



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

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Stardene

COUNCIL AGENDA

March 7, 1989

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on March 7, 1989, 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 Moravec
P Grimes
P Rygg
P Carlson
P Herbes
P Smothers
P Langsdorf

Staff

P Dulgar
P Olson
P Kennedy
P Monk
P Peterson
P George
P Brandeen

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

Mayor Herbes read a proclamation proclaiming the week of March 12-18, 1989 as Girl Scout Week in the City of Crystal.

1. The City Council considered the minutes of the Special Work Session of February 14, 1989 and the Regular City Council meeting of February 21, 1989.

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

to) the minutes of the Special Work Session of February 14, 1989 and the minutes of the Regular City Council meeting of February 21, 1989.

Motion Carried.

PUBLIC HEARINGS

1. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes declared this was the date and time as advertised for a public hearing at which time the City Council will consider tentative approval of proposed plat Bedman Addition located at 7025 - 46th Avenue North. The Mayor asked those present to voice their opinions or to ask questions concerning the proposed plat. Those present and heard were:

Lorraine Bedman, 7025-46th Ave. No.
John F. Irving, 7020-45th Place

Sm/Mor to

~~The Mayor~~ closed the Public Hearing.

Motion Carried

Moved by Councilmember *Sm* and seconded by Councilmember *Mur* to (grant) (deny) (continue until _____ the discussion of) tentative approval of proposed plat Bedman Addition located at 7025 - 46th Avenue North.

Motion Carried.

- The City Attorney was directed to prepare written findings of fact for denial to be considered by Council at its next meeting.*
2. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes 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 variance of 14' in the required 40' rear yard setback for a 24' x 20' deck on the existing home at 8017 - 33rd Avenue North. The Mayor asked those present to voice their opinions or to ask questions concerning the variance. Those present and heard were: (5 votes needed for approval)

The Mayor closed the Public Hearing.

Moved by Councilmember *Rygg* and seconded by Councilmember *Lange* to (grant) (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, Subdivision 4 a), to grant a variance of 14' in the required 40' rear yard setback for a 24' x 20' deck on the existing house at 8017 - 33rd Avenue North as requested in application #89-4 by Don Hintz.

Motion Carried.

REGULAR AGENDA

1. The City Council considered applications for appointment to the Park & Recreation Advisory Commission from Bill Gentry, 6910 Jersey Circle North, and Loretta Katchmark, 5165 - 34th Place North, for a term ending December 31, 1991.

Moved by Councilmember Sm and seconded by Councilmember Rygg to appoint Bill Gentry to the Park & Recreation Advisory Commission for a term ending December 31, 1991.

Motion Carried.

2. The City Council considered the appointment of John T. Irving, 7020 - 45th Place North, as a representative on the Long-Range Planning Commission as designated by the Crystal Housing & Redevelopment Authority.

Moved by Councilmember Lange and seconded by Councilmember Mow to appoint John T. Irving as a representative on the Long-Range Planning Commission as designated by the Crystal Housing & Redevelopment Authority, for a term expiring December 31, 1989.

Motion Carried.

3. The City Council considered tree removal and tree trimming contract for the City of Crystal for the year 1989.

Carol Naleke, President of Outside Services, Inc. appeared and was heard.

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

RESOLUTION NO. 89-8

(Outside Services, Inc.)

RESOLUTION AWARDING A BID

By roll call and voting aye: Lango, Herbes, Rygg, Grimes, Mur,
_____, _____; voting no: Sm, Carlson, _____; absent, not
voting: _____.

Motion carried, resolution declared adopted.

4. The City Council continued consideration of conditional use permits to allow a convenience food (submarine sandwiches) establishment in a B-3 District; allow auto repair-minor/tire/battery establishment in a B-3 District, and allow an accessory, enclosed retail establishment in a B-3 District for Crystal Plaza Partnership at 6800 - 56th Avenue North.

Jeff Carlstrom, Architect, appeared and was heard.

Moved by Councilmember Lango 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) conditional use permits to allow a convenience food (submarine sandwiches) establishment in a B-3 District; allow auto repair-minor/tire/battery establishment in a B-3 District, and allow an accessory, enclosed retail establishment in a B-3 District for Crystal Plaza Partnership at 6800 - 56th Avenue North.

Motion Carried.

The City Attorney was directed to prepare findings of fact for denial to be considered by Council at its next meeting.

5. The City Council considered a request from the City of Brooklyn Center regarding Twin Lake/Ryan Lake Outlet Study.

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

RESOLUTION NO. 89-10

RESOLUTION REQUESTING THE SHINGLE CREEK WATERSHED
MANAGEMENT COMMISSION TO CONDUCT A FEASIBILITY STUDY FOR
IMPLEMENTATION OF THE TWIN LAKE/RYAN LAKE OUTLET MODIFICATION

By roll call and voting aye: Mar, Grimes, Rygg, Carlson, Herbes,
Sm, Largo; voting no: _____; absent, not
voting: _____

Motion carried, resolution declared adopted.

6. The City Council reviewed the Hennepin County Regional Railroad Authority (HCRRA) preliminary design for Light Rail Transit, Northwest Corridor.

Largo/Sm that the City Council support encouraging ^{Hennepin} County to
look into aesthetics, noise barriers, etc. for homes in the area.
Motion carried

Moved by Councilmember Sm and seconded by Councilmember Largo to set 7:00 P.M., or as soon thereafter as the matter may be heard, April 4, 1989, as the date and time for a public hearing to discuss preliminary design plans for Light Rail Transit, Northwest Corridor.

Motion Carried.

7. The City Council discussed Community Development Block Grant (CDBG) Statement of Objectives and proposed use of Year XV Urban Hennepin County CDBG Program Planning Allocation of \$117,394 by the City of Crystal.

Moved by Councilmember Lange and seconded by Councilmember Carlson to set 7:00 P.M., or as soon thereafter as the matter may be heard, March 21, 1989, as the date and time for a public hearing for review of Community Development Block Grant (CDBG) Statement of Objectives and proposed use of Year XV Urban Hennepin County CDBG Program Planning Allocation of \$117,394 by the City of Crystal.
Motion Carried.

8. The City Council considered a Resolution Relating to Workers' Compensation for Elected and Appointed Officials.

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

RESOLUTION NO. 89-11

RESOLUTION RELATING TO WORKERS' COMPENSATION
FOR ELECTED AND APPOINTED OFFICIALS

By roll call and voting aye: Mar., Grimes, Rygg, Carlson, Herbes,
Sm., Lange; voting no: _____; absent, not
voting: _____

Motion carried, resolution declared adopted.

OPEN FORUM

Recess 8:45 p.m. - reconvened at 9:04 p.m.

*Joan:
Leave out info items
where there is an "X".
Put the rest in the
minutes. Thanks!*

Darlene

INFORMAL DISCUSSION AND ANNOUNCEMENTS

- X* 1. General information report on status of Meeting and Proposed Hearing.
- X* 2. Copy of a letter on New Hope closure of Lamphere Lane as general information.
3. *Discussion was held regarding*
~~Copy of~~ a letter from Paul W. Rosenthal regarding Non-prosecutorial Legal Services for the City of Crystal.

OPEN FORUM

Recess 8:45 p.m. - reconvened at 9:04 p.m.

INFORMAL DISCUSSION AND ANNOUNCEMENTS

- X* 1. General information report on status of Medicine Lake Road Project and Proposed Hearing.

- X* 2. Copy of a letter on New Hope closure of Lamphere Lane as general information.

3. *Discussion was held regarding*
~~Copy of~~ a letter from Paul W. Rosenthal regarding Non-prosecutorial Legal Services for the City of Crystal.

4. Letter from City Attorney regarding Art Quady, Fire Chief.

Sm/Carlson to address this issue at a forthcoming work session.

Motion carried.

5. Discussion of Rax Restaurant/Kentucky Fried Chicken.

Direct staff to review value amount of remodeling which would require Planning Commission and City Council approval.

X BFI Law suit update - City Mgr.

X John Paulson Open House Feb. 27th = Council didn't attend - Councilmember Rygg urged Council to inspect "The Crystal" facility.

Mar/Lange to approve the list of license applications.

Motion Carried

Sm/Carlson to adjourn the meeting.

Motion Carried

The City Attorney then addressed the Council and advised that the previous motion to adjourn was procedurally incorrect and that, in fact, the Council had recessed for the purpose of reconvening to consider various informational items under the agenda item, "Informal Discussion and Announcements." The Mayor stated that her intent had been to proceed in the manner described by the City Attorney, and there was a general consensus of the Council in agreement. A representative of the press, in attendance, was informed

by the attorney that the regularly scheduled meeting was still in session, and the Mayor invited the press to remain in attendance

- The City Attorney explained an Economic Development Authority as requested by Mayor Herbes and discussion followed.
- Discussion ^{was held} regarding Fire Chief's ~~and~~ retirement payments made to him in error by Fire Relief Assoc. from 1981 and 1982.
- Discussion ^{was held} regarding Bldg. inspector salary and other related issues.
- Discussion ^{was held} regarding a Goal Setting Session for the Council April 21-22, 1989 at Sheraton Northwest.

Moved by Councilmember _____ and seconded by Councilmember _____ to approve the list of license applications.
Motion Carried.

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

Motion Carried.

Meeting adjourned at 10:15p. M.

LICENSE APPLICATIONS

March 7, 1989

License Renewals

GAS FITTER'S LICENSE - \$30.25

Quality Plumbing, 4322 Zane Ave. N., P.O. Box 22409,
Crystal, MN 55422

Associated Heating Inc., 4120 Cedar Ave. S., Minneapolis, MN
55407

PLUMBERS LICENSE - \$30.25

Hayford Plumbing, 173 Hartman Circle NE, Fridley, MN 55432

ANNUAL SIGN LICENSE RENEWALS

St. Raphael's Church & School, 7301 56th Ave. N. Exempt

Sign Renewals including 50% penalty fees

Judi Designs, 5211 West Broadway	67.50
Justice Realty, 3600 Douglas Dr. N.	45.00
B & R Service Center, 6304 42nd Ave. N.	22.50
Old Fashioned Donuts, 2720 Douglas Dr. N.	22.50
Crystal Business Machines, 6034 42nd Ave. N.	22.50
Douglas Dr. Auto Sales, 3201 Douglas Dr. N.	22.50
Crystal Shopping Center	24.75

APPLICATIONS FOR LICENSE

MARCH 7, 1989

FOOD ESTABLISHMENT - Special Food Handling (\$220.00) Honor Snacks

Becher Enterprises, Inc. Bloomington, MN

FOOD ESTABLISHMENT - Itinerant (Exempt)

Crystal Lions Club, Pancake Breakfast at Elk's Club
One Day Only, March 12, 1989.

Tree Trimming Service - (\$55.00)

Timothy J. Hagan dba Tim's Tree Service, Inc.

3.2 Beer Off-Sale - (\$42.00)

Robert H. Peterson at Bob's Dairy Store, 4800 Idaho Ave. N.

LICENSE RENEWALS
MARCH 7, 1989

MECHANICAL AMUSEMENT DEVICES - \$104.50 each machine

Summit Amusement, 2732 Douglas Drive

NEW LICENSES

AUCTIONEER - \$18.25 per day

Clair A. Wilson, 2 days at K.C. Hall, March 13 & April 10

Supporting Data for March 7, 1989 meeting:

Proclamation - Girl Scout Week, March 12-18, 1989.
Minutes of the February 14, 1989 and February 21, 1989 City Council minutes.
Memo from City Engr. dated 2-27-89 re: Bedman Addition Preliminary Plat.
Petition submitted by John T. Irving dated 3-6-89 re: Bedman preliminary plat, 7025 - 46th Ave. No.
Memo from Bldg. Inspector dated 2-14-89 re: Variance #89-4 at 8017 - 33rd Ave. No.
Applications for appointment to the Park & Rec. Advisory Comm. from Bill Gentry and Loretta Katchmark.
Resolution awarding a contract for tree trimming and tree removal for 1989.
Memo from Park & Rec. Director dated 3-2-89 re: tree removal and trimming contract for 1989; bidder's qualifications page for Outside Services and Tim's Tree Service.
Memo from City Engr. dated 3-2-89 re: Conditional uses at 6800 - 56th Ave. No.
Memo from City Engr. dated 2-27-89 re: Proposed Twin Lake/Ryan Lake Outlet Modifications.
Resolution requesting Shingle Creek Watershed Management Commission to prepare a feasibility study for Twin Lake/Ryan Lake outlet modifications.
Memo from City Engr. dated 2-27-89 re: LRT Preliminary Design.
Memo from Admin. Asst. dated 3-2-89 re: Workers' Compensation for Elected & Appointed Officials.
Letter from Paul W. Rosenthal, Attorney dated 2-24-89 re: Non-Prosecutorial Legal Services.
Letter from City Attorney dated 2-28-89 re: HRA - EDA.
Letter from City Attorney dated 2-21-89 re: Art Quady.
Memo from City Manager dated 2-27-89 re: District #281 budget.
City of Crystal 1989 Expenditure Report for Jan. 1989.
Letter to Representatives Rest and Carlson and Senator Reichgott dated 2-23-89, thanking.
Legislative Contact Alert dated 2-27-89 from AMM re: Legislative Bills with potential significant impact on metro cities.
Letter to Crystal Residents dated 3-7-89 re: closure of Lamphere Drive.

Memo from City Engr. dated 2-27-89 re: Proposed Improvements to Medicine Lake Road.

Memorandum from LMC dated 2-27-89 re: Follow-up on LMC Activities at NLC Congressional-City Conference. Crystal Park & Recreation Advisory Commission minutes of 2-1-89.

Crystal Park and Recreation Dept. monthly report for February 1989.

Crystal Park & Rec. Dept. Summary of 1988 Crystal Frolics Events.

Memo from HRG Administrator dated 3-3-89 re: Proposed 1989 HRG Budget and billing amount for curbside recycling program.

Recycling brochures; letter from Hennepin County Public Affairs Dept. dated 2-28-89 re: advertising campaign to promote recycling.

Memo from City Engr. dated 3-3-89 re: water main break on Douglas Dr. at 36th Ave.

Benefits of EDA packet.

Marlene

DATE: March 2, 1989
TO: City of Crystal Councilmembers
FROM: Jerry Dulgar, City Manager
SUBJECT: Preliminary Agenda for the March 7, 1989 Council Meeting

Public Hearings:

1. Public hearing to consider preliminary plat approval of Bedman Addition located at 7025 - 46th Avenue North. Bill Monk, Public Works Director, will explain the proposed plat to the Council. This item was approved by the Planning Commission by a narrow margin on a split vote. This plat is changed somewhat from her earlier plat in that the line is moved a few feet; however, it still requires a variance for a substandard lot. In my opinion, and from what I know about planning and community development, I think we have an overabundance of undersized lots in the community now and I would recommend that we **not** approve this plat and variance.
2. Public hearing to consider variance application #89-4 at 8017 - 33rd Avenue North as requested by Don Hintz to vary the 40' rear yard setback and allow a 14' encroachment to complete a 20' x 24' deck. The Building Inspector will be present to review the variance with the Council. I would concur with the Planning Commission's recommendation that we approve the variance.

Regular Agenda Items:

1. Consideration of an application for appointment to the Park & Recreation Advisory Commission from Bill Gentry, 6910 Jersey Circle, and Loretta Katchmark, 5165 - 34th Place North, for a term ending 12-31-91. Applications enclosed. The applicants will be requested to be at the meeting.
3. Consideration of tree removal and tree trimming contract for 1989. Ed is still checking on the references of the applicants and reviewing the bids. He'll have a recommendation to pass out at the meeting.
4. Continue consideration of conditional use permits to allow a convenience food (submarine sandwiches) establishment in a B-3 District; allow auto repair-minor/tire/battery establishment in a B-3 District, and allow an accessory, enclosed retail establishment in a

B-3 District for Crystal Plaza Partnership at 6800 - 56th Avenue North. Bill Monk is continuing to work with the applicants on this and will update the Council at the meeting.

6. Preliminary review of Hennepin County Rapid Rail Authority Preliminary Design for Light Rail Transit Northwest Corridor. The County is having a hearing in early March relative to the design for our corridor. We have to have a hearing within 45 days after that. The Board recommended at this time that we set the hearing time and Bill will have a recommendation at the meeting as to the date so that we will have time enough to get our review in before the deadline.
7. Set public hearing for March 21, 1989 for review of Community Development Block Grant (CDBG) Statement of Objectives and proposed use of Year XV Urban Hennepin County CDBG Program Planning Allocation of \$117,394 by the City of Crystal. We're asking the Council at this time to simply set the hearing. The HRA will review this and make recommendation to the Council, but we have to publish notice of the hearing. We wanted to make sure that the date was satisfactory with the Council.
8. Consideration of a Resolution Relating to Workers' Compensation for Commissions. There has been some confusion between our carrier/agent and us regarding whether Commissions are and which Commissions are covered and which ones aren't covered. We are recommending that we adopt this resolution, specifically naming them so there is no confusion and we make sure everybody is covered.

We are also sending along a letter from the City Attorney dated February 28th regarding the Economic Development Authority. This is for discussion at the Joint Meeting of the Crystal City Council and the Housing & Redevelopment Authority to be held on March 8th.

JD/js

COUNCIL AGENDA - SUMMARY

COUNCIL MEETING OF
MARCH 7, 1989

Call to order

Roll call

Pledge of Allegiance to the Flag

Mayer Read a Proclamation proclaiming March 12-18, 1989, Girl Scout Week in Crystal
Approval of the minutes of the February 14th Work Session
and regular meeting of February 21, 1989.

Public Hearings

1. Public hearing to consider preliminary plat approval of Bedman Addition located at 7025 - 46th Avenue North.
2. Public hearing to consider variance application #89-4 at 8017 - 33rd Avenue North as requested by Don Hintz to vary the 40' rear yard setback and allow a 14' encroachment to complete a 20' x 24' deck.

Regular Agenda Items

1. Consideration of an application for appointment to the Park & Recreation Advisory Commission from Bill Gentry, 6910 Jersey Circle, and Loretta Katchmark, 5165 - 34th Place North, for a term ending 12-31-91.
2. Consideration of the appointment of John T. Irving as a representative on the Long-Range Planning Commission as designated by the Crystal Housing & Redevelopment Authority.
3. Consideration of tree removal and tree trimming contract for 1989.
4. Continue consideration of conditional use permits to allow a convenience food (submarine sandwiches) establishment in a B-3 District; allow auto repair-minor/tire/battery establishment in a B-3 District, and allow an accessory, enclosed retail establishment in a B-3 District for Crystal Plaza Partnership at 6800 - 56th Avenue North.
5. Consideration of a request from Brooklyn Center regarding Twin Lake/Ryan Lake Outlet Study. *Resolution*

6. Preliminary review of HCRRA Preliminary Design for LRT Northwest Corridor. *Set public hearing -*
7. Set public hearing for March 21, 1989 for review of Community Development Block Grant (CDBG) Statement of Objectives and proposed use of Year XV Urban Hennepin County CDBG Program Planning Allocation of \$117,394 by the City of Crystal.
8. Consideration of a Resolution Relating to Workers' Compensation for Elected and Appointed Officials.
9. Consideration of a solicitor's permit for the Explorer Scouts Fire Cadets to sell candy door-to-door. *Did not get approval from Fire Chief.*

Open Forum

Informal Discussion and Announcements

1. General info report on status of Medicine Lake Road Project and Proposed Hearing.
2. Copy of letter on New Hope closure of Lamphere Lane as general information.
3. Copy of letter from Paul W. Rosenthal regarding non-prosecutorial Legal Services for the City of Crystal.
4. Letter from City Attorney regarding Art Quady.
5. Rax Restaurant/Kentucky Fried Chicken.

Licenses

Adjournment

LICENSE APPLICATIONS

March 7, 1989

License Renewals

GAS FITTER'S LICENSE - \$30.25

Quality Plumbing, 4322 Zane Ave. N., P.O. Box 22409,
Crystal, MN 55422

Associated Heating Inc., 4120 Cedar Ave. S., Minneapolis, MN
55407

PLUMBERS LICENSE - \$30.25

Hayford Plumbing, 173 Hartman Circle NE, Fridley, MN 55432

ANNUAL SIGN LICENSE RENEWALS

St. Raphael's Church & School, 7301 56th Ave. N. Exempt

Sign Renewals including 50% penalty fees

Judi Designs, 5211 West Broadway	67.50
Justice Realty, 3600 Douglas Dr. N.	45.00
B & R Service Center, 6304 42nd Ave. N.	22.50
Old Fashioned Donuts, 2720 Douglas Dr. N.	22.50
Crystal Business Machines, 6034 42nd Ave. N.	22.50
Douglas Dr. Auto Sales, 3201 Douglas Dr. N.	22.50
Crystal Shopping Center	24.75

APPLICATIONS FOR LICENSE

MARCH 7, 1989

FOOD ESTABLISHMENT - Special Food Handling (\$220.00) Honor Snacks

Becher Enterprises, Inc. Bloomington, MN

FOOD ESTABLISHMENT - Itinerant (Exempt)

Crystal Lions Club, Pancake Breakfast at Elk's Club
One Day Only, March 12, 1989.

Tree Trimming Service - (\$55.00)

Timothy J. Hagan dba Tim's Tree Service, Inc.

3.2 Beer Off-Sale - (\$42.00)

Robert H. Peterson at Bob's Dairy Store, 4800 Idaho Ave. N.

LICENSE RENEWALS
MARCH 7, 1989

MECHANICAL AMUSEMENT DEVICES - \$104.50 each machine

Summit Amusement, 2732 Douglas Drive

NEW LICENSES

AUCTIONEER - \$18.25 per day

Clair A. Wilson, 2 days at K.C. Hall, March 13 & April 10



GIRL SCOUTS

Greater Minneapolis
Girl Scout Council
5601 Brooklyn Blvd.
Minneapolis, MN 55429-3074
(612) 535-4602

GIRL SCOUT WEEK, MARCH 12-18, 1989

PROCLAMATION

WHEREAS, Girl Scouts of the U.S.A recognizes that today's girls will be tomorrow's leaders;
and

WHEREAS, Girl Scouts of the U.S.A. is the largest voluntary organization for girls in the
world and draws upon a large resource of positive adult role models; and

WHEREAS, the Girl Scout Movement continues to emphasize leadership and personal and
career development for girls; and

WHEREAS, our community and world will be the direct beneficiaries of the skilled young
women who are Girl Scouts:

NOW, THEREFORE, I _____, by virtue of
the authority vested in me as mayor, do urge the citizens of Crystal to support the Girl
Scouts in their endeavors; I now proclaim this week, March 12-18, 1989, Girl Scout Week in
Crystal.

Mayor's Signature: _____

Date _____



February 14, 1989

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Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, a joint meeting of the Crystal City Council and the Crystal Charter Commission was held on February 14, 1989, at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota, followed by a Work Session of the City Council.

The Secretary of the Council called the roll and the following were present: Moravec, Herbes, Langsdorf, Rygg, Carlson, Smothers. Absent was: Grimes. Also in attendance were the following staff members: Jerry Dulgar, City Manager; David Kennedy, City Attorney; Darlene George, City Clerk.

Charter Commission members present were: Irving, Cook, Garber, Anderson, Hawk, Elsen, Magnuson, *Montana*.

The proposed Crystal Charter Amendment was discussed.

The joint meeting of the Crystal City Council and the Crystal Charter Commission adjourned at 7:30 p.m.

The Mayor called the Work Session of the City Council to order at 7:35 p.m.

1. The City Council and staff reviewed methods of increasing resident awareness of City issues.
2. The City Council and staff discussed a goal-setting session for the City Council. April 21-22, 1989 was tentatively set as the date for the session.
3. The City Council and staff reviewed on-street parking during summer months for 24-hour duration.
4. The City Council and staff discussed revisions/codification of City Code and Zoning Ordinance along with Comprehensive Plan Update.
5. The City Council and staff reviewed status of Light Rail Transit.
6. The City Council and staff discussed Commission appointments.
7. The City Council and staff discussed a joint HRA/City Council Work Session.

Moved by Councilmember Carlson and seconded by Councilmember Langsdorf to adjourn the meeting.

Motion Carried.

Meeting adjourned at 9:00 p.m.

February 14, 1989

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Mayor

ATTEST:

City Clerk

February 21, 1989

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Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on February 21, 1989 at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present: Moravec, Grimes, Herbes, Langsdorf, Rygg, Carlson, Smothers. Also in attendance were the following staff members: Jerry Dulgar, City Manager; David Kennedy, City Attorney; William Monk, Public Works Director; Donald Peterson, Building Inspector; Darlene George, City Clerk; Nancy Gohman, Administrative Assistant.

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

The City Council considered the minutes of the Special Work Session of February 6, 1989 and the Regular City Council meeting of February 7, 1989.

Moved by Councilmember Rygg and seconded by Councilmember Smothers to approve the minutes of the Special Work Session of February 6, 1989 and the minutes of the Regular City Council meeting of February 7, 1989.

Motion Carried.

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

1. Set public hearing for March 7, 1989, to consider tentative approval of Bedman Addition preliminary plat located at 7025 - 46th Avenue North.
2. Set public hearing for March 21, 1989, to consider tentative approval of Proffesors Addition preliminary plat located at 3209 and 3233 Florida Avenue North..
3. Set public hearing for March 21, 1989, to consider tentative approval of Froehlich Addition preliminary plat located at 4524 and 4528 Hampshire Avenue North.
4. Set public hearing for March 7, 1989, to consider variance application #89-4 at 8017 - 33rd Avenue North as requested by Don Hintz to vary the 40' rear yard setback and allow a 14' encroachment to complete a 20' x 24' deck.
5. Consideration of the resignation of Marty Gates from the Civil Service Commission effective February 14, 1989.

Moved by Councilmember Smothers and seconded by Councilmember Carlson to approve the Consent Agenda.

Motion Carried.

February 21, 1989

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

1. The City Council considered the First Reading of an Ordinance to rezone property from B-4 District (Community Commercial) to B-3 District (Auto-Oriented Commercial) and conditional use permits to allow fuel station, auto repair-minor in a B-3 District and to allow an accessory retail (food) establishment in a B-3 District for Midwest Retail Properties at 5256, 5264 and 5272 West Broadway. Those present and heard were: Thomas Barrett, Midwest Retail Properties; Bill Jurkens, 5301 Douglas Drive (Octopus Car Wash); Clem Steicken, 5256 West Broadway.
- A. Moved by Councilmember Langsdorf and seconded by Councilmember Smothers to adopt the following ordinance: (5 votes needed for approval)

ORDINANCE NO. 89-

AN ORDINANCE RELATING TO ZONING: CHANGING THE USE
CLASSIFICATIONS OF CERTAIN LANDS

and further, that the second and final reading be held on
March 7, 1989.

Motion Carried.

- B. Moved by Councilmember Smothers and seconded by Councilmember Langsdorf to approve as recommended by and based on the findings of fact of the Planning Commission conditional use permits to allow fuel station, auto repair-minor in a B-3 District and to allow an accessory retail (food) establishment in a B-3 District for Midwest Retail Properties at 5256, 5264 and 5272 West Broadway.

Motion Carried.

2. The City Council considered conditional use permits to allow a convenience food (submarine sandwiches) establishment in a B-3 District; allow auto repair-minor/tire/battery establishment in a B-3 District, and allow an accessory, enclosed retail establishment in a B-3 District for Crystal Plaza Partnership at 6800 - 56th Avenue North. Present and heard was: Jeff Carlstrom, Architect.

Moved by Councilmember Moravec and seconded by Councilmember Rygg to continue consideration of the conditional use permits for Crystal Plaza Partnership to allow staff to meet with applicant regarding easement agreement with Ground Round Restaurant.

Motion Carried.

3. The City Council considered the applications for appointment to the Park & Recreation Advisory Commission from William T.

February 21, 1989

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O'Reilly, 3124 Welcome Avenue North, Marlyn H. Theisen, 6807 - 50th Avenue North, and John Henry Berg, 4500 Welcome Avenue North, for terms ending 12-31-89.

Moved by Councilmember Smothers and seconded by Councilmember Grimes to appoint Marlyn H. Theisen and William T. O'Reilly to the Park & Recreation Advisory Commission for unexpired terms ending 12-31-89.

Motion Carried.

4. The City Council considered the application for appointment to the Environmental Quality Commission from Phyllis Isaacson, 7000 Lombardy Lane, for an unexpired term expiring December 31, 1990.

Moved by Councilmember Moravec and seconded by Councilmember Smothers to appoint Phyllis Isaacson to the Environmental Quality Commission for a term expiring December 31, 1990.

Motion Carried.

5. The City Council considered insurance renewal for 1989 - 1990 policy year for General Liability, Bonds, Property, Boiler, Auto and Public Officials Insurance.

Moved by Councilmember Smothers and seconded by Councilmember Rygg to approve insurance renewal for 1989 - 1990 policy year for General Liability, Bonds, Property, Boiler, Auto and Public Officials Insurance in the amount of \$189,866 as submitted by the League of Minnesota Insurance Trust Program (LMCIT).

Motion Carried.

6. Appearance of Gary Holsten of Anoka Pawn Broker Shop regarding an ordinance relating to pawn brokers and second-hand goods dealers. No action taken.

Mayor Herbes called a recess at 8:42 p.m. and the meeting was reconvened at 8:53 p.m.

7. The appearance of Ed Thonander of the Crystal Frolic's Committee regarding a request for funding, the closing of Sherburne Avenue as done during the 1988 Crystal Frolics, Elk's Celebrity Ball Game, and the camp out - policing of the Becker Park grounds by the Elk's Senior Scouts, and waiver of the carnival license fee.

Moved by Councilmember Langsdorf and seconded by Councilmember Smothers to refer the matter of allowing Senior Scouts to camp out at Becker Park and police the grounds to the Park & Recreation Advisory Commission and request a report back to the City Council.

Motion Carried.

February 21, 1989

page 384

Moved by Councilmember Carlson and seconded by Councilmember Smothers to approve an allocation of up to \$5,000 from the Crystal City Budget to be used to fund parade entries and to waive the fee for the Carnival license for the Crystal Frolics to be held on July 28, 29 and 30, 1989.

Motion Carried.

8. The City Council considered a joint meeting of the Crystal City Council and the Crystal Housing & Redevelopment Authority on March 9, 1989. Several City Councilmembers had a conflict on March 9. The Mayor called the joint meeting for March 8, 1989 pending availability of the HRA membership.
9. The City Council considered the second reading of an Ordinance Amending the Crystal City Charter. Lorraine Bedman, 7025 - 46th Avenue North, appeared and was heard.

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

ORDINANCE NO. 89-3

AN ORDINANCE RELATING TO CITY GOVERNMENT:
AMENDING THE CRYSTAL CITY CHARTER

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

Motion Carried.

10. The City Council considered a resolution authorizing the issuance and sale of General Obligation Bonds in an amount not to exceed \$2,000,000 to finance the new Community Center building.

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

RESOLUTION NO. 89-7

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF
\$2,000,000 GENERAL OBLIGATION COMMUNITY CENTER BONDS,
SERIES 1989 A

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

11. The City Council considered a joint agreement for the inspection of garbage and refuse vehicles with the City of New Hope for the purpose of licensing garbage refuse trucks.

Moved by Councilmember Rygg and seconded by Councilmember Smothers to approve a joint agreement with the City of New Hope for the inspection of garbage and refuse vehicles for the

February 21, 1989

page 385

purpose of licensing garbage refuse trucks, and further that the Mayor and City Manager be authorized to sign such agreement.

Motion Carried.

12. The City Council discussed temporary sign permits for a Lions Club pancake breakfast to be held on March 12, 1989.

Moved by Councilmember Moravec and seconded by Councilmember Langsdorf to approve the issuance of seven temporary sign permits with waiver of fee to be located at 58th and Bass Lake Road, 5924 West Broadway, 5410 Lakeland Ave. N., 4920 West Broadway, 7200 Bass Lake Road, 2756 Douglas Drive, and 3600 Douglas Drive.

Motion Carried.

13. Moved by Councilmember Moravec and seconded by Councilmember Grimes to approve the list of license applications as submitted by the City Clerk to the City Council, a list of 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 Smothers and seconded by Councilmember Langsdorf to adjourn the meeting.

Motion Carried.

Meeting adjourned at 9:50 p.m.

Mayor

ATTEST:

City Clerk

DATE: February 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Bedman Addition Preliminary Plat

The preliminary plat for the Bedman Addition has been resubmitted for Council consideration. The common lot line between Lots 1 and 2 has been shifted northward 7 feet which increases the lot size of Lot 2 to 6,770 square feet. On February 13 the Planning Commission recommended approval of the modified plat on a vote of 5 to 4.

To assist in review of this subdivision request, the staff report for the original plat proposal, which was denied by the City Council in December of 1987, is attached. Also attached is a follow-up letter to the applicant which more fully described a number of aspects of the proposal. This data is followed by a reduction of the revised plat and a copy of a petition recently submitted by the applicant.

Although questioned in the attached petition, the plat under consideration involves a variance to lot size requirements. Lot 2 does not meet the provisions of Section 515.15, Subd. 2 of City Code which requires 7,500 square feet of area. As noted in the attachments, this lot size requirement has been in effect for 25 years.


WM:jrs

Encls

TO: Planning Commission
FROM: Bill Monk, City Engineer
DATE: November 4, 1987
RE: Bedman Addition Preliminary Plat

The existing single family residence at 7025 - 46th Ave. N. occupies the north half of Lot 29, Auditor's Subdivision No. 314. The lot area, excluding right-of-way, measures 15,184 square feet with 101 feet of frontage along 46th Ave. and 150 feet along Louisiana Ave.

The proposed splitting of the parcel to create a second building site is shown on the attached plat reduction. In considering this plat several items must be noted:

- While Lot 2 meets the dimensional ordinance requirements, it is deficient in lot area with only 6,075 square feet; whereas the ordinance requires 7,500 square feet.
- Since the front yard is established by the short side frontage, the replat changes the Lot 1 front yard to Louisiana Avenue. This renders the existing house non-conforming with a deficient rear yard setback of less than 40 feet. The construction of a garage on Lot 1 will therefore require at least one variance as will any other type of work requiring a building permit in the future.

The City has approved plats involving variances in the recent past, namely the Opsahl Addition and St. James 2nd Addition. As in those situations, the Commission must consider the consequences of the variance and non-conformity on the lots themselves as well as the impact on surrounding property.

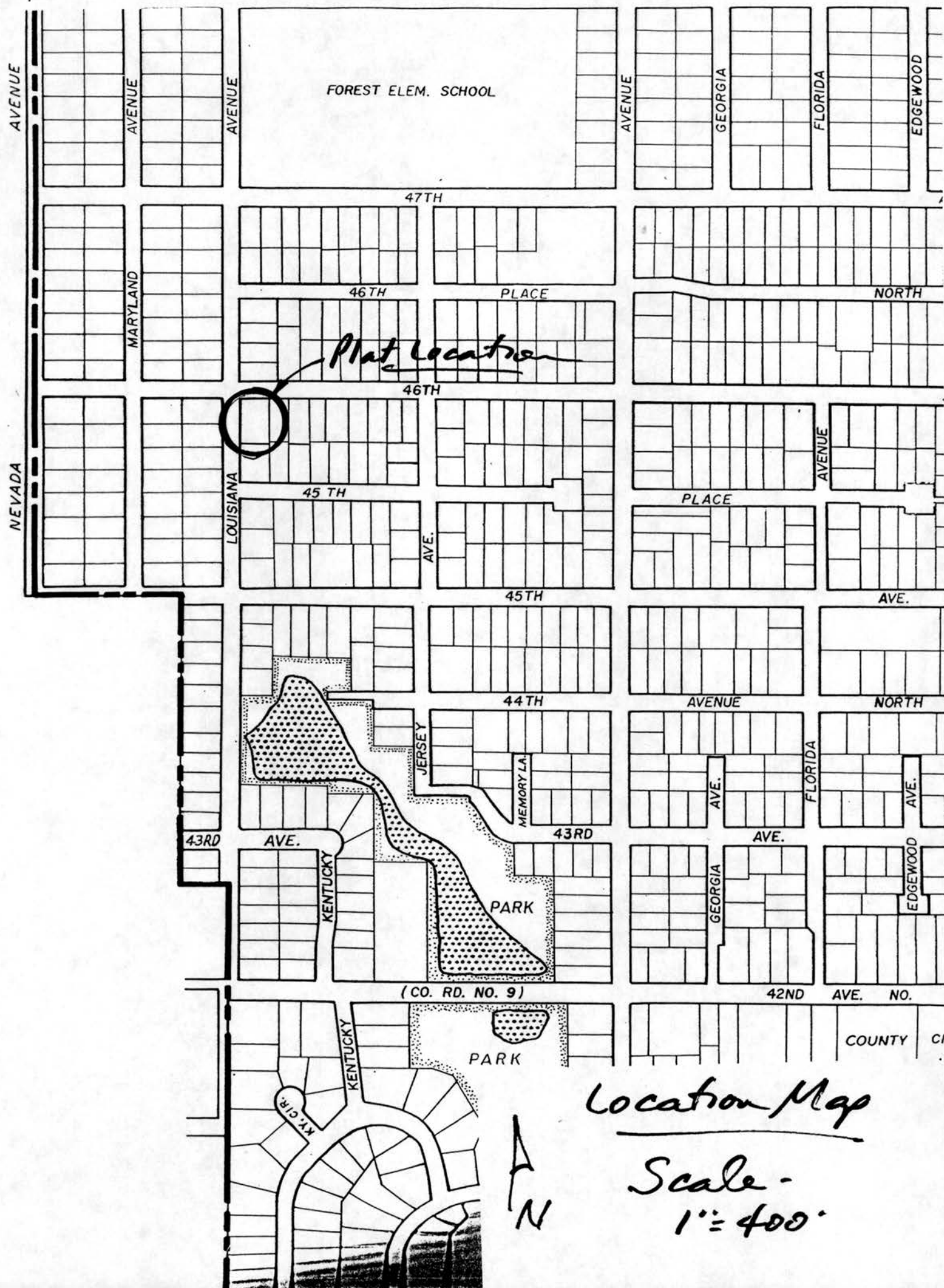


WM:jrs

Encls

11/16/87 UPDATE

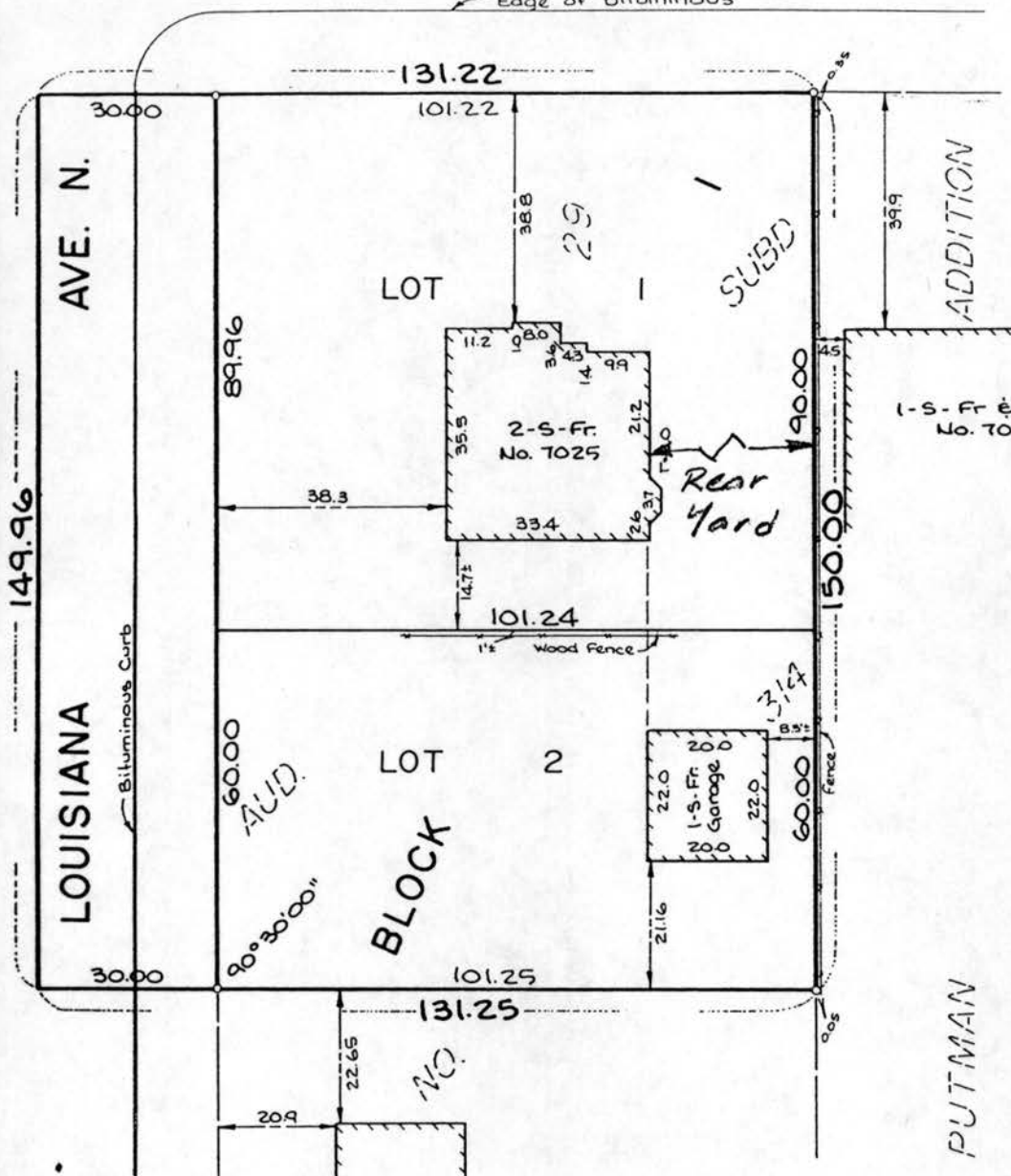
On November 9 the Planning Commission recommended denial of the Bedman Addition preliminary plat. This action was based on concerns over the deficient area of Lot 2 at 6,075 square feet and the anticipated difficulties involved with variances for Lot 1 given its non-conforming status and the location of the existing structure.



