in the City's contribution towards insurance to \$185 per month;
3. an elimination of the 2080 hours provision used to calculate the work schedule. This allows the year to float with actual work hours per year.

JAO/js

Is the Minneapolis-St. Paul (MSP) International Airport adequate to serve the needs of the Twin Cities, the state and upper midwest into the next century?

Should we expand it?

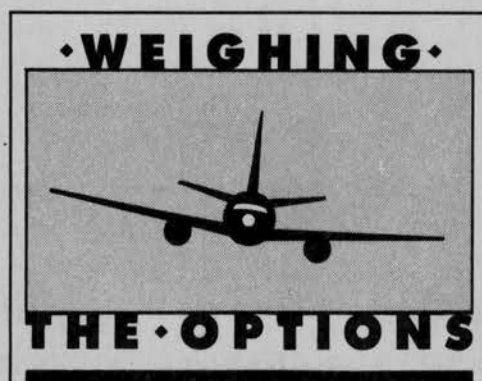
Should we begin to find land for a new airport?

The Metropolitan Council invites you to a

PUBLIC INFORMATION MEETING

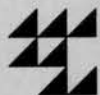
to discuss

The Recommendations of the
Metropolitan Council's
MSP Airport Adequacy Task Force



**Wednesday, November 16, 7,p.m.
Cooper High School Auditorium
8230 47th Av. N.
New Hope**

For more information and the dates of other public meetings on the task force's report, call the Metropolitan Council at 291-6500



METROPOLITAN COUNCIL

Is the Minneapolis-St. Paul (MSP) International Airport adequate to serve the needs of the Twin Cities, the state and upper midwest into the next century?

Should we expand it?

Should we begin to find land for a new airport?

The Metropolitan Council invites you to a

PUBLIC INFORMATION MEETING

to discuss

The Recommendations of the
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For more information and the dates of other public meetings on the task force's report, call the Metropolitan Council at 291-6500



METROPOLITAN COUNCIL

NORTHERN MAYORS ASSOCIATION . . .

Cordially invites you to a meeting where the Metropolitan Council will present its findings and recommendations from its Minneapolis/St. Paul Airport Task Force Study.

There will be an opportunity to ask questions and dialogue on this subject.

Date: November 10, 1988
Place: Brooklyn Center City Hall
(Constitution Hall)
Time: 6:00 P.M.

Note: Mayors, City Council Members, City Managers, Senior Staff, County Commissioners, Legislators and Chambers of Commerce will be invited to this meeting.

Please RSVP by calling 493-5115.

Northern Mayors Association members:

Andover, Anoka, Blaine, Brooklyn Center, Champlin, Brooklyn Park, Columbia Heights, Coon Rapids, Crystal, Dayton, Fridley, Maple Grove, Minneapolis, New Brighton, New Hope, Ramsey, Robbinsdale, Roseville, St. Anthony, Spring Lake Park

Northern Mayors Association
Board of Directors and
Minnesota Association of Urban Counties Meeting
September 29, 1988

Meeting Minutes

The meeting began at 5:00 p.m. Those in attendance included the following:

Jerry Splinter - City of Brooklyn Center
Dave Hartley - City of Ramsey
Bob Bocwinski - City of Columbia Heights
Gary Jackson - City of Coon Rapids
Jerry Dulgar - City of Crystal
Don Masterson - Mayor Spring Lake Park
Jim Krautkremer - Mayor of Brooklyn Park
Steve Halsey - Mayor of Anoka
Dean Nyquist - Mayor of Brooklyn Center
Bill Nee - Mayor of Fridley
Bob Benke - Mayor of New Brighton
Tom Aaker - Mayor of Crystal
Dale Hadrath - Mayor of Columbia Heights
Hank Sinda - City of New Brighton
Don Poss - City of Blaine
Dan Erhart - Anoka County
Jay McLinden - Anoka County
Gary Reimann - City of Ramsey
Dave Bawden - City of Ramsey
El Tinklenberg - Mayor of Blaine
Charles Darth - City of Brooklyn Park
Dale Ackmann - Hennepin County
John Derus - Hennepin County
Jerry Pahl - Hennepin County
Bruce Nawrocki - Minn. Assoc. Urban Counties
Bill Burns - City of Fridley
Russ Paulson - City of Columbia Heights
Jim Schranz - City of Andover
Jim Staebler - Hennepin County
Meg McPherson - Goff/Wilkie
Joseph Strauss - Executive Director
Sarah Nelson - Executive Assistant

Mayor James Krautkremer welcomed all present and expressed appreciation to all for their willingness to participate and open up the channels of communications further between the counties of Hennepin, Anoka and Ramsey and the communities that comprised the Northern Mayors Association.

John Derus and Dan Erhart discussed the counties interest in tax increment financing, LRT, and airport relocation. It was stated that what is in the best interest of the Northern Metro Area is also in the best interest of Anoka and Hennepin counties.

Joseph Strauss briefly explained the Northern Mayors Association (NMA) and its interests.

John Derus stated that the county government will work with the NMA to compliment the areas in which they agree is their respective public agenda for the future.