3

09

Edge of Bituminous



Sanitary Sewer and water services
for lot 2 are not now in place.

1-S-Fr è Stone
No. 7011

Rear
Yard

PUTMAN

North

Reduced-
Not to measurable
scale

Bedman Addition
Preliminary Plat

IND. DISTRICT 281

47th AVE. NO.

[illegible]

LAITINEN

TERRACE

~~46th AVE. NO. -~~

[illegible][illegible]

~~45th AVE: NO.~~

SEC. 17, T. 118, R. 21

11



4141 Douglas Drive North • Crystal, MN 55422-1696 • 537-8421

ADMINISTRATIVE OFFICE

December 30, 1987

Mrs. Lorraine Bedman
7025 - 46th Avenue North
Crystal, MN 55428

Dear Mrs. Bedman:

In an attempt to dispel the confusion and frustration associated with the City Council's action to deny the Bedman Addition preliminary plat, the following restatement of the City's position appears in order:

- Although Lot 2 meets the dimensional minimums required in Section 515.15, Subd. 2, of City Code, the lot is deficient in lot area with only 6,075 square feet. In checking our records, the current ordinance requirement for a minimum lot area of 7,500 square feet was adopted as a part of Code modifications completed in 1964. Regardless of the ordinance date, the current standards apply to your request.
- As the plat is proposed, Lot 1 is rendered a non-conforming lot with a deficient rear yard setback of less than the required 40 feet. Creation of such a non-conformity is contrary to the intent of Section 515.05 of City Code which restricts and attempts to eliminate non-conforming buildings, structures and uses.
- Crystal acquired a 30-foot wide street easement for 46th Avenue abutting your property in 1938. This easement was later dedicated as public right-of-way in 1942 as a part of the plat of Auditor's Subdivision No. 314. A 30-foot wide street easement for Louisiana Avenue was granted to Crystal in 1957. It is this easement area that the City requires be dedicated for right-of-way purposes as your property is platted. The 30-foot width is a long-standing City-wide standard for half a right-of-way section. As right-of-way, this area is not included in calculations of the area of abutting lots.

Mrs. Lorraine Bedman
December 30, 1987
Page 2

- In considering your proposed subdivision, the City Council reviewed the proposed plat as submitted. Should you wish to move the lot line between lots 1 and 2 as mentioned at the meeting, a new application should be submitted for Planning Commission and City Council review and would include another public hearing. This is the only way the plat will be formally placed on an upcoming agenda.
- As we discussed briefly in a recent phone conversation, almost all Council items are presented by means of an introductory staff report. This report is intended as an objective presentation of the application being considered and how it relates to City Code and past policy. The staff presentation is not a vehicle to promote the applicant's views nor those of area property owners. Individual comments and arguments are heard following the staff presentation.

Should you have questions concerning the items mentioned above or wish to submit a modified plat document for consideration, please feel free to contact me.

Sincerely,

William Monk
City Engineer

WM:jrs

cc: Jerry Dulgar

NO. _____

CITY OF CRYSTAL

4141 DOUGLAS DRIVE NORTH
Crystal, MN 55422
Phone: 537-8421

Date: October 28, 1988

TYPE OF REQUEST: () Rezoning () Conditional Use Permit
() ☒ Plat Approval
() Sign Variance () Other

Street Location of Property: 7025-46th Ave. N. Crystal. Mn.

Legal Description of Property: Auditor's Subd. No. 314 029 No: 1/2
100 X 150 ft.

Property Identification Number: 08-118-21 43 0072

Owner: Lorraine J. Bedman
(Print Name)

7025-46th Ave. No. Crystal, Mn. 55428 612-533-4458
(Address) (Phone No.)

Applicant: Lorraine J. Bedman
(Print Name)

Same as above
(Address) (Phone No.)

DESCRIPTION OF REQUEST: Plat approval of sub-dividing lot - one 60' X 100'
and 90' X 100' corner lot.

APPLICANT'S STATEMENT WHY THIS REQUEST SHOULD BE APPROVED:
(attach additional sheets if necessary)

When built on it would mean extra taxes for the city. It would also
mean less maintenance and upkeep for owner.

NOTE: Attach plan or survey of proposal.

THIS PROPERTY IS:
TORRENS / ABSTRACT
(Circle one)

Lorraine J. Bedman
(Applicant's Signature)

Lorraine J. Bedman
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 10/31/88 RECEIPT # 42695

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

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

AVE

AUD.

SUBD

NO. 314

PREL
BED

AVE. N.

Invoice
F.B. 378
Scale 1"

Owner &
Lorraine
7025 46th
Crystal,
Phone: 5

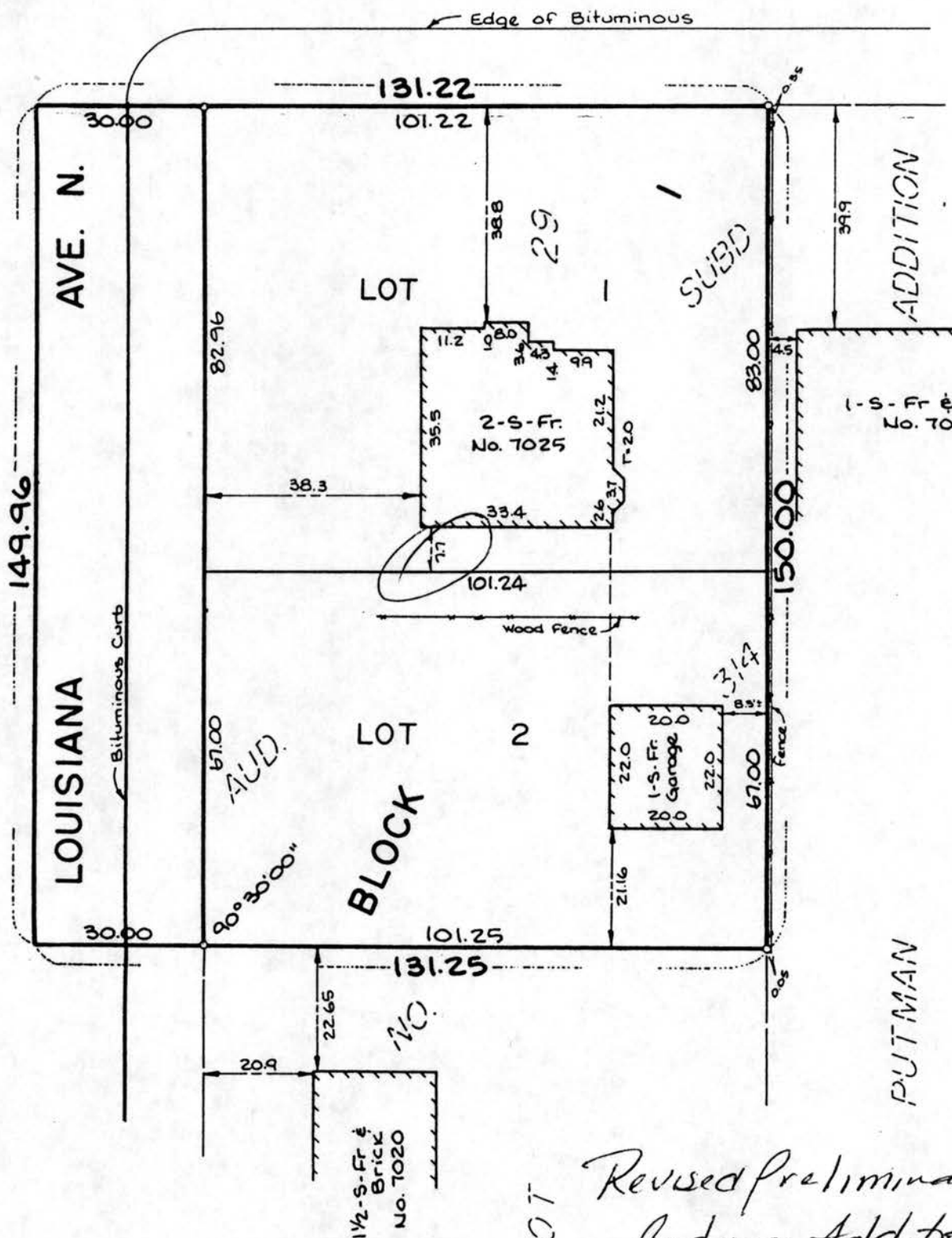
Prepared
Lot Surv.
7601 73rd
Minneapo.
Phone: 5

Property
The North
Subdivis
County,
the reco

Area inc
ft. (.4

Area Lot
Area Lot

Sanitary
for lot



Revised Preliminary Plat
Bedman Addition

Proposal to repeal any ordinance enacted upon by the City of Crystal or inadvertently placed into the records to read: Lot area, R-1 minimum requirement of lot is 60' Width by 100' Depth to equal 7,500 sq. ft., (Although no minutes could be found as to the adoption).

Proposal to adopt the original version filed in 1955, which specifies Lot area, R-1, requirement to be 60' Width by 100' Depth. Doc. No. 2950686 Filed June 30, 1955, Book 725 page 239. Subdivision of land. This is equal to 6,000 sq. ft.

See Crystal City Code 515.15 p.27.

Petition giving approval for a plat 60'X 100' Bedman Addition.

Flarence E Johnson	Claudia Berglund
Donna D. D. D.	
La Verne Herlofsky	W. R. H.
Donald Herlofsky	Susan New
David Tran	Lawrence & James
Elsa Thogreen	Susan H. H.
Heather Hamke	
Mike Hamke	
Lori D. Weyrauch	
Richard W. Weyrauch	
Ann Egner	
Don H. H.	
Rae H. H.	
Theresa Wem.	
Edna Hawkins	
Edna Hawkins	

3-6-89

Received 3-7-89
10:00 A.M.

To the Honorable Mayor and City Council
Crystal, Minn.

We, the undersigned, are opposed to the City Council, City of Crystal, approving the Bedman addition located at the southeast quadrant of the intersection of 46th and Louisiana No. (7025-46th in No. Crystal) or grant any variances that would allow the construction of an additional home on the above named property. Location of the present home will prevent the reasonable accomodate of a second home on the lot. a reduction in the required lot size would tend to reduce the value of the other homes in the area.

John T. Irving	7020-45 th Place No.
Robert L. Shackelford	4525 Louisiana Ave.
Susan D. Herzig	4531 Louisiana Ave. N.
Ronald Leptko	4520 Louisiana A. N.
Robert Stuber	4549 Louisiana Ave No.
Jim Bent	4517 Louisiana Ave No.
Margaret L. Sullivan	7013-45 th Place North
Joan L. Massey	4557-Louisiana No

DATE: February 14, 1989
TO: Jerry Dulgar, City Manager
FROM: Don Peterson, Chief Building Inspector
RE: Variance #89-4 at 8017 33rd Ave. N.

On April 25, 1973, permit #21451 was issued by Leo Schmock to build a 24'x16' redwood deck.

The owner is now replacing the deck and did not realize that he would need a building permit.

He has, however, made the deck 4' larger and the 24'x20' deck now under construction encroaches 14' in the required 40' rear yard setback and requires variance approval prior to the issuance of the building permit.

kk

PLANCHCK FEE \$ _____
 PERMIT FEE \$ 15⁰⁰
 STATE SURCHARGE FEE \$ 75
 S.A.C. CHARGE \$ _____
 RECEIPT #'s \$ 15⁷⁵

City of Crystal, Minnesota

4141 Douglas Drive N.

Crystal, Minn. 55422

Telephone: 537-8421

BUILDING PERMIT 21451Dated April 25, 19 73

WHEREAS, _____ has duly filed in the office of the
 Building Inspector, application to _____ to build

(Build, install, add to, remodel, repair, move, wreck as the case may be)

LOCATION OF BUILDING

Lot 31 Block 2 Addition Winnetka Park 1st

Size of Lot 75' Wide 109' Long
 Street No. 8017 33rd Ave. N.

DESCRIPTION OF BUILDING

FRONT	DEPTH	STORIES	CONSTRUCTION	ROOF	TO BE USED AS—
<u>24' x</u>	<u>16'</u>		<u>Frame</u>	<u>No</u>	<u>Redwood Deck</u>
<u>x</u>					

Contract Price 1500 Excluding (list)
directly behind existing house

Distance from front lot line _____ Ft. From _____ side lot line _____ Ft. From _____ rear lot line _____ Ft.

Front of building faces N. _____ S. _____ E. _____ W. _____ on _____ (Street)

Lot surveyed by _____ (Registered surveyor)

Architect or Engineer _____

Owner Mary Hintz Address 8017 33rd Ave. N.

INSPECTIONS

BY WHOM	DATE
No. 1 - Plot Plan	
No. 2 - Building Blue Print	
No. 3 - Foundation Footing Forms	
No. 4 - Building Roughed In	
No. 5 - Gypsum Board Before Tape	
No. 6 - Certificate of Occupancy (Final)	

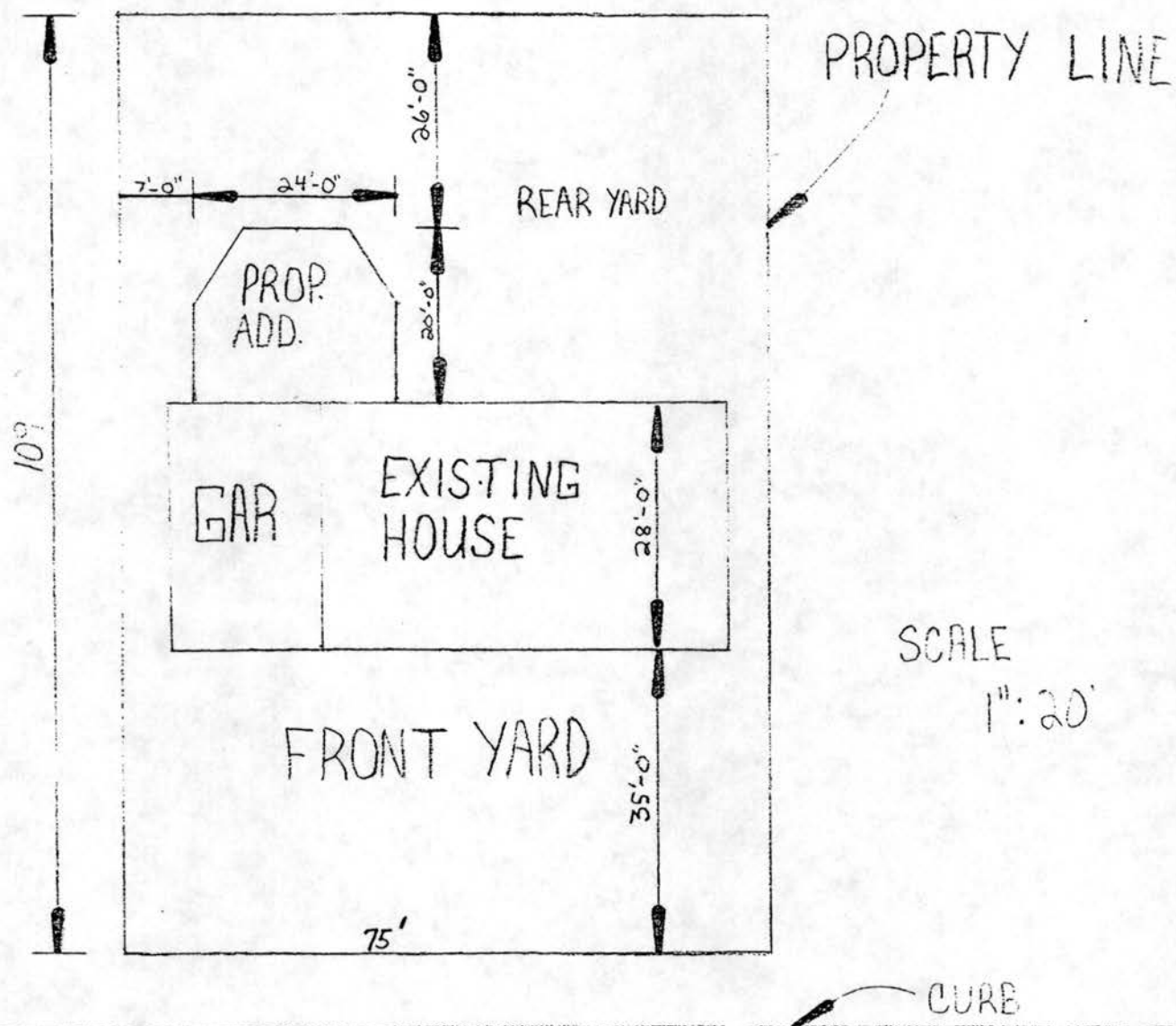
Robert Anderson

Robert Anderson
 3100 40th Ave. N. 545-1127

Residential ☒ Commercial _____ Industrial _____

Construction:

Geo Schumacher Inspector of Buildings



8017 - 33Rd AVE

CITY OF CRYSTAL

No. 87-4

4141 DOUGLAS DRIVE NORTH

CRYSTAL, MN 55422

Date: _____

Phone: 537-8421

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 8017 33rd AVE NORTHLegal Description of Property: LOT 31 Block 2, WINNETKA PARK ESTATESADDITION

Property Identification Number: _____

Applicant: DAN HINTZ

(Print Name)

8017 33rd AVE NORTH

(Address)

545-6981

(Phone No.)

Owner: DAN HINTZ

(Print Name)

8017 33rd AVE NORTH

(Address)

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 10.01
Subd 4 (a) of the Zoning Ordinance, as amended, which requires 40' REAR YARD
Set back. Use of it requested to limit a 24' x 24' deck.

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.

NO, THE EXTRA LENGTH OF THE DECK WOULD NOT
INTERFERE OR BE INCONSISTENT WITH ITS GENERAL PURPOSE OR INTENT.

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.

NO IT WOULD NOT EFFECT THE PROPERTIES IN THE
SAME ZONE OR NEIGHBORHOOD.

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.

NO, IT WOULD BE AN UPGRADE OF THE
PROPERTY AND WOULD NOT BE DETRIMENTAL OR INJURIOUS TO
THE PROPERTY IN SUCH ZONE OR NEIGHBORHOOD IN WHICH THE PROPERTY IS.

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)

Daniel Hintz
(Applicant's Signature)Daniel Hintz
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00

DATE RECEIVED: 1-25-89RECEIPT # 44257

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

CITY OF CRYSTAL

APPLICATION FOR APPOINTMENT TO THE

Park and Recreation Advisory COMMISSION

Name Bill Gentry Address 6910 Jersey Circle N. 55427
zip #

Phone (home) 533-0393 (Office) 330-5065

Resident of Crystal Since (year) 1987

Occupation Data base Analyst Employer The Pillsbury Company

Education: (please indicate highest grade completed or highest degree and major course of study) B.A. - Psychology

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)

Hennepin County Park Reserve District Board of Commissioners - 1979 to 1982

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.)

I firmly believe that the availability and quality of the park system reflects upon the quality of life within the community.

Date Submitted: February 22, 1989.

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

Ward 2

CITY OF CRYSTAL

APPLICATION FOR APPOINTMENT TO THE

Name Loetta Hatchmark Address Park & Rec COMMISSION
5465 - 34th pl. No. 55422
Zip #

Phone (home) 588-4758 (Office) 887-2245

Resident of Crystal Since (year) 1955

Occupation factory Employer Thermo. King

Education: (please indicate highest grade completed or highest degree and major course of study) 12

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)

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.)

Date Submitted: February 27, 1987, 19 87
By mail - received

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

RESOLUTION NO. 89-

RESOLUTION AWARDING A CONTRACT FOR TREE
TRIMMING AND TREE REMOVAL FOR 1989

WHEREAS, the City of Crystal did advertise for bids for removal of trees and stumps on public property and removal of trees and stumps on private property and trimming of trees on public property, and

WHEREAS, such bids were received and publicly opened on February 28, 1989, and tabulated as follows:

<u>COMPANY</u>	<u>AMOUNT</u>
Outside Services, Incorporated	\$31,038.00
Tim's Tree Service, Incorporated	\$34,851.00
Ceres Tree Company	\$33,173.00

NOW, THEREFORE, BE IT RESOLVED that the City of Crystal award the bid for removal of public property trees and removal of private property trees and tree trimming to Outside Services, Incorporated for the amount shown above, and


BE IT FURTHER RESOLVED that the Mayor and City Manager be authorized to sign such contract.

Adopted by the Crystal City Council this 7th day of March, 1989.

Mayor

ATTEST:

City Clerk

DATE: March 2, 1989
MEMO TO: Jerry Dulgar, City Manager
FROM: Edward C. Brandeen, Park & Recreation Director 
SUBJECT: Tree Removal and Trimming Contract for 1989

Bids for removal and trimming of trees in Crystal were received and tabulated, resulting in the bid recommendation to Outside Services, pending reference review.

The tabulation was calculated in the following manner:

Removal of Public Property Trees (Elm and Oak)--these bids were multiplied by the number of removals (from 1988 totals) in each diameter class

Removal of Public Property Trees (other)--same as above

Trimming of Public Property Trees--these bids were multiplied by the work estimates for 1989

Removal of Private Property Trees (Elm and Oak)--these bids were multiplied by the number of removals in 1988

Removal of Private Property Trees (other)--these bids are the sum total of all diameter classes

Stump removal was not calculated in bidding totals

The totals in each diameter classes were then added together for a grand total in each removal or trimming category. The low bidder in each category was Outside Services, Inc.

Outside Services, Inc. appears to be a new company. I am presently conducting reference checks on this firm to determine reliability and past performance. If the results of my investigation are received by Friday, I will enclose them in the packet, otherwise I will hand carry this information to the March 7th Council Meeting.

ENC.: Bid tabulation

REMOVAL OF PUBLIC PROPERTY TREES (ELM AND OAK)

BIDDER	Outside Services Inc.				Tim's Tree Service, Inc.					Ceres Tree Co.		
DIAMETER CLASS	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST
0"- 5.9"	20.00 x 0 0	2.00/ inch			20.00 x 0 0	5.00			20.00 x 0 0	10.00		
6"- 9.9"	35.00 x 4 140.00	2.00/ inch			40.00 x 4 160.00	10.00			45.00 x 4 180.00	18.00		
10"-15.9"	75.00 x 23 1725.00	2.00/ inch			90.00 x 23 2070.00	25.00			80.00 x 23 1840.00	30.00		
16"-19.9"	125.00 x 20 2500.00	2.00/ inch			155.00 x 20 3100.00	40.00			124.00 x 20 2480.00	38.00		
20"-23.9"	175.00 x 9 1575.00	2.00/ inch			210.00 x 9 1890.00	45.00			175.00 x 9 1575.00	46.00		
24"-29.9"	225.00 x 21 4725.00	2.00/ inch			250.00 x 21 5250.00	55.00			250.00 x 21 5250.00	58.00		
30"-35.9"	275.00 x 10 2750.00	2.00/ inch			300.00 x 10 3000.00	70.00			300.00 x 10 3000.00	70.00		
36"-39.9"	300.00 x 2 600.00	2.00/ inch			350.00 x 2 700.00	75.00			325.00 x 2 650.00	78.00		
40"+	10.00/ inch	2.00/ inch			10.00/ inch	2.50/ inch			10.00/ inch	2.00/ inch		
TOTAL	14,015.00				16,170.00				14,975.00			

REMOVAL OF PUBLIC PROPERTY TREES (OTHER)

Diameter Class	Outside Services, Inc.		Tim's Tree Service, Inc.		Ceres Tree Co.							
	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST
0"- 5.9"	20.00 x 0 0	2.00/ inch			20.00 x 0 0	5.00			20.00 x 0 0	10.00		
6"- 9.9"	35.00 x 0 0	2.00/ inch			40.00 x 0 0	10.00			45.00 x 0 0	18.00		
10"-15.9"	75.00 x 2 150.00	2.00/ inch			90.00 x 2 180.00	25.00			80.00 x 2 160.00	30.00		
16"-19.9"	125.00 x 5 625.00	2.00/ inch			155.00 x 5 775.00	40.00			124.00 x 5 620.00	38.00		
20"-23.9"	175.00 x 3 525.00	2.00/ inch			210.00 x 3 630.00	45.00			175.00 x 3 525.00	46.00		
24"-29.9"	225.00 x 0 0	2.00/ inch			250.00 x 0 0	55.00			250.00 x 0 0	58.00		
30"-35.9"	275.00 x 2 550.00	2.00/ inch			300.00 x 2 600.00	70.00			300.00 x 2 600.00	70.00		
36"-39.9"	300.00 x 0 0	2.00/ inch			350.00 x 0 0	75.00			325.00 x 0 0	78.00		
40"+	10.00/ inch	2.00/ inch			10.00/ inch	2.50/ inch			10.00/ inch	2.00/ inch		
TOTAL	1850.00				2185.00				1905.00			

TRIMMING OF PUBLIC PROPERTY TREES

DIAMETER	Outside Services, Inc.	Tim's Tree Service, Inc.	Ceres Tree Co.				
0"- 5.9"	15.00 x 6 90.00	10.00 x 6 60.00	5.00 x 6 30.00				
6"- 9.9"	25.00 x 17 425.00	20.00 x 17 340.00	20.00 x 17 340.00				
0"-15.9"	45.00 x 26 1170.00	45.00 x 26 1170.00	45.00 x 26 1170.00				
6"-19.9"	60.00 x 41 2460.00	65.00 x 41 2665.00	65.00 x 41 2665.00				
0"-23.9"	85.00 x 48 4080.00	95.00 x 48 4560.00	95.00 x 48 4560.00				
4"-29.9"	100.00 x 20 2000.00	120.00 x 20 2400.00	125.00 x 20 2500.00				
0"-35.9"	125.00 x 10 1250.00	140.00 x 10 1400.00	125.00 x 10 1250.00				
3"-39.9"	135.00 x 1 135.00	140.00 x 1 140.00	125.00 x 1 125.00				
0"+	145.00 x 0 0	140.00 x 0 0	125.00 x 0 0				
	11,610.00	12,735.00	12,640.00				

REMOVAL OF PRIVATE PROPERTY TREES (ELM AND OAK)

BIDDER	Outside Services, Inc.		Tim's Tree Service, Inc.		Tim's Tree Service, Inc.		Ceres Tree Co.		Ceres Tree Co.		Ceres Tree Co.	
	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST
0"- 5.9"	45.00 x 0 0	2.50/ inch			55.00 x 0 0	25.00			25.00 x 0 0	12.50		
6"- 9.9"	75.00 x 0 0	2.50/ inch			90.00 x 0 0	30.00			50.00 x 0 0	22.50		
0"-15.9"	150.00 x 2 300.00	2.50/ inch			155.00 x 2 310.00	40.00			125.00 x 2 250.00	38.00		
6"-19.9"	225.00 x 0 0	3.00/			235.00 x 0 0	55.00			185.00 x 0 0	48.00		
0"-23.9"	275.00 x 2 550.00	3.00/ inch			300.00 x 2 600.00	65.00			300.00 x 2 600.00	58.00		
4"-29.9"	350.00 x 0 0	3.00/ inch			400.00 x 0 0	75.00			450.00 x 0 0	73.00		
0"-35.9"	475.00 x 0 0	3.50/ inch			500.00 x 0 0	85.00			550.00 x 0 0	88.00		
6"-39.9"	550.00 x 1 550.00	3.50/ inch			550.00 x 1 550.00	85.00			550.00 x 1 550.00	98.00		
0"4	18.00/ inch	3.50/ inch			16.00/ inch	2.50/ inch			18.00/ inch	2.50/ inch		
TOTAL	1400.00				1460.00				1400.00			

REMOVAL OF PRIVATE PROPERTY TREES (OTHER)

BIDDER	Outside Services, Inc.		Tim's Tree Service, Inc.		Ceres Tree Co.							
	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST	T & S	ST
DIAMETER CLASS												
0"- 5.9"	45.00	2.50/ inch			55.00	25.00			25.00	12.50		
6"- 9.9"	75.00	2.50/ inch			90.00	30.00			50.00	22.50		
10"-15.9"	150.00	2.50/ inch			155.00	40.00			125.00	38.00		
16"-19.9"	225.00	3.00/ inch			235.00	55.00			185.00	48.00		
20"-23.9"	275.00	3.00/ inch			300.00	65.00			300.00	58.00		
24"-29.9"	350.00	3.00/ inch			400.00	75.00			450.00	73.00		
30"-35.9"	475.00	3.50/ inch			500.00	85.00			550.00	88.00		
36"-39.9"	550.00	3.50/ inch			550.00	85.00			550.00	98.00		
40"+	18.00/ inch	3.50/ inch			16.00/ inch	2.50/ inch			18.00/ inch	2.50/ inch		
TOTAL	2163.00				2301.00				2253.00			

DATE: March 2, 1989
TO: Jerry Dulgar, City Manager
FROM: Edward C. Brandeen, Park & Recreation Director *ECB*
SUBJECT: Recommendation of Outside Services, Inc. as the
city tree contractor for 1989

The following is a summary of reference reviews on Outside Services, the low bidder for tree work in the City of Crystal for 1989.

Plymouth: City Forester, Don Kissinger, indicated all work was completed to his satisfaction and on time. Outside Services did removals as well as well as trimming. (see attached)

Blaine: Ken Irvin, Public Works Director, indicated good quality of work and very reliable. He would again contract with this firm.

Anoka: City Forester admitted some problems as to who owned the company and under what name it goes by. He did indicate, however, the work is good quality.

Anoka Hennepin School District: Don Christensen, Supervisor of Buildings and Grounds, indicated Outside Services performed good quality work and was very prompt. He indicated he was completely satisfied and would rehire.

I also had a long discussion in person with the owner, Carol Dalske. She indicated to me she had great concern for the company. She wants to see good quality work and completed on time. She also indicated to me she visually inspects each job site herself prior to sending crews out to work. She notes in a sketch besides location, utility lines, house location and any other irregularities.

In view of this reference background investigation and discussion with the owner, Carol Dalske, I recommend that the City Council award the 1989 tree contract for removals and trimming to Outside Services. This recommendation is made pending submittal of proper insurance and bonding forms.

Attachment



January 31, 1989

SUBJECT: TREE TRIMMING LETTER OF REFERENCE FOR OUTSIDE SERVICES

To whom It May Concern:

During early December, Outside Services trimmed 45 Sugar Maples, Red and White Oaks, and Basswoods. These trees average diameter was 21 inches. They did a full trim of fine pruning throughout the whole tree. I was very satisfied by their trimming and cleanup. When I checked the job periodically, they asked questions of upcoming trees, so that they knew what I expected the trees to look like when completed.

In summary, they did a good job for me. If you have any particular questions, please give me a call at 559-2800 x 329.

Sincerely,

Donald J. Kissinger

Donald J. Kissinger
City Forester

DJK/gbr

BIDDER'S QUALIFICATIONS

1. List of Personnel available for this contract.

2. arborists

4. groundmen

2. Name of person who will supervise this contract and the number of years of experience.

Carol Dalske, President

7 years

3. List of motorized equipment available for this contract.
List type, size, (i.e., 2 ton truck.)

57' aerial lift

40 cu yd truck w/ Prentice loader

20 cu yd chip truck

4. List of other available equipment, such as chippers, stumpers, tractors, loaders, power saws, etc.

brush chipper

stump cutter

15-Chainsaws

misc ropes, cones, other safety equip

BIDDER'S QUALIFICATIONS

1. List of Personnel available for this contract.

Joel Lidberg

Les Schuman

Jim Blanske

Garth Whitmore

Jerry Ramponi

2. Name of person who will supervise this contract and the number of years of experience.

Tim Hagan

3. List of motorized equipment available for this contract. List type, size, (i.e., 2 ton truck.)

1980 - G.M.C. HAULER

1985 - FORD BUCKET TRUCK

1970 - MACK HAULER

1972 - FORD WINCH TRUCK

4. List of other available equipment, such as chippers, stumpers, tractors, loaders, power saws, etc.

30 saws of various sizes

1 stumper

1 Michigan loader

DATE: March 2, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Conditional Uses at 6800 - 56th Avenue North

At their last meeting the City Council continued consideration of conditional use permit applications for property located at 6800 - 56th Avenue North. In approving the continuance, the Council noted specific concerns regarding an access easement in use across the adjacent property occupied by Ground Round. Materials supplied by the applicant regarding this easement are attached and have been referred to the City Attorney for review.

The easement documents show the easement in a location to the north of the access currently in use. The applicant has modified the layout plan (copy attached) to provide use of the easement as originally provided and allow for improved internal circulation.

As noted at the previous meeting, this request is unusual in that it involves dissimilar uses in a multiple building arrangement. While each conditional use meets the individual provisions of City Code, the Council does have some discretion in reviewing a combination of uses in terms of overall compatibility. In reviewing any mixed use proposal, the Council should feel assured that conflicts are manageable, if they exist at all.

Some materials from the original Council packet have been included to assist in review of this item.

W. Monk
WM:jrs

Encls

The Carlstrom Group



Suite 925C
100 North Sixth Street
Minneapolis, MN 55403
612/338-4224

Architecture

Construction
Management

March 2, 1989

Mr. William Monk
Public Works Director
City of Crystal
4141 Douglas Drive North
Crystal, MN 55422

RE: Crystal Plaza Development

Dear Mr. Monk,

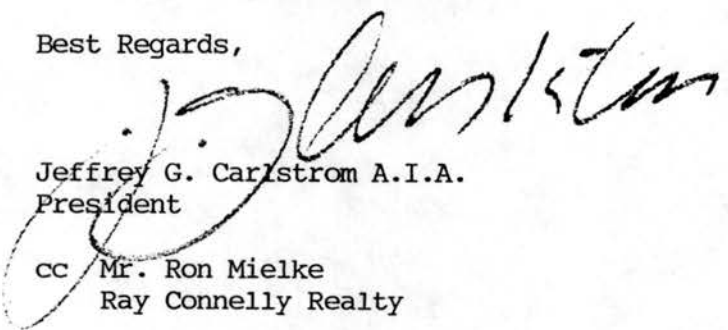
Enclosed please find one copy of our attorney's opinion in regards to the easement of record in favor of General Mills Crystal addition Block 1, Lot 4.

You will please note that a non-exclusive easement for roadway does, at present, exist however the described location of that easement is different from what has been currently assumed.

We have also enclosed a site plan illustrating the proper location of the easement and we are currently preparing a presentation to the Council demonstrating the use of this easement relative to our redevelopment plans.

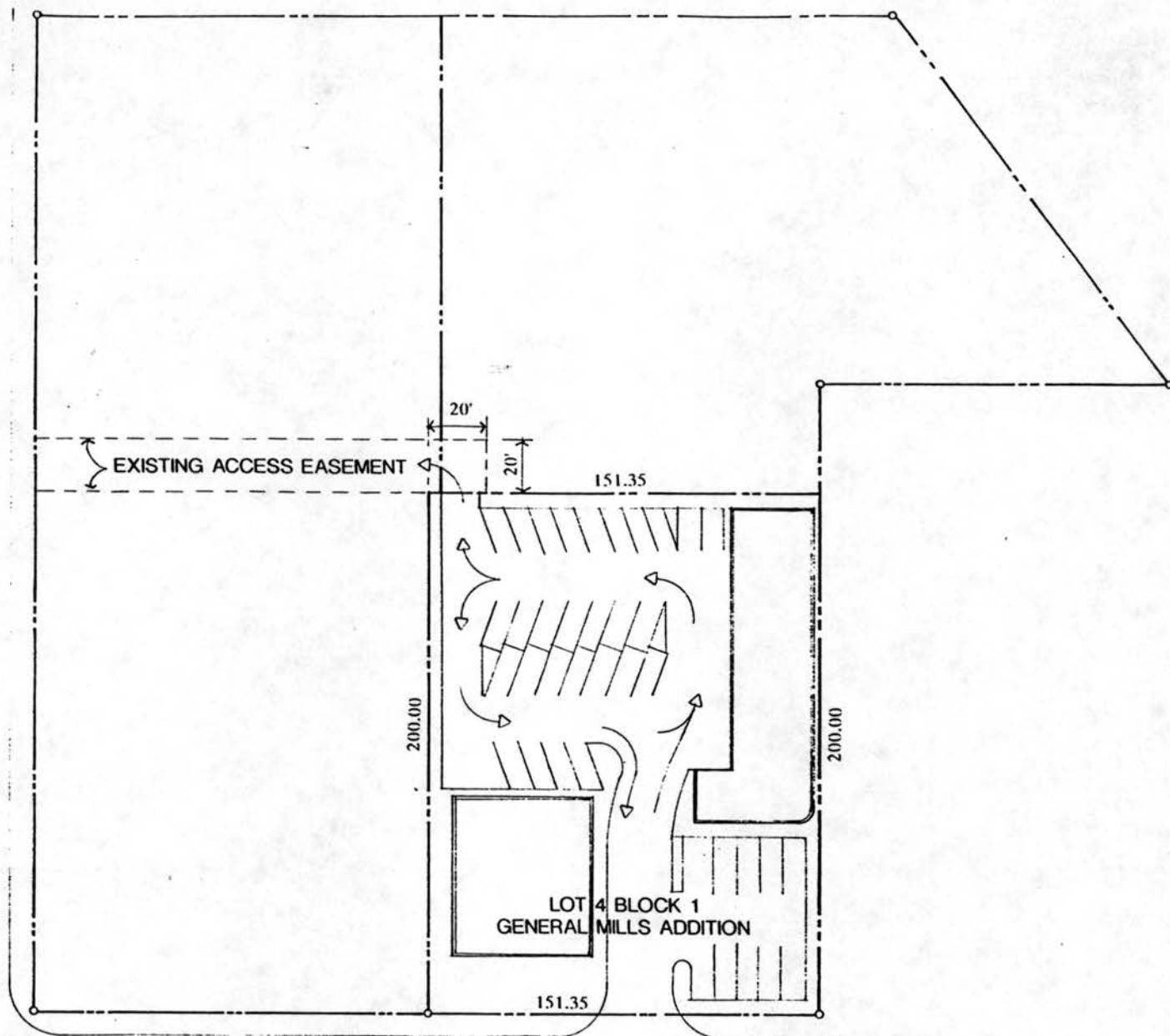
If you should have any questions in regards to this matter please do not hesitate to phone at your convenience.

Best Regards,


Jeffrey G. Carlstrom A.I.A.
President

cc Mr. Ron Mielke
Ray Connelly Realty

JERSEY AVENUE



BASS LAKE ROAD

DAVID W. LARSON & ASSOCIATES

ATTORNEYS AT LAW

476-A BUTLER SQUARE
100 NORTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55403-1503
TELEPHONE (612) 333-1727

DAVID W. LARSON*
ROBERT L. PRICE
JAYMES D. LITTLEJOHN**

*ALSO ADMITTED IN WISCONSIN
**ALSO ADMITTED IN NORTH DAKOTA

March 1, 1989

Jeffrey Carlstrom
The Carlstrom Group, Inc.
925-C Butler Square Building
Minneapolis, MN 55403

Re: General Mills Crystal Addition Block 1, Lot 4

Dear Mr. Carlstrom:

You have asked for an opinion regarding an easement that allows access to the property described above and which extends across Lot 2, Block 1 of General Mills Crystal Addition. We have made an examination of the property records of Lots 2 and 4, Block 1, General Mills Crystal Addition from May 21, 1970, through March 1, 1989. From such examination, we conclude that, as reflected in those records as of the First day of March, 1989, at 4:00 p.m., and subject to the exceptions and comments hereinafter given, there is a non-exclusive easement for roadway in favor of Lot 4 which is over the south 20 feet of the west 172 feet of Lot 2.

EXCEPTIONS

1. The subservient property, Lot 2, Block 1 of General Mills Crystal Addition, has been twice replatted since the plat of General Mills Crystal Addition filed May 21, 1970. The subservient property is therefore now described differently than it was under the 1970 plat. The property should therefore be resurveyed or a surveyors plat or map should be made showing the easement in terms of current legal descriptions.
2. The foregoing opinion assumes that General Mills, Inc., a Delaware corporation, was the owner and proprietor of the General Mills Crystal Addition as was stated in the plat filed May 21, 1970, with the Register of Deeds in Hennepin County. The foregoing opinion does not attempt to determine whether there were any interests in the General Mills Crystal Addition adverse to General Mills, Inc., at the time

Jeffrey Carlstrom
March 1, 1989
Page 2

of the filing of the plat, and is based on the declaration in the plat that was accepted by the City Council of Crystal, Minnesota.

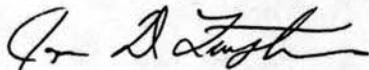
COMMENTS

In 1970, General Mills purported to own all of the lots of the General Mills Crystal Addition to Hennepin County. When General Mills sold Lots 4 and 2 to different buyers, it noted in both Deeds to those buyers that there was an easement in favor of Lot 4 across the southern part of Lot 2. Therefore, the first buyer of Lot 2, Block 1 of General Mills Crystal Addition had actual notice of the easement in favor of Lot 4. Subsequent buyers of Lot 2 have had constructive notice of the easement in favor of Lot 4 because the easement was of record before they purchased.

The foregoing opinion is limited to the question of whether the easement as described above is properly of record and whether any conflicts of record exist. Extinguishment or partial extinguishment of the easement through adverse possession, license, or any unrecorded conveyance is not included in this opinion.

Respectfully submitted,

DAVID W. LARSON & ASSOCIATES



By Jaymes D. Littlejohn

JDL/RLP/lc



DATE: February 3, 1989
TO: Planning Commission
FROM: Bill Monk, City Engineer
SUBJECT: CUP's for Use Changes at 6800 - 56th Avenue North

A proposal has been submitted to intensify the current restaurant use at 6800 - 56th Avenue North with installation of convenience food, automotive and retail uses. While the intended businesses significantly expand the current use of the property, the 0.7 acre site is presently zoned B-3, Auto-Oriented Commercial, which allows food, auto and retail uses by conditional use permit.

A description of the proposal in relation to the conditional use permits is as follows:

- 1) Convenience food (submarine sandwich) is proposed to occupy 1,200 square feet of the "retail building" in the southwest corner of the site. Such a use is regulated by Section 515.35, Subd. 4 a) which lists 11 conditions.
- 2) Auto repair minor (tire outlet and service center) is proposed to be located in a separate 4,460 square foot building in the northeast corner of the site. Section 515.35, Subd. 4 c) regulates this conditional use and lists 18 conditions.
- 3) Enclosed retail as a separate use is proposed to occupy 1,800 square feet of "retail building" along with the convenience food. In this zoning district, enclosed retail is usually interpreted as accessory to a primary use, i.e., a food and fuel arrangement. However, I believe a broader interpretation is possible whereby retail, as permitted in B-1 and B-2 Zones, would be acceptable as a conditional use in situations of minimal conflict. Section 515.35, Subd. 4 f) regulates this retail use and addresses 5 conditions.

Using the parking standards listed in Section 515.09, Subd. 8 of the Zoning Code, the following parking needs result:

- 12 stalls for auto use
- 17 stalls for convenience food use
- 13 stalls for the retail use.

Planning Commission

Subject: CUP's for Use Changes at 6800 - 56th Avenue North
February 3, 1989

Page 2

This total of 42 parking stalls required compares favorably with the 39 stalls provided on the site plan. However, given the limited size of this proposal, I believe it is essential that no parking variance be approved to insure there is no need for off-site parking in adjacent lots or on area streets.

Primary access to this site is from westbound 56th Avenue as an existing median precludes movements to and from eastbound 56th Avenue. Access is also available to Jersey Avenue via an easement across the Ground Round parking lot. Circulation of traffic across the site is laid out to make use of both access points although the layout of two separate parking areas will hinder on-site circulation somewhat.

This office has no problem with multiple uses on a single site as long as the use combination represents a compatible mixture and the site functions in terms of access, parking and circulation. In terms of the Crystal Plaza proposal, all ordinance provisions and policy standards should be enforced and can be met. This would include a slight down scaling of the project to meet the City's parking standards.



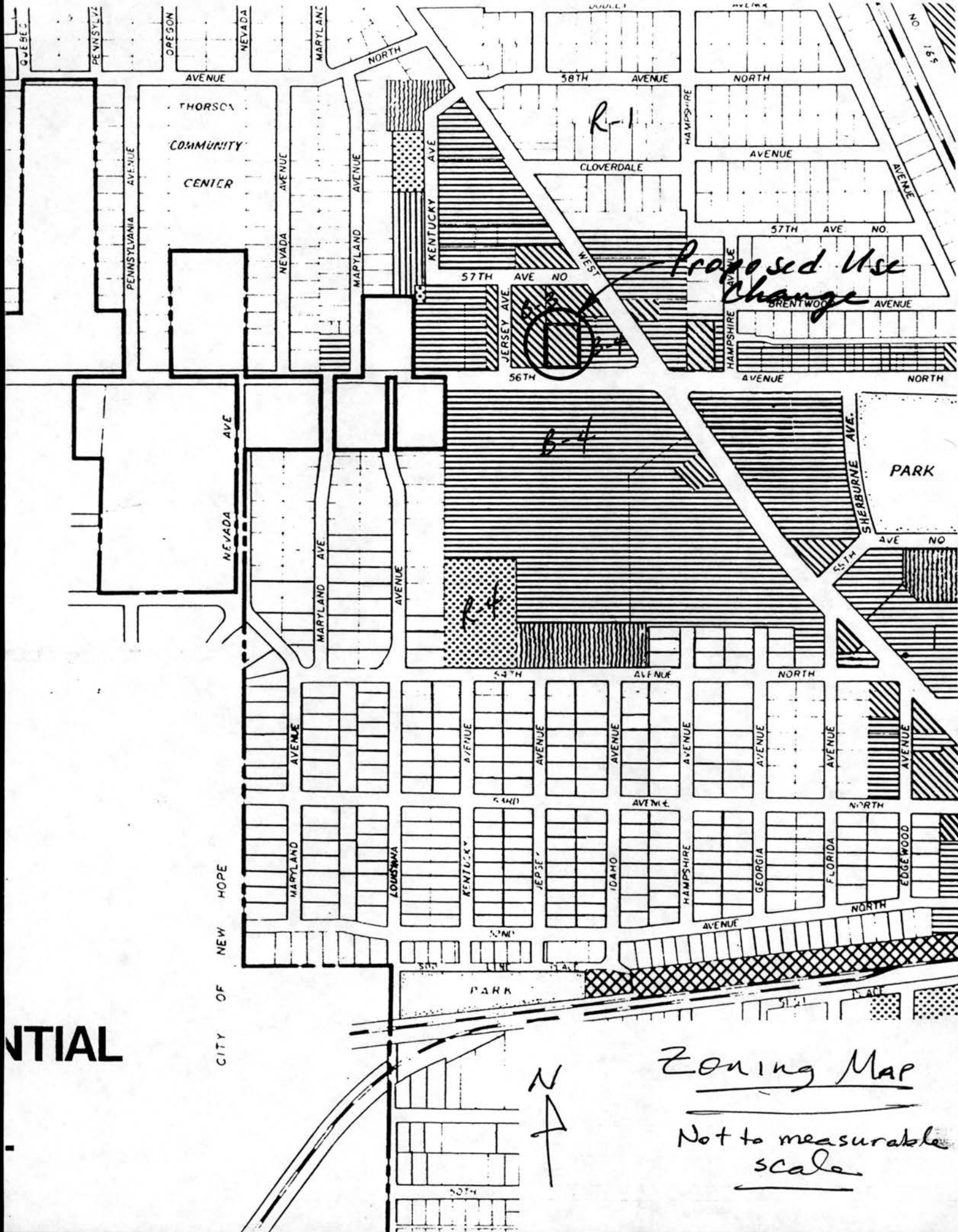
WM:jrs

Encls

2/14/89 UPDATE

On February 13 the Planning Commission voted 6 to 3 to recommend approval of the conditional use permit applications noted above. Although concerns were raised regarding the mix of uses and site intensity, the motion for approval was based on the following findings:

- Proposal consistent with current zoning and land uses in the area.
- Project represents an improvement to the area.



NTIAL

CITY OF NEW HOPE

Zoning Map

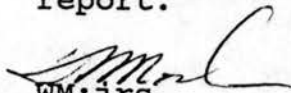
Not to measurable scale

DATE: February 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Proposed Twin Lake/Ryan Lake Outlet Modifications

The Shingle Creek Watershed Management Commission has long studied modification plans for Twin and Ryan Lakes due to periodic but long lasting flooding of low-lying residential property. While most of the flooding occurs in Brooklyn Center and Robbinsdale, Crystal is directly involved in that all of Crystal tributary to Shingle Creek flows to Twin and Ryan Lakes.

In the studies prepared to date, a series of pipe modifications and improvements are proposed at the Twin Lake and Ryan Lake outlets as well as along a section of Ryan Creek in Minneapolis. The proposed changes would increase the flow rate between Twin Lake and Shingle Creek and act to protect low-lying properties. However, to insure a stable elevation in both lakes, low-flow weirs are included at both outlets.

At this point Brooklyn Center is anxious to address the recurring flood problems and has approved a resolution (copy attached) requesting the Watershed Commission prepare an engineering feasibility study outlining specific project improvements and potential costs to member Cities. This office concurs that a feasibility report is in order which can be reviewed by the impacted Cities and recommends approval of a resolution supporting preparation of such a report.


WM:jrs

Encls



SHINGLE CREEK WMC
PROJECT STUDY AREA

E.A. HICKOK & ASSOCIATES
HYDROLOGISTS-ENGINEERS
MINNEAPOLIS-MINNESOTA

AUG 88
FIG 1

Member Jerry Pedlar
moved its adoption:

introduced the following resolution and

RESOLUTION NO. 89-30

RESOLUTION REQUESTING THE SHINGLE CREEK WATERSHED MANAGEMENT
COMMISSION TO CONDUCT A FEASIBILITY STUDY FOR IMPLEMENTATION
OF THE TWIN LAKES/RYAN LAKE OUTLET MODIFICATION

WHEREAS, areas within the Cities of Brooklyn Center, Crystal and Robbinsdale which lie adjacent to the Twin Lakes and to Ryan Lake experience wide fluctuations in lake water levels, sometimes resulting in considerable flooding damage; and

WHEREAS, the Shingle Creek Watershed Management Commission has recently completed preparation of a proposed management plan for the Shingle Creek Watershed, and a special report entitled "Twin Lakes/Ryan Lake Outlet Modification"; and has adopted a resolution establishing a Capital Improvements Policy, and

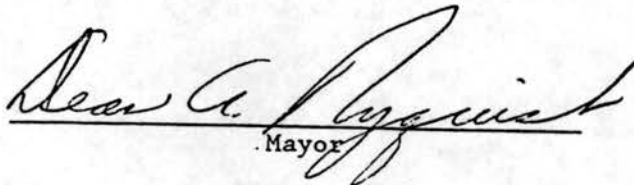
WHEREAS, the Watershed Plan, the proposed outlet modification, and the capital improvement policy provide a basis for proceeding with improvements to the Twin Lakes/Ryan Lake outlet which will reduce flood damage resulting from high waters while protecting normal water levels.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Brooklyn Center, Minnesota:

1. That the City of Brooklyn Center hereby requests the Shingle Creek Watershed Management Commission to conduct a feasibility study for implementation of the Twin Lakes/Ryan Lake Outlet Modification.
2. That the Crystal City Council and the Robbinsdale City Council are hereby requested to support this request by the adoption of similar resolutions.

February 13, 1989

Date


Mayor

ATTEST:


Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Todd Paulson, and upon vote being taken thereon, the following voted in favor thereof: Dean Nyquist, Gene Lhotka, Jerry Pedlar, and Todd Paulson; and the following voted against the same: none, whereupon said resolution was declared duly passed and adopted.

RESOLUTION NO. 89-

RESOLUTION REQUESTING SHINGLE CREEK WATERSHED
MANAGEMENT COMMISSION TO PREPARE A
FEASIBILITY STUDY FOR TWIN LAKE/RYAN
LAKE OUTLET MODIFICATIONS

WHEREAS, areas within Crystal, Robbinsdale and Brooklyn Center which lie adjacent to Twin Lake and Ryan Lake experience wide fluctuations in lake water levels that can result in considerable flooding damage, and

WHEREAS, previous preliminary studies indicate outlet modifications at Twin Lake and Ryan Lake can lower flood levels and reduce the resultant damage.

NOW, THEREFORE, BE IT RESOLVED that the Crystal City Council hereby requests the Shingle Creek Watershed Management Commission prepare a feasibility study detailing improvements by which flooding around Twin Lake and Ryan Lake may be reduced but the low lake levels protected. Said improvement study shall include cost data describing the Commission's involvement and the participation level estimated for each member municipality.

Adopted this 7th day of March, 1989.

Mayor

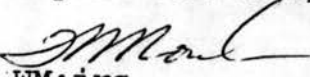
ATTEST:

City Clerk

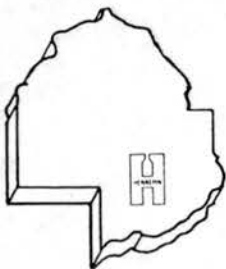
DATE: February 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: LRT Preliminary Design

Crystal recently received the preliminary design documents for the Northwest Corridor of Hennepin County's Light Rail Transit (LRT) System. Copies of the proposal were distributed to the City Council at their work session of February 14. The design documents provide detail on the approval process, track alignment, street system interface, railroad coordination, yard and shop, and operating system.

Based on the legal requirement for Crystal to hold a public hearing on the preliminary design plans within a set timetable, this office recommends a hearing be scheduled for the meeting of April 4. Further, at Tuesday's meeting I propose to review the plans with the Council so their comments and concerns can be addressed in the detailed staff report currently in progress.


WM:jrs

Encls



HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY

A-2307 Government Center, Minneapolis, MN. 55487-0237 612/348-4077

DATE: February 3, 1989

TO: Bill Monk

FROM: Ken Stevens

RE: Submission of Northwest Corridor LRT Preliminary Design Plans for
Municipal Approval

On Tuesday, January 31, the Hennepin County Regional Railroad Authority approved the distribution of LRT Preliminary Design for the Northwest Corridor to the affected municipalities. Your packet of copies is enclosed.

The HCRRA has scheduled a public hearing for March 14, 2:00 p.m., in Commissioners Meeting Room, A-2400, Hennepin County Government Center. Within 45 days of the HCRRA public hearing, the City must approve or disprove the plans. In addition, each affected municipality is required to hold a public hearing on the preliminary design plans.

The HCRRA will provide representation and technical assistance for the municipal public hearings upon request. We are also available for any additional information and assistance you may desire.

Please contact Janelle Rinke, BRW, at 370-0700 with any questions.

Thank you for your cooperation.

KS/lp

Attachments

cc: Janelle Rinke
Dick Thayer
Dick Wolsfeld
Gary Orlich
Scott Wende
Lary Gardner

BOARD OF COMMISSIONERS

Sam S. Sivanich
Chairman

Mark Andrew
Vice Chairman

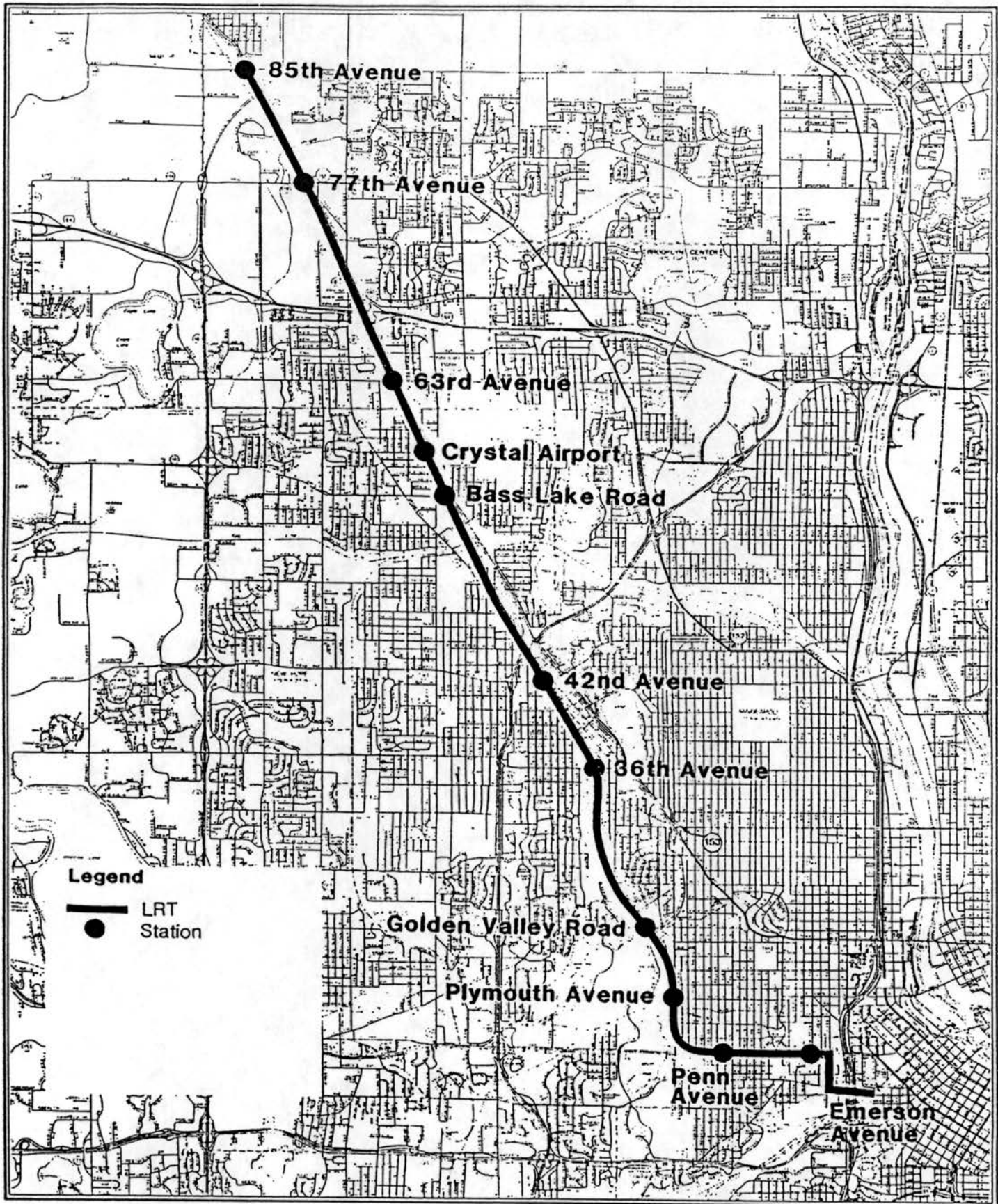
John E. Derus
Treasurer

Tad Jude
Secretary

Jeff Spartz

Randy Johnson

John Keefe



HCRRA
Hennepin County Regional Rail Authority

Comprehensive
LRT System Plan



Northwest
Corridor

Recommended LRT
Route

Figure 1

Memorandum

DATE: March 2, 1989
TO: Jerry Dulgar, City Manager
FROM: Nancy Gohman, Administrative Assistant
SUBJECT: Workers' Compensation for Elected and Appointed
Officials

To ensure the City of Crystal has adequate workers' compensation insurance for elected and appointed officials, the following resolution should be adopted at the Council meeting of March 7, 1989.

RESOLUTION #89-

RESOLUTION RELATING TO WORKERS' COMPENSATION
FOR ELECTED AND APPOINTED OFFICIALS

Pursuit to Minnesota Statutes 176.011, Subdivision 9, Clause 6, elected officials and members of the following boards and commissions are included in the coverage of Workers' Compensation Act: Long-Range Planning Commission, Planning Commission, Civil Service Commission, Human Rights Commission, Charter Commission, Housing & Redevelopment Authority, Environmental Quality Commission, and Park & Recreation Advisory Commission.

ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.

ATTORNEYS AT LAW

SUITE 120

7600 BASS LAKE ROAD

MINNEAPOLIS, MINNESOTA 55428-3891

TELEPHONE

533-4938

AREA CODE 612

PAUL W. ROSENTHAL
FRANCIS J. RONDONI
PETER A. MACMILLAN
JAY A. H. JOYNER
LISA A. SKOOG

February 24, 1989

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

RE: Non-Prosecutorial Legal Services
for the City of Crystal
Our File No. RJM-176

Dear Mr. Dulgar:

For the last five years, we have been performing the prosecutorial legal services for the City of Crystal. We greatly value the City of Crystal as a client and have always attempted to give outstanding legal services at a competitive price.

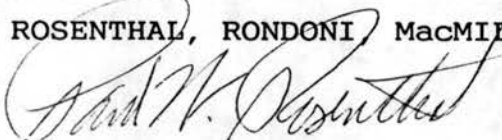
Over the past five years our firm has continued to expand in the areas of civil litigation, municipal law, banking law and other areas affecting the local community. Because of our reputation for quality services we have been approached by other municipalities, including Golden Valley, for whom we have been providing prosecutorial services since January 2, 1989.

We are committed to a program of solid growth and increased service to the Northwest suburban area. Considering our experience and record of performance, we are fully capable of providing all of the legal services required by the City of Crystal. We feel we can offer the City excellent services at reasonable prices. If the City is interested, we will be happy to submit a detailed proposal for the performance of all of the civil work for the City.

The City of Crystal is a highly valued client of this firm, and we would welcome the opportunity to provide a wider range of services to the City. Our association with the City of Crystal has been a mutually beneficial relationship, which we look forward to maintaining into the future.

Sincerely,

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.



Paul W. Rosenthal

PWR/sm

cc: Honorable Betty Herbes and
Councilmembers

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

February 28, 1989

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

Re: HRA - EDA

Dear Jerry:

At the last Council meeting Mayor Herbes asked for additional information about Economic Development Authorities and the procedure for centralizing HRA and economic development powers of the City in a single agency, an Economic Development Authority (EDA) composed of Councilmembers. As I mentioned then, my letter of February 1, 1989 (copy enclosed) sets out the basic procedure, and I'll try to supplement it as best I can.

I think the best analysis of the EDA act for the Council is the enclosed summary by Briggs & Morgan, a law firm in St. Paul. As I mentioned in my letter (and as pointed out on p. 75 of the B & M memo) there are some technical difficulties with the EDA Act most if not all of which can be dealt with in one way or another. These are:

- a. TIF - Tax Increment Financing by an EDA can only be done in areas of the City meeting the "blight" test of the TIF Act (substandard buildings, bad soils, etc.). This would not affect TIF projects thus far considered by the City or the HRA (Bass Lake Road, 36th and 100, the Spartan Store site near Corvallis) since those areas qualify. (The Nafsted site could possibly qualify as a "soils" redevelopment district, but that is not certain.) But it would mean that the EDA could not do "economic development", or "housing" TIF Projects, neither of which the City or the

HRA has yet considered. But it is possible to so structure the EDA that the City would retain the ability to finance such projects under the Municipal Development District Act and assign their administration to the EDA, and some cities have done just that. In addition, the Legislature is considering (somewhat favorably, I hear) amendments to the EDA law to clear up this and other problems listed below.

- b. General Obligation Bonds. The EDA may not issue general obligation bonds (i.e. bonds pledging the City's taxing power) without an election, but I think it would be a rare thing for the EDA to issue such bonds. The key financing tool for economic development is TIF, and under that procedure the city issues the G.O. Bonds and no election is required.
- c. Term of Bonds. Any bonds (G.O. or pure revenue) issued by the EDA would be limited to a 20 year term rather than the standard 30 years. Again in the Crystal context it is most unlikely that the EDA would issue its own bonds.

I think that there are two basic policy issues to be considered in the proposal to establish an EDA. First, does the creation of an EDA give the City powers to do things not possible under the present HRA structure? Second, is it desirable to have an identity of membership on the City Council and the development authority of the City?

- 1. We have worked with many cities to establish EDA's. In each case it was done to enable the City to accomplish something it could not do under the HRA set-up. In Brooklyn Center the City needed authority to own and lease buildings for commercial use. In Lake City it was done to facilitate the funding of an economic development director position from the increased mill levy (tax capacity rate) possible under an EDA. In Brainerd, it was done for both of the above reasons plus to enable the City to participate financially with developers using loans and grants.

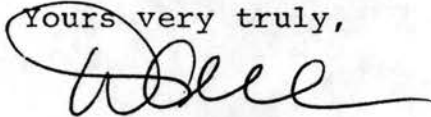
Mr. Jerry Dulgar
February 28, 1989
Page 3

Other cities we represent have concluded that they have either alone or in conjunction with an active HRA all powers necessary to deal with development matters. The Council must, of course, decide this issue but based on experience thus far in Crystal, the HRA - Council arrangement seems to have been adequate for our needs.

2. Some cities (Minnetonka, St. Louis Park) have established EDA's because of a felt need to have development activities directed by elected rather than appointed policy makers, and for this reason it is common practice in many cities to have the City Councilmembers serve as HRA members. (As I pointed out in my previous letter, this could be accomplished in Crystal by filling vacancies in the HRA as they occur with Councilmembers, but it would take some time and only five could be on the HRA.) I really can't offer any suggestions on this second point since it is purely a matter of policy for the Council.

I understand that the HRA expressed interest in reviewing this material and you may wish to forward it to the Authority.

Yours very truly,



David J. Kennedy

DJK:caw

Enclosure

LLKOLT06.F16

BRIGGS AND MORGAN

1986 PUBLIC FINANCE CONFERENCE

LEGISLATION AFFECTING LOCAL GOVERNMENT ECONOMIC
DEVELOPMENT STRUCTURE AND POWERS

TIM FLAHERTY

Local Government has played a critical role in developing and implementing economic development, redevelopment and housing programs. The state has granted cities, local redevelopment agencies, housing and redevelopment authorities and port authorities various powers to enable them to undertake these programs. Local governments possess only those powers granted to them by the state legislature. Powers granted to port authorities are more extensive than powers granted to other units of local government and port authority powers give local government greater flexibility in providing financial incentives to attract development.

Special Legislation. Since 1980, 26 cities have requested "port authority" legislation to increase their ability to develop and implement economic development and redevelopment programs. The legislature has passed some form of port authority legislation for 19 cities.

Three approaches have been taken to "port authority" special legislation:

1. A city is granted port authority powers. The city council itself is authorized to exercise the powers of a port authority. There is no separate commission or board to exercise port authority powers.
2. A city is granted authority to establish an agency with port authority powers. The agency is subject to all of the provisions of the general port authority law, Chapter 458. The city does not have the authority to limit the activity of the agency unless the limitations are provided for in Chapter 458. For example, the new agency could hire its own staff, and issue certain bonds without approval of the city.
3. A city is granted authority to establish an economic development agency with port authority powers and the authority to limit the powers available to the agency. This approach allows the city to change the structure and powers of the agency without additional state legislation.

In addition to port authority powers, many of the special laws provide that the agency established by a city may exercise the powers of a housing and redevelopment authority. For these cities, one agency in the city has both port authority and housing and redevelopment authority powers.

Special legislation affecting the economic development powers of a city or authorizing a city to establish a port authority has been controversial at the legislature. A list of cities which have been granted port authority powers by special legislation is contained in Attachment A. Only one of the seven bills introduced in the 1986 legislative session granting port authority powers to cities was passed by the legislature.

State-wide port authority legislation. Representative Don Valento, Chairman of the House Local and Urban Affairs Committee, introduced legislation to allow any city to establish an economic development authority that would have powers similar to a port authority (HF 1990). This bill was intended to eliminate the need for special legislation granting a city or its economic development agency port authority powers. The bill also contained authority for a city to divide any economic, housing or redevelopment powers between the new agency and any other authority or commission established by state law or city charter. The bill was passed by the House but ran into strong opposition in the Senate. Because of restrictions added by the Senate in the Conference Committee, it is unlikely that this new legislation will eliminate the need for the special legislation requested by cities.

Economic Development Authority Legislation. Laws of Minnesota 1986, Chapter 400 authorizes the establishment of economic development authorities by any home rule charter or statutory city. The powers granted to these new economic development authorities are not nearly as broad as the powers granted to a port authority under Chapter 458. The following points summarize the major differences between port authority powers and economic development authority powers:

1. Economic development authorities will not have the power that port authorities have to issue general obligation bonds without a referendum.

BRIGGS AND MORGAN

2. Economic development authorities will not have the power that port authorities have to build structures on land owned by the authority.
3. Unlike port authority powers, economic development authority powers can only be used in an economic development district that satisfies the redevelopment district requirements for tax increment districts. M.S. § 273.73 subd. 10.

A more complete summary of this economic development authority legislation is contained in Attachment B.

ATTACHMENT A

Special Legislation Establishing Port Authorities
Or Granting Port Authorities Powers

Special legislation has been passed granting the following twenty cities either port authority powers or the authority to establish a port authority or other agency with port authority powers:

Winona-Laws 1967, Chapter 541, as amended
Bloomington-Laws 1980, Chapters 453 and 595
Minneapolis-Laws 1980, Chapter 595
Granite Falls-Laws, 1981, Chapter 225
South St. Paul-Laws 1982, Chapter 523
St. Cloud-Laws, 1984, Chapter 498
Plymouth-Laws 1984, Chapter 397 and Laws 1985, Chapter 192
White Bear Lake-1985, Chapter 301
Roseville-Laws 1985, Chapter 301
Fergus Falls-Laws 1985, Chapter 173
Detroit Lakes-Laws 1985, Chapter 173
Red Wing-Laws 1985, Chapter 177
Hastings-Laws 1985, Chapter 177
Albert Lea-Laws 1985, Chapter 206
Austin-Laws 1985, Chapter 206
North Mankato-Laws 1985, Chapter 188
Breckenridge-Laws 1985, Chapter 205
Wadena-Laws 1985, Chapter 199
Warroad-Laws 1985, Chapter 189
Moorhead, S.F. 1760, 1986 Regular Session

ATTACHMENT B

SUMMARY OF
ECONOMIC DEVELOPMENT AUTHORITY
LEGISLATION

Laws of Minnesota, 1986, Chapter 400, Subs. 13 to 33 (the "Act"), also referred to as the state-wide port authority legislation, authorizes the establishment of economic development authorities by any home rule charter or statutory city. This law was passed by the legislature in an attempt to deal with the increasing number of cities that have requested special legislation allowing them to establish and exercise the powers of a port authority established pursuant to Minnesota Statutes, Chapter 458. The powers granted by the Act to economic development authorities (herein referred to as the "Authority") are not nearly as broad as the powers granted to a port authority established pursuant to Chapter 458. Some of the significant limitations on the powers granted an Authority in the Act which are not present in Chapter 458 are listed below.

(1) Under the Act, the powers of the Authority must be exercised within an "economic development district". The district must qualify as a "redevelopment district" under the criteria set forth in the Minnesota Tax Increment Financing Act (Minn. Stat. §273.73(10)), a copy of which is attached hereto as Exhibit A.

(2) The city, in the enabling resolution creating the Authority, may impose limitations on the exercise of powers by the Authority.

(3) The Authority does not have the ability to issue general obligation bonds without an election, unless the bonds otherwise come within an existing exemption from the election requirements of Chapter 475;

(4) The city may, but is not required to, as is the case under Chapter 458, levy a tax for economic development in an amount not to exceed .75 mill times the assessed value of taxable property in the city.

(5) The maturity of general obligation bonds and revenue bonds is limited to 20 years from their date of issuance. Most other provisions of municipal law limit the maturity of bonds to 30 years.

The following is a brief summary of certain provisions of the Act:

1. Procedure for Establishment. The creation of the Authority is by a written resolution of the city council known as an enabling resolution. The city council must give published notice and hold a public hearing prior to the adoption of the enabling resolution. The Authority must submit an annual report to the city council stating whether and in what respects the enabling resolution should be modified. Within 30 days of receipt of the report the city council must consider the recommendation and make any modification it deems appropriate. Subsequent modifications to the enabling resolution must be by written resolution and may be adopted only after notice and public hearing as required for the adoption of the original enabling resolution.

2. Ability of the City to Limit Powers of the Authority. The enabling resolution may impose limitations on the exercises of power by the Authority, which may include, but are not limited to the following:

(a) any exercise of powers by the Authority may be only with the prior approval of the city council;

(b) the city council may require that any reserves generated by activities of the Authority be transferred to the debt service fund of the city and be used to reduce tax levies for bonded indebtedness;

(c) the city may require that the sale of bonds by the Authority be approved by the city council; and

(d) any other limitation the city deems necessary or appropriate.

3. Commissioners. The Authority may consist of either three, five or seven commissioners. The number of commissioners must be stated in the enabling resolution. In a three-member Authority, at least one member must be a member of the city council, and in a five or seven-member Authority, at least two members must be members of the city council. All commissioners are appointed by the mayor and approved by the city council. Other than the original appointees who serve for terms varying from one to five years, the commissioners are appointed for six-year terms. Members of the city council in numbers greater than those mentioned above may serve as the commissioners of the Authority. An Authority may be increased from 3 to 5 or 7 or from 5 to 7, members by resolution of the city council following the same notice and hearing procedures required for adoption of an enabling resolution. Commissioners may be removed for cause following written notice and hearing on the matter.

4. Officers. The Authority's officers consist of a president, vice president, secretary, treasurer and assistant treasurer. The president, secretary and treasurer must be elected annually. The offices of secretary and assistant treasurer do not have to be held by a commissioner of the Authority.

5. Existing Development Agencies and Projects. The city may divide any economic, housing or redevelopment powers granted under Chapter 462 and the Act between the Authority and any other authority or commission established under statutes or city charter. The city may transfer any project under 273.73, subd. 8 or any project under Chapter 462 or 472A to the Authority. Upon transfer of a project, the Authority may exercise all powers that the governmental unit that established the project could exercise with respect to that project.

6. Powers.

(a) Creation of Economic Development District. The Authority may create, following notice and hearing, an economic development district, at any place within the city. The district must meet the criteria set forth in Minnesota Statutes, Section 273.73, subdivision 10 (tax increment redevelopment districts); the boundaries of the district must be contiguous.

(b) Acquisition of Property. The Authority, in order to create an economic development district, may acquire by lease, purchase, gift, demise or condemnation proceedings, any necessary right, title and interest in property. Property acquired for this purpose is exempt from taxation by the state or its political subdivisions but only while the Authority holds the property for its own use.

(c) Eminent Domain. The Authority may exercise the power of eminent domain.

(d) Limited Partner. The Authority may act as a limited partner on a partnership whose purpose is consistent with the Authority's purpose.

(e) Power to Contract. The Authority may enter into contracts for the purpose of economic development and may contract to purchase and sell real and personal property. Any obligation or expense of the Authority may not be incurred unless there is an existing appropriation and reasonable expected revenue of the Authority from other sources sufficient to discharge the obligation or pay the expense when due.

(f) Sale or Lease of Land. The Authority may sell or lease land held by it for economic development in economic development districts.

(g) Assistance from Other Governmental Entities. The Authority may accept land, money or other assistance whether by gift, loan or otherwise in any form from the federal or state government or any agency or local subdivision.

(h) Foreign Trade Zone. The Authority may apply for foreign trade zone powers alone or with another Authority.

(i) Public Facilities. The Authority may maintain and operate a public parking facility or other public facilities to promote development in the economic development district.

(j) Sale of Property. An Authority may, after notice and hearing, sell property owned by it, if such sale or conveyance is in the best interest of the city. The sale may be by private or public sale. The sale of property must include the intended use of the land and may not be consummated until the purchaser delivers plans and specifications covering the development of the property to the Authority for approval. If the purchaser fails to devote the property to its intended use or fails to begin work on improvements with one year from the date of purchase, the Authority may cancel the sale; title to the property will revert to the Authority. The Authority may extend the one year deadline for good cause. The purchaser of the land may not transfer title within one year after the sale without the consent of the Authority.