Jerry Pahl of Hennepin County began the discussion of tax increment financing by presenting Hennepin Counties stand on TIF. He had a handout entitled "Tax Increment Districts in Hennepin County - A Status Report - February 1988."

The following issues and comments were brought up in discussion after the presentation:

Comments:

1. Hennepin County has never opposed a particular Tax Increment Financing District project, nor does it oppose the use of TIF as a tool to promote economic development per se.
2. Hennepin County does, however, feel that TIF needs to be tightened up so that abuses of the tool do not occur in the future. Examples of abuse of TIF were shared but no member communities of the NMA were involved.
3. Where counties incur unanticipated costs as the result of a TIF project the sponsoring community should take this into consideration and find some method to recover these expenses.
4. Where is TIF going? Initially, TIF was designed to be used as a tool for redevelopment projects. Lately, TIF seems to be used predominantly for economic development projects.
5. What is "proper use" and "improper use" of TIF? Can anyone clearly define the difference?
6. NMA is currently working on establishing an overall TIF policy statement and will present it to its board of directors for consideration shortly.
7. TIF as a tool for economic development should have a specific time limit of no more than six to eight years.
8. Positive aspects of TIF were discussed in some detail.

9. Mayor Tinklenberg identified TIF as the one tool that can be used by the northern suburban communities to combat the uneven playing field that exists in economic development throughout the metro area.

Transportation issues of the NMA were briefly reviewed. They including: roads and bridges, LRT and airport. The discussion that followed included the following:

Comments:

1. LRT is an issue that should be seriously looked at. It may not be the answer to the entire transportation problem but it may help alleviate some of the problem. It is important to remember that all issues relating to transportation should be considered.
2. The cities and counties need to work closely together to obtain funding for transportation issues. By working together, a more unified picture of our needs can be presented to the legislature rather than both working on transportation issues independently.
3. Transportation funding distribution. Alternative funding mechanisms need to be looked at and considered in order to meet the continuing needs of the metro area. This includes such things as toll roads and bridges, additional taxing, metro area taxes, etc.

Other Issues.

Comments:

1. Property taxes and the current LGA situation were discussed. Those present generally were very concerned about the direction these issues are taking. It was suggested that the group consider focusing some of its resources at impacting these areas in the future.
2. Truth in taxation. Most present felt this to be a very negative concept and extremely costly for local units of government without any real pay back.

The meeting was adjourned at 6:45 p.m.

SPECIAL WORK SESSION/COUNCIL AGENDA

November 9, 1988

Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, the Special Meeting of the Crystal City Council was held on November 9, 1988, at ~~7:00~~ ^{5:30} P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present:

Councilmembers

P Herbes
AP Moravec (arrived at 5:33)
P Rygg
P Langsdorf
P Aaker
P Leppa
P Smothers

Staff

P Dulgar
— Olson
— Kennedy
— Monk
— Peterson
P George

The Mayor led the Council and the audience in the Pledge of Allegiance to the Flag.

Mayor Aaker declared this was the time and date for the official canvass of the results of the General Municipal Election held on November 8, 1988. The City Clerk presented to the Council the certification of the returns of the election.

Moved by Councilmember Larg and seconded by Councilmember Rygg to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 88-

RESOLUTION CANVASSING THE VOTE AND DECLARING THE RESULTS
OF THE GENERAL MUNICIPAL ELECTION

By roll call and voting aye: Herkes, Rygg, Larg, Aaker, Lippa,
Sm.; voting no: _____; absent, not
voting: Mar.
Motion carried, resolution declared adopted.

Moved by Councilmember Larg and seconded by Councilmember Sm. to adjourn the meeting.

Motion Carried.

Meeting adjourned at 5:32.

RESOLUTION NO. 88-72

RESOLUTION CANVASSING THE VOTE AND DECLARING THE RESULTS
OF THE GENERAL MUNICIPAL ELECTION

BE IT HEREBY RESOLVED by the City Council of the City of
Crystal, Minnesota:

1. It is hereby found and determined that the results
of the general municipal election, a copy of which is on file
in the office of the City Clerk, held in and for the City of
Crystal on Tuesday, November 8, 1988, as contained in the certified
returns of the Judges of the Election, have been canvassed by
the City Council and are approved.

2. The following persons are hereby declared to be
elected for three-year terms for the office indicated:

FOR MAYOR - Betty Herbes

FOR SECTION I COUNCILMEMBER - John G. Moravec

FOR WARD 3 COUNCILMEMBER - Elmer Q. Carlson

FOR WARD 4 COUNCILMEMBER - Garry A. Grimes

3. The following question, "SHALL THE CITY OF CRYSTAL
ISSUE AND SELL ITS GENERAL OBLIGATION BONDS IN AN AMOUNT NOT
TO EXCEED \$2,000,000 TO PROVIDE FUNDS TO FINANCE THE ACQUISITION,
BETTERMENT AND CONSTRUCTION OF A NEW COMMUNITY CENTER BUILDING?",
is hereby declared to be approved by a majority vote of those
casting ballots.