(k) Levy of Taxes for Economic Development Authority. The city may, at the request of the Authority, levy a tax in any year for the benefit of the Authority in an amount not more than 0.75 mill times the assessed valuation of the taxable property in the city. The levy may be increased by resolution of the city council after published notice. The resolution is not effective if a petition requesting a referendum is filed with the city clerk within 30 days after publication of the resolution. The petition must be signed by voters equaling at least five percent of the votes cast in the last general election.

(l) Development and Improvement of Land. The Authority may fill, grade and protect property and do anything necessary and expedient after acquiring property in an economic development district to make it suitable and attractive for development.

(m) Miscellaneous Powers. The Authority has the powers of a housing and redevelopment authority under Chapter 462 or other law and the powers of a city under Chapter 472A or other law. In addition, the Authority may exercise the powers of a redevelopment agency under Chapter 474 for any of the purposes of the Act or Minnesota Statutes, Sections 462.411 to 462.705 and may use the powers of the Act and Sections 462.411 to 462.705 for any purpose under Minnesota Statutes Chapter 474.

7. Issuance of Obligations.

(a) Issuance of General Obligation Bonds. The Authority may issue general obligation bonds in anticipation of income from any source, in the principal amount authorized by two-thirds vote of the city council for the purpose of acquiring property or for any other purpose set forth in the Act. The bonds must be sold by public sale and the form and interest rate must be set by the city council. The issuance of the bonds are governed by the Act, except for matters that are not covered in the Act, which are governed by Chapter 475 (Public Indebtedness). An election is required for the issuance of the general obligation bonds unless the bonds otherwise qualify for an exception from the election requirements under the provisions of Chapter 475. The bonds must mature with 20 years from their date of issuance. The City council must, by ordinance, give specific consent to the pledge of its full faith and credit to the bonds. The bonds are payable from taxes levied by the Authority on all taxable property in the city, which taxes must be in an amount at least five percent in excess of the principal and interest on the bonds.

(b) Issuance of Revenue Bonds. Revenue bonds may be issued by an Authority to acquire land, to purchase or construct facilities, to purchase, install or furnish capital equipment, or to extend, improve or enlarge a project under its control. The bond issue may also

include a reserve to secure the payment of principal and interest on the bonds. The bonds must mature within 20 years from their date of issuance, may be sold at either public or private sale, and may be secured by any revenues from the facility financed by the bonds. Revenue bonds are not a debt of the Authority or the city but are payable only from the revenues pledged to the payment thereof. If the revenue bonds are taxable bonds, the project financed thereby does not have to be approved by the energy and economic development authority and certain public hearing and reporting requirements under Chapter 474 do not apply. In addition, the provisions of Chapter 474 which prohibit the financing property to be sold or housing facilities to be rented or used as a permanent residence do not apply.

(c) Tax Increment Bonds. The Authority may issue tax increment bonds payable from tax increment revenues. The issuance of tax increment bonds is subject to the provisions of the Minnesota Tax Increment Financing Act.

(d) Pledge of Revenues. The Authority may pledge and grant a lien on revenue of the Authority to secure the payment of its general obligation or revenue bonds. The revenue must come from the facility to be acquired, constructed or improved with bond proceeds or from other facilities named in the resolutions authorizing the bonds.

(e) Borrowing Money. After authorizing general obligation or revenue bonds, the Authority may borrow money for the purpose for which the bonds are to be issued in an amount not to exceed the amount of the bonds to be issued. The loans must be evidenced by negotiable notes due not more than 12 months after the date of the loan, which notes are to be repaid from the proceeds of the bonds.

8. Budget. The Authority must submit an annual budget to the City including a detailed written estimate of the amount of money the Authority expects to need from the City during the next fiscal year. The Authority must also submit to the City a detailed account of its activities and its receipts and expenditures during the preceding calendar year.

9. City Facilities, Services. A city may furnish offices, structures, space, clerical, engineering or other assistance to the Authority. The Authority may use the services of the city attorney. The Authority may use the City's purchasing department in connection with construction work and to purchase equipment, supplies or materials.

10. Advances. An authority may advance its general fund money or credit, without interest, for the object and purposes of the Act. The advances must be repaid from the sale or lease of land. Advances made to acquire land and to construct facilities for recreation purposes, if authorized by law, need not be reimbursed.

11. Optional Use by Existing Port Authorities. Any city that has established a port authority by special law or that has been granted the power to establish a port authority by special law may elect to use any of the powers granted in the Act, however, the provisions of the Act must be used exclusively and, upon an election to use the powers set forth in the Act, any powers granted in the special law may no longer be used.

This summary is only a partial description of the provisions of the Act. Additional provisions not covered in this summary are contained in the Act.

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Herbert P. Lefler, Retired

February 1, 1989

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

Re: HRA

Dear Jerry:

Mayor Herbes has asked you and me about the procedure to convert the membership of the Housing and Redevelopment Authority so that it is composed of City Council members. This sort of organization is now permitted by law.

At the outset I should point out that having the same persons act simultaneously as HRA Commissioners and Councilmembers does nothing to change the separate identities of those governing bodies or the public corporations they govern. The HRA and the City are separate and distinct governmental entities and the contractual relationships between them that now exist (staff, loan procedures, etc.) would also remain intact.

The legal framework governing the proposed change is as follows:

1. Minnesota Statutes, Section 469.003, Subd. 5 requires that HRA Commissioners be residents of the City.

2. The same section, Subd. 6 provides for five year terms, staggered for one term ending each year. Appointments are made by the Mayor with City Council approval and vacancies are similarly filled for the unexpired terms. A member of the City Council may be appointed a Commissioner and the Council may provide

Mr. Jerry Dulgar
February 1, 1989
Page 2

that a Councilmember's term as Commissioner coincides with the member's term on the Council.

3. Laws 1974, Chapter 124, a special law relating to Crystal, provides that the City Council may by ordinance provide that not more than three of the HRA Commissioners may be Councilmembers, and the office of a Councilmember-Commissioner is vacant when that person is no longer a Councilmember, but the vacancy need not be filled by appointment of another Councilmember. (The 1974 law was passed at Crystal's request because there was considerable doubt that the law at that time permitted Councilmembers to serve as Commissioners. I think the general language in Section 469.003, Subd. 6 permits the City to ignore the limitations of the special law, but not the ordinance provision described next.)

4. City Code, Section 420, enacted pursuant to the special law, provides that no more than three members of the HRA may be Councilmembers and at least two must be other residents of the City. A vacancy in the Councilmember office creates a vacancy in the HRA office but the vacancy may be filled either by appointment of a Councilmember or a resident.

The first step in the changeover would be a repeal of the City Code, Section 420, and the adoption of a resolution setting out the intent to change over and specifying that the HRA terms of Councilmembers when appointed would coincide with their respective Council terms.

Next, as vacancies in the present HRA membership occur the Mayor, with Council approval would appoint Councilmembers as Commissioners. Unless the last Commissioner appointed was John Moravec, the process may not be complete for five years, that is, at the completion of, or a vacancy in, the term of the last appointee. This is so because there is nothing in Section 469.003 indicating that the terms of existing HRA members are modified in any way by a Council decision to appoint its own members as Commissioners.

I should point out, too, that only five Councilmembers would be HRA Commissioners and that there is no provision in the law for enlarging the size of the HRA.

Mr. Jerry Dulgar
February 1, 1989
Page 3

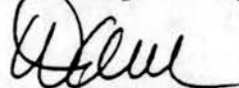
Another approach to the matter is the establishment of an Economic Development Authority which if properly done can assign all HRA powers to the EDA.

An EDA is formed under a general state law that was originally designed to give port authority powers to cities and to enable them to centralize all housing, economic development, and redevelopment activities in one agency. The EDA is formed by a Council resolution, after public hearing, specifying the activities to be engaged in by the EDA, and one of those activities can be all those performed by an HRA. A seven member EDA is permitted and all EDA members may be Councilmembers. Unless some duties are assigned to the HRA it would in practical effect cease to function. (An HRA cannot be abolished or the terms of its members affected except by state law.) There are some practical and technical difficulties with the EDA law, the most serious of which is the inability of the EDA to do tax increment financing for projects other than redevelopment projects; but we think that a careful assignment of duties to the EDA by the enabling resolution can minimize most of those problems.

The formation of EDA's is most common in outstate areas because of the broad language of the enabling statute that seems to permit rather sweeping kinds of direct financial assistance to industrial and commercial enterprises, a practice not generally followed, except by the St. Paul Port Authority, in the metro area.

Also, as in the case of the HRA, the EDA is a separate political subdivision of the state, and the contractual relationships between the City and the EDA would be similar to those between the present HRA and the City.

Yours very truly,



David J. Kennedy

DJK:caw

cc: Betty Herbes

0011LT01.F16

CHAPTER 123—H.F.No.3040
[Coded in Part]

An act relating to the trunk highway system; adding a new route in substitution of an existing route.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **HIGHWAYS; ROUTE NO. 294.** There is added to the trunk highway system a new route described as follows:

[161.115] Route No. 294. Beginning at a point on Route No. 4, situated in Government Lot 1 of Section 2, Township 119 North, Range 35 West, as presently laid out and opened for travel, thence extending in a general easterly direction into the grounds of the Willmar state hospital, thence extending in a general northerly direction to a point on Route No. 4.

Sec. 2. The route established in section 1 is a substitute for Route No. 294 as contained and described in Minnesota Statutes 1971, Section 161.115, and said route as so contained and described in said section is discontinued and removed from the trunk highway system.

Sec. 3. The revisor of statutes, on compiling the Minnesota Statutes, shall substitute the route established in section 1 for the route discontinued and removed from the trunk highway system in section 2.

Approved March 13, 1974.

CHAPTER 124—H.F.No.3047
[Not Coded]

An act relating to the city of Crystal; authorizing members of the city council to serve on the housing and redevelopment authority of the city.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CRYSTAL, CITY OF; HOUSING AND REDEVELOPMENT AUTHORITY.** When a housing and redevelopment authority is authorized to operate within the city of Crystal, pursuant to Minnesota Statutes, Section 462.425, the city council may by ordinance provide that not more than three of the commissioners of the authority may be members of the city council.

Sec. 2. **TERMS OF CITY COUNCILMEN; VACANCIES.** Members

Changes or additions indicated by underline deletions by ~~strikeout~~

of the city council who serve as commissioners of the housing and redevelopment authority pursuant to this act shall hold office only during the period that they are members of said council. When such a commissioner is no longer a member of the city council his term as commissioner of the authority shall terminate, and the vacancy on the commission shall be filled by appointment by the council, for the unexpired portion of the term, provided that the member so appointed need not be a member of the city council.

Sec. 3. **PURPOSE, SCOPE AND AUTHORITY.** The purpose, scope and authority of the housing and redevelopment authority with membership as authorized by this act shall be the same as that provided by the municipal housing and redevelopment act, Minnesota Statutes, Sections 462.411 to 462.716.

Sec. 4. **EFFECTIVE DATE.** This act shall become effective only after its approval by a majority of the governing body of the city of Crystal, and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 14, 1974.

CHAPTER 125—H.F.No.3052

An act relating to the interstate compact on juveniles; amending Minnesota Statutes 1971, Sections 260.53 and 260.55.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 260.53, is amended to read:

260.53 INTERSTATE COMPACT ON JUVENILES; COMPACT ADMINISTRATOR. (1) Pursuant to the interstate compact on juveniles, the governor is authorized to designate the ~~director of the Youth Conservation Commission~~ commissioner of corrections to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. He shall serve subject to the pleasure of the governor. The compact administrator is authorized to cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state thereunder.

(2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states pursuant to Article VII of the interstate compact on juveniles and shall

Changes or additions indicated by underline deletions by ~~strikeout~~

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February 21, 1989

Mr. Jerry Dulgar
City Manager
City of Crystal
4141 Douglas Drive North
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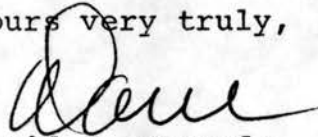
Re: Art Quady

Dear Jerry:

We've reviewed the materials you sent and our files on the question of Art Quady's retirement payments made to him in error by the Relief Association from 1981 to 1983. Attached is an internal memorandum prepared by Paul Baertschi of our office. He concludes, and I agree, that 1) any legal action by the Association to recover the payments is probably barred by the applicable statute of limitations and, 2) even if such action were possible the Association might find that the costs of pursuing the matter might well exceed any recovery and adversely affect the Association's resources.

I should point out, as I know you understand, that this opinion is given to you in our capacity as legal adviser to the City. The association is, of course, free to seek its own legal counsel on the matter.

Yours very truly,




David J. Kennedy

DJK:caw

Enclosure

cc: Paul Baertschi

MEMORANDUM

TO: DJK
FROM: PDB 
DATE: February 16, 1989
RE: Crystal/Fireman's Relief Benefit Question 11/2420

You have asked me to research and comment upon the following question: What powers and duties do the directors of the Crystal Fire Relief Association have with respect to payments made unlawfully but in good faith to Art Quady for pension benefits from January 1, 1981 until January 25, 1983? The short answer is that the relief association apparently no longer has any authority to take any action with respect to this matter because the statute of limitations has elapsed. Under Minn. Stat. §541.05, Subd. 1, an action "for taking, detaining, or injuring personal property, including actions for the specific recovery thereof" are subject to the six year limitation. Also, actions "upon a contract or other obligation, express or implied, as to which no other limitation is expressly prescribed" are subject to the six year limitation. According to a letter signed by attorney William J. O'Brien and addressed to the president of the Crystal Fireman's Relief Association, the Board of Directors decided on January 25, 1983 that Mr. Quady erroneously received the pension benefits, and further decided not to require him to pay back the money. If that is true, clearly the association had actual knowledge of all the pertinent facts by January 25, 1983,

and the statute would begin running from that time. Consequently, the statute would have expired by January 23, 1989.

If the payments were made negligently or in reckless disregard of their duties, the directors may be theoretically liable. However, I have not been made aware of any facts which would demonstrate that they acted in bad faith or unreasonably. Thus, it does not appear that there is a good case for liability against directors. Under Minn. Stat. §317.19, Subd. 6, the duty of the directors of a non-profit corporation is to "discharge their duties in good faith, and with that diligence and care which an ordinarily prudent person in a ^{like} ~~light~~ position would exercise under similar circumstances". That language may be a good defense for their conduct in this case.

As to the duty of the Directors of the Association if there were no statute of limitations problem, a business decision would have to be made whether to exercise their right to sue to recover illegal payments. It would be appropriate for the association to find that for economic reasons that such action would not be in the best interest of the association. Consequently, it cannot be said that there is a clear duty to file such action if it was permissible.

It appears that both from a legal as well as practical standpoint, that the best decision is to do nothing at the present time. If you would like further elaboration or research on any of the points addressed in this memo, please let me know.

Memorandum

DATE: February 27, 1989
TO: City Councilmembers
FROM: Jerry Dulgar, City Manager

I received the following information at the monthly meeting with the Superintendent of Schools last Friday. The focus of that meeting was discussion of the budget for the upcoming year for the School District.

The School District assured us that they have not made a decision to go for referendum yet but they were discussing that. You can see by looking at the attached information that the School District will be facing some tough financial times in the coming years if the state aid formulas, etc. don't change.

JD/js

attachments

The public supports increased taxes for improving education

Would you be willing to pay higher state taxes if the increase went to improve public education?

	Total	Men	Women	Metro	Outstate	H.S. Grad.	Some College	College Grad.
Yes	59%	55%	63%	59%	60%	55%	61%	66%
No	35	40	31	37	34	38	34	30

Source: Northstar Poll, May, 1988

Would you be willing to pay more taxes to help raise the standards of education in the United States?

	National Totals	Public Schools Parents
Yes	64%	73%
No	29	23
Don't Know ..	7	4

Source: Pbt Delta Kappan/Gallup Poll, September, 1988



The Alliance will work with the Governor and the Minnesota Legislature to assure that all students receive the education to which they are entitled by enacting the following:

1. Increase the 1989-90 Foundation Formula to \$3020.
2. Set the Foundation Formula for 1990-91 at \$3170.
3. Enact a Training and Experience amount of \$400 with the index subtraction set at 1.0. (Estimated biennial state cost of items 1, 2, and 3 is \$492 million.)
4. Raise the necessary additional revenue needed through tax increases to meet state and federal constitutional responsibilities.
5. Implement programs to enhance performance, remediate for individual needs, and develop accountability measures that identify student achievement.

Members of the Alliance for Commitment to Education

- ☐ Anoka-Hennepin ISD #11
- ☐ Association of Metropolitan School Districts
- ☐ Association of Stable or Growing School Districts
- ☐ Cities of the First Class Schools
- ☐ Minnesota Association of School Administrators
- ☐ Minnesota Association of Secondary School Principals
- ☐ Minnesota Education Association
- ☐ Minnesota Elementary School Principals' Association
- ☐ Minnesota Federation of Teachers
- ☐ Minnesota School Boards Association

Education... at a Critical Point



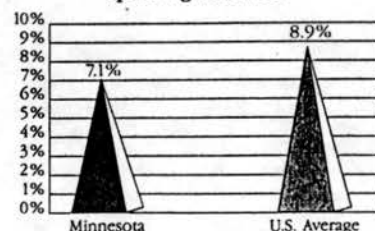
Alliance for Commitment to Education

January, 1989

Minnesota's Commitment to Education in Decline

National Spending Comparisons

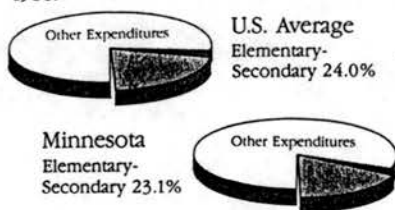
1986 Elementary - Secondary Spending Increases



Source: U.S. Bureau of the Census

State and Local Spending

Minnesota falls below national average in the proportion of state and local spending for elementary-secondary education in 1986.



Source: U.S. Bureau of the Census

Minnesota's spending per pupil unit dropped from 7th (1972-73) to 15th (1986-87) nationally

Source: National Education Association, Ranking of the States

Minnesota's Schools Produce Results

- Minnesota consistently has had one of the highest graduation rates in the nation. In 1987 we ranked first—20 percentage points above the national average.

Minnesota 91.5%
U.S. Average 71.5%

- Minnesota students pursue post-secondary education in significant numbers, with more than 66% of our high school graduates enrolling in post-secondary institutions within one year of graduation.

Four-year colleges 45.4%
Community Colleges 10%
Vocational Schools 10.7%

- Minnesota seniors consistently rank in the top five among states where students take the ACT tests. In 1987, with 40% of its seniors taking the tests, Minnesota ranked third. Minnesota high school juniors taking the PSAT tests consistently score at or above the national average. In 1988, 48% of Minnesota juniors took the tests.

- Of respondents with children in elementary or secondary schools, 82% rated schools favorably. (Northstar Poll, May, 1988)

- Minnesotans hold favorable views toward the state's public education system. Three-fourths rate public elementary and secondary schools favorably; nearly one-fourth say they are excellent. (Minnesota Business Partnership Survey, September, 1988)

- Within six years following graduation, 87.4% of all Minnesota high school graduates enroll in or attempt to enroll in post-secondary schools.

Sources: Minnesota Higher Education Coordinating Board and Minnesota Department of Education

Increasing state requirements and greater student needs divert money from the basic education program

Additional responsibilities since 1972

- Special Education
 - birth through age four
 - services to non-public students
 - transportation and support services
 - handicapped adult programs
- Drop-out Programs
- Community Education Programs
- Comparable Worth
- Capital Improvements
- Desegregation
- Access to Excellence
- English as a Second Language
- Technology Implementation
- Textbooks and Services for Non-public Students
- Numerous Others

Children with greater need

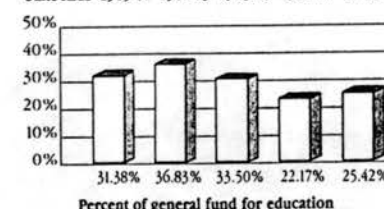
- One out of every six Minnesota children under five years of age is poor, and one-fourth of the homeless are children.
- Approximately 75% of Minnesota's single parents work full-time, but more than one-third make less than \$20,000 annually.
- In the past decade, the number of child abuse reports has tripled.
- Two of every five junior high and senior high students work part-time, and nearly three-fourths of 16 to 19 year-olds are in the labor force.

259 Districts out of 435 Resort to Referenda

Percent spent for education from general fund declines

As the percent of the state budget allocated to elementary and secondary education has declined, districts have become increasingly dependent on local property taxes (referenda) to maintain programs.

Direct State Aids 1969-71 1971-73 1973-75 1985-87 1987-89



Districts' reliance on referenda levies increases

School Year	Number of Districts	Total Referendum Levy
1972-73	1	\$ 25,395
1978-79	74	7,067,813
1981-82	131	43,943,937
1983-84	185	68,854,632
1984-85	188	69,225,297
1985-86	198	79,719,756
1986-87	217	95,019,482
1987-88	226	111,845,916
1988-89	239	135,681,183
1989-90	259	168,453,598

Source: Senate Research, October, 1988.

1989-90

Budget Information



INDEPENDENT SCHOOL DISTRICT 281
Robbinsdale Area Schools
Learning for a lifetime of growing

**Independent School District 281
Robbinsdale Area Schools
AMSD General Fund Projection Model**

General Fund Projection Summary

	1988-89	1989-90	1990-91	1991-92
Beginning fund balance (Prior Year-End)	\$ 7,618,035	\$ 5,085,917	\$ 1,610,406	(\$ 2,342,138)
B U REVENUE	\$62,343,705	\$63,342,405	\$65,247,903	\$68,214,454
D G EXPENSE	\$64,875,823	\$66,817,916	\$69,200,447	\$72,039,776
E T DIFFERENCE	(\$ 2,532,118)	(\$ 3,475,511)	(\$ 3,952,544)	(\$ 3,825,321)
 ENDING FUND BALANCE	 <u>\$5,085,917</u>	 <u>\$ 1,610,406</u>	 <u>(\$ 2,342,138)</u>	 <u>(\$ 6,167,460)</u>

The following assumptions were used in making the projections:

1. All 1988 laws pertaining to school financing will remain in effect and unchanged.
2. The general education formula per pupil unit will be \$2,967.63 for 1988-89, \$3,002.63 for 1989-90, \$3,092.71 for 1990-91 and \$3,185.49 for 1991-92.
3. Amounts were included for salary adjustments.
4. The district will levy the maximum amounts permitted by the statutes.
5. Referendum revenue will be \$6,246,770 for 1988-89, \$6,546,658 for 1989-90, \$6,828,164 for 1990-91 and \$7,121,775 for 1991-92.
6. Enrollment will change as shown on the November 20, 1987, projections, with adjustments for lower kindergarten enrollment.
7. Changes in the teaching staff due to enrollment decline or increase will be made on the basis of present student/teacher ratios.
8. The cost of instructional, general and miscellaneous supplies, utilities and contracted services will rise 4.1 percent for 1989-90 thru 1991-92.
9. The rate of interest on investments will be 7 percent.
10. The district's pay equity plan will continue to be implemented.

Additional Expenditures

Technology Coordinator .6 FTE	\$ 28,000
Social Studies Textbooks	200,000
Language Immersion	<u>12,701</u>
TOTAL	<u><u>\$240,701</u></u>

Budget Reductions

Line Item	Impact	Reduction
<ul style="list-style-type: none"> • Reduce fees for consultants and attorneys 	<p><i>Positive</i></p> <ul style="list-style-type: none"> • Cost savings • Centralized approval for consultants <p><i>Negative</i></p> <ul style="list-style-type: none"> • Director of personnel would negotiate two contracts 	\$ 40,000
<ul style="list-style-type: none"> • Reduce conference and administrative travel 	<p><i>Positive</i></p> <ul style="list-style-type: none"> • Cost savings • Centralized approval for travel <p><i>Negative</i></p> <ul style="list-style-type: none"> • Fewer administrators would benefit from attendance at national conferences 	20,000
<ul style="list-style-type: none"> • Eliminate sabbaticals for principals or assistant principals 	<p><i>Positive</i></p> <ul style="list-style-type: none"> • Cost savings • There may be no request for sabbatical leave <p><i>Negative</i></p> <ul style="list-style-type: none"> • An assistant principal will have to be placed on unrequested leave 	40,000
<ul style="list-style-type: none"> • Reduce summer program (grades six-12) to basic skills and required special education classes and develop a plan for enrichment classes (K-eight) on a self-sustaining basis 	<p><i>Positive</i></p> <ul style="list-style-type: none"> • Cost savings <p><i>Negative</i></p> <ul style="list-style-type: none"> • Total change of summer program • Impact a large number of students • Impact Adventure Club enrollment 	⁶⁰ 320 ,000
<ul style="list-style-type: none"> • Move third-shift custodians to second shift and reduce the second shift by one custodian in each middle school 	<p><i>Positive</i></p> <ul style="list-style-type: none"> • Cost savings • Can be achieved through attrition <p><i>Negative</i></p> <ul style="list-style-type: none"> • Head custodians in middle schools will have to open the building daily • During the winter months, there will be no one in the building to help clear entrance ways prior to school starting • Many of the maintenance items the head custodian does prior to school opening would not be done • Students, staff and the community may see and feel the impact of the cutback in maintenance, cleanliness and appearance of our buildings 	97,900

Line Item	Impact	Reduction
<ul style="list-style-type: none"> Decrease one second-shift custodial position at each high school 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Decrease in operational costs Can be achieved through attrition <p><i>Negative</i></p> <ul style="list-style-type: none"> Students, staff and the community may see and feel the impact of the cutback in maintenance, cleanliness and appearance of our buildings 	65,267
<ul style="list-style-type: none"> Leave director of secondary education position unfilled 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Cost savings <p><i>Negative</i></p> <ul style="list-style-type: none"> More work for cabinet who are already overworked 	84,042
<ul style="list-style-type: none"> Eliminate secretary's position to director of secondary education and reorganize secretarial responsibilities for elementary, secondary and curriculum 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Cost savings <p><i>Negative</i></p> <ul style="list-style-type: none"> Reorganizing of secretarial work Elimination of one position 	27,106
<ul style="list-style-type: none"> Eliminate supervisory para-professionals for smoking at RAHS and RCHS 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Cost savings Scheduled for 1988-89 year only High schools received additional staff using ninth grade ratio <p><i>Negative</i></p> <ul style="list-style-type: none"> May be more difficult to implement tobacco-free policy 	49,192
<ul style="list-style-type: none"> Eliminate middle school administrative assistants or office clerk 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Cost savings This position was only to be a one-year assignment <p><i>Negative</i></p> <ul style="list-style-type: none"> Less administrative/clerical help at building level 	84,600
<ul style="list-style-type: none"> Discontinue approval of extra weeks of work beyond the contracts of professional staff 	<p><i>Positive</i></p> <ul style="list-style-type: none"> Cost savings <p><i>Negative</i></p> <ul style="list-style-type: none"> Students may have less access to staff in summer 	50,000

Line Item	Impact	Reduction
• Reduce secondary extracurricular activities	<i>Positive</i> • Cost savings <i>Negative</i> • Reaction from extracurricular advisers • Some students may be affected • Reaction from students, parents and advisers	105,000
• Eliminate extra days for paraprofessionals	<i>Positive</i> • Cost savings <i>Negative</i> • Supervisors will need to reassign important tasks	10,000
• Eliminate substitutes for most paraprofessionals	<i>Positive</i> • Cost savings <i>Negative</i> • Supervisors will need to reassign important tasks	30,000
• Reduce materials, supplies and contracted services by 20 percent	<i>Positive</i> • Cost savings • District staff would all be doing their part to reduce budget <i>Negative</i> • Less materials, supplies and contracted services	<u>150,000</u>
TOTAL		<u><u>\$1,173,107</u></u>

2/21/89

**Independent School District 281
AMSD General Fund Projection Model**

General Fund Projection Summary

**General Education Formula Increase Per Pupil Unit of
1.2% for 1989-90 and 0% for 1990-91, as recommended by Governor Perpich**

	1988-89	1989-90	1990-91
Beginning fund balance (Prior year-end)	\$ 7,618,035	\$ 5,085,917	\$ 1,610,080
B			
U REVENUE	\$62,343,705	\$63,342,079	\$63,773,667
D			
G EXPENSE	\$64,875,823	\$66,817,916	\$69,200,447
E			
T DIFFERENCE	(\$ 2,532,118)	(\$ 3,475,837)	(\$ 5,426,780)
ENDING FUND BALANCE	<u>\$ 5,085,917</u>	<u>\$ 1,610,080</u>	<u>(\$ 3,816,700)</u>

3-4% inflation figured in

**General Education Formula Increase Per Pupil Unit of 1.2% for 1989-90
and 3.0% for 1990-91**

	1988-89	1989-90	1990-91
Beginning fund balance (Prior year-end)	\$ 7,618,035	\$ 5,085,917	\$ 1,610,406
B			
U REVENUE	\$62,343,705	\$63,342,405	\$65,247,903
D			
G EXPENSE	\$64,875,823	\$66,817,916	\$69,200,447
E			
T DIFFERENCE	(\$ 2,532,118)	(\$ 3,475,511)	(\$ 3,952,544)
ENDING FUND BALANCE	<u>\$5,085,917</u>	<u>\$ 1,610,406</u>	<u>(\$ 2,342,138)</u>

2/21/89

Independent School District 281 AMSD General Fund Projection Model

General Fund Projection Summary

General Education Formula Increase Per Pupil Unit of
1.2% for 1989-90 and 0% for 1990-91, as recommended by Governor Perpich

Proposed net budget reductions of \$932,406 for 1989-90 included.

	1988-89	1989-90	1990-91
Beginning fund balance (Prior year-end)	\$ 7,618,035	\$ 5,085,917	\$ 2,577,486
B			
U REVENUE	\$62,343,705	\$63,377,079	\$63,873,667
D			
G EXPENSE	\$64,875,823	\$65,885,510	\$68,230,745
E			
T DIFFERENCE	(\$ 2,532,118)	(\$ 2,508,431)	(\$ 4,357,078)
ENDING FUND BALANCE	<u>\$ 5,085,917</u>	<u>\$ 2,577,486</u>	<u>(\$ 1,779,592)</u>

General Education Formula Increase Per Pupil Unit of 1.2% for 1989-90
and 3.0% for 1990-91

Proposed net budget reductions of \$932,406 for 1989-90 included.

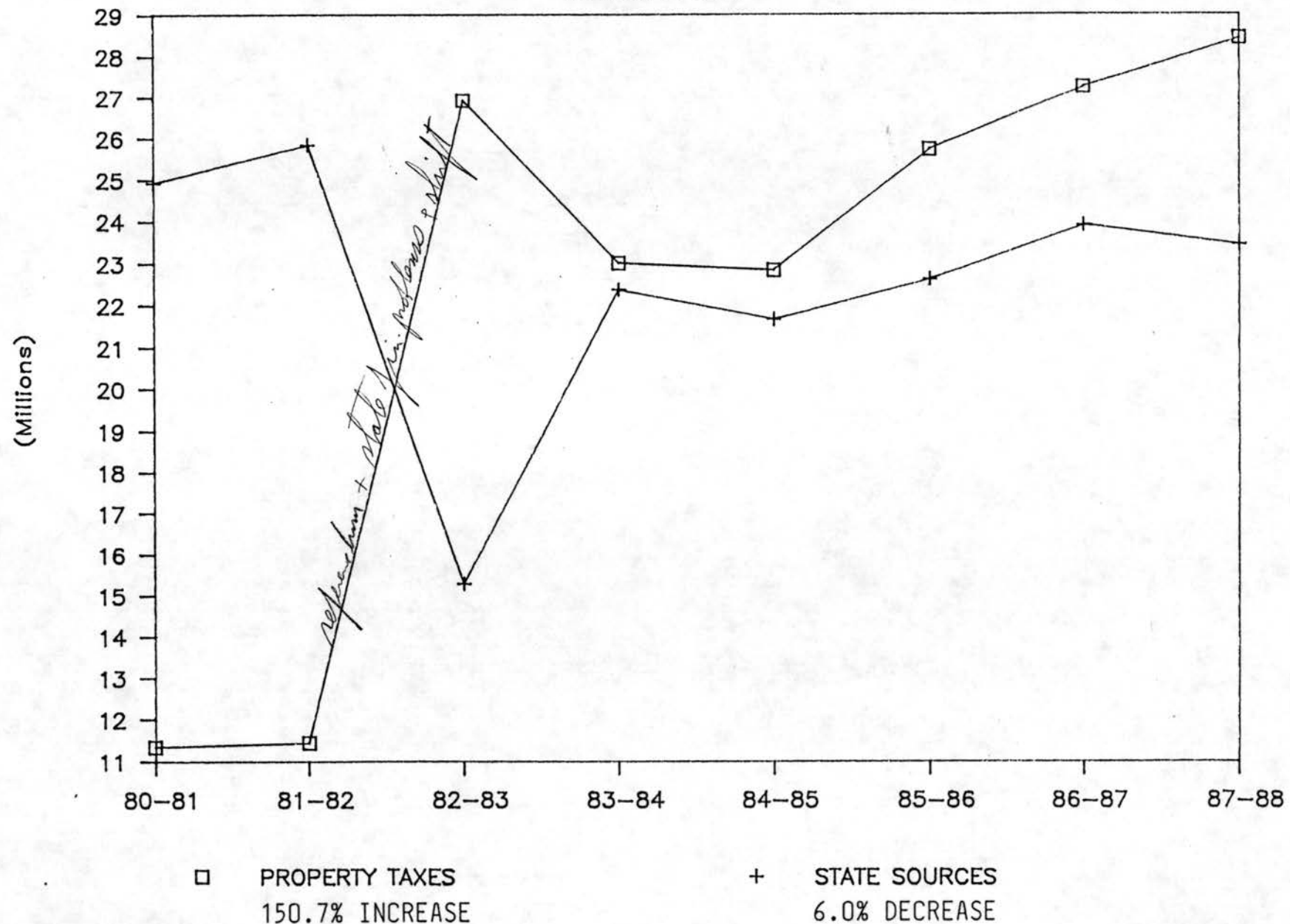
	1988-89	1989-90	1990-91
Beginning fund balance (Prior year-end)	\$ 7,618,035	\$ 5,085,917	\$ 2,577,812
B			
U REVENUE	\$62,343,705	\$63,377,405	\$65,347,903
D			
G EXPENSE	\$64,875,823	\$65,885,510	\$68,230,745
E			
T DIFFERENCE	(\$ 2,532,118)	(\$ 2,508,105)	(\$ 2,882,842)
ENDING FUND BALANCE	<u>\$ 5,085,917</u>	<u>\$ 2,577,812</u>	<u>(\$ 305,030)</u>

*Bd policy re fund balance is 5% of revenues
or \$ 3.5 M*

2/23/89

STATE AID COMPARED TO PROPERTY TAXES

GENERAL FUND



2/16/89

Independent School District 281
General Education Revenue

Year	Per Pupil Unit	Dollar Increase	Percent Increase
1987-88	\$2,898	\$51	1.8
1988-89	2,968	70	2.4
1989-90	3,003	35	1.2
1990-91	3,003	-0-	-0-

+ reduce spec. ed. funding by 11% over biennium



INDEPENDENT SCHOOL DISTRICT 281

Robbinsdale Area Schools
Learning for a lifetime of growing

GOVERNMENT ADVISORY COUNCIL
Friday, February 24, 1989
7:30 a.m.

AGENDA

- I. Impact of Governor's Budget on District 281
- II. District 281 Budget Projections
- III. Open discussion

Linda Powell
Interim Superintendent

4148 Winnetka Avenue North
New Hope, Minnesota 55427
(612) 533-2781

AN EQUAL OPPORTUNITY EMPLOYER

22-Feb-89

CITY OF CRYSTAL
1989 EXPENDITURE REPORT JANUARY 1989
C.ROBBE

NORMAL %=

8.33%

DEPARTMENT	#	BUDGET AMOUNT	PRIOR MONTH YTD EXPENSES	ENCUMBERANCES	CURRENT EXPENDITURES	TOTAL EXPENSES	RATIO	UNENCUMBERED BALANCE
Mayor & Council	10	\$101,800.00	\$0.00	\$45.00	\$35,886.51	\$35,886.51	35.3%	\$65,868.49
Administration	11	\$336,977.00	\$0.00	\$1,380.45	\$23,195.32	\$23,195.32	7.3%	\$312,401.23
Assessing	12	\$119,640.00	\$0.00	\$185.00	\$3,953.18	\$3,953.18	3.5%	\$115,501.82
Finance	13	\$127,050.00	\$0.00	\$112.04	\$4,438.83	\$4,438.83	3.6%	\$122,499.13
City Buildings	14	\$156,565.00	\$0.00	\$48.47	\$17,240.19	\$17,240.19	11.0%	\$139,276.34
Police	15	\$1,708,419.00	\$0.00	\$77,722.05	\$67,138.84	\$67,138.84	8.5%	\$1,563,558.11
Fire	16	\$238,277.00	\$0.00	\$5,733.47	\$11,096.40	\$11,096.40	7.1%	\$221,447.13
Planning & Inspection	17	\$99,975.00	\$0.00	\$20.97	\$3,744.13	\$3,744.13	3.8%	\$96,209.90
Civil Defense	18	\$39,672.00	\$0.00	\$43.20	\$1,076.80	\$1,076.80	2.8%	\$38,552.00
Engineering	19	\$222,249.00	\$0.00	\$163.03	\$8,332.11	\$8,332.11	3.8%	\$213,753.86
Street	20	\$475,296.00	\$0.00	\$5,087.24	\$24,514.26	\$24,514.26	6.2%	\$445,694.50
Park Maintenance	21	\$484,270.00	\$0.00	\$13,430.67	\$2,491.03	\$2,491.03	3.3%	\$468,348.30
Recycling	22	\$83,923.00	\$0.00		\$0.00	\$0.00	0.0%	\$83,923.00
Recreation	25	\$477,877.00	\$0.00	\$3,017.25	\$17,534.64	\$17,534.64	4.3%	\$457,325.11
Health	26	\$131,697.00	\$0.00	\$134.50	\$5,536.13	\$5,536.13	4.3%	\$126,026.37
Civil Service	27	\$10,750.00	\$0.00		\$979.57	\$979.57	9.1%	\$9,770.43
Legal	28	\$110,000.00	\$0.00		\$16,000.00	\$16,000.00	14.5%	\$94,000.00
Elections	29	\$19,150.00	\$0.00	\$370.49	\$182.80	\$182.80	2.9%	\$18,596.71
Misc Commissions	30	\$1,925.00	\$0.00		\$0.00	\$0.00	0.0%	\$1,925.00
Swimming Pool	31	\$76,505.00	\$0.00		\$0.00	\$0.00	0.0%	\$76,505.00
Non-Departmental	32	\$912,750.00	\$0.00		\$25,032.82	\$25,032.82	2.7%	\$887,717.18
Tree Disease	34	\$52,160.00	\$0.00		\$0.00	\$0.00	0.0%	\$52,160.00
TOTALS		\$5,986,927.00	\$0.00	\$107,493.83	\$268,373.56	\$268,373.56	6.3%	\$5,611,059.61
 Recycling Fund #80		 \$1,180,725.00	 \$0.00		 \$0.00	 (\$90.95)	 0.0%	 \$1,180,815.95
 Utility Fund-#81								
Water	23	\$848,955.00	\$0.00	\$1,375.10	(\$63,297.38)	(\$63,297.38)	-7.3%	\$910,877.28
Sewer	24	\$1,120,505.00	\$0.00	\$1,258.18	\$142,552.58	\$142,552.58	12.8%	\$976,694.24
TOTALS		\$1,969,460.00	\$0.00	\$2,633.28	\$79,255.20	\$79,255.20	4.2%	\$1,887,571.52

22-Feb-89

CITY OF CRYSTAL
C.ROBBESUMMARY OF REVENUES AS OF JANUARY 31, 1989
NORMAL PERCENT=

8.33%

GENERAL FUND 01

ESTIMATED
REVENUEPRIOR MONTH
YEAR TO DATERECEIPTS
CURRENT MORECEIPTS
YEAR TO DATE

ACCT #

TAXES

3011	Current Ad Valorem Taxes	\$2,096,538.00	\$0.00	\$0.00	\$0.00
3012	Delinq Ad Valorem Taxes	\$0.00	\$0.00	\$0.00	\$0.00
3013	Penalties & Interest	\$10,000.00	\$0.00	\$0.00	\$0.00
3014	Forfeited Tax Sale	\$0.00	\$0.00	\$0.00	\$0.00
3015	Prepaid Special Assessments	\$0.00	\$0.00	\$0.00	\$0.00
	Sub Total	\$2,106,538.00	\$0.00	\$0.00	\$0.00

LICENSES & PERMITS

3111	Liquor License On Sale 06/30	\$49,500.00	\$0.00	\$0.00	\$0.00
3112	Liquor Licenses Off Sale 06/30	\$1,600.00	\$0.00	\$0.00	\$0.00
3113	Beer & Tavern Licenses 06/30	\$5,000.00	\$0.00	\$2,750.00	\$2,750.00
3114	Club Licenses 06/30	\$2,000.00	\$0.00	\$0.00	\$0.00
3115	Garbage & Refuse License 06/30	\$1,600.00	\$0.00	\$0.00	\$0.00
3116	Taxi Cab Licenses	\$75.00	\$0.00	\$0.00	\$0.00
3117	Music Box-Misc Amusements	\$9,000.00	\$0.00	\$3,822.00	\$3,822.00
3118	Food Handling Licenses	\$19,000.00	\$0.00	\$3,752.13	\$3,752.13
3119	Gas Pump & Station Licenses	\$1,700.00	\$0.00	\$271.51	\$271.51
3121	Bowling Alley Licenses	\$600.00	\$0.00	\$336.00	\$336.00
3123	Cigarette Licenses	\$850.00	\$0.00	\$135.00	\$135.00
3124	Misc Licenses	\$1,500.00	\$0.00	\$243.32	\$243.32
3125	Billboard-Sign Hangers License	\$1,000.00	\$0.00	\$132.00	\$132.00
3126	Plumbing-Gas Licenses & Cards	\$5,000.00	\$0.00	\$1,001.25	\$1,001.25
3127	Sign Licenses 05/15	\$9,500.00	\$0.00	\$5,388.43	\$5,388.43
3128	Tree Trim Licenses	\$600.00	\$0.00	\$0.00	\$0.00
3150	Dog Licenses & Impound Fees	\$6,300.00	\$0.00	\$223.00	\$223.00
3151	Building Permits	\$60,000.00	\$0.00	\$1,029.90	\$1,029.90
3153	Plumbing Permits	\$4,000.00	\$0.00	\$343.00	\$343.00
3154	Sewer Permits	\$500.00	\$0.00	\$17.50	\$17.50
3155	Water Permits	\$700.00	\$0.00	\$17.50	\$17.50
3157	Driveway Permits	\$450.00	\$0.00	\$0.00	\$0.00
3158	Street Excavation Permits	\$600.00	\$0.00	\$0.00	\$0.00
3159	Misc Permits	\$0.00	\$0.00	\$0.00	\$0.00
3161	Gas Permits	\$3,000.00	\$0.00	\$415.00	\$415.00
3162	Burglar Alarm Permits 05/15	\$1,000.00	\$0.00	\$0.00	\$0.00
3163	Mechanical Permits	\$10,000.00	\$0.00	\$460.00	\$460.00
3164	Sign Permits	\$2,800.00	\$0.00	\$226.60	\$226.60
3165	Parking Permits	\$0.00	\$0.00	\$0.00	\$0.00
3166	Restaurant Hoods	\$1,300.00	\$0.00	\$200.00	\$200.00
	Sub Total	\$199,175.00	\$0.00	\$20,764.14	\$20,764.14

22-Feb-89

	ESTIMATED REVENUE	PRIOR MONTH YEAR TO DATE	RECEIPTS CURRENT MO	RECEIPTS YEAR TO DATE
STATE SHARED TAXES				
3350 Local Government Aid	\$2,232,614.00	\$0.00	\$0.00	\$0.00
3351 State Aid Streets	\$9,206.00	\$0.00	\$0.00	\$0.00
3352 Machinery Tax Replacements	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$2,241,820.00	\$0.00	\$0.00	\$0.00
OTHER SERVICES				
3500 Misc Receipts	\$5,000.00	\$0.00	\$109.23	\$109.23
3501 NWSCC and CAC	\$3,000.00	\$0.00	\$874.61	\$874.61
3503 Bicycle License	0	\$0.00	\$3.00	\$3.00
			\$167.60	
3511 Spec Rezoning App Charge	\$4,500.00	\$0.00	\$450.00	\$167.60
3512 Sale of Maps-Documents etc	\$200.00	\$0.00	\$31.35	\$450.00
3513 Engineering & Clerical Fees	\$55,000.00	\$0.00	\$0.00	\$31.35
3514 Weed Cutting Charges	\$1,500.00	\$0.00	\$0.00	\$0.00
3515 Filing Fees	\$0.00	\$0.00	\$0.00	\$0.00
3516 License Investigations	\$500.00	\$0.00	\$0.00	\$0.00
3517 Jail & Breathalyzer Tests	\$4,000.00	\$0.00	(\$3,850.00)	\$0.00
3568 Accident Reports	\$1,500.00	\$0.00	\$129.50	\$129.50
3569 Special Assessment Searches	\$6,000.00	\$0.00	\$190.00	\$190.00
3570 Sanitarian Costs & Reimburse	\$83,097.00	\$0.00	(\$37,086.47)	(\$37,086.47)
3571 Confiscated Funds	\$0.00	\$0.00	\$0.00	\$0.00
3580 Recreation Program Receipts	\$137,407.00	\$0.00	\$6,227.91	\$6,227.91
3581 Crystal Facilities Used	\$200.00	\$0.00	\$0.00	\$0.00
3582 Non-Budget Account	\$0.00	\$0.00	\$1,280.00	\$1,280.00
3586 Water Tests	\$500.00	\$0.00	(\$20.00)	(\$20.00)
3587 Swimming Pool Receipts	\$42,490.00	\$0.00	\$0.00	\$0.00
3590 Refunds & Reimbursements	\$73,000.00	\$0.00	\$0.00	\$0.00
3591 Insurance Refunds	\$25,000.00	\$0.00	\$0.00	\$0.00
3592 Misc Land & Equip Sales	\$25,000.00	\$0.00	\$0.00	\$0.00
3593 Misc Transfers	\$0.00	\$0.00	\$0.00	\$0.00
3594 Building Sub-Rental	\$0.00	\$0.00	\$0.00	\$0.00
3595 Waste Oil Revenues	\$1,500.00	\$0.00	\$60.80	\$60.80
3599 Interest Earned	\$140,000.00	\$0.00	\$0.00	\$0.00
3610 Court Fines	\$230,000.00	\$0.00	(\$16,522.90)	(\$16,522.90)
3611 Alarm Charges	\$0.00	\$0.00	(\$234.34)	(\$234.34)
3612 Alarm Penalties	\$0.00	\$0.00	\$0.50	\$0.50
3630 Forfeited Bail	\$0.00	\$0.00	\$0.00	\$0.00
3772 Donations		\$0.00	\$377.05	\$377.05
Previous Yr Fund Balance	\$600,000.00	\$600,000.00		\$600,000.00
Sub Total	\$1,439,394.00	\$600,000.00	(\$47,812.16)	\$556,037.84
TOTAL	\$5,986,927.00	\$1,929,693.14	(\$27,048.02)	\$576,801.98

22-Feb-89

FUND #80 RECYCLING	ESTIMATED REVENUE	PRIOR MONTH YEAR TO DATE	RECEIPTS CURRENT MO	RECEIPTS YEAR TO DATE
		\$0.00		\$0.00
		\$0.00		\$0.00
		\$0.00		\$0.00
		\$0.00		\$0.00
		\$0.00		\$0.00
		\$0.00		\$0.00
		\$0.00		\$0.00
TOTAL	\$0.00	\$0.00	\$0.00	\$0.00
FUND #81 UTILITY FUND				
3500 Miscellaneous Receipts				
3599 Interest Earned				
3739 Misc Income-Water		\$0.00	\$124.30	\$124.30
3740 Water Sales		\$0.00	\$43,936.92	\$43,936.92
3741 Penalties Earned-Water		\$0.00	\$1,095.00	\$1,095.00
3742 Sales of Meters-Horns		\$0.00	\$12.30	\$12.30
3743 Joint Water Comm Reimb		\$0.00	\$0.00	\$0.00
3744 Metro Waste Reimburse		\$0.00	\$0.00	\$0.00
3759 Misc Income-Sewer		\$0.00	(\$628.10)	(\$628.10)
3760 Sewer Service Revenue		\$0.00	\$60,139.57	\$60,139.57
3761 Penalties Earned-Sewer		\$0.00	\$1,710.94	\$1,710.94
TOTAL	\$0.00	\$0.00	\$106,390.93	\$106,390.93
FUND #82 STREET LIGHTING				
3764 Street Lighting Revenue	\$102,560.00	\$0.00	\$73,304.42	\$73,304.42
3765 Penalties Earned	\$2,000.00	\$0.00	\$169.60	\$169.60
TOTAL	\$104,560.00	\$0.00	\$73,474.02	\$73,474.02



4141 Douglas Drive North • Crystal, MN 55422-1696 • 537-8421

ADMINISTRATIVE OFFICE

February 23, 1989

*(Same letter went to Rep. Carlson
and Senator Reichgott)
D.D.*

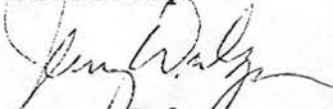
Representative Ann Rest
213 State Office Building
St. Paul, Minnesota 55105

Dear Representative Rest:

On my and the Crystal City Council's behalf, our thanks and appreciation for your efforts in the change in State property tax laws dealing with the tax capacity/assessed value.

This legislation will permit us to proceed with our \$2,000,000 bond issue to fund a new community center in Crystal that was approved by the voters in November. The bond sale will take place on March 21, 1989.

Sincerely,


Jerry Dulgar,
City Manager

JD:dg

cc: Crystal City Council



CITY of CRYSTAL

4141 Douglas Drive North • Crystal, MN 55422-1696 • 537-8421

ADMINISTRATIVE OFFICE

February 23, 1989

*(Same letter went to Rep. Carlson
and Senator Richgott)
D.G.*

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213 State Office Building
St. Paul, Minnesota 55105

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Sincerely,


Jerry Dulger,
City Manager

JD:dg

cc: Crystal City Council



Legislative Contact Alert

February 27, 1989
Alert Number 1

TO: AMM Legislative Contacts

FROM: Vern Peterson, Executive Director
Roger Peterson, Director of Legislative Affairs

RE: LEGISLATIVE BILLS WITH POTENTIAL SIGNIFICANT IMPACT ON METRO CITIES

There are several bills moving through the Legislative process which we want to call to your attention.

1. COMPARABLE WORTH:

SF 488, Senator Linda Berglin, would make a major change to the current pay equity law implementation.

The bill provides that '...equitable compensation relationships are established when the average compensation for female-dominated classes is equal to average compensation for male-dominated classes of comparable skill, effort, responsibility working conditions, and other relevant work-related criteria.' The commissioner may allow differences based on longevity, recruitment, retention, performance, or other non-gender-related factors.

In addition to the above major change, a purpose section was added to punctuate that this law is to eliminate sex based wage disparities. An implementation report will be required by January 31, 1992. The commissioner will determine if compliance has been met and if not, consult with local units on measures to meet requirements. If the local unit disagrees, it may appeal through a chapter 14 contested case process. Finally, the bill spells out that an employer must not reduce any wage rate of any employee in order to comply.

The first section is the most troubling in that 'equal' is in reality impossible to meet and maintain without further clarification. Any single settlement will cause unequalness which means that all settlements probably have to be made at the level of the unit which bargains the best settlement. This also means that if a male dominated unit is overpaid currently, that a female dominated unit must be increased to a state of overpayment regardless of other considerations. Your legislators, especially Senators who are members of the Senate Governmental Operations Committee should be made aware of the mischief and gross cost of this provision.

2. SF 235 (LANTRY)/HF 222 (PAPPAS) - GROUP HOMES:

This bill sets standards for the concentration of residential facilities in neighborhoods and requires county plans for the dispersal of facilities from over concentrated areas. The bill includes restrictions on the siting of residential programs and declares that facilities licensed by the Department of Human Services, Health and Corrections must be separated by at least 1,320 feet. Facilities with six or fewer residents would remain a permitted use in single family zoning districts.

There is a provision in the bill which would require the Commissioner of Health, Human Services and Corrections to notify cities at least 30 days (amended to 45 days in the Senate) before issuing or renewing a license for a residential facility. The notice would solicit comments from the city about the appropriateness of the site, distance or concentration issues and other concerns. (This is a big improvement over current law).

There is a change from current law as relates to multi-family districts. A program licensed by the State which serves 16 or fewer persons would remain a permitted use in multi-family zoning districts but cities could no longer impose special conditions. There is one new provision in this bill which is very troublesome. It states that "a residential program licensed by the Commissioner of Corrections with a licensed capacity of 50 or fewer residents is a permitted use of property in zones in which a hotel or motel is allowed and is not subject to conditional or special use requirements for the purpose of zoning and other land use plans or regulations,---."

The special AMM Group Home Task Force, Chaired by Mayor Mary Anderson, has been working diligently since last November to make this bill more workable for the cities. The Task Force has had significant impact but is very troubled by the 'corrections section' noted above and is recommending its deletion from this bill.

SF 235 has been on the agenda in the Senate Human Services Committee for its past three meetings and will likely pass out of that Committee on Tuesday, February 28th. The companion House Bill (HF 222) has not had a hearing as yet but has been assigned to the Committee on Health and Human Services.

ACTION: YOU MAY WANT TO DISCUSS THIS MATTER WITH YOUR LEGISLATORS PARTICULARLY SEC. 2, SUBD. 2 ON CORRECTIONS.

3. SF 48 (VICKERMAN) HF 71 (OLSON) - COUNTY ECONOMIC DEVELOPMENT AUTHORITY:

This bill would allow counties to develop Economic Development Authorities and would give them the same authority as City Economic Development Authorities. In addition as introduced, the Bill would allow counties to do projects within a city without city approval unless such city had either a Port Authority or an City Economic Development Authority.

Working in concert with the LMC, we were successful in getting the House Author, Representative Katy Olson, to amend HF 71 so that a County EDA could not exercise its powers in a city unless authorized by the governing body. We hope that we can persuade Senator Vickerman to make the same change.

In its amended form as passed out of a House Economic Development Committee Subcommittee, the AMM has no policy position with respect to granting counties Economic Development Authority so we are neutral on this bill. The bill will likely be heard soon in full committee in the House and is scheduled for a hearing in the Senate Committee on Economic Development and Housing on February 27, 1989 (Today).

ACTION: YOU MAY WANT TO CONTACT YOUR LEGISLATORS EITHER PRO OR CON ON THIS BILL DEPENDING UPON YOUR CITY'S PERSPECTIVE ABOUT GRANTING SUCH AUTHORITY TO YOUR COUNTY BOARD.

4. SOLID WASTE DISPOSAL BILLS:

There have been many, many bills dealing with solid and hazardous waste introduced since the beginning of this session. We are trying to keep our eye on all of them since its not totally clear at this point in time which will be the "serious" bills for this session. The joint AMM/LMC Solid Waste Task Force has reviewed several of the bills and we will look to their guidance in developing a lobbying status. All of these bills have been assigned to the Senate Environment and Natural Resources Committee and the House Environment Committee.

A. SF 371/HF 417 (Merriam/Munger)

This bill is the vehicle which implements the so called SCORE Committee recommendations. (Governor's Select Committee on Recycling and the Environment) The AMM/LMC Task Force is quite supportive of most provisions in this bill but is quite concerned with the bill's funding mechanism. The bill establishes a state fund to provide grants and other funding to pay for various programs and activities. The bill would impose the state 6% sales tax on refuse collection as the funding source. Because of the much higher drop charges in the metro area due to RDF and Mass Burn plants and other more environmentally source disposal techniques, the sales tax would be grossly unfair to the metro area. We are advocating a uniform per unit (per ton or per cubic yard) charge which would be fair to all parts of the state.

B. SF 95/HF 420 (Lessard/Jennings)

This bill is quite similar to the SCORE Bill except it raises the state fund by imposing a \$1 per cubic yard fee on all solid waste disposed. We prefer that provision to the Sales Tax. However, this bill mandates a monthly curbside pickup for at least three different recyclable materials. The Task Force believes that if a city meets its recycling goals established by the county, techniques or specific programs should not be mandated on that particular city.

C. SF 10/HF 167 (Dahl/Johnson)

This bill will impose a weekly curbside pickup of recyclables and mandates a volume based pricing system for collection and prohibits a charge for the collection of recyclable materials. We oppose this bill in totality.

We will discuss other solid waste bills in a later Legislative Contact Alert.

PLEASE DISTRIBUTE THIS INFORMATION TO OTHER OFFICIALS IN YOUR CITY AS YOU DEEM APPROPRIATE AND NECESSARY. WE WOULD ESPECIALLY APPRECIATE YOUR CONTACTING YOUR LEGISLATORS WITH RESPECT TO OUR CONCERNS IDENTIFIED IN ITEMS 1,2 AND 4A OF THIS ALERT.



4141 Douglas Drive North • Crystal, MN 55422-1696 • 537-8421

ADMINISTRATIVE OFFICE

March 7, 1989

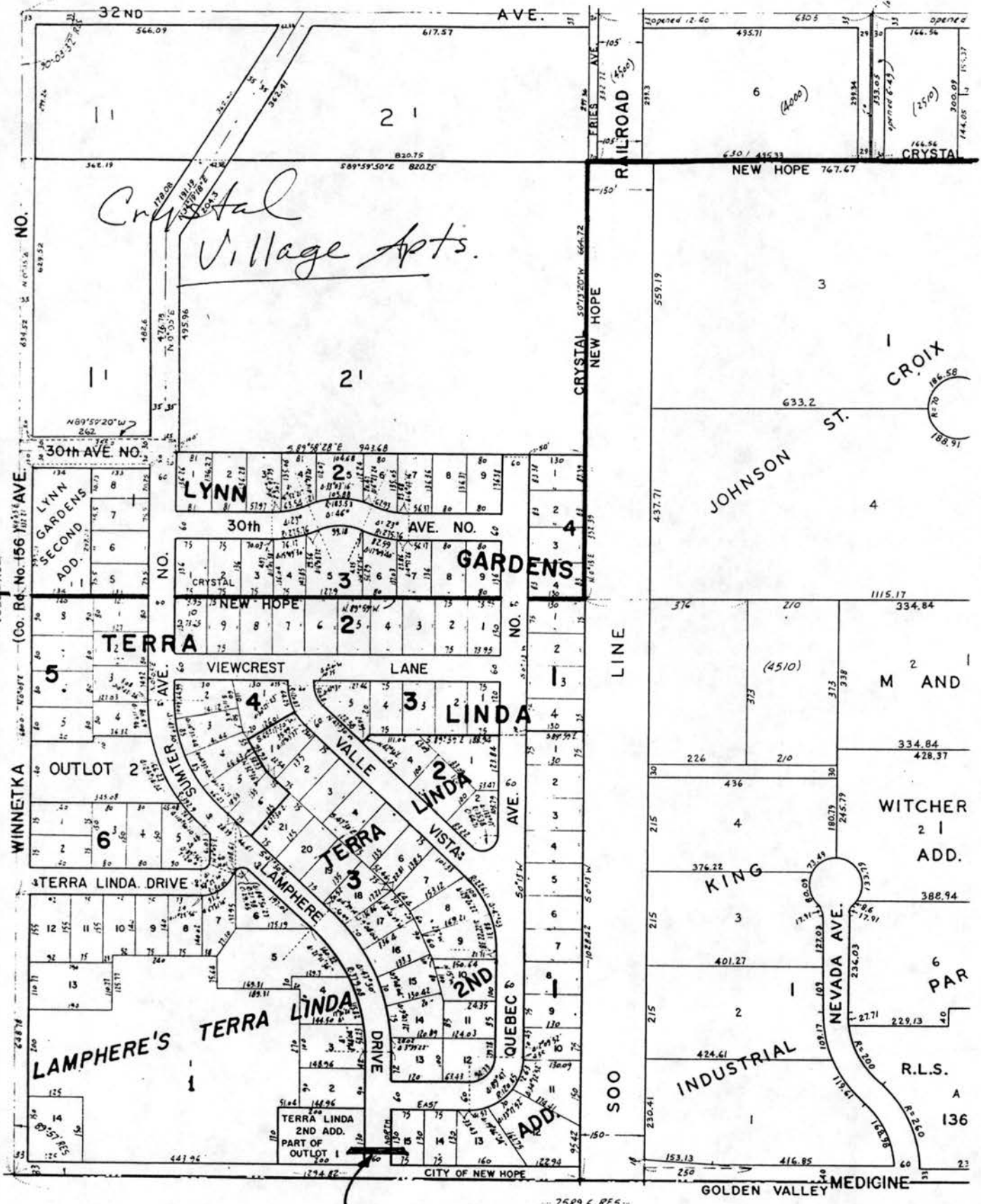
Dear Crystal Resident:

In response to a petition from property owners in the Terra Linda Addition, the City of New Hope has authorized closure of Lamphere Drive at Medicine Lake Road in an effort to decrease traffic traveling through this residential neighborhood. Initially, the closure will be for a 90-day duration starting sometime in April.

Crystal encourages its residents to the north of this small residential area in New Hope to use alternate routes, namely 30th, 32nd and Winnetka Avenue, to access Medicine Lake Road so closure of Sumter Avenue/Lamphere Drive will not be required on a permanent basis. Your cooperation in this matter is appreciated.

Crystal Public Works Department
City of Crystal

260335 P25



Proposed Road Clasure
(for 90 days starting in April)

DATE: February 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Proposed Improvements to Medicine Lake Road

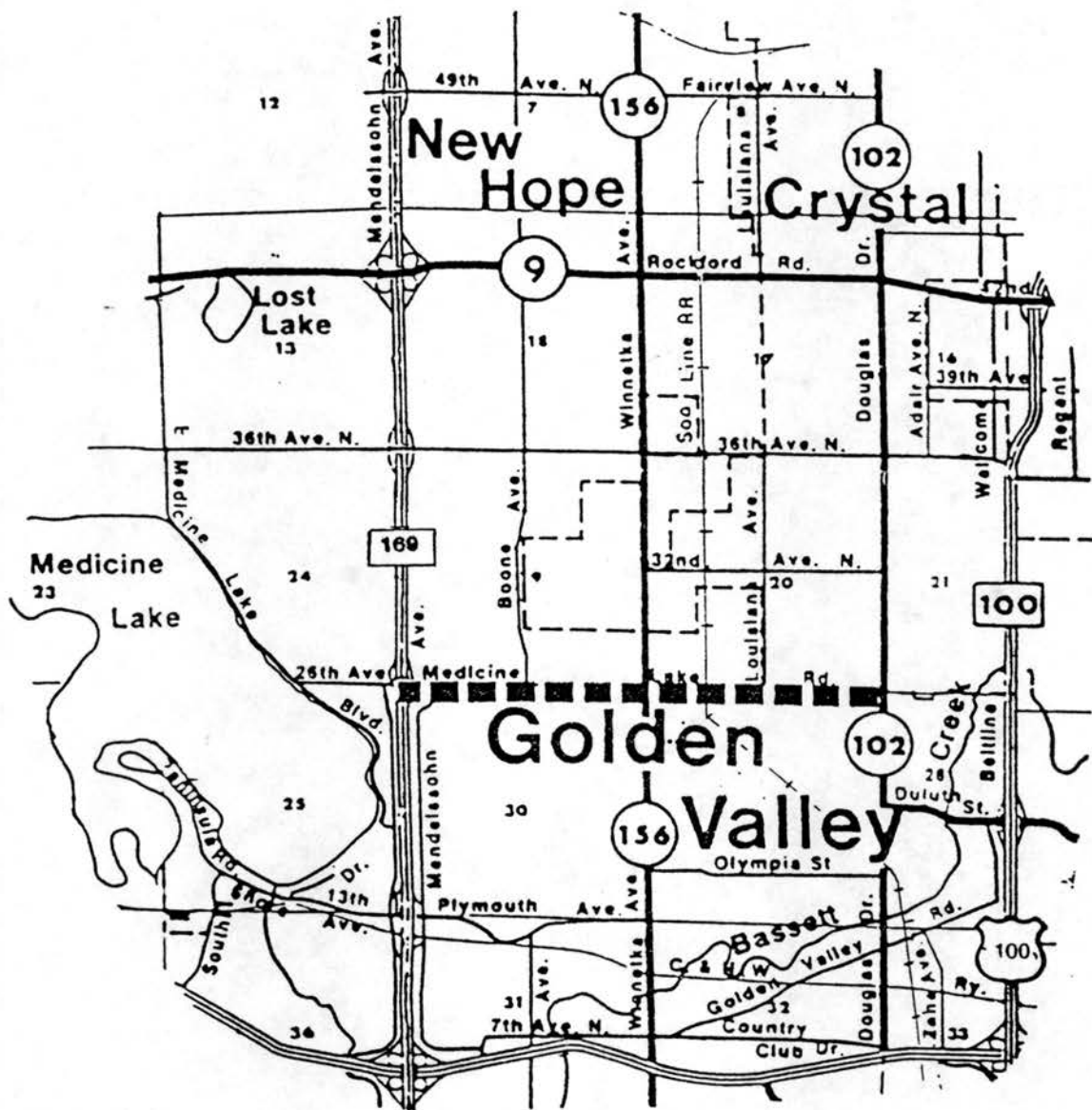
Crystal is presently participating in a project to improve Medicine Lake Road between TH 169 (old CR 18) and Douglas Drive as a joint venture with New Hope, Golden Valley and Hennepin County. The project involves Federal Aid Urban (FAU) funding and is fully described in the attached excerpt from an environmental assessment prepared by New Hope which is acting as lead agency.

The project includes extensive widening and channelization along with a proposal to replace the existing Soo Line Railroad bridge with an at-grade crossing. To fully satisfy FAU requirements, a public hearing must be held to discuss major design features and special, economic and environmental impacts of the proposed project. This hearing is in addition to the local improvement hearing Crystal held on November 1, 1988, (copy of approving resolution attached).

At this time, Crystal, New Hope and Golden Valley propose to hold a single hearing. The cities will be represented by staff with minutes referred back to Council members. A notice alerting property owners adjacent to the project is currently being prepared. Additionally, a hearing notice will be published in local newspapers to advertise the meeting date which is programmed for early April.


WM:jrs

Encls



LEGEND

■■■■■ PROJECT LOCATION



**MEDICINE LAKE ROAD
HIGHWAY IMPROVEMENTS
PROJECT LOCATION MAP
NEW HOPE, MINNESOTA**

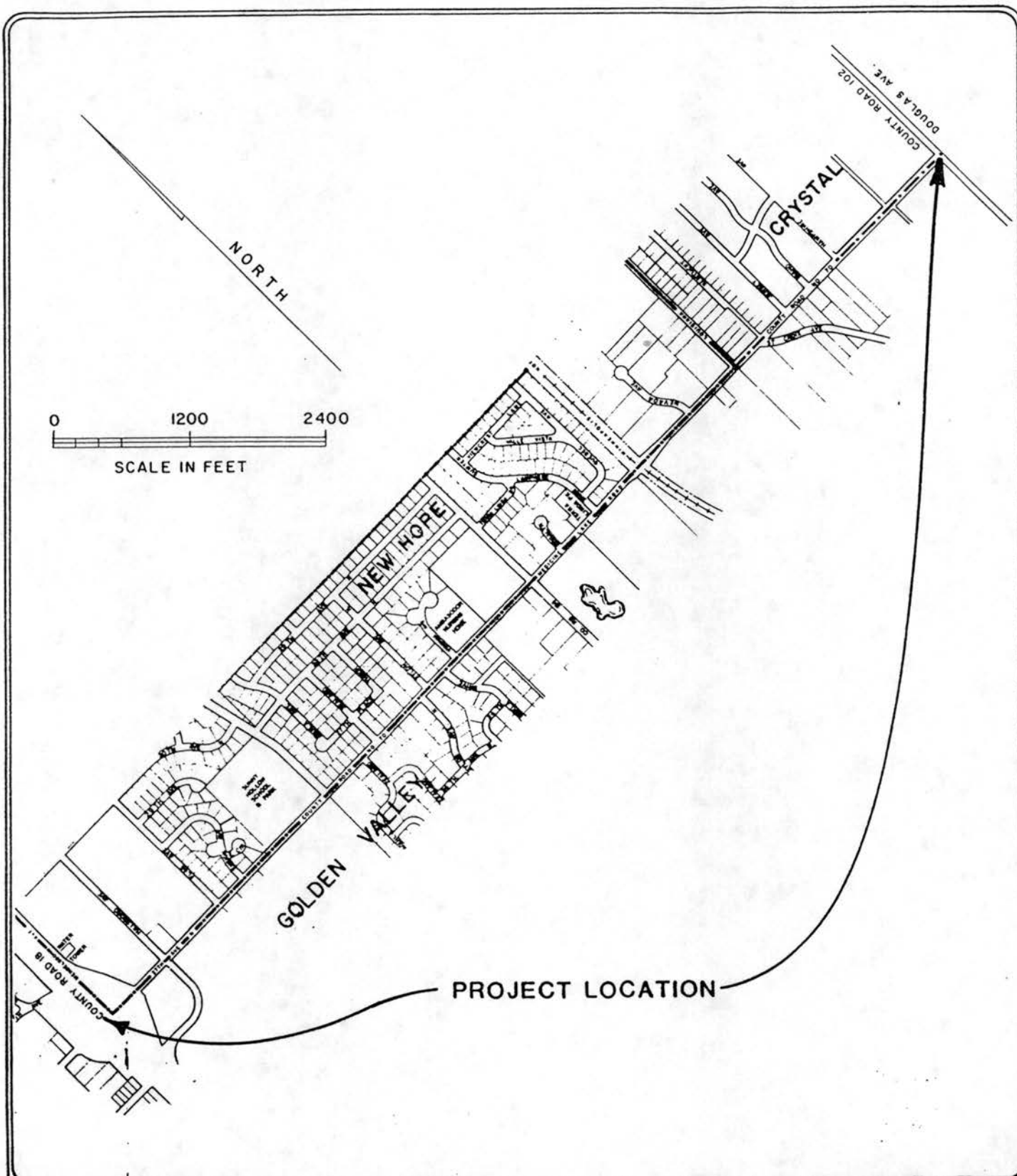


Engineers & Architects

St. Paul, Minnesota

Date: Dec., 1988
Comm. 3474

**Page 3
Figure 1**



MEDICINE LAKE ROAD HIGHWAY IMPROVEMENT
(COUNTY ROAD 18 TO COUNTY ROAD 102)
NEW HOPE, MINNESOTA

**BONESTROO, ROSENE, ANDERLIK
 & ASSOCIATES, INC.**
 Consulting Engineers
 St. Paul, Minn.

Date:
 Comm.

Page 4
 Figure 2

ENVIRONMENTAL ASSESSMENT
RECONSTRUCTION OF C.S.A.H. 70 (MEDICINE LAKE ROAD)
BETWEEN U.S. HWY. 169 AND C.S.A.H. 102
CITIES OF CRYSTAL, GOLDEN VALLEY, AND NEW HOPE
COUNTY OF HENNEPIN

This Environmental Assessment (EA) has been prepared and submitted in accordance with the approved Highway Project Development Process.

LOCATION AND DESCRIPTION:

The proposed project consists of the street reconstruction of C.S.A.H. 70, (Medicine Lake Road), between U.S. Highway 169 and C.S.A.H. 102, approximately 1.87 miles in length. The street is a minor arterial as identified on the Metropolitan Classification System.

The project site lies on the southern border of the City of New Hope and the City of Crystal and the northern border of Golden Valley.

The existing roadway would be replaced between Hillsboro Avenue on the west, and C.S.A.H. 102, (Douglas Drive), on the east.

Existing Conditions:

Presently, Medicine Lake Road is a two and four lane roadway located within a sixty-six foot right-of-way. The abutting property is completely developed and is primarily residential, however, two elementary schools, six apartments and some commercial property does exist. The 1987 traffic count on Medicine Lake Road was 14,000 ADT, with a projected traffic count of 18,200 ADT in the year 2010. The typical section width of the existing roadway is 24

feet wide from edge of bituminous to edge of bituminous with the last construction taking place in 1950. The roadway widens to 4 lanes (48') at some intersections. The present street section consists of 4 inches of bituminous surfacing in poor condition, and 12 inches of aggregate base which is also in poor condition.

Hennepin County has taken traffic counts at key intersections along the roadway. The traffic counts are presented in Appendix B and accident information is presented in Appendix C. The existing roadway has adequate capacity at the intersections of Winnetka Avenue, Boone Avenue, and Douglas Drive which are signalized. Temporary signals exist at Hillsboro Avenue and Nevada Avenue. These temporary signals will be upgraded as part of this project. The prospect of restricting turning movements during rush hours will be addressed during design.

There are side streets entering onto Medicine Lake Road about every 400 feet. The through traffic on the Medicine Lake Road street segments (presently two lane) is greatly affected by vehicles turning off onto the side streets. The level of service along certain roadway segments drops to "D" or "F" during peak traffic periods and in some instances the volume presently exceeds the capacity (Boone Ave. and Winnetka Ave.). Intersection Analysis information is presented in Appendix B.

Railroad Crossing:

The intersection of Nevada Avenue presently has poor sight distance due to the bridge over the Soo Line Railroad track to the west. Hennepin County has pursued the removal of the bridge over the railroad track. It is proposed as part of this project to remove the bridge and construct an at grade crossing with signals and gates. A thorough analysis of the bridge removal issue is

presented in Appendix E. Copies of City and County Resolutions for the bridge removal and a draft agreement with the Railroad for the removal are also presented in Appendix E.

There are presently three to six slow moving trains per day on the track. The removal of the Soo Line Railroad bridge will greatly improve the sight distance and eliminate a hazardous condition at the Nevada Avenue intersection.

Closing Sandburg Drive:

The intersection of Sandburg Drive has a significant amount of turning movements and some peak hour congestion. The City of Golden Valley has indicated a desire to close this street.

Closing Lamphere Drive:

The City of New Hope is considering closing Lamphere Drive at Medicine Lake Road.

Alternatives Considered:

As part of the proposed construction, the existing bituminous street would be removed and replaced with a 48' wide section (Layout Plan Figure 3). Concrete sidewalk will be constructed on both sides of the street. The typical section provides for a 9 ton design with concrete curb and gutter and storm sewer as necessary for roadway drainage. The proposed section will require a variance from State Aid Standards. Information on the proposed variance is presented in Appendix F.

Three other alternative designs were considered. The first alternative, the "do nothing" alternative, was dismissed due to the physical condition of the existing road and for safety reasons.

The second alternative consisted of a variable width (40'-48', two or four driving lanes) section. This alternative was considered to allow for a narrower roadway in certain areas where public opposition was considered. This option was dismissed when public opposition did not materialize. The alternative would have resulted in reduced capacity and would have required a variance from State Aid Standards.

The third alternative considered was a 52' wide section (4 driving lanes) over the entire road length. This alternative was rejected because of the extra space requirements. Construcing the 52' roadway within the existing 66' right-of-way would require relocation, extensive landscaping, and public opposition. This alternative would also restrict the amount of green space between the sidewalk and the streets; creating a safety concern.

OBJECTIVES OF PROPOSAL:

1. The proposed project will provide additional traffic lanes and improve the safety and efficiency of the roadway. The existing road section consists of 12" of gravel and 4" of bituminous and is in poor condition.
2. The total estimated cost for the proposed project is \$2,780,000. The construction cost is estimated at \$2,420,000 with 76.74 percent of the construction cost (\$1,857,100) to be funded with Federal Aid Urban funds. The balance of the project costs will be financed with Municipal, County, or Municipal State Aid funds.

It is anticipated that Hennepin County will fund the costs of construction engineering. The County will also fund 50% of the local construction cost. The remaining 50% of local construction costs will be funded by the cities on a front foot basis. The project is proposed to be constructed in 1990. Cost estimates and a letter from Hennepin County on project funding is presented in Appendix I.

3. The typical road users who will benefit from this improvement are: school buses, mail carriers, commuter vehicles, pedestrians, bicycle riders, and emergency vehicles.
4. The construction of the project will improve the general level of service to approximately "C" on the roadway (See Appendix B). The turn lanes will be better defined to provide safer and more efficient traffic flow and convey heavier future traffic volumes. Segments of the project will be provided with continuous turn lanes to minimize traffic congestion.
5. Sidewalks will be provided along the roadway to facilitate the safe movement of bicycle and pedestrian traffic. The sidewalks will particularly benefit the schools along the route.

PUBLIC AND AGENCY INVOLVEMENT:

The City of New Hope is constructing this project with the cooperation of Hennepin County, the City of Crystal, and the City of Golden Valley. The Transportation Advisory Board and the Metropolitan Council have reviewed and commented on the project. The Metropolitan Council approved the project for Federal Aid Urban Funding on October 3, 1984.

Attached to this report are resolutions from the municipalities involved in this project approving the improvement concept (Appendix A). Hennepin County has reviewed the proposed plan and has agreed to participate provided the 48 foot section is constructed over the entire length.

Permits:

As part of this project, it is proposed to remove the Medicine Lake Road bridge over the Soo Line Railroad near Nevada Avenue. The Soo Line Railroad has been contacted relative to the removal of the bridge and has agreed to the removal (Appendix E). Hennepin County, the City of Golden Valley and the City of New Hope have petitioned the Commissioner of Transportation for removal of the bridge and are awaiting Mn/DOT approval for the bridge removal. Approval from the Transportation Reg. Board is also presently being sought.

Hearings:

Public hearings for the project were held in; Golden Valley on September 19, 1988; Crystal on November 1, 1988; and New Hope on November 14, 1988. No major objections to the project were voiced at the public hearings. Another public hearing will be held as part of the federal aid project development process. This hearing is scheduled for March 1989. Public Hearing information is presented in Appendix G.