By roll call and voting aye:

Motion carried, resolution declared adopted.

Mayor

ATTEST:

City Clerk

Adopted by the Crystal City Council this 9th day of November,
1988.

MEMO TO: Darlene George, City Clerk
 FROM: Joan Schmidt and Dan Smith
 RE: Canvass of November 8, 1988 General Election
 DATE: November 8, 1988

Ward 1, Precinct 1:

FOR MAYOR

Tom Aaker	719
Betty Herbes	792
write in	6
(John Olson - 1)	
(no names - 5)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	1057
write in	18
(Bill O'Reilly - 1)	
(no names - 17)	

Community Center Financing

Yes	802
No	739

Ward 1, Precinct 2:

FOR MAYOR

Tom Aaker	733
Betty Herbes	545
write in	2
(no names - 2)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	1000
write in	16
(Bob Skag - 1	
Eric Steele - 1	
Vince Martin - 2	
no names - 12)	

Community Center Financing

Yes	692
No	601

Total Ward 1:

Tom Aaker	1452
Betty Herbes	1337
John G. Moravec	2057
Write-In	42
Community Center-yes	1494
Community Center-no	1340

Ward 2, Precinct 1:

FOR MAYOR

Tom Aaker	536
Betty Herbes	619
write in	1
(Juanita Young - 1)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	834
write in	16
(Jeffrey Johnson - 1)	
(no names - 15)	

Community Center Financing

Yes	568
No	610

Ward 2, Precinct 3:

FOR MAYOR

Tom Aaker	214
Betty Herbes	194
write-in	4
(Juanita Young - 3)	
(one with no name)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	308
write-in	2
(Liz Reid - 1)	
(one with no name)	

Community Center Financing

Yes	215
No	185

Ward 2, Precinct 2:

FOR MAYOR

Tom Aaker	662
Betty Herbes	705
write in	6
(Walter J. Kubitschek - 2)	
(no name - 4)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	1012
write in	19
(Michael Johnson - 1)	
(H. Miller -1)	
(Joe - 1)	
(16 with no names)	

Community Center Financing

Yes	737
No	651

Ward 2, Precinct 4:

FOR MAYOR

Tom Aaker	68
Betty Herbes	75
write-in	1
(one with no name)	

FOR SECTION I COUNCILMEMBER

John G. Moravec	106
write-in	1
(one with no name)	

Community Center Financing

Yes	79
No	64

Total Ward 2:

Tom Aaker	1480
Betty Herbes	1593
John G. Moravec	2260
Write-In	50
Community Center-yes	1599
Community Center-no	1510

Total Section I:

John G. Moravec
Write-In

4317
72

Ward 3, Precinct 1:

FOR MAYOR

Tom Aaker	408
Betty Herbes	601
write-in	4
(with no name 4)	

FOR WARD 3 COUNCILMEMBER

Elmer Q. Carlson	563
Steven Leppa	385
write-in	3
(with no name - 3)	

Community Center Financing

Yes	557
No	468

Ward 3, Precinct 3:

FOR MAYOR

Tom Aaker	235
Betty Herbes	260
write-in	4
(with no name - 4)	

FOR WARD 3 COUNCILMEMBER

Elmer Q. Carlson	322
Steven Leppa	171
write-in	2
(with no name - 2)	

Community Center Financing

Yes	287
No	201

Ward 3, Precinct 2

FOR MAYOR

Tom Aaker	662
Betty Herbes	855
write-in	5
(Juanita Young - 2)	
(Michael Sullwold - 1)	
(John Malerick - 1)	
(Vern Weegman - 1)	

FOR WARD 3 COUNCILMEMBER

Elmer Q. Carlson	850
Steven Leppa	560
write-in	1
(with no name - 1)	

Community Center Financing

Yes	898
No	650

Total Ward 3:

Tom Aaker	1305
Betty Herbes	1716
Elmer Q. Carlson	1735
Steven Leppa	1116
Write-In	19
Community Center-yes	1742
Community Center-no	1319

Ward 4, Precinct 1:

FOR MAYOR

Tom Aaker	720
Betty Herbes	798
write-in	3
(no name - 3)	

FOR WARD 4 COUNCILMEMBER

Garry H. Grimes	1037
write in	20
(no names - 20)	

Community Center Financing

Yes	827
No	714

Ward 4, Precinct 2:

FOR MAYOR

Tom Aaker	587
Betty Herbes	802
write-in	6
(Leo Brandt - 1)	
(Debra Guertin - 1)	
(no name - 4)	

FOR WARD 4 COUNCILMEMBER

Garry H. Grimes	1082
write-in	16
(Lyndon Carlson - 1)	
(Roland Smothers - 1)	
(no names - 14)	

Community Center Financing

Yes	760
No	650

Total Ward 4:

Tom Aaker	1307
Betty Herbes	1600
Garry H. Grimes	2119
Write-In	45
Community Center-yes	1587
Community Center-no	1364

Canvasser:

David L. Smith

Canvasser:

Jean M. Schmidt