CITY OF CRYSTAL

RESOLUTION NO. 88-66

RESOLUTION APPROVING PARTICIPATION IN A
JOINT PROJECT TO IMPROVE MEDICINE LAKE ROAD (CR 70)
BETWEEN TH 169 AND DOUGLAS DRIVE (CR 102)

WHEREAS, the current street section on Medicine Lake Road is not capable of safely handling the average daily traffic projected for this roadway, and

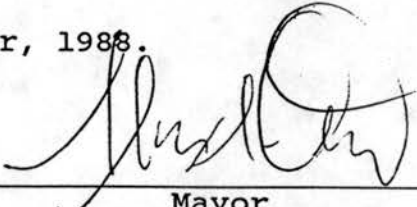
WHEREAS, Crystal duly published and mailed notices, as required by provisions of MN Statute, in preparation for a public improvement hearing, and

WHEREAS, on November 1 the City Council accepted the feasibility report detailing the proposed improvements, estimated costs and potential property assessments for said project.

NOW, THEREFORE, BE IT RESOLVED that the Crystal City Council hereby approves participation in a joint improvement project to upgrade Medicine Lake Road (CR 70) between TH 169 and CR 102 under the following conditions:

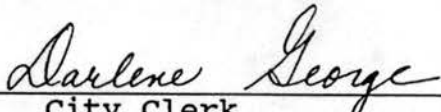
- 1) The street section for upgraded Medicine Lake Road be 48 feet in width and
- 2) Federal Aid Urban (FAU) Funds be secured for construction of the project.

Adopted this 1st day of November, 1988.

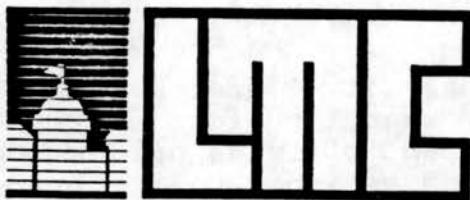


Mayor

ATTEST:



City Clerk



League of Minnesota Cities

183 University Ave. East
St. Paul, MN 55101-2526
(612) 227-5600 (FAX: 221-0986)

Note: If a city official in your city will be registering on-site, please contact me to provide the name and address. If any city official also needs hotel room accommodations, please let me know ASAP. It may be possible to use hotel reservations that will have to otherwise be cancelled.

February 27, 1989

MEMORANDUM

TO: Mayors, Managers, Clerks
NLC Direct Member Cities

FROM: Ann Higgins, Federal Liaison

SUBJECT: FOLLOW-UP TO MAILING ON LMC ACTIVITIES AT NLC
CONGRESSIONAL-CITY CONFERENCE

City officials registered to attend the NLC Congressional-City Conference in Washington, D.C., March 11-14, were sent several items of correspondence last week. There is some confusion due to the fact that the invitation to the LMC Reception for the Minnesota Congressional Delegation was mailed out separately from the memorandum which explained LMC activities. The memorandum referred to an enclosed invitation as well as a postcard and listing of LMC activities. The latter items are enclosed in a mailing that was sent Friday, February 24, in smaller dark blue, hand addressed envelopes.

The postcards must be returned in time to determine how many persons will attend the reception, scheduled for Monday evening, March 13, from 6:00-8:00 p.m., in B-338 & B-339 Rayburn House Office Building. Because of steeply increasing catering and service charges, the League has found it necessary to initiate a \$15 per person charge for the event. The postcard responses will provide confirmation of reservations and provide billing information.

OTHER IMPORTANT INFORMATION ON PROGRAMS AND LOBBYING

City officials listed on the next page have been appointed to NLC Steering and Policy Committees. Members are expected to attend

meetings scheduled during the NLC Congressional-City Conference. Those policy development sessions, along LMC federal policy positions, will provide direction for development of issue priorities for meetings with members of the Minnesota Congressional Delegation.

MINNESOTA CITY OFFICIAL MEMBERS OF NLC STEERING AND POLICY COMMITTEES:

Community & Economic Development:

Tony Scallon, Councilmember, Mpls. - member, CED Steering Committee

Members, Policy Committee:

Joyce Benson, Councilmember, Duluth
Robert DeGhetto, Councilmember, Minnetonka
Leland Swanson, Mayor, Morris
Joanell Dyrstad, Mayor, Red Wing
Chuck Wolden, Councilmember, Owatonna

Energy, Environmental Quality & Natural Resources:

Steve Cramer, Councilmember, Mpls. - member, EENR Steering Committee

Members, Policy Committee:

Edwina Garcia, Councilmember, Richfield
Robert Matson, Councilmember, Roseville
Vernon Lippert, Councilmember, Austin

Finance, Administration & Intergovernmental Relations:

Millie MacLeod, Councilmember, Moorhead: member, FAIR Steering Committee

Members, Policy Committee:

James Krautkremer, Mayor, Brooklyn Park
Mark Steen, Councilmember, Duluth
Larry Bakken, Councilmember, Golden Valley
Don Ramstad, Councilmember, Maple Grove
Janel Bush, Federal Liaison, Minneapolis

alternate: Peter Grover, Councilmember, Austin

Human Development:

Clarence Ranallo, Councilmember, St. Anthony, member, HD Steering Committee

Members, Policy Committee:

Dr. Leon Steiner, Councilmember, Albert Lea
Frank Jewell, Councilmember, Duluth
Carol Johnson, Councilmember, Minneapolis
Steve Quam, Mayor, Richfield
George Marks, Councilmember, St. Anthony

Transportation & Communications:

Peter Solinger, Councilmember, Rochester, member, T&C Steering Committee

Members, Policy Committee:

Chuck Dehn, Councilmember, Maple Grove
Karen Anderson, Councilmember, Minnetonka
Robert Benke, Mayor, New Brighton
Robert Sundland, Mayor, St. Anthony

NLC Steering Committees will meet Saturday, March 11. NLC Policy Committees will meet on Sunday, March 12. Policy committee members may attend the steering committee meetings at which the initial discussion of work program for 1989 policy development will take place. Full policy committee meetings on Sunday, March 12, will determine the final choice of priorities and direction of policy for study and recommendations for 1989.

MARCH 14 LOBBYING MEETINGS WITH MINNESOTA CONGRESSIONAL DELEGATION

Enclosed is a copy of the schedule of meetings with members of the Minnesota Congressional Delegation on Tuesday, March 14. It is vital that city officials participate actively in the meetings for cities located in same congressional district with the member of Congress who represents your city. In the latter part of the afternoon on Tuesday, March 14, all city officials are urged to attend meetings with Senators Boschwitz and Durenberger.

In order to provide background on issue priorities for those lobbying meetings, I will prepare a short position paper on three to four federal legislative or regulatory issues on which LMC has policy. In addition, other policy issues will be discussed at the LMC Delegation Briefing on Sunday, March 11, at 5:00 p.m., in Lincoln West, at the Washington Hilton, to determine the final items on which city officials will lobby on Capitol Hill.

Enclosure

NLC Congressional-City Conference
Washington Hilton, Washington, D.C.
March 11-14, 1989

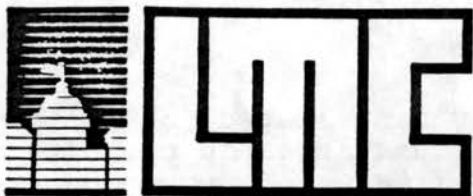
LMC DELEGATION EVENTS

LMC Delegation Briefing
Sunday, March 12
5:00 - 6:00 p.m.
Lincoln West, Washington Hilton

Minnesota Congressional Delegation Reception
Monday, March 13, 6:00-8:00 p.m.
B-338 & B-339 Rayburn House Office Building

Minnesota city officials' Meetings with Members of the
Minnesota Congressional Delegation
Tuesday, March 14, 8:30 a.m. - 3:00 p.m.
(see list below)

8:30 a.m.	4th Congressional District	E-F 100 Capitol
9:00 a.m.	3rd Congressional District	H-137 Capitol
10:45 a.m.	7th Congressional District	2245 Rayburn
1:00 p.m.	1st Congressional District	340 Cannon
1:00 p.m.	2nd Congressional District	106 Cannon
1:00 p.m.	5th Congressional District	2201 Rayburn
1:00 p.m.	6th Congressional District	304 Cannon
2:00 p.m.	8th Congressional District	2351 Rayburn
2:30 p.m.	Minnesota City Officials meet with Senator Boschwitz	room to be announced
3:00 p.m.	Minnesota City Officials meet with Senator Durenberger	154 Russell Senate Office Building



League of Minnesota Cities

183 University Ave. East
St. Paul, MN 55101-2526
(612) 227-5600 (FAX: 221-0986)

February 28, 1989

MEMORANDUM

**TO: Mayors, Managers, Clerks
NLC Direct Member Cities**

FROM: Ann Higgins, Federal Liaison

**SUBJECT: Preparation for meetings with members of the Minnesota
Congressional Delegation on Capitol Hill, March 14**

On Tuesday, March 14, city officials will meet with the House member of the Minnesota Congressional Delegation who represents your city (see enclosed list of appointments).

Local Information

It is important to be prepared with information on local fiscal, budget, housing, infrastructure and other city operations affected by federal budget and tax decisions. Below are a number of key issues currently before the 101st Congress.

BUDGET ISSUES

Gramm-Rudman deficit reduction measures require Congress to limit the federal deficit for FY'90 to less than \$110 billion. President Bush has called for major new spending for homeless assistance, anti-drug programs and for funding urban enterprise zones in 70 cities during the next four years. Despite those increases, the federal budget must be reduced by at least \$60 billion. Cities again face the loss of needed programs and assistance despite the fact that local government has already experienced the loss of substantial federal assistance over the last seven years.

City officials need to make firm their support for full funding of

- * Community Development Block Grants
- * Assisted housing programs
- * Wastewater Treatment Construction revolving loans
- * Highway and public transportation
- * homeless assistance
- * anti-drug programs

Local Information

INFORMATION TO BE GATHERED FOR MEETINGS In terms of any of the programs and funding listed above, it is important to emphasize changes and circumstances in the city that must be addressed. Information on local taxes, changes in services housing needs, crime and drug-related concerns, etc. need to be explained.

FEDERAL-LOCAL FISCAL RELATIONS

The issues faced by cities include prospects for further restrictions and costs for issuance of tax-exempt municipal bonds; imposition of new taxes and tax regulations such as an increased gas tax; Section 89 employee benefits non-discrimination testing requirements; and extension of mandatory Medicare coverage.

Local Information

INFORMATION TO BE GATHERED FOR MEETINGS Provide information on recent bond issues your city has sold and how proceeds were used. Point out the consequences for those projects if the city would not have been able to use tax-exempt financing.

Point out the public works and improvement projects that must be (or have been) financed with municipal bonds. Note any that are required by federal law, such as wastewater and drinking water standards, environmental regulations, etc. Indicate the backlog of infrastructure needs and the increased cost of bonding that would result if further reporting requirements or restrictions on issuance were adopted. Costs of complying with arbitrage and rebate requirements can be useful in illustrating the costs to local taxpayers.

DRUGS, CRIME AND RELATED PROBLEMS

Full funding of anti-drug legislation is a priority for the new congress. Legislation has been introduced to provide the additional \$125 million for state and local drug enforcement grants and \$24 million to increase access to treatment programs. The President's budget fails to fully fund the legislation approved last fall by \$1 billion.

Local Information

INFORMATION FOR MEETINGS Bring data on the increased rates of drug arrests, drug-related crime, school problems, incidence of positive drug test results among employees or other population groups.

HOUSING AND COMMUNITY DEVELOPMENT

Community Development Block Grants

The Community Development Block Grant Program must be reauthorized this session. President Reagan had proposed a 7 percent reduction for FY'90. President Bush did not indicate the level of funding he would support. FY'89 funding levels totaled \$3 billion.

Homelessness

Congress only funded about 60 percent of the amount authorized for homeless assistance for FY'89. President Bush has proposed fully funding the programs to help reduce homelessness. Full funding will require an additional \$257 million.

Affordable Housing

The need for a federal housing program has received serious attention in recent months. NLC has identified federal housing appropriations legislation as a top priority for 1989. The League has supported NLC policy calling for a housing block grant to states and cities.

Local Information

1. AFFORDABLE HOUSING

INFORMATION
TO
BE
GATHERED
FOR
MEETINGS

Housing conditions within the city should be described for both first-time homebuyers and renters. Specific affordable housing needs within the district are important to relate to members of congress. Be prepared to explain the importance of action by congress in 1989 to enact a comprehensive and enduring program of housing assistance to cities.

2. CDBG

Provide specific information on projects in your community funded in part or in whole by CDBG. Important benefits to the community or to specific populations should be emphasized as well as the direct impact on the city of any reductions in CDBG funding

3. HOMELESSNESS

Program information about local efforts to assist the homeless should include the size of the homeless population in the city; characteristics of that population; use made now of federal (or other) homeless assistance funds; actions, programs that could be taken with increased federal homeless assistance grants

4. PRESERVING LOW INCOME HOUSING

Determine the number of low-income housing units at risk in your city due to either prepayment of mortgages by project owners who prefer to convert the units to market rate rental or to the expiration of Section 8 contracts. The condition of low-income housing in the city and actions the city has taken to date to preserve such housing are important matters to discuss as well. Views on the role the federal government should play in aiding cities to preserve low-income housing stock are also useful.

SOLID WASTE

LMC policy urges congress to establish environmental priorities that include programs for resource recovery, recycling, source reduction and environmentally safe disposal of solid waste. It is urgent that members of congress understand the importance and necessity of including appropriate roles for local government, especially in the planning of solid waste management.

Local Information

INFORMATION	Importance of joint governmental and private sector initiatives to reduce toxic materials from packaging and volume of solid waste to be handled must be stressed in discussions with
TO	members of congress. The need for direct federal funding and tax provisions to encourage landfill siting (including ash disposal) should be addressed. Provide information on the
BE	extent of local expertise in managing solid waste disposal in your city. Let members know the importance of establishing
GATHERED	markets for recyclables. Demonstrate reasons why federal mandated recycling will not work without such efforts.
FOR	It is important to point out the need for a federal role in reducing both toxicity of materials in the city's waste stream as well as the need to reduce the volume of waste generated by establishing federal packaging standards.
MEETINGS	Provide information on the local costs of disposing of solid waste. Point out that as tipping fees climb, increased effort must be made to spread such costs broadly and to make industry bear more of the costs for disposing of products they manufacture and package.
	Information on municipal incinerator operations should emphasize that federal regulations must make it possible to meet environmental standards which reflect the variability of municipal waste and enable facilities to meet those standards on a regular basis. Regulations to improve incinerator operations and enhance public acceptance are needed but must be based on actual achievable results on a daily basis.

CRYSTAL PARK AND RECREATION ADVISORY COMMISSION
Minutes

February 1, 1989

The regular meeting of the Crystal Park and Recreation Advisory Commission was called to order at 7:03 p.m. by Chairperson Mark Hoffman. Members present were: Mr. Sochacki, Ms. Reid, Ms. Saunders, Ms. Moucha, and Ms. Pitts. Also present were Mr. Smothers, council liaison, Mr. Rygg, city council, Mr. Brandeen and Ms. Hackett from the department staff.

The minutes were approved as sent.

Ms. Hackett reviewed the monthly report highlighting major activities. The monthly report was in a new format - prior year will be included in the programs starting section rather than the evaluation section.

Mr. Brandeen updated the Commission on the goal setting session attended by department staff, and some council and commission members. Goals were prioritized, and action plans are being worked out.

The summer meetings were set:

June 1 - Lions Valley Place
July 12 - Pool (Grogan Park)
August 2 - Lee
September 6 - Broadway

The Crystal Lions Snow Day will be rescheduled to February 12 due to the cold weather. Workers: Mark, Liz, Janell, Mary.

Ms. Reid reviewed the last Frolics Committee meeting. A Celebrity Softball game will be added. Volunteers are needed to help the Frolics Committee with events.

There was no Long Range Planning Commission Meeting report.

The 5 Year Plan was updated and 1994 was added. The items were added to the 1994 list: bleachers (Welcome Park), portable grill, frisbee golf course, bike racks, feasibility study of the Twin Lake/Preserve pathways, and picnic shelters at North Lions and Lions Valley Place. Commission suggestions include: senior "par" course and a wading pool in south Crystal. In 1990, signage was moved up in priority.

Committee assignments were tabled until additional Commission members are appointed.

Adopt-A-Park was discussed. This project could tie in with the governors clean river/streams project. The 3 sites to be targeted are: Bassett Creek, North Lions and MAC Park. Mr. Smothers thought that scout troops sponsored by the Lions Club would assist with the project. June 10 was set as the tentative date. Area coordinators will be:

Bassett Creek Park - Mary Moucha
North Lions Park - Janell Saunders
MAC Park - Red Sochacki

Mr. Smothers asked about Warming House closing policy, as there has been a problem at Twin Oak Park. Mr. Brandeen will investigate.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Gene Hackett
Recorder

CRYSTAL PARK AND RECREATION DEPARTMENT
MONTHLY REPORT
FEBRUARY 1989

PROGRAM ACTIVITIES: FEBRUARY START

ACTIVITY NAME	REGISTRATION		LOCATION	AGE GROUP	DAY/TIME
	1989	1988			
R.C. TEEN ACTIVITY	300	350	HOSTERMAN MIDDLE	GR 6 - 8	FRIDAY EVES
ADULT SKI TRIPS					
AFTON ALPS	28				
WELCH VILLAGE	27				
SPIRIT MOUNTAIN	25				

TOTAL	80	106			
SKATING RINKS					
FEBRUARY ATTENDANCE :					
	250	344	FOREST		
	108	160	IRON HORSE		
	185	250	BASSETT CREEK		
	320	345	WELCOME		
	145	253	BROADWAY		
	95	162	YUNKERS		
	330	319	CRYSTAL HIGHLANDS		
	862	912	LIONS VALLEY PLACE		
	130	157	TWIN OAK		
	90	167	NORTH LIONS		
	----	-----			
TOTAL	2515	3069			

ONGOING PROGRAMS - FEBRUARY 1989

SENIORS	ADULTS
CENTER MEMBERSHIP: 605 (Jan. 1989 - 595/Feb. 1988 - 576)	MEN'S VOLLEYBALL LEAGUE
CRIBBAGE: 36	WOMEN'S VOLLEYBALL LEAGUE
WELCOME: 2	CO-REC VOLLEYBALL LEAGUE
500 DAY: 48	ADULT OPEN BASKETBALL
500 NITE: 32	ADULT OPEN VOLLEYBALL
SCRAPBOOK: 2	CO-REC OPEN VOLLEYBALL
POKER FOR FUN: 25	WALK PROGRAM
BRIDGE DAY: 48	OVER 50 AND FIT JANUARY - 10 (FEB. SESSION)
BRIDGE NITE: 36	
DUPLICATE BRIDGE: 40	
POOL: 6	
EXECUTIVE COMMITTEE: 9	
SPECIAL EVENTS:	
OTLB: 48 TO STROH'S BREWERY	
BRUNCH BUNCH: 42 - SPEAKER WAS MILES JOHNSON	

YOUTH

HOCKEY LEAGUE
BASKETBALL LEAGUE
WRESTLING
GYMNASTICS
DANCE

OTHER ACTIVITIES

TMH-EMH/ADAPTED**
COMMUNITY TRIPSTERS**
GOLDEN STRINGS: 100 TOTAL/23 CRYSTAL
GETAWAY**
LETTERMAN CONCERT: 28 TOTAL/4 CRYSTAL
LIONS SNOW DAY: OVER 225 ATTENDED

**CO-SPONSORED WITH OTHER AGENCIES

PROGRAMS COMPLETED

1. ADULT SKI TRIPS
1989 REGISTRATION: 166 (6 trips)
1988 REGISTRATION: 168 (6 trips)

OBJECTIVE: To provide chaperoned ski trip outings for adults.

SUCSESSES: The group is enthusiastic and publicize the program through word of mouth. Many of group have been together since the program started over 10 years ago.

PROBLEMS: Cold weather.

RECOMMENDATIONS: Continue program format.

2. YOUTH BASKETBALL
1989 REGISTRATION: 95
1988 REGISTRATION: 101

OBJECTIVE: To provide instruction in basketball fundamentals for youth in grades 3 - 6 through utilization of volunteer coaches. To schedule skills competition and game competition to incorporate the use of these skills.

SUCSESSES: Coaches were good - NYSCA training was well received by the coaches. Referee staff was good.

PROBLEMS: Jr. High kids were sent to Robbinsdale as there were not enough participants to have a Crystal-Golden Valley program. Problems with getting use of the bleachers at Sandburg.

RECOMMENDATIONS: Start games after winter break - have a few practice scrimmages prior to that. Try skills for Peewees before winter break. Continue to work with Golden Valley. Work with Robbinsdale to promote 7th - 9th grade program.

3.	WARMING HOUSE	ATTENDANCE	1988-89	1987-88
		FOREST	898	1006
		IRON HORSE	521	481
		BASSETT CREEK	863	874
		WELCOME	1287	1245
		BROADWAY	723	860
		YUNKERS	508	583
		CRYSTAL HIGHLAND	950	949
		LIONS VALLEY PLA	2917	2777
		TWIN OAK	815	828
		NORTH LIONS	489	494
		TOTAL:	9971	10,097

OBJECTIVE: To provide supervision at selected outdoor skating rinks.
To provide reliable competent staff at these facilities.
To provide a safe, clean environment at these facilities.

SUCCESES: Raising staff salaries attracted more qualified applicants. Season went well. Opening at 5pm was good.

PROBLEMS: Weather conditions made the ice poor.

RECOMMENDATIONS: Maintain hours started this year. Additional staff training. Look at weekends only at selected sites (Iron Horse, North Lions and Yunkers).

4. LEARN TO HOCKEY SKATE 1989 REGISTRATION: 13
1988 REGISTRATION: 12

LEARN TO FIGURE SKATE 1989 REGISTRATION: 30
1988 REGISTRATION: 24

OBJECTIVE: To provide instruction in the basic skills of skating and hockey skating.

SUCCESES: Program well received.

PROBLEMS: Weather forced changes in the class schedule.
Make-ups were hard to reschedule.

RECOMMENDATIONS: Offer classes on weekends only. Try a winter break hockey clinic for Mites and Squirts.
Work with other cities to find qualified instructors.

CRYSTAL PARK & RECREATION DEPARTMENT

SUMMARY

CRYSTAL FROLICS EVENTS
1988

EVENT	EXPENSES	INCOME	PROFIT/LOSS	ATTENDANCE
Theatre in a Trunk	7.50	0.00	-7.50	110
Tennis Tournament	585.48	427.50	-157.98	47 singles 17 doubles
Parade	3256.60	0.00	-3256.60	
Kiddie Parade	78.60	0.00	-78.60	100
Concerts	5629.00	247.00	-5382.00	7160
Softball Tourney	6853.48	6200.00	-653.48	52 teams
Fireworks	5000.00	0.00	-5000.00	????
Seniors Cards Tourneys	817.69	552.00	-265.69	276
Pool Fun Day	344.81	0.00	-344.81	150
City Contribution		10,000.00		

TOTAL EXPENSES 22,573.16

TOTAL INCOME 17,426.50

GRAND TOTAL
PROFIT/LOSS -5146.66

10 copies
for database
info for
Council

CRYSTAL PARK AND RECREATION DEPARTMENT
CRYSTAL FROLICS EVENTS
1988

THEATRE IN A TRUNK Attendance 110

EXPENSES

Activity	Cost
Group Fee	0.00
Stagehand	7.50
1 @ \$5/hr. x 1.5hrs = 7.50	

TOTAL EXPENSES 7.50

INCOME 0.00

TOTAL INCOME 0.00

PROFIT/(LOSS) -7.50

TENNIS TOURNAMENT Attendance 47 singles/17 doubles teams

EXPENSES

Activity	Cost
Staff	315.00
Trophies	230.48
Flyer Printing	7.50
Mailings	32.50

TOTAL EXPENSES 585.48

INCOME 427.50

TOTAL INCOME 427.50

PROFIT/(LOSS) -157.98

PARADE

Attendance ??

EXPENSES

Activity

Street Dept. OT 273.07

1 - 12.8 hrs @ \$18.42 = 235.77

1 - 2 hrs @ \$18.65 = 37.30

2 staff total

Parade Unit Fees 2320.00

Osseo Lions 50.00

Trail Dusters 225.00

Zuhrah Temple 125.00

Rogers Thrash 25.00

Aqua Jester 75.00

Mpls Postal 175.00

Alex Klemck 50.00

Antique Cars 250.00

Loretto Lions 400.00

Shrine Hosp 50.00

Frolics Parade 50.00

Suzettes 25.00

Cooperettes 50.00

Crosstrailers 145.00

Parkettes 300.00

Murdeman 200.00

Zuhrah Shrine 125.00

2320.00

Trophies 54.00

Mailing of Troph 54.53 108.53

Barricades 114.10 114.10

Signs 188.90 188.90

Garbage 252.00 252.00

TOTAL EXPENSES 3256.60

INCOME

0.00

TOTAL INCOME 0.00

PROFIT/(LOSS) -3256.60

KIDDIE PARADE

Attendance 100

EXPENSES

Activity		
Staff	67.10	
Refreshments	Donated by McDonalds	
Supplies	11.50	
TOTAL EXPENSES		78.60

INCOME

0

TOTAL INCOME 0.00

PROFIT/(LOSS) -78.60

FROLICS CONCERTS

Attendance 7160

(All events)

EXPENSES

Activity	
Performance Fees	5485.00
Sideshow - 200	
Teddy Bear Band - 285	
Rockin Hollywoods - 1500	
Park Avenue - 1200	
Chriemelewski Band - 1200	
Dorian Brass - 200	
Rev-Tunes - 500	
Terrance Hughes - 400	
Stagehand	144.00
1 @ \$5/hr x 18hrs = 90	
1 @ \$4.50/hr x 12hrs = 54	
2 staff total	

TOTAL EXPENSES 5629.00

INCOME

Musicians Trust Fund 247.00

TOTAL INCOME 247.00

PROFIT/(LOSS) -5382.00

SENIORS CRIBBAGE, 500 & BRIDGE TOURNEYS

Attendance

276

EXPENSES

Activity
 Printing - Flyers 75.00
 3000 @ .025 = 75
 Printing - Scoresheets, Rules, etc 7.50
 300 @ .025 = 7.50
 Refreshments 131.19
 Trophies 52.00
 Cash Prizes to winners 552.00

TOTAL EXPENSES 817.69

INCOME

Registration Fees 552.00
 276 @ \$2.00 = 552.00

TOTAL INCOME 552.00

PROFIT/(LOSS) -265.69

POOL FUN DAY

Attendance

150

EXPENSES

Activity
 Staff 226.68
 Lifeguards
 3 @ 4.25/hr x 2hrs = 25.50
 Playground Leaders = 201.18
 All worked this event
 Flyers - Printing 12.50
 500 @ .025 = 12.50
 Prizes 105.63

TOTAL EXPENSES 344.81

INCOME

0.00

TOTAL INCOME 0.00

PROFIT/(LOSS) -344.81

MEN'S SOFTBALL TOURNAMENT

Attendance 52 teams (Men's)

EXPENSES

Activity	
Staff	1131.19
OT-Park Crew	359.19
Umpires	1776.00
Lights	120.00
Awards/Prize \$	2284.50
Equipment	1182.6

TOTAL EXPENSES 6853.48

INCOME

Donations for prize money	1000.00
Team entry fees	5200.00
52 teams @ \$100 = 5200	

TOTAL INCOME 6200.00

PROFIT/(LOSS) -653.48

FIREWORKS

Attendance ??

EXPENSES

Activity	
Fireworks Company	5000.00

TOTAL EXPENSES 5000.00

INCOME

0.00

TOTAL INCOME 0.00

PROFIT/(LOSS) -5000.00

MEMORANDUM

TO: HRG Board of Directors

FROM: Tom Bublitz, HRG Administrator *TTB*

DATE: March 3, 1989

SUBJECT: Proposed 1989 HRG Budget and Billing Amount for Curbside Recycling Program

Attached to this memorandum you will find an estimated budget and billing amount for the HRG curbside recycling program. An explanation of the various budget categories is as follows:

Personal Services

This item reflects the cost of the HRG Administrator's salary at 80% of fulltime and the use of City secretarial services at 10 hours per week on HRG projects.

An amount is also included for the estimated time the cities billing clerks will work on HRG functions. I am projecting approximately 320 hours annually for each of the three city billing clerks for a twelve month operation. This is based on the assumption that the billing clerk will be spending approximately 20 hours per week for the first month of the program in the start up phase and five hours per week thereafter. Brooklyn Center and Crystal are shown with fewer hours for 1989 since the program will be in operation for fewer months in those cities than in the City of New Hope.

Supplies

This budget item reflects the office and copying supplies for HRG activities for the year.

Postage

This budget item reflects the amount of postage required for the mailing of two promotional/educational pieces per city to residents included in the curbside program. One additional mailing is included for each HRG city.

In addition to the promotional and educational mailings, an amount is budgeted for the recycling program to pick up a portion of the cost of mailing utility bills.

Professional Services

This item would reflect any amounts expended for legal services for HRG activities.

Transportation

This budget item would provide reimbursement for use of personal autos for HRG related activities.

Printing

This budget item would provide funds for the design, development, and printing of promotional and educational brochures for the recycling program.

Memo to HRG Board
Page 2
March 3, 1989

Legal Notices

This item reflects an estimated cost for publication of ordinance amendments related to recycling in the three cities.

Insurance

The amount budgeted for insurance covers public officials' liability and errors and omissions liability for the HRG Board and employees. This budget item also provides workers' compensation insurance for the HRG Administrator, since the League of Minnesota Cities insurance trust program requires that separate insurance be obtained for employees of joint powers groups.

Dues and Subscriptions

This item reflects a budgeted amount for dues to various organizations and recycling periodicals.

Training and Conferences

This budget item would provide for attendance of HRG members at recycling training and conference programs.

Container Replacement

This item would provide for recycling container replacement for the HRG cities. In other cities implementing recycling programs, at the outset of the program recycling containers are lost, stolen, etc. and this would provide replacement for those containers. Residents requiring container replacement for lost or stolen containers would not be charged an out of pocket cost for the container. This budget item reflects an approximate 4% replacement of the 20,900 containers for the first year of operation. The cost is based on a \$9.26 per container reorder cost.

Contractual Services

This budget item reflects the costs paid to BFI Recycling Systems for collection service.

LOGIS

This budget item reflects the cost for LOGIS to implement the billing system for the HRG cities.

Contingency

This budget item reflects a 10% contingency for 1989. Ten percent is a substantial contingency amount, however, one of the factors related to maintaining an adequate contingency amount is the fact that the Hennepin County funding reimbursement policy may be changed somewhat during the course of 1989. Currently, the funding reimbursement policy is fairly generous with regard to what kinds of items are eligible expenses. It is anticipated that the County may either tighten up the types of eligible expenditures or move to an administrative allowance which is based on a straight percentage of the cities curbside collection contract cost.

Estimated Budget and Billing Amount
for HRG Curbside Recycling Program

HRG

Personal Services

Administrator wages (80%)	28,800
Health Insurance	1,872
PERA (4%)	1,152
FICA (7.5%)	2,163
Secretary (10 hours per week @ \$14.05 per hour)	7,310
Billing Clerk (320 hours annually @ \$16.50 per hour per city)	

1989

New Hope - 220 hours
Brooklyn Center - 180 hours

Crystal - 180 hours

Total - 580 hours	<u>9,570</u>
TOTAL PERSONAL SERVICES	50,867

Supplies

Office Supplies	400
Copying Supplies	500
General Supplies	<u>200</u>
TOTAL SUPPLIES	1,100

Postage

Mailing of brochure 20,900 @ \$.25=\$5,225	5,225
Mailing of letter 20,900 @ \$.25=\$5,225	5,225
Additional mailing (addition of plastics etc.) 20,900 @ \$.25=\$5,225	5,225
Postage for quarterly billing @ \$.15/billing card divided by 1/3	

1989

New Hope - 3 billings	780
Crystal and Brooklyn Center 2 billings	2,355
Miscellaneous postage	<u>200</u>
TOTAL POSTAGE	19,010

Professional Services

Legal (80 hours @ \$85 per hour)	6,800
-------------------------------------	-------

Transportation

Mileage	500
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Printing

Promotional brochures
and advertising 25,000

Legal Notices

Ordinance publication 2,000

Insurance

Liability Insurance 2,000

Workers' Compensation 1,050

TOTAL INSURANCE 3,050

Dues and Subscriptions 200

Training and Conferences 400

Container Replacement

(4% replacement at 9.26
per container) 7,750

Contractual Services

New Hope 9 months 52,416

Brooklyn Center and
Crystal 7 months 123,088

LOGIS 1,000

TOTAL 292,581

Contingency (10%) 29,259

TOTAL 321,840

If the HRG cities assume a 1989 program cost of 2.10 per household per month, the revenue generated is as follows:

New Hope 5,200 households (sf through 4-plex) for 9 months of operation.

$5,200 \times \$2.10 = \$10,920 \times 9 \text{ months} = \$98,280$

Brooklyn Center and Crystal 15,700 households (sf through 4-plex) for 7 months of operation.

$15,700 \times \$2.10 = \$32,970 \times 7 \text{ months} = \$230,790$

The total amount of revenue generated at \$2.10 per household is \$329,070.

If the cities meet the 7% abatement goal, the county reimbursement for the recycling program is 50% and the net cost billed to the residents would be \$1.05 per household per month. The following table shows a breakdown of the net costs to residents based on a \$2.10 per household cost.

Hennepin County Funding for Recycling Programs

Percent Residential Abatement	Percent County Funding	Billing Amount After County Reimbursement	Annual Cost to Resident Based on 12 Months Operation
>10%	80%	\$.42/M	\$ 5.04
>9%	70%	\$.63/M	\$ 7.56
>8%	60%	\$.84/M	\$10.08
>7%	50%	\$1.05/M	\$12.60
7% or <	Prorated		

In addition to the collection costs for recycling, we are also billing a portion of the container cost. The breakdown for container costs and reimbursement is shown by the following:

Cost of Recycling Containers

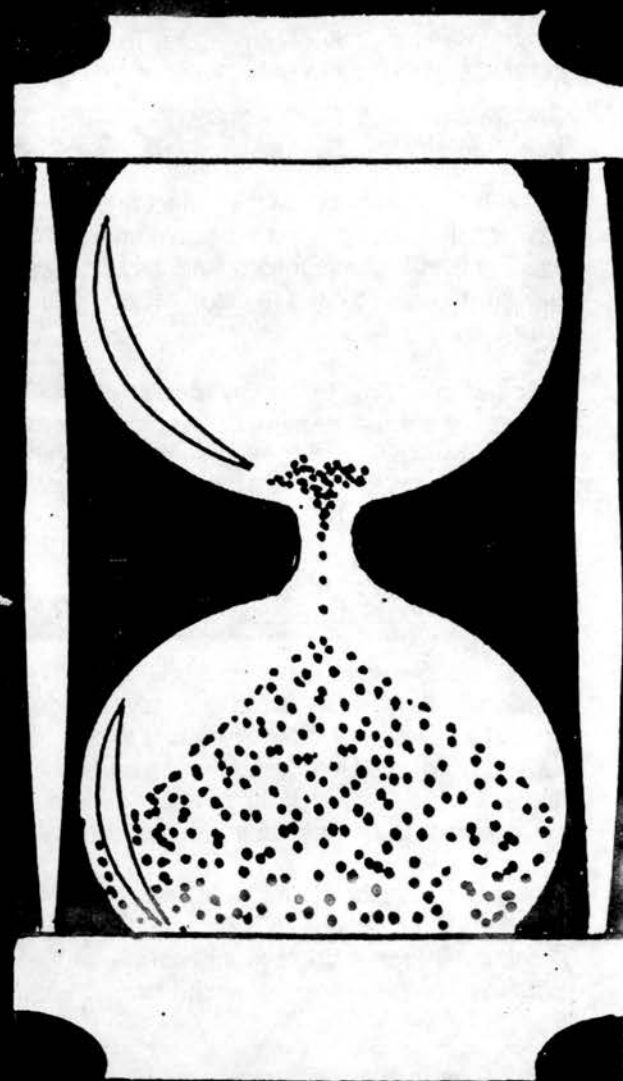
Bid price	\$8.40/container
<u>Hennepin County Reimbursement</u>	<u>5.00/container</u>
Net Cost to Resident	\$3.40/container

\$3.40 spread over 10 months = \$.34/M

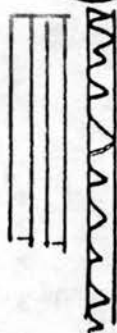
The recommended billing to residents for recycling collection service and containers is as follows:

Recycling Collection	\$1.05/month/household
<u>Containers</u>	<u>.34/month/household</u>
TOTAL	\$1.39/month/household

**NOW IS THE TIME
TO RECYCLE**



**IT'S EASY AND
CONVENIENT**



**Curb-side Recycling
Is Coming to
New Hope**



Map showing
districts

THE HENNEPIN RECYCLING GROUP (HRG)

Through a joint powers agreement between the cities of Brooklyn Center, Crystal, and New Hope, the Hennepin Recycling Group (HRG) was formed to start a curb-side recycling program for the three cities. This will be one of the largest single recycling programs in the State of Minnesota. The HRG has contracted with xxx to provide the recycling service.

WHY RECYCLE?

Diminishing landfill capacity, difficulty in siting new landfills, and ground water pollution from existing landfills have forced State and County officials to require cities to begin recycling programs.

All cities in Hennepin County must significantly reduce the amount of garbage (waste) going to landfills by 1990. The 1989 goal for Hennepin County cities is to recycle 10 percent of municipal solid waste and in 1990, the goal increases to 16 percent.

HOW WILL THE RECYCLING PROGRAM WORK?

The City of New Hope has been divided into xxx districts for residential refuse and recycling collection. The purpose of these districts is to provide same day collection for refuse and recyclable items. Same day collections provides maximum convenience to participate in the recycling program.

A map showing the collection districts and collection days is included with brochure. The recycling program will serve single family homes, duplexes, triplexes, fourplexes, and town houses.

HOW CAN I RECYCLE AND HOW DO I PREPARE RECYCLABLES?

The following items are recycleable:

Glass beverage and food containers. Rinse clean. Remove lids, caps and rings and place them in a paper grocery bag. No need to separate glass by color.

Curb Metal beverage and food containers. Aluminum, steel, bi-metal, and tin cans. Rinse clean, remove paper labels and place them in a paper grocery bag. Flattening cans helps save space, but is not necessary.

Newspaper. Newsprint only, no magazines, mail, paper bags, cereal boxes or other papers. Place in paper grocery bags or securely tie and bundle with string.

RECYCLING CONTAINERS

Place the paper bags containing recycleables in the recycling container provided by HRG and take it to the curb or alley on your garbage collection day. You may place your bagged or bundled and tied newspapers alongside the container.

By 6:30 a.m. on your weekly recycling pick up day, set out your recycling container. Set out the container, the night before if it is more convenient.

WHEN WILL THE CURB-SIDE PROGRAM START?

The curb-side recycling program will begin in New Hope on xxx, and service will be provided by xxx. Recycling containers will be delivered (how) to your home by xxxx

HOW MUCH WILL RECYCLING COST?

The cost of recycling collection service is \$ per month per household. This cost will be billed as part of your regular City utility bill.

RECYCLING SAVES ENERGY AND RESOURCES

It takes 95 percent less energy to make a can from recycled aluminum than from raw materials.

It takes 55 percent less energy to make paper from recycled paper than from trees.

It takes 17 trees to equal one ton of recycled paper.

RECYCLING NEEDS YOUR PARTICIPATION TO WORK

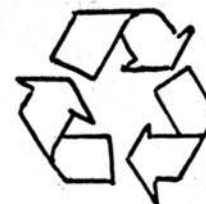
Not only are we out of landfill space in Hennepin County, but both landfills have leaked toxic poisons into the groundwater supply.

The curb-side recycling program will be successful only if you are willing to participate. By recycling, you can help solve the landfill crisis.

HAVE ANY QUESTIONS?

Please call with your questions regarding the curb-side recycling program, call the Recycling Office at 533-1521 during normal business hours.

This brochure is printed on 100% recycled paper.



Congratulations!

You are now the proud possessor of a brand new recycling container. The City of Blaine and BFI Recycling Systems have provided this container to help you recycle waste materials from your home. Your efforts are critical to the success of curbside recycling in Blaine.

BFI recycling
hotline 784-3262.



Printed on recycled paper

RECYCLE NOW



**Here's how to use your
new recycling container**



Please follow these simple steps:

Place three grocery bags in your recycling container:

1. Put metal cans—food and beverage only—in one bag.
2. Place unbroken glass bottles—food and beverage only—in another bag.
3. Put newspapers only in the last bag.

Prepare your recycled materials properly:

1. Cans—rinse clean and remove labels.
2. Glass—rinse bottles and remove caps and rings. Do not separate by color.
3. Newspaper—place in paper bag or bundle. If you have extra newspapers, place beside your recycling container.

On recycling day (your regular garbage collection day):

1. Place your recycling container on your curb by 6:30 a.m., rain, shine or snow.
2. Be sure access is unobstructed for the recycling collectors.

Do not recycle these items:

1. Paper other than newsprint; no phone books or magazines.
2. Window glass or ceramics.
3. Milk cartons.
4. Plastics of any kind.
5. Building materials.

If you ever notice someone stealing items from your recycling container or stealing the container itself, try to get the license number of the vehicle and call the recycling hotline immediately.

In the future, other items will be added to the recyclables collected, depending on available markets.

Here's how to make your recycling container feel at home

Your recycling container will last for years. If you move, leave it behind with this instruction flyer. That way, the new homeowner will know exactly how to participate in this important community project.

If we all follow the simple steps outlined in this flyer, our curbside recycling program will be a success for Blaine. You can take pride in knowing you are playing an important part in protecting our environment and preserving our natural resources.

Recycling works if we all do our part

Recycling makes sense; it creates jobs and means a cleaner environment. By getting involved in the Blaine curbside recycling program, you are helping to solve solid waste disposal problems.

Questions? Call the BFI recycling hotline at 784-3262.



Waste Systems

Congratulations Blaine

Your doing a great job with curbside recycling, please keep it up.



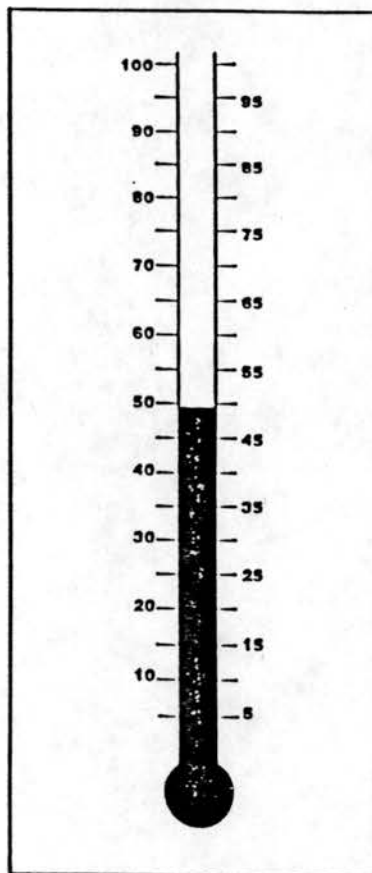
RecycleNOW

A Neighborhood Recycling Program



Since the introduction of curbside recycling beginning Monday Jan. 9 the Blaine community has shown a tremendous 48% participation.

Thank you all from
B.F.I. Waste Systems.



48% Blaine Recycling
Participation
Congratulations
Blaine

Any Questions Concerning Curbside Recycling
please call:



RecycleNOW
A Neighborhood Recycling Program

B.F.I. Recycling Hotline

784-3262



Center

(Behind City Hall)
375

Activities

Exercise
Penny Bingo
Senior Bowling

January 3 and 17 - Blood
Pressure checks
Progressive 500 Cards
Everyone Welcome
Sr. Advisory Council Meeting
January 17

Jan. 4 - Legal Service NO
CHARGE
January 4 VCR movie
January 11- Women of Today
Bingo
January 18 Treasure Bingo
January 25 - AARP meeting
January 25 Spring Lake Park
Lioness Bingo
January 11 - Senior Club Cards
& Supper \$2.50 Open to
Everyone
January 12 Hypothermia
Speaker from NSP

January 5 -Shopping van to
Northtown
January 5 - Senior Club
Business Meeting.
January 26 - January Thaw
Dinner

Happy Friday (music)
Bowling

January 21 - Cribbage
January 7 - Potluck at Center -
EVERYONE WELCOME
January 14 and 28 Winter
Cards - Open to All

January Thaw Dinner - Cost is
\$4 per person. Please make
reservations.

Lunch, served at noon Monday
Suggested donation \$1.25 .
Call for information about the
warm, cozy, friendly, place on

ams, activities and things
do here at the Senior



RECYCLENOW

Curbside recycling begins January 9, in Blaine

Beginning Monday January 9, Blaine residents can recycle all food and beverage cans, bottles and newspapers. Your recyclables will be picked up on the same day as your garbage. And we will make it easy for you to recycle. Between January 2 and 6, we will deliver a recycling container to every home in Blaine.

Simply put your recyclables in the bin and place it at the curb on your garbage pick-up day. We'll be there rain, shine or snow, so join your fellow Blaine residents and recycle now. For details, call the BFI recycling hotline at 784-3262.



RecycleNOW

A Neighborhood Recycling Program



Beat the January Chill



PUBLIC AFFAIRS DEPARTMENT
Government Center
Minneapolis, Minnesota 55487
348-3848



February 28, 1989

Dear Recycling Coordinator,

Hennepin county will carry out a major advertising campaign this year to promote recycling.

We will be using television, radio, newspapers and busboards to carry our messages. The basic ideas we will convey are that garbage is a huge problem and that it is time for individuals to do something about it.

Our efforts will be designed to complement municipal public-information programs and we will be suggesting that citizens contact their city halls for detailed recycling information. We anticipate that the advertising will result in more people phoning their city halls for recycling information.

The campaign kick-off will start March 20 and will last for three weeks. After that three-week period, we will stop our advertising temporarily while the City of Minneapolis conducts a major promotion effort to persuade people to participate in the Minneapolis recycling program. (We think it would be unwise for the county and the city to be advertising simultaneously.)

The Minneapolis campaign will end about June 1 and after that the county will resume its promotion program. We anticipate that we will be running our advertisements in two "bursts" during the remainder of 1989.

We sincerely hope that our promotion efforts will help support the recycling programs in your community.

To give you a better understanding of what we are doing -- and to allow us to receive your comments -- we are inviting you to a meeting at 3 p.m. Thursday, March 16, to preview the advertising materials we have developed. The meeting will be held at St. Louis Park City Hall. We hope to see you there.

Sincerely,

A handwritten signature in cursive script that reads "Fred Johnson".

Fred Johnson,
Director of Public Affairs

A handwritten signature in cursive script that reads "Carl Michaud".

Carl Michaud,
Recycling Coordinator

DATE: March 3, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Water Main Break on Douglas Drive at 36th Avenue

For purposes of general information, a description of events involved with the recent water main break on Douglas Drive just south of 36th Avenue is as follows:

On Thursday, February 23, a build up of ice was found in the large culvert under Douglas Drive by the eight-unit town homes south of 36th Avenue. Since no overland flow of water was found, the culvert was inspected daily but no further action taken. On Sunday, February 26, water was found running from the banks on each side of the downstream side of the culvert. The water was tested and found to have a high chlorine residual; so work started to pinpoint a water main leak.

On Tuesday, February 28, staff pinpointed the general area of the leak and contracted with a leak detecting firm to determine the exact location of the broken pipe. Due to the size of the leak and volume of running water (approximately 800,000 gallons a day), the testing process proved difficult but did get us within 20 feet of the actual break.

G. L. Contracting was hired to excavate and repair the break due to the deep blacktop road section, depth of frost and size of water main (24-inch diameter). The repair work started on Tuesday, February 28, at 7 p.m. with the thinking a nighttime repair would minimize interruptions to customer service and area traffic. Water service to three blocks on Douglas Drive was turned off at 8:30 p.m.

At 2 a.m., the full extent of the problem was finally evident. The damage to the main was more severe than anticipated, and facilities to repair the concrete lock-joint pipe were not available in the Twin City area. A call was placed to the pipe supplier in Kansas City requesting dispatch of a repair specialist and necessary supplies. Final repairs were initiated the morning of March 2, and water service was restored by noon with the roadway patch by 6 p.m.

During the extended period water service was not available, City personnel delivered 1 and 2-1/2 gallon jugs of water to homes and businesses while keeping them apprised of the progress of the repair work. Considering the inconvenience, the public's cooperation and understanding was exceptional.

Jerry Dulgar, City Manager

Subject: Water Main Break on Douglas Drive at 36th Avenue
March 3, 1989

Page 2

The work of employees in the Utility and Engineering Departments is to be commended in responding to this emergency situation. Through their efforts, the City was able to respond in a timely and responsible manner while taking every effort to keep costs at a reasonable level.

At this time the only work item remaining involves final restoration of the street which will be undertaken this spring as weather permits.

W. Monk
WM:jrs

Haltz

BENEFITS OF EDA

1. Control -- enabling resolution may be modified from time to time
2. May develop, improve and lease land
3. May be a limited partner in a partnership whose purpose is consistent with the authority's purpose. Can in many instances agree to provide its tax increment as its contribution to the partnership.

MEMORANDUM

TO: Mayor and Council Members
FROM: City Attorney
DATE: February 21, 1989
RE: **Economic Development Authority - Establishment**

An economic development authority (EDA) is established by a resolution of the city council. Prior to adoption of the resolution, the council must hold a public hearing preceded by two consecutive weeks of published notice of the hearing. The published notice must contain the following elements:

1. Time and place of the hearing;
2. Statement of the purpose of the hearing; and
3. Summary of the resolution proposed to be adopted.

The notice must be published in a newspaper of general circulation in the city; and the first publication must appear not more than 30 days from the date of the public hearing.

Following the public hearing, the council may vote on the adoption of the resolution. The resolution (referred to in the statute as the "enabling resolution") serves several important functions.

1. It establishes the number and composition of the EDA;
2. It may place certain restrictions and limitations upon the powers otherwise granted to EDA's under the statute.
3. It may provide for the transfer of any project or program within the city to the EDA.

MEMORANDUM

TO: Mayor and Council Members
FROM: City Attorney
DATE: February 21, 1989
RE: **Council Control Over HRA Activities**

The City and the HRA are separate public bodies which operate within the same geographic area. Consequently, there are a number of instances in which the city, acting through its council, can exercise control (or at least influence) over the activities of the HRA. Following is a listing of many of those instances.

1. Land Use Issues. HRA developments must conform to the city's land use regulations. To the extent that land use approvals are required (rezoning, variance, CUP's, PUD's) the city may exercise the same control over HRA activities that it could exercise over private unassisted developers.
2. Conformity with Comprehensive Plan. The HRA may neither acquire nor dispose of any interest in real property until the city planning commission has made findings concerning compliance of the proposed acquisition or disposal with the comprehensive plan.
3. Projects, Plans, TIF Districts.
 - (a) Redevelopment plans may not be undertaken until the plan has been presented to and approved by the city council.
 - (b) Acquisition of land by condemnation for "housing development projects" may not be undertaken until the city council has approved the use of condemnation.

Mayor and Council Members
February 21, 1989
Page 2

- (c) All tax increment financing districts must be approved by the city in order to qualify for certification to the county auditor.

4. Bonds.

LeFevre
Lefler
Kennedy
O'Brien &
Drawz

a Professional
Association

100 First Bank Place West
Minneapolis
Minnesota 55402

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

Dennis O'Brien
John E. Drawz
David J. Kennedy
Joseph E. Hamilton
John B. Dean
Kenn E. Purdue
Richard J. Schieffer
Charles L. LeFevre
James J. Thomson, Jr.
Thomas R. Galt
Steven B. Schmidt
John G. Kressel
James M. Strommen
Donald H. Batty
William P. Jordan
William R. Skallerud
Dorine A. Heine
Barry D. Beaudoin
Thomas M. Tallen
James Skala
Leslie M. Altman
Timothy J. Pawlenty
Olaf A. Sponheim
Julie A. Bergh
Marcy L. Hitesman
David C. Roland
Bren A. Chamerlik
Paul D. Baertschi
Arden Fritz

Rayton L. LeFevre, Retired
Harbert P. Lefler, Retired

January 23, 1989

Mr. Walter Fehst
City Manager
City of Robbinsdale
4221 Lake Road
Robbinsdale, MN 55422

Re: EDA Commissioners - Appointment, Number, Terms

Dear Walt:

You have asked for my response to a series of questions pertaining to the proposed EDA which is being considered by the Council.

1. Can the EDA Commission be composed of all members of the Council plus non-council commissioners?

The answer in the case of Robbinsdale is yes. EDA's may have 3, 5 or 7 commissioners. The actual number is fixed in the council's enabling resolution which establishes the EDA. The council could opt for a seven member EDA. In the enabling resolution, the council could then provide that five of the seven commissioners be council members. Another approach would be to provide that all members of the council will serve on the EDA and the remaining commission positions will be filled by the appointment of non-council commissioners. This approach would address the situation which would be created if Robbinsdale ever decided to have a seven member city council.

2. Can the terms of the council member EDA Commissioners be made to coincide with these services as council member?

The answer is a qualified yes. The initial appointments is on a staggered basis. For a seven member commission, the initial appointments are, one each, for terms of one, two, three, four and five years and two for six years. With respect to city council appointments, however, the term can prematurely end in either of two ways.

- a) Under the statute, a vacancy occurs on the EDA when the council member ceases to be on the council. Under this approach, the new council member is appointed to serve the unexpired EDA term of the former council-EDA member.
- b) The council may, in the EDA enabling resolution, simply set the terms of the council appointments to the council members time of service on the council. I believe that this approach is preferable for two reasons:
 - i) administratively, the risk of failure to reappoint a commissioner following service of the unexpired term of the predecessor is removed;
 - ii) council member appointees simply serve for as long as they are on the council, whether that is two years or 20 years. At the council's annual organizational meeting, new council members can be appointed to the EDA.

Consequently, I would recommend that any enabling resolution provide that the council member EDA commissioners serve for a term to coincide with their membership on the council. The non-council appointments must be for initial staggered terms. With respect to those appointments, the council may wish to consider short initial terms. If a non-council appointee is not working out, you have an early opportunity to replace that individual. After the initial appointment period is over, the non-council appointee are appointed for six-year terms, and may be removed only for cause, which must be substantiated by the council following a public hearing.

3. Can the non-council EDA members be determined by a public election?

The answer is a qualified yes. The statute provides for appointment of the commissioners by the mayor with the approval of the city council. Any process involving the electorate would have to be advisory in nature. E.g., not binding on the mayor or council. The question on the ballot, in substance, would ask whether the mayor should appoint one of the individuals named on the ballot to the EDA.

See also
HRA

Mr. Walter Fehst
January 23, 1989
Page 3

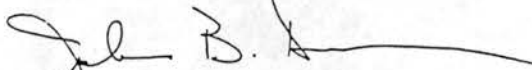
The general rule is that the city may not hold an election to advise the council on issues of public policy unless the charter authorizes these sorts of elections. Section 4.04 of the Charter dealing with special elections (all "questions" must be handled by special election) does not authorize advisory elections. Consequently, the Charter would have to be amended to permit such an election.

There may be significant policy considerations which the council may wish to explore prior to embarking upon such a process.

If the council opts for this sort of process, the process cannot affect the statutory terms of the commissioners, which following the initial appointment is six years. The council should also consider whether vacancies resulting from resignation, death or removal should be filled in this manner.

I hope that these responses cover all of the questions which you posed. I must say that these are excellent and thought provoking questions. They suggest that the council is giving cautions and careful consideration to this matter. If there is any way that we can provide further background or assistance to the council in this process, please advise.

Respectfully yours,



John B. Dean

JBD:rsr

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Drawz

a Professional
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Minnesota 55402

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Rayton L. LeFevre, Retired
Herbert P. Lefler, Retired

January 17, 1989

Mr. Walter Fehst
City Manager
City of Robbinsdale
4221 Lake Road
Robbinsdale, MN 55422

Re: Reformation of the Robbinsdale Housing and Redevel-
opment Authority

Dear Walt:

You have asked us to list and evaluate the options available to the City to place the direct responsibility for redevelopment activities in the hands of the City Council members. The purpose of that approach would be to make those who make redevelopment decisions directly accountable to the electorate. After reviewing relevant statutes, our opinion is as follows.

It is possible for the City Council to gain control of the HRA by appointing Council members to fill vacancies on the HRA as they occur. However, City Code Section 17-602(a) limits the number of Council members who may serve on the HRA to two. Prior to the Council being able to appoint all or a majority of its members to the HRA, it would be necessary to amend or repeal the above ordinance. In addition, since the current HRA members may be removed only for inefficiency, neglect of duty or misconduct, it would probably take a period of time for the Council to assert its influence on the HRA through vacancies.

An entirely different approach open to the City is through the creation of an economic development authority (EDA) to administer the City's development and redevelopment projects. An EDA may be established after a public hearing and the adoption of an enabling resolution. The enabling resolution is a charter-like document

which specifies the powers of the EDA. The City Council may use it to divide authority among the EDA and other entities responsible for development of the City, including the City Council.

If the City chooses to create an EDA, the Council may delegate to it all authority allowed an EDA under state statute, all powers otherwise exercised by an HRA and the power granted to the Council itself under the City Development District Act. A City which opts for such a broad grant of authority makes the EDA its sole development agency and effectively eliminates the HRA as a useful entity.

A City establishing an EDA may also decide to divide development and redevelopment powers among the EDA, HRA and the City Council according to any formula it wishes. For example, it would be possible to assign only a certain type of project or only projects within a defined geographical area to the HRA and to give the EDA all remaining authority. The enabling resolution should address the distribution of responsibility not only for prospective projects, but also decide the status of existing developments. Thus, it would be possible to force the HRA to divest itself of some or all of its current projects and to give them to the EDA. The statute gives the Council specific authority to redistribute the authority previously exercised solely by the HRA, but requires that all contracts and obligations of the HRA be honored by the successor entity.

Regardless of how the City Council divides power among itself, the EDA and HRA, state law requires that an EDA have three, five or seven members. Minimum Council membership on such an EDA would be one, two or two, respectively. It is also possible for a City creating an EDA to provide for a majority or full overlap of membership between the City Council and EDA.

In conclusion, it appears that the quickest method for the City to exercise a greater degree of control over development and redevelopment projects is to establish an EDA. The Council may vest as much responsibility in the EDA and may itself play as large a role in the membership of the EDA as it wishes. The critical document in setting out responsibilities is the enabling resolution, but the Council may amend the resolution at any time to change the size, composition or duties of the EDA. However, once non-Council members are appointed to the

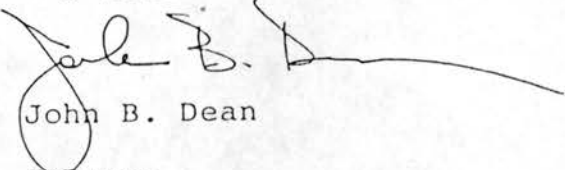
Mr. Walter Fehst
January 17, 1989
Page 3

FDA, they too may be removed only for inefficiency, neglect of duty or misconduct prior to the expiration of their terms.

If you have any additional questions regarding this matter, please feel free to contact us.

Respectfully yours,

LeFevere, Lefler, Kennedy,
O'Brien & Drawz



John B. Dean

JBD:rsr

shall report to the city council the amount of surplus funds that are in its judgment available for transfer to the sinking fund for any general obligation bonds of the authority, to reduce tax levies to pay the bonds. The council shall then decide by resolution what amount to transfer.

Subd. 10. **Wisconsin real property.** The port authority may purchase or lease real property in Wisconsin for barge fleetings or for recreation activities or for both.

Subd. 11. **Transfer of city property to port.** The city of Winona may transfer, with or without consideration and on other terms the city council considers desirable, its interest in any real property, including fee title, to the port authority of Winona. The transfer must be authorized by ordinance. The ordinance must contain the following:

- (1) the general location and the specific legal description of the property;
- (2) a finding by the city council that the real property is marginal under section 469.058, supported by reference to one or more of the conditions listed in section 469.048, subdivision 5;
- (3) a statement as to the consideration, or absence of it, to be received by the city at the time of transfer; and
- (4) other information considered appropriate by the city council.

A conveyance of fee title under this subdivision must be by quitclaim deed.

History: 1987 c 291 s 90

ECONOMIC DEVELOPMENT AUTHORITIES

469.090 DEFINITIONS.

Subdivision 1. **Generally.** In sections 469.090 to 469.108, the terms defined in this section have the meanings given them herein, unless the context indicates a different meaning.

Subd. 2. **Authority.** "Authority" means an economic development authority.

Subd. 3. **City.** "City" means a home rule charter or statutory city.

Subd. 4. **Development.** "Development" includes redevelopment, and "developing" includes redeveloping.

Subd. 5. **Cost of redevelopment.** "Cost of redevelopment" means, with respect to an economic development district project, the cost of:

- (1) acquiring property, whether by purchase, lease, condemnation, or otherwise;
- (2) demolishing or removing structures or other improvements on acquired properties;
- (3) correcting soil deficiencies necessary to develop or use the property for an appropriate use as determined by the authority;
- (4) constructing or installing public improvements, including streets, roads, and utilities;
- (5) providing relocation benefits to the occupants of acquired properties;
- (6) planning, engineering, legal, and other services necessary to carry out the functions listed in clauses (1) to (5); and
- (7) the allocated administrative expenses of the authority for the project.

History: 1987 c 291 s 91

469.091 ECONOMIC DEVELOPMENT AUTHORITY.

Subdivision 1. **Establishment.** A city may, by adopting an enabling resolution in compliance with the procedural requirements of section 469.093, establish an economic development authority that, subject to section 469.092, has the powers contained in sections 469.090 to 469.108 and the powers of a housing and redevelopment authority under sections 469.001 to 469.047 or other law, and of a city under sections 469.124 to 469.134 or other law. If the economic development authority exercises the powers

of a housing and redevelopment authority under other law, the city shall exercise the authority granted to a city by

Subd. 2. **Characteristics.** The authority is a corporate and politic and a public body and may be sued in its own name. An action may be brought when it exercises its power, but not otherwise.

History: 1987 c 291 s 92

469.092 LIMIT OF POWERS

Subdivision 1. **Resolution.** The authority shall not limit upon the actions of the authority:

(1) that the authority must exercise its powers under sections 469.001 to 469.047, 469.090 to 469.108, and 469.124 to 469.134 or other law, but must not exercise any powers which

(2) that, except when previously authorized by resolution, require the authority to engage in activities of the authority that would interfere with the successful operation of the authority or the authority's sole duty to reduce tax levies for bonds

(3) that the sale of all bonds of the authority be approved by the city council before issuance;

(4) that the authority follow the procedures established by the city and as implemented by the city;

(5) that all official actions of the authority be in accordance with a comprehensive plan of the city, and that the authority submit a plan;

(6) that the authority submit a report to the city council at any time, subject to subdivision 3, in accordance with this section.

(7) that the authority submit a report to the city council for approval of the authority's plan;

(8) any other limitation or condition on the authority's resolution.

Subd. 2. **Modification of resolution.** The authority may, at any time, subject to subdivision 3, modify its resolution in accordance with this section.

Subd. 3. **Report on resolution.** The authority shall petition the city council at any time of the first adoption of the enabling resolution to consider the council a report stating whether the authority has complied with the enabling resolution. Within 30 days of receipt of the enabling resolution, consider the authority's report and, if the authority considers appropriate, modify the resolution to conform with the procedural requirements of section 469.093.

Subd. 4. **Compliance.** The authority shall comply with the limitations imposed by this section.

Subd. 5. **Limits; security.** The authority shall not, in a manner that impairs the security of the city, limit the limit is imposed. The city council may not issue any bonds or obligations or any other financial instrument of the bonds or obligations or any

History: 1987 c 291 s 93

of a housing and redevelopment authority contained in sections 469.001 to 469.047 or other law, the city shall exercise the powers relating to a housing and redevelopment authority granted to a city by sections 469.001 to 469.047 or other law.

Subd. 2. **Characteristics.** An economic development authority is a public body corporate and politic and a political subdivision of the state with the right to sue and be sued in its own name. An authority carries out an essential governmental function when it exercises its power, but the authority is not immune from liability because of this.

History: 1987 c 291 s 92

469.092 LIMIT OF POWERS.

Subdivision 1. **Resolution.** The enabling resolution may impose the following limits upon the actions of the authority:

- (1) that the authority must not exercise any specified powers contained in sections 469.001 to 469.047, 469.090 to 469.108, and 469.124 to 469.134 or that the authority must not exercise any powers without the prior approval of the city council;
- (2) that, except when previously pledged by the authority, the city council may by resolution require the authority to transfer any portion of the reserves generated by activities of the authority that the city council determines is not necessary for the successful operation of the authority to the debt service fund of the city, to be used solely to reduce tax levies for bonded indebtedness of the city;
- (3) that the sale of all bonds or obligations issued by the authority be approved by the city council before issuance;
- (4) that the authority follow the budget process for city departments as provided by the city and as implemented by the city council and mayor;
- (5) that all official actions of the authority must be consistent with the adopted comprehensive plan of the city, and any official controls implementing the comprehensive plan;
- (6) that the authority submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval;
- (7) that the authority submit its administrative structure and management practices to the city council for approval; and
- (8) any other limitation or control established by the city council by the enabling resolution.

Subd. 2. **Modification of resolution.** The enabling resolution may be modified at any time, subject to subdivision 5, and provided that any modification is made in accordance with this section.

Subd. 3. **Report on resolution.** Without limiting the right of the authority to petition the city council at any time, each year, within 60 days of the anniversary date of the first adoption of the enabling resolution, the authority shall submit to the city council a report stating whether and how the enabling resolution should be modified. Within 30 days of receipt of the recommendation, the city council shall review the enabling resolution, consider the recommendations of the authority, and make any modification it considers appropriate. Modifications must be made in accordance with procedural requirements of section 469.093.

Subd. 4. **Compliance.** The city council's determination that the authority has complied with the limitations imposed under this section is conclusive.

Subd. 5. **Limits; security.** Limits imposed under this section must not be applied in a manner that impairs the security of any bonds issued or contracts executed before a limit is imposed. The city council must not modify any limit in effect at the time bonds or obligations are issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.

History: 1987 c 291 s 93

469.093 PROCEDURAL REQUIREMENT.

Subdivision 1. Enabling resolution. The creation of an authority by a city must be by written resolution referred to as the enabling resolution. Before adopting the enabling resolution, the city council shall conduct a public hearing. Notice of the time and place of hearing, a statement of the purpose of the hearing, and a summary of the resolution must be published in a newspaper of general circulation within the city once a week for two consecutive weeks. The first publication must appear not more than 30 days from the date of the public hearing.

Subd. 2. Modifications. All modifications to the enabling resolution must be by written resolution and must be adopted after notice is given and a public hearing conducted as required for the original adoption of the enabling resolution.

History: 1987 c 291 s 94

469.094 TRANSFER OF AUTHORITY.

Subdivision 1. Economic development, housing, redevelopment powers. The city may, by ordinance, divide any economic development, housing, and redevelopment powers granted under sections 469.001 to 469.047 and 469.090 to 469.108 between the economic development authority and any other authority or commission established under statute or city charter for economic development, housing, or redevelopment.

Subd. 2. Project control, authority, operation. The city may, by resolution, transfer the control, authority, and operation of any project as defined in section 469.174, subdivision 8, or any other program or project authorized by sections 469.001 to 469.047 or sections 469.124 to 469.134 located within the city, from the governmental agency or subdivision that established the project to the economic development authority. The city council may also require acceptance of control, authority, and operation of the project by the economic development authority. The economic development authority may exercise all of the powers that the governmental unit establishing the project could exercise with respect to the project.

When a project or program is transferred to the economic development authority, the authority shall covenant and pledge to perform the terms, conditions, and covenants of the bond indenture or other agreements executed for the security of any bonds issued by the governmental subdivision that initiated the project or program. The economic development authority may exercise all of the powers necessary to perform the terms, conditions, and covenants of any indenture or other agreements executed for the security of the bonds and shall become obligated on the bonds when the project or program is transferred as provided in this subdivision.

Subd. 3. Transfer of personnel. Notwithstanding any other law or charter provision to the contrary, the city council may, by resolution, place any employees of the housing and redevelopment authority under the direction, supervision, or control of the economic development authority. The placement of any employees under the direction, supervision, or control of the economic development authority does not affect the rights of any employees of the housing and redevelopment authority, including any rights existing under a collective bargaining agreement or fringe benefit plan. The employees shall become employees of the economic development authority.

History: 1987 c 291 s 95

469.095 COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES, PAY, REMOVAL.

Subdivision 1. Commissioners. Except as provided in subdivision 2, paragraph (d), an economic development authority shall consist of either three, five, or seven commissioners who shall be appointed after the enabling resolution provided for in section 469.093 becomes effective. The resolution must indicate the number of commissioners constituting the authority.

Subd. 2. Appointment, terms; vacancies. (a) Three-member authority: the commissioners constituting a three-member authority, one of whom must be a member

of the city council, shall be a member of the council. Those initially appointed shall serve for terms of two, three, four, five, or six years, respectively. Thereafter,

(b) Five-member authority: two of whom must be members of the city council, with the approval of the city council, shall be appointed for terms of two, three, four, five, or six years.

(c) Seven-member authority: two of whom must be members of the city council, with the approval of the city council, shall be appointed for terms of one, two, three, four, five, or six years. Thereafter,

(d) The enabling resolution shall provide for the commissioners to serve as the commissioners.

(e) The enabling resolution shall provide for the city council in excess of the number of commissioners.

(f) A vacancy is created in the authority and the reason must be filled for the term of the original appointment was made. The commissioners who are members of the city council shall serve for the term of the city council.

Subd. 3. Increase in number of commissioners. The city council may, by resolution, increase the number of commissioners from three to five or seven members.

Subd. 4. Compensation. The president, shall be paid for at least one meeting in an amount to be determined by the city council following the resolution in section 469.093.

Subd. 5. Removal for cause. A commissioner may be removed for cause for inefficiency, neglect of duty, or other cause only after a hearing. The hearing shall be held at least ten days before the hearing is to be heard in person or by a committee. The hearing shall be submitted against a commissioner. If the city council removes a commissioner, the commissioner shall be in record of the proceedings, together with the office of the city clerk.

History: 1987 c 291 s 96

469.096 OFFICERS; DUTIES.

Subdivision 1. Bylaws. The authority shall adopt a set of bylaws, procedure and shall adopt an

Subd. 2. Officers. The authority shall have a treasurer, a secretary, and an assistant treasurer, and secretary and vice-president at the same time. The offices of secretary and vice-president shall be in record of the proceedings, together with the office of the city clerk.

Subd. 3. Duties and powers. The officers may be given

of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, four, and six years, respectively. Thereafter all commissioners shall be appointed for six-year terms.

(b) Five-member authority: the commissioners constituting a five-member authority, two of whom must be members of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, three, four, five, and six years respectively. Thereafter all commissioners shall be appointed for six-year terms.

(c) Seven-member authority: the commissioners constituting a seven-member authority, two of whom must be members of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively and two members for six years. Thereafter all commissioners shall be appointed for six-year terms.

(d) The enabling resolution may provide that the members of the city council shall serve as the commissioners.

(e) The enabling resolution may provide for the appointment of members of the city council in excess of the number required in paragraphs (a), (b), and (c).

(f) A vacancy is created in the membership of an authority when a city council member of the authority ends council membership. A vacancy for this or another position must be filled for the balance of the unexpired term, in the manner in which the original appointment was made. The city council may set the term of the commissioners who are members of the city council to coincide with their term of office as members of the city council.

Subd. 3. Increase in commission members. An authority may be increased from three to five or seven members, or from five to seven members by a resolution adopted by the city council following the procedure provided for modifying the enabling resolution in section 469.093.

Subd. 4. Compensation and reimbursement. A commissioner, including the president, shall be paid for attending each regular or special meeting of the authority an amount to be determined by the city council. In addition to receiving pay for meetings, the commissioners may be reimbursed for actual expenses incurred in doing official business of the authority. All money paid for compensation or reimbursement must be paid out of the authority's budget.

Subd. 5. Removal for cause. A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall be removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the city council may temporarily suspend the commissioner. If the city council finds that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the city clerk.

History: 1987 c 291 s 96

469.096 OFFICERS; DUTIES; ORGANIZATIONAL MATTERS.

Subdivision 1. Bylaws, rules, seal. An authority may adopt bylaws and rules of procedure and shall adopt an official seal.

Subd. 2. Officers. An authority shall elect a president, a vice-president, a treasurer, a secretary, and an assistant treasurer. The authority shall elect the president, treasurer, and secretary annually. A commissioner must not serve as president and vice-president at the same time. The other offices may be held by the same commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.

Subd. 3. Duties and powers. The officers have the usual duties and powers of their offices. They may be given other duties and powers by the authority.

Subd. 4. **Treasurer's duties.** The treasurer:

- (1) shall receive and is responsible for authority money;
- (2) is responsible for the acts of the assistant treasurer;
- (3) shall disburse authority money by check only;
- (4) shall keep an account of the source of all receipts, and the nature, purpose, and authority of all disbursements; and
- (5) shall file the authority's detailed financial statement with its secretary at least once a year at times set by the authority.

Subd. 5. **Assistant treasurer.** The assistant treasurer has the powers and duties of the treasurer if the treasurer is absent or disabled.

Subd. 6. **Treasurer's bond.** The treasurer shall give bond to the state conditioned for the faithful discharge of official duties. The bond must be approved as to form and surety by the authority and filed with the secretary. The bond must be for twice the amount of money likely to be on hand at any one time, as determined at least annually by the authority provided that the bond must not exceed \$300,000.

Subd. 7. **Public money.** Authority money is public money.

Subd. 8. **Checks.** An authority check must be signed by the treasurer and one other officer named by the authority in a resolution. The check must state the name of the payee and the nature of the claim that the check is issued for.

Subd. 9. **Financial statement.** The authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the authority's credits and assets, and its outstanding liabilities in a form required for the city's financial statements. The authority shall examine the statement together with the treasurer's vouchers. If the authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.

History: 1987 c 291 s 97

469.097 EMPLOYEES; SERVICES; SUPPLIES.

Subdivision 1. **Employees.** An economic development authority may employ an executive director, a chief engineer, other technical experts and agents, and other employees as it may require, and determine their duties, qualifications, and compensation.

Subd. 2. **Contract for services.** The authority may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.

Subd. 3. **Legal services.** The authority may use the services of the city attorney or hire a general counsel for its legal needs. The city attorney or general counsel, as determined by the authority, is its chief legal advisor.

Subd. 4. **Supplies.** The authority may purchase the supplies and materials it needs to carry out sections 469.090 to 469.108.

Subd. 5. **City purchasing.** An authority may use the facilities of its city's purchasing department in connection with construction work and to purchase equipment, supplies, or materials.

Subd. 6. **City facilities, services.** A city may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to its authority.

Subd. 7. **Delegation power.** The authority may delegate to one or more of its agents or employees powers or duties as it may deem proper.

History: 1987 c 291 s 98

469.098 CONFLICT OF INTEREST.

Except as authorized in section 471.88 a commissioner, officer, or employee of an authority must not acquire any financial interest, direct or indirect, in any project or

in any property included or have any financial interest, materials or service to be furnished.

History: 1987 c 291 s 99

469.099 DEPOSITORIES;

Subdivision 1. **Named;** or state banks within the state bank shall give the authority. The bond must be conditioned. The amount of bond must be deposited at any one time.

Subd. 2. **One bank account.** source in one bank account.

Subd. 3. **Default; collateral.** in a bonded depository, the depository is exempt from liability for the other act or default of the depository of collateral from its depository permitted by law to secure deposits.

History: 1987 c 291 s 100

469.100 OBLIGATIONS.

Subdivision 1. **Taxes and** tax or special assessment, except pledge the credit of the state or incur an obligation enforceable.

Subd. 2. **Budget to city.** ordinance of the city, an authority must include a detailed written expects to need from the city needed amount is what is needed.

Subd. 3. **Fiscal year.** The year of its city.

Subd. 4. **Report to city.** the authority shall make a written activities and of its receipts together with additional material economic development of the city.

Subd. 5. **Audits.** The authority audited, filed, and published statements of the city that es permit comparison and reconciliation. The report must be filed with the authority shall review the report and make the authority.

Subd. 6. **Compliance with** auditor's initiative, the state authority for that city. Each examination, including the same making the examination. The the audit. All collections received by the auditor.

History: 1987 c 291 s 101

in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.

History: 1987 c 291 s 99

469.099 DEPOSITORIES; DEFAULT; COLLATERAL.

Subdivision 1. **Named; bond.** Every two years an authority shall name national or state banks within the state as depositories. Before acting as a depository, a named bank shall give the authority a bond approved as to form and surety by the authority. The bond must be conditioned for the safekeeping and prompt repayment of deposits. The amount of bond must be at least equal to the maximum sums expected to be deposited at any one time.

Subd. 2. **One bank account.** An authority may deposit all its money from any source in one bank account.

Subd. 3. **Default; collateral.** When authority funds are deposited by the treasurer in a bonded depository, the treasurer and the surety on the treasurer's official bond are exempt from liability for the loss of the deposits because of the failure, bankruptcy, or other act or default of the depository. However, an authority may accept assignments of collateral from its depository to secure deposits just as assignments of collateral are permitted by law to secure deposits of the authority's city.

History: 1987 c 291 s 100

469.100 OBLIGATIONS.

Subdivision 1. **Taxes and assessments prohibited.** An authority must not levy a tax or special assessment, except as otherwise provided in sections 469.090 to 469.108, pledge the credit of the state or the state's municipal corporations or other subdivisions, or incur an obligation enforceable on property not owned by the authority.

Subd. 2. **Budget to city.** Annually, at a time fixed by charter, resolution, or ordinance of the city, an authority shall send its budget to its city's council. The budget must include a detailed written estimate of the amount of money that the authority expects to need from the city to do authority business during the next fiscal year. The needed amount is what is needed in excess of any expected receipts from other sources.

Subd. 3. **Fiscal year.** The fiscal year of the authority must be the same as the fiscal year of its city.

Subd. 4. **Report to city.** Annually, at a time and in a form fixed by the city council, the authority shall make a written report to the council giving a detailed account of its activities and of its receipts and expenditures during the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the city.

Subd. 5. **Audits.** The financial statements of the authority must be prepared, audited, filed, and published or posted in the manner required for the financial statements of the city that established the authority. The financial statements must permit comparison and reconciliation with the city's accounts and financial reports. The report must be filed with the state auditor by June 30 of each year. The auditor shall review the report and may accept it or, in the public interest, audit the books of the authority.

Subd. 6. **Compliance examinations.** At the request of the city or upon the auditor's initiative, the state auditor may make a legal compliance examination of the authority for that city. Each authority examined must pay the total cost of the examination, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received must be deposited in the revolving fund of the state auditor.

History: 1987 c 291 s 101

469.101 POWERS.

Subdivision 1. Establishment. An economic development authority may create and define the boundaries of economic development districts at any place or places within the city if the district satisfies the requirements of section 469.174, subdivision 10, except that the district boundaries must be contiguous, and may use the powers granted in sections 469.090 to 469.108 to carry out its purposes. First the authority must hold a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the city. Also, the authority shall find that an economic development district is proper and desirable to establish and develop within the city.

Subd. 2. Acquire property. The economic development authority may acquire by lease, purchase, gift, devise, or condemnation proceedings the needed right, title, and interest in property to create economic development districts. It shall pay for the property out of money it receives under sections 469.090 to 469.108. It may hold and dispose of the property subject to the limits and conditions in sections 469.090 to 469.108. The title to property acquired by condemnation or purchase must be in fee simple, absolute. The authority may accept an interest in property acquired in another way subject to any condition of the grantor or donor. The condition must be consistent with the proper use of the property under sections 469.090 to 469.108. Property acquired, owned, leased, controlled, used, or occupied by the authority for any of the purposes of this section is for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions. The exemption applies only while the authority holds property for its own purpose. The exemption is subject to the provisions of section 272.02, subdivision 5. When the property is sold it becomes subject to taxation.

Subd. 3. Options. The economic development authority may sign options to purchase, sell, or lease property.

Subd. 4. Eminent domain. The economic development authority may exercise the right of eminent domain under chapter 117, or under its city's charter to acquire property it is authorized to acquire by condemnation. The authority may acquire in this way property acquired by its owner by eminent domain or property already devoted to a public use only if its city's council approves. The authority may take possession of property to be condemned after it files a petition in condemnation proceedings describing the property. The authority may abandon the condemnation before taking possession.

Subd. 5. Contracts. The economic development authority may make contracts for the purpose of economic development within the powers given it in sections 469.090 to 469.108. The authority may contract or arrange with the federal government, or any of its departments, with persons, public corporations, the state, or any of its political subdivisions, commissions, or agencies, for separate or joint action, on any matter related to using the authority's powers or performing its duties. The authority may contract to purchase and sell real and personal property. An obligation or expense must not be incurred unless existing appropriations together with the reasonably expected revenue of the authority from other sources are sufficient to discharge the obligation or pay the expense when due. The state and its municipal subdivisions are not liable on the obligations.

Subd. 6. Limited partner. The economic development authority may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.

Subd. 7. Rights; easements. The economic development authority may acquire rights or an easement for a term of years or perpetually for development of an economic development district.

Subd. 8. Supplies; materials. The economic development authority may buy the supplies and materials it needs to carry out this section.

Subd. 9. Receive public property. The economic development authority may accept land, money, or other assistance, whether by gift, loan or otherwise, in any form

from the federal or state government to carry out an economic development district.

Subd. 10. Development. The authority may sell or lease land held by the authority in economic development districts. The authority may sell or lease land, regardless of size, to be developed under sections 469.090 to 469.108.

Subd. 11. Foreign trade. The authority may refer to the board defined in Uniform Commercial Code Article 9 the powers provided in Uniform Commercial Code Article 9 is granted, the authority may exercise the powers.

Subd. 12. Relation to other districts. The authority may exercise powers under sections 469.152 to 469.165, for a purpose not provided in sections 469.108. The authority may exercise powers under sections 469.047 and 469.090 to 469.108.

Subd. 13. Public facilities. The authority may develop a parking facility or other public facility in an economic development district.

Subd. 14. Governmental powers. The authority may act with or act as agent for the state or an agency or instrumental under sections 469.090 to 469.108 or any other economic development district.

Subd. 15. Studies. The authority may study economic development needs in the city. The authority may study the desirable pattern of growth and other factors as a result of the studies available. The authority may engage in research and development in the city.

Subd. 16. Public relations. The authority may (1) join an official, industrial, or commercial organization concerned with the purpose of advancing the city and its relations activities to promote economic development. This subdivision have a public purpose.

Subd. 17. Accept public property. The authority may accept all other public agencies, corporations, or other entities, to be properly used by the authority for the purposes of sections 469.090 to 469.108.

Subd. 18. Economic development district. The authority may create an economic development district to make use of the powers and purposes. An authority may create an economic development district necessary and expedient, after it has acquired a tract for economic development or property and may set up an economic development district.

Subd. 19. Loans in anti-inflation. The authority may, under sections 469.102 and 469.103, an authority may issue bonds for the bond purpose. The authority shall by resolution

from the federal or state government, or an agency of either, or a local subdivision of state government to carry out sections 469.090 to 469.108 and to acquire and develop an economic development district and its facilities under this section.

Subd. 10. **Development district authority.** The economic development authority may sell or lease land held by it for economic development in economic development districts. The authority may acquire, sell, or lease single or multiple tracts of land regardless of size, to be developed as a part of the economic development of the district under sections 469.090 to 469.108.

Subd. 11. **Foreign trade zone.** The economic development authority may apply to the board defined in United States Code, title 19, section 81a, for the right to use the powers provided in United States Code, title 19, sections 81a to 81u. If the right is granted, the authority may use the powers. One authority may apply with another authority.

Subd. 12. **Relation to other redevelopment powers.** The economic development authority may exercise powers and duties of a redevelopment agency under sections 469.152 to 469.165, for a purpose in sections 469.001 to 469.047 or 469.090 to 469.108. The authority may also use the powers and duties in sections 469.001 to 469.047 and 469.090 to 469.108 for a purpose in sections 469.152 to 469.165.

Subd. 13. **Public facilities.** The authority may operate and maintain a public parking facility or other public facility to promote development in an economic development district.

Subd. 14. **Government agent.** An economic development authority may cooperate with or act as agent for the federal or the state government, or a state public body, or an agency or instrumentality of a government or a public body to carry out sections 469.090 to 469.108 or any other related federal, state, or local law in the area of economic development district improvement.

Subd. 15. **Studies, analysis, research.** An authority may study and analyze economic development needs in the city, and ways to meet the needs. An authority may study the desirable patterns for land use for economic development and community growth and other factors affecting local economic development in the city and make the result of the studies available to the public and to industry in general. An authority may engage in research and disseminate information on economic development within the city.

Subd. 16. **Public relations.** To further an authorized purpose, an authority may (1) join an official, industrial, commercial, or trade association, or another organization concerned with the purpose, (2) have a reception of officials who may contribute to advancing the city and its economic development, and (3) carry out other public relations activities to promote the city and its economic development. Activities under this subdivision have a public purpose.

Subd. 17. **Accept public land.** An authority may accept conveyances of land from all other public agencies, commissions, or other units of government, if the land can be properly used by the authority in an economic development district, to carry out the purposes of sections 469.090 to 469.108.

Subd. 18. **Economic development.** An authority may carry out the law on economic development districts to develop and improve the lands in an economic development district to make it suitable and available for economic development uses and purposes. An authority may fill, grade, and protect the property and do anything necessary and expedient, after acquiring the property, to make it suitable and attractive as a tract for economic development. An authority may lease some or all of its lands or property and may set up local improvement districts in all or part of an economic development district.

Subd. 19. **Loans in anticipation of bonds.** After authorizing bonds under sections 469.102 and 469.103, an authority may borrow to provide money immediately required for the bond purpose. The loans must not exceed the amount of the bonds. The authority shall by resolution decide the terms of the loans. The loans must be evidenced

by negotiable notes due in not more than 12 months from the date of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of the bonds when the bonds are issued and delivered to the bond purchasers. The loan must not be obtained from any commissioner of the authority or from any corporation, association, or other institution of which an authority commissioner is a stockholder or officer.

Subd. 20. **Use of proceeds.** The proceeds of obligations issued by an authority under section 469.103 and temporary loans obtained under subdivision 19 may be used to make or purchase loans for economic development facilities that the authority believes will require financing. To make or purchase the loans, the authority may enter into loan and related agreements, both before and after issuing the obligations, with persons, firms, public or private corporations, federal or state agencies, and governmental units under terms and conditions the authority considers appropriate. A governmental unit in the state may apply, contract for, and receive the loans. Chapter 475 does not apply to the loans.

Subd. 21. **Mined underground space development.** Upon delegation by a municipality as provided in section 469.139, an authority may exercise any of the delegated powers in connection with mined underground space development under sections 469.135 to 469.141.

Subd. 22. **Secondary market.** An authority may sell, at private or public sale, at the price or prices determined by the authority, any note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan made for the purpose of economic development, job creation, redevelopment, or community revitalization by a public agency to a business, for-profit or nonprofit organization, or an individual.

History: 1987 c 291 s 102; 1988 c 580 s 5

469.102 GENERAL OBLIGATION BONDS.

Subdivision 1. **Authority; procedure.** An economic development authority may issue general obligation bonds in the principal amount authorized by two-thirds majority vote of its city's council. The bonds may be issued in anticipation of income from any source. The bonds may be issued: (1) to secure funds needed by the authority to pay for acquired property or (2) for other purposes in sections 469.090 to 469.108. The bonds must be in the amount and form and bear interest at the rate set by the city council. The authority shall sell the bonds to the highest bidder. The authority shall publish notice of the time and the place for receiving bids, once at least two weeks before the bid deadline. Except as otherwise provided in sections 469.090 to 469.108, the issuance of the bonds is governed by chapter 475. The authority when issuing the bonds is a municipal corporation under chapter 475.

Subd. 2. **Detail; maturity.** The authority with the consent of its city's council shall set the date, denominations, place of payment, form, and details of the bonds. The bonds must mature serially. The first installment is due in not more than three years and the last in not more than 20 years from the date of issuance.

Subd. 3. **Signatures; coupons; liability.** The bonds must be signed by the president of the authority, be attested by its secretary, and be countersigned by its treasurer; the signatures may be facsimile signatures. The interest coupons if any, must be attached to the bonds. The coupons must be executed and authenticated by the printed, engrossed, or lithographed facsimile signature of the authority's president and secretary. The bonds do not impose any personal liability on a member of the authority.

Subd. 4. **Pledge.** The bonds must be secured by the pledge of the full faith, credit, and resources of the issuing authority's city. The authority may pledge the full faith, credit, and resources of the city only if the city specifically authorizes the authority to do so. The city council must first decide whether the issuance of the bonds by the authority is proper in each case and if so, the amount of bonds to issue. The city council shall give specific consent in an ordinance to the pledge of the city's full faith, credit,

and resources. The authority interest on it from taxes or authority income from any

Subd. 5. **Tax levy.** An authority issuing them, levy a tax for the principal and interest on the bonds. The tax must be for at least one year. The tax shall be levied annually until the bonds have been delivered to the purchaser. After the bonds are issued, the authority may extend, assess, and compound a certified copy of the tax on the bonds for which the tax is levied annually until the bonds are paid. The authority shall transfer the surplus from the sinking fund for principal and interest for each year to the sinking fund. The authority may direct its secretary to issue a certificate in a year. The certificate may be in the sinking fund, the authorized specified issue of the authority for that year by that amount and may not use it for any purpose. The taxes in this section shall be paid by the treasurer as provided in chapter 475 when due.

Subd. 6. **Authorized securities.** An authority authorized securities under chapter 475 may invest in the securities of the company in which the funds in them. The bonds may be deposited with the treasurer of the company as provided in chapter 475.

The authority's bonds

History: 1987 c 291 s 1

469.103 REVENUE BONDS.

Subdivision 1. **Authority; procedure.** An authority may issue revenue bonds to issue its revenue bonds. The revenue bonds may be used to operate the authority, to purchase or furnish capital equipment within the city, or to pay the principal and interest on the bonds. The issued bonds may include an initial reserve to pay the principal and interest on the bonds in a resolution how executed.

Subd. 2. **Form.** The bonds shall bear interest at a rate from the date of issuance to the date of maturity, registrable as to principal, interest, and their coupons, if any, in accordance with section 469.102, subdivision 6, and their coupons, if any.

Subd. 3. **Sale.** The bonds may be sold at public or private sale. The bond sale price is determined by the authority determines to be made callable, and if so issued.

Subd. 4. **Agreements.**

and resources. The authority shall pay the principal amount of the bonds and the interest on it from taxes levied under this section to make the payment or from authority income from any source.

Subd. 5. **Tax levy.** An authority that issues bonds under this section, shall, before issuing them, levy a tax for each year on the taxable property in the authority's city. The tax must be for at least five percent more than the amount required to pay the principal and interest on the bonds as the principal and interest mature. The tax must be levied annually until the principal and interest are paid in full. After the bonds have been delivered to the purchasers, the tax must not be repealed until the debt is paid. After the bonds are issued, the authority need not take any more action to authorize extending, assessing, and collecting the tax. The authority's secretary shall immediately send a certified copy of the levy to the county auditor, together with full information on the bonds for which the tax is levied. The county auditor shall extend and assess the levied tax annually until the principal and interest are paid in full. The authority shall transfer the surplus from the excess levy in this section to a sinking fund after the principal and interest for which the tax was levied and collected is paid. The authority may direct its secretary to send a certificate to the county auditor before October 15 in a year. The certificate must state how much available income, including the amount in the sinking fund, the authority will use to pay principal or interest or both on each specified issue of the authority's bonds. The auditor shall then reduce the bond levy for that year by that amount. The authority shall then set aside the certified amount and may not use it for any purpose except to pay the principal and interest on the bonds. The taxes in this section shall be collected and sent to the authority by the county treasurer as provided in chapter 276. The taxes must be used only to pay the bonds when due.

Subd. 6. **Authorized securities.** Bonds legally issued under this chapter are authorized securities under section 50.14. A savings bank, trust company, or insurance company may invest in them. A public or municipal corporation may invest its sinking funds in them. The bonds may be pledged by a bank or trust company as security for the deposit of public money in place of a surety bond.

The authority's bonds are instrumentalities of a public governmental agency.

History: 1987 c 291 s 103

469.103 REVENUE BONDS; PLEDGE; COVENANTS.

Subdivision 1. **Authority.** An economic development authority may decide by resolution to issue its revenue bonds either at one time or in series from time to time. The revenue bonds may be issued to provide money to pay to acquire land needed to operate the authority, to purchase or construct facilities, to purchase, construct, install, or furnish capital equipment to operate a facility for economic development of any kind within the city, or to pay to extend, enlarge, or improve a project under its control. The issued bonds may include the amount the authority considers necessary to establish an initial reserve to pay principal and interest on the bonds. The authority shall state in a resolution how the bonds and their attached interest coupons are to be executed.

Subd. 2. **Form.** The bonds of each series issued by the authority under this section shall bear interest at a rate or rates, shall mature at the time or times within 20 years from the date of issuance, and shall be in the form, whether payable to bearer, registrable as to principal, or fully registrable, as determined by the authority. Section 469.102, subdivision 6, applies to all bonds issued under this section, and the bonds and their coupons, if any, when payable to bearer, shall be negotiable instruments.

Subd. 3. **Sale.** The sale of revenue bonds issued by the authority shall be at public or private sale. The bonds may be sold in the manner and for the price that the authority determines to be for the best interest of the authority. The bonds may be made callable, and if so issued, may be refunded.

Subd. 4. **Agreements.** The authority may by resolution make an agreement or

covenant with the bondholders or their trustee. The authority must first decide that the agreement or covenant is needed or desirable to do what the authority may do under this section and to assure that the revenue bonds are marketable and promptly paid.

Subd. 5. **Revenue pledge.** In issuing general obligation or revenue bonds, the authority may secure the payment of the principal and the interest on the bonds by a pledge of and lien on authority revenue. The revenue must come from the facility to be acquired, constructed, or improved with the bond proceeds or from other facilities named in the bond-authorizing resolutions. The authority also may secure the payment with its promise to impose, maintain, and collect enough rentals, rates, and charges, for the use and occupancy of the facilities and for services furnished in connection with the use and occupancy, to pay its current expenses to operate and maintain the named facilities, and to produce and deposit sufficient net revenue in a special fund to meet the interest and principal requirements of the bonds, and to collect and keep any more money required by the resolutions. The authority shall decide what constitutes "current expense" under this subdivision based on what is normal and reasonable under generally accepted accounting principles. Revenues pledged by the authority must not be used or pledged for any other authority purpose or to pay any other bonds issued under this section or under section 469.102, unless the other use or pledge is specifically authorized in the bond-authorizing resolutions.

Subd. 6. **Not city debt.** Revenue bonds issued under this section are not a debt of the authority's city nor a pledge of that city's full faith and credit. The bonds are payable only from project revenue as described in this section. A revenue bond must contain on its face a statement to the effect that the economic development authority and its city do not have to pay the bond or the interest on it except from revenue and that the faith, credit, and taxing power of the city are not pledged to pay the principal of or the interest on the bond.

Subd. 7. **Not applicable.** Sections 469.153, subdivision 2, paragraph (e), and 469.154, subdivisions 3, 4, and 5 do not apply to revenue bonds issued under this section and sections 469.152 to 469.165 if the interest on the revenue bonds is subject to both state and federal income tax or if the revenue bond proceeds are not loaned by the authority to a private person.

Subd. 8. **Tax increment bonds.** Obligations secured or payable from tax increment revenues and issued pursuant to this section or section 469.102 are subject to the provisions of section 469.178.

History: 1987 c 291 s 104

469.104 SECTIONS THAT APPLY IF FEDERAL LIMIT APPLIES.

Sections 474A.01 to 474A.21 apply to obligations issued under sections 469.090 to 469.108 that are limited by a federal limitation act as defined in section 474A.02, subdivision 9, or existing federal law as defined in section 474A.02, subdivision 8.

History: 1987 c 291 s 105

469.105 SALE OF PROPERTY.

Subdivision 1. **Power.** An economic development authority may sell and convey property owned by it within the city or an economic development district if it determines that the sale and conveyance are in the best interests of the city or district and its people, and that the transaction furthers its general plan of economic development. This section is not limited by other law on powers of economic development authorities.

Subd. 2. **Notice; hearing.** An authority shall hold a hearing on the sale. At the hearing a taxpayer may testify for or against the sale. At least ten, but not more than 20, days before the hearing the authority shall publish notice of the hearing on the proposed sale in a newspaper. The newspaper must be published and have general circulation in the authority's county and city. The notice must describe the property to be sold and state the time and place of the hearing. The notice must also state that

the public may see the terms at the hearing the authority

Subd. 3. **Decision; appeal.** Whether the sale is advisable is a matter for the court in the city or economic development district. The secretary of the authority may appeal the decision on the ground for appeal is that it is contrary to law.

Subd. 4. **Terms.** The authority shall use the use that the bidder will use to file security to the purchaser to file security to the sale terms and conditions of use and the relation of the business and the facilities of the authority's terms and conditions on the property at the same time required in this section. The authority shall be most favorable consideration. The authority may also sell the property at the hearing the authority considers the most favorable aims and purposes of section 469.105.

Subd. 5. **One-year decision.** The purchaser shall devote the proceeds to the property to develop the property. The authority may cancel the sale if the purchaser may extend the time to complete the sale may contain a provision proper to protect the public interest within one year of purchase.

Subd. 6. **Covenant run.** The authority may incorporate in the deed as a condition of sale sections 469.090 to 469.108 relating to the authority may declare a breach of the covenant by a district court declaring a forfeiture.

Subd. 7. **Plans; specifications.** The purchaser gives the authority the authority must approve the plans and require preparation of final plans.

History: 1987 c 291 s 106

469.106 ADVANCES BY

An authority may advance money for the objects and must be repaid from the sale of the objects the money advanced for the objects of the authority's general plan of economic development of the average annual interest on the money advanced are outstanding at the time the money for more objects is advanced. Repayment in the same manner with advanced money to the principal and interest on the objects, facilities, if the rentals have been advanced. Advances made to acquire the objects authorized by law need not be repaid.

the public may see the terms and conditions of the sale at the authority's office and that at the hearing the authority will meet to decide if the sale is advisable.

Subd. 3. **Decision; appeal.** The authority shall make its findings and decision on whether the sale is advisable and enter its decision on its records within 30 days of the hearing. A taxpayer may appeal the decision by filing a notice of appeal with the district court in the city or economic development district's county and serving the notice on the secretary of the authority, within 20 days after the decision is entered. The only ground for appeal is that the action of the authority was arbitrary, capricious, or contrary to law.

Subd. 4. **Terms.** The terms and conditions of sale of the property must include the use that the bidder will be allowed to make of it. The authority may require the purchaser to file security to assure that the property will be given that use. In deciding the sale terms and conditions the authority may consider the nature of the proposed use and the relation of the use to the improvement of the authority's city and the business and the facilities of the authority in general. The sale must be made on the authority's terms and conditions. The authority may publish an advertisement for bids on the property at the same time and in the same manner as the notice of hearing required in this section. The authority may award the sale to the bid considered by it to be most favorable considering the price and the specified intended use. The authority may also sell the property at private sale at a negotiated price if after its hearing the authority considers that sale to be in the public interest and to further the aims and purposes of sections 469.090 to 469.108.

Subd. 5. **One-year deadline.** Within one year from the date of purchase, the purchaser shall devote the property to its intended use or begin work on the improvements to the property to devote it to that use. If the purchaser fails to do so, the authority may cancel the sale and title to the property shall return to it. The authority may extend the time to comply with a condition if the purchaser has good cause. The terms of sale may contain other provisions that the authority considers necessary and proper to protect the public interest. A purchaser must not transfer title to the property within one year of purchase without the consent of the authority.

Subd. 6. **Covenant running with the land.** A sale made under this section must incorporate in the deed as a covenant running with the land the conditions of sections 469.090 to 469.108 relating to the use of the land. If the covenant is violated the authority may declare a breach of the covenant and seek a judicial decree from the district court declaring a forfeiture and a cancellation of the deed.

Subd. 7. **Plans; specifications.** A conveyance must not be made until the purchaser gives the authority plans and specifications to develop the property sold. The authority must approve the plans and specifications in writing. The authority may require preparation of final plans and specifications before the hearing on the sale.

History: 1987 c 291 s 106

469.106 ADVANCES BY AUTHORITY.

An authority may advance its general fund money or its credit, or both, without interest, for the objects and purposes of sections 469.090 to 469.108. The advances must be repaid from the sale or lease, or both, of developed or redeveloped lands. If the money advanced for the development or redevelopment was obtained from the sale of the authority's general obligation bonds, then the advances must have not less than the average annual interest rate that is on the authority's general obligation bonds that are outstanding at the time the advances are made. The authority may advance repaid money for more objects and purposes of sections 469.090 to 469.108 subject to repayment in the same manner. The authority must still use rentals of lands acquired with advanced money to collect and maintain reserves to secure the payment of principal and interest on revenue bonds issued to finance economic development facilities, if the rentals have been pledged for that purpose under section 469.103. Advances made to acquire lands and to construct facilities for recreation purposes if authorized by law need not be reimbursed under this section. Sections 469.090 to

469.108 do not exempt lands leased from the authority to a private person, or entity from assessments or taxes against the leased property while the lessee is liable for the assessments or taxes under the lease.

History: 1987 c 291 s 107

469.107 CITY MAY LEVY TAXES FOR ECONOMIC DEVELOPMENT AUTHORITY.

Subdivision 1. City tax levy. A city may, at the request of the authority, levy a tax in any year for the benefit of the authority. The tax must be for not more than .75 mill times the gross tax capacity of taxable property in the city. The tax is not subject to levy limits. The amount levied must be paid by the city treasurer to the treasurer of the authority, to be spent by the authority.

Subd. 2. Reverse referendum. A city may increase its levy for economic development authority purposes under subdivision 1 in the following way. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or if none exists in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or if none exists in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. The election must be held pursuant to the procedure specified in section 275.58.

History: 1987 c 291 s 108; 1988 c 719 art 5 s 84

469.108 SPECIAL LAW; OPTIONAL USE.

A city that has established a port authority by special law or that has been granted the power to establish a port authority by special law, or a city whose city council has been authorized to exercise the powers of a port authority by special law may elect to use the powers granted in sections 469.090 to 469.108. If the election is made, the powers and duties set forth in sections 469.090 to 469.108 supersede the special law and the special law must not be used after the election. The use of powers under sections 469.090 to 469.108 by a city described in this section does not impair the security of any obligations issued or contracts or agreements executed under the special law. Control, authority, and operation of any project may be transferred to the authority in the manner provided in section 469.094.

History: 1987 c 291 s 109

AREA REDEVELOPMENT

469.109 PURPOSE.

The legislature finds that there exists in the state certain areas of substantial and persistent unemployment causing hardship to many individuals and their families and that there also exist certain rural areas where development and redevelopment should be encouraged. The legislature finds that the powers and facilities of the state government and local communities, in cooperation with the federal government, should assist rural areas and areas of substantial and chronic unemployment in planning and financing economic redevelopment by private enterprise, enabling those areas to enhance their prosperity by the establishment of stable and diversified local economies, and to provide new employment opportunities through the development and expansion of new or existing facilities and resources.

The legislature finds that the establishment of local or regional area redevelopment

agencies in Minnesota have provide plants and facilities will create new employment of depressed or underdeveloped objectives is a public purpose.

History: 1987 c 291 s 1

469.110 DEFINITIONS.

Subdivision 1. General. This section have the meaning as follows.

Subd. 2. Authority. A public authority.

Subd. 3. Local agency. A local agency created or authorized by the governing body of any local governing body.

Subd. 4. Municipality. A city, county, town, or school district.

Subd. 5. Governing body. The governing body or other body charged with the management of the municipality.

Subd. 6. Board. A board of redevelopment agency created under section 469.123.

Subd. 7. Redevelopment area. A territory within the territorial boundaries of the state reasonably defined by conditions of unemployment, natural resources, or widespread poverty in a municipality or municipalities.

Subd. 8. Federal agency. A federal agency of the United States or any department, bureau, or commission.

Subd. 9. Minnesota agency. A state agency created or authorized by the legislature or a local agency in financing the development of the state.

Subd. 10. Redevelopment project. A project, site, structure, facility, or program, recreational, commercial, industrial, local, regional, or area redevelopment.

Subd. 11. Rural area. A territory of the rural development act of 1975, with that act, shall include a population of 50,000 or more persons in areas with a population density of less than 100 persons per square mile.

Subd. 12. Indian economic development. Commercial, industrial, or other enterprise, for-profit, at least 51 percent owned and operated by Indians.

Subd. 13. Indian tribe. A tribe, band, or group of Indians recognized by the federal government under the Indian Law Number 93-262, section 104.

History: 1987 c 291 s 1

469.111 LOCAL OR REGIONAL AREA REDEVELOPMENT

Subdivision 1. Findings.



League of Minnesota Cities

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St. Paul, MN 55101-2526
(612) 227-5600 (FAX: 221-0986)

February 17, 1989

Mayor Betty Herbes
Crystal City Hall
4141 Douglas Drive
Crystal, MN 55422

Dear Mayor Herbes,

Charles DARTH visited our offices earlier this week and while here requested that we send you a general information packet on economic development authorities (EDAs). This has been enclosed. The article entitled "What Is a Port Authority?" is slightly out of date because the legislature gave all Minnesota cities the power to have the equivalent of port authorities in 1987. Nevertheless, it is a good general introduction to EDAs.

I trust this information will be helpful to you.

Sincerely,

Paula Rietz
Research Assistant

What is a port authority?

1985

F. Warren Preeshl

A port authority has a range of powers not necessarily related to shipping. A number of Minnesota cities that are not international "ports" have port authorities.

Technically, a port authority is a municipal entity established in accordance with Chapter 458 of Minnesota Statutes. One would think a port authority would exist to operate a system of docks, wharves, and loading and unloading facilities, all servicing a fleet of ships carrying the flags of many nations. In actual practice, only the Duluth Port Authority is an operating port authority, shipping Midwestern goods all over the world and receiving international imports.

All other Minnesota port authorities could just as well be called industrial development authorities. For example, the Minneapolis Community Development Agency has the powers of a port authority under Chapter 458, but its name more properly reflects its activities.

A port authority empowers a city to establish a formal industrial development commission with powers of taxation and condemnation, together with the ability to acquire land for an industrial park, and lease and operate facilities. The city may appoint a separate board of commissioners, which then conducts the affairs of the port authority under the close supervision of the city council. The board may issue bonds, with the formal approval of the council.

The St. Paul Port Authority is an outstanding example in Minnesota, and indeed across the nation, of a port authority that has developed an excellent system of originating and marketing industrial revenue bonds for industrial and commercial purposes. The city established the port authority in 1932 to administer harbor and riverfront activities. Its original ability to issue industrial bonds stemmed from a Supreme Court decision in the mid-60s authorizing it to issue industrial revenue bonds even before the general Minnesota statute, Chapter 474, took effect in 1967.

The St. Paul Port Authority began its development activities by selling general obligation bonds to acquire distressed land adjacent to Holman Field, the St. Paul airport. This land, site of the old State Street dump and adjacent housing, was cleared, filled, graded, provided with water, sewer and streets and, courtesy of the Army Corps of Engineers, protected by a flood wall from the Mississippi River.

Riverview Industrial Park, as it is now called, was carefully conceived with deed restrictions regarding plantings, maintenance of buildings, and so forth. Industrial revenue bonds encouraged industry to come into the park and use the developed land. A general property tax on the City of St. Paul supported the general obligation bonds, the return to the taxpayers being the increased tax base resulting from development. In recent years the port authority has undertaken to abate all its real estate taxes with its own revenues. Until now, the cash flow from land rentals has been a valuable financing tool to the port authority, particularly in its early years.

We hear much today of common bond funds and common reserve fund systems, and the St. Paul Port Authority initiated this concept. Typically cities issue and sell industrial revenue bonds as free-standing, self-sustaining units, payable from the revenues of the company using the facility, more recently sometimes securing them with a credit enhancement device such as a letter of credit. A trustee administers the funds on behalf of the city and should rent payments cease, the trustee forecloses on the property, sells it, and distributes the proceeds to the bondholders.

Things work differently with the St. Paul Port Authority, which issues bonds secured under their basic Resolution No. 876. Under this pooling concept, all facilities pay rent into a common bond fund and the authority pays the bondholder from this common fund. Each time the authority adds a new bond issue to the pool, it pledges the rents from the facility to the pool and, in addition, adds an amount equal to maximum debt service on each new bond issue to a common reserve fund. Therefore, the common reserve fund is always at the maximum annual debt service requirement of all bonds payable from the pool.

In addition to collecting the rents necessary to service the bonds, the port authority charges an override on every bond issue. This override, as well as the land rents, is vital to the system's operation. Should a tenant default, the flow of funds is sufficient to continue the bond payments, and a bondholder need not be concerned if a building's tenant is in default on its rent. The port authority acts as its own trustee, with much more flexibility than usual for a trustee because it can exercise independent judgment, subject only to the general constraints of the bond resolution. This means that it can find a new tenant for the facility, replenishing the stream of revenues and maintaining the strength of the system. Because of the authority's underwriting standards on the type of building it will finance, in most situations the new tenant is willing to pay more rent than the previous tenant. The system has worked well enough that revenue bonds the St. Paul Port Authority secured by basic Resolution No. 876 have a Standard & Poor rating of "A".

As interest rates have changed, on several occasions the authority has been able to refund the bonds and, in fact, all "876" bonds St. Paul Port Authority issued in 1979 or before generally have "AAA" ratings, because the authority invested refunding bond proceeds in U.S. governments. This, of course, has made bondholders very happy, and the St. Paul authority commands a ready market for its financings.

At year-end 1984, the St. Paul Port Authority had balance sheet footings of \$548,438,620 and a net worth of \$64,385,178. Earnings last year were \$5,162,150 from all sources. It took about 20 years to accomplish this, but the results are impressive, and the port authority is a valuable development arm of the city.

In recent years, the Minneapolis Community Development Agency has developed, as an additional financing tool, a common revenue bond field. To get the system up and running, it established additional reserves beyond the

common reserve. After issuing several bonds (totalling \$16,725,000) under the original pooling concept, the agency purchased credit enhancement from an insurance company, so that recent MCDA issues (totalling \$18,925,000) have an "AAA" rating, for a present total of \$35,650,000.

The Iron Range Resources and Rehabilitation Board (IRRRB) has also established a pooling concept and, through additional reserve funding and credit enhancement, its recent bond issue of \$2,540,000 has an "AAA" rating. It is important to recognize that a pooling concept only works when a city has enough bond issues each year to →

Commonly asked questions regarding port authorities

Joel Jamnik and Peter Tritz, LMC

What are port authorities?

A port authority is a statutorily created governmental subdivision originally conceived as a mechanism to promote the port, provide adequate docks, railroad and terminal facilities, and conduct development activities to improve related harbor and port facilities.

Why are port authorities beneficial?

Port authorities have certain substantial powers that cities generally do not have. Many of these powers are only minimally related to the operation of ports or harbors. The greatest focus of port authority activity has been to create and operate industrial development districts. Within these districts, the authority may condemn, clear, improve, and convey "marginal land" as defined by statute.

What are these powers?

a) **Pooled bond reserving.** In the typical industrial revenue bond arrangement, each bond issue would stand on its own. That is, a separate debt service fund or account is established for each separate issue, and that issue is payable only from that project's revenues. A port authority, however, may establish a single common bond reserve fund (M.S. 458.194, subd. 5). Under that arrangement, each project's revenues go into that common fund, and all bonds are repaid from that fund. Thus, if one particular project defaults, the bondholder still receives payment out of the revenues derived from the remaining projects. Because of this pooling effect, the security of the bonds increases, and borrowing costs decrease. Of course, this only works if there are enough bond issues in a given year to provide the necessary volume and diversity of cash flow. (The accompanying article discusses this pooling concept in more detail.)

b) **Ownership and operation of facilities.** A port authority may own, construct, and lease or sell facilities

(M.S. 458.192, subd. 10). This is in addition to the authority to acquire, clear, and resell land. A port authority may acquire land, finance and construct buildings or structures upon any such land it owns, and if deemed necessary, may install or furnish capital equipment to be located permanently or used exclusively on such lands or in such buildings, all for the purpose of leasing or selling the same to private individuals in the further industrial development of the industrial district. In effect, this is a way to maintain greater control over the type and manner of development, as well as providing another source of income to support port authority activities.

c) **Additional bonding authority.** When authorized by the city council, a port authority can issue general obligation bonds for development and redevelopment purposes, pledging the city's full faith and credit, and can make a property tax levy for bond repayment. It can do so without an election. The bonds do not count toward the city's debt limit, and the levy is not subject to any levy limits, including the per-capita limit (M.S. 458.193).

d) **Other loan and financing tools.** A port authority has some additional mechanisms available to it, including the power to act as a limited partner or to make or purchase loans for financing assistance to private industrial or commercial corporations (M.S. 458.192, subd. 4, and M.S. 458.195, subd. 8).

What else can they do?

Individual port authorities have gone to the Legislature for additional, unique powers, including:

a) The St. Paul Authority has jurisdiction over recreation and recreation facilities along the river or the abutting lands and can construct and maintain recreational facilities.

b) All port authorities can provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes; for receptions of officials or others who may contribute to

the advancement of the port district and any industrial development therein; and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose.

c) Though generally the powers of a port authority may not be exercised outside the jurisdiction of the city in which the authority is located, the Winona authority has been empowered to purchase or lease land in Wisconsin.

Who has a port authority?

The city of Duluth has the only "true" port authority, but other cities have port authorities which focus almost exclusively on development projects. Most notable among these is the St. Paul Port Authority (see accompanying article). Minneapolis also can under statute, have a port authority because it is a city of the first class. All other cities require a special legislative act to form or operate as a port authority. Winona (1967), Bloomington (1980), Granite Falls (1981), South St. Paul (1982), and St. Cloud (1984) have all had special legislation passed authorizing the city either to form a port authority or grant the city council the powers of a port authority.

What does the future hold for port authorities and cities interested in obtaining port authorities?

Several cities have submitted special bills to the 1985 Legislature asking for the authority to establish or operate as a port authority. Several legislators have indicated concern about passing additional special legislation for this purpose. At least some legislators are inclined to hold off on passing any more special laws granting port authority powers, pending a general review of whether it is appropriate to extend those powers on a statewide basis. The League of Minnesota Cities has a policy to support legislation granting port authority powers to all cities in the state. ■

continued from page 9

merit a pool. If there are sufficient issues, cities should initiate the pooling concept. It takes several years for it to become a viable enhancement device, because it requires cash flow and diversification.

Smaller cities which may not need bond pooling however, still may create a formal industrial and commercial authority as Chapter 458 authorizes.

As most of us know, Congress may "sunset" small-issue commercial IDBs at the end of 1986, and all small-issue IDBs at the end of 1988. There remains, however, a possibility for extension of the "sunset." ■

Mr. Preeshl is vice president of Miller and Schroeder, Inc., a Minneapolis financial consulting firm.

Could your city's small businesses use a loan?

At a time when the federal government is considering abolishing the Small Business Administration, some of your local firms may be wondering where they'll be able to get help for expansion or other needs. If you can't assist them with direct funds, or they can't get a long enough term or low enough rates from the bank, at least you may be able

to help them get a state small business loan.

Small businesses that qualify may borrow up to \$1 million for up to 20 years at below-market interest rates from the Minnesota Small Business Development Loan Program. The program, which Governor Perpich announced at last year's League convention, remains well-funded in 1985, with about \$25 million available for long-term, low-interest loans.

The program is primarily for manufacturing or industrial businesses that have been operating at least three years, and have demonstrated a potential for growth and success. Loans awarded in 1984 went, among others, to a distribution firm in St. Michael for building construction and refrigeration equipment, a computer company in Northfield for the construction of a new manufacturing facility, and a printing firm in New Hope for land, buildings, and equipment.

Applicants must meet the SBA definition of a small business (generally, less than 500 employees), and may still receive other commercial loans in addition. Applications should be made before September 1 if possible. For more information on how to help your city's business qualify for these low-interest loans, have them call the state Department of Energy and Economic Development, (612) 296-6616.

Directory of Minnesota City Officials

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city may appropriate and budget the funds to administer the port authority as the city considers necessary and appropriate. The money must be budgeted, used, and accounted for according to the charter and ordinances of the city.

Subd. 5. Marginal property. A port authority's decision that property it seeks is marginal under section 469.058 is prima facie evidence in eminent domain proceedings that the property is marginal. The decision must be made in a resolution. The resolution must state the characteristics that the authority thinks makes the property marginal. The port authority resolution must then be approved by city council resolution.

Subd. 6. Industrial development powers. The port authority has the powers granted to port authorities by sections 469.152 to 469.165. The powers may be exercised within and outside its corporate limits. The exercise of the powers is subject to approval by resolution of the city council.

Subd. 7. Bond interest. Revenue bonds issued by the port authority may be negotiated and sold at a price resulting in an average annual net interest rate on the bonds of not more than seven percent per year computed to the stated maturities.

Subd. 8. No assessments; improvement districts. The port authority must not levy special assessments or establish local improvement districts. The city of Winona, or its port authority with the approval by resolution of the city council, may exercise the powers in section 471.191 to acquire and to improve recreational land, buildings, and facilities within or outside their corporate limits.

Subd. 9. Surplus funds. On or before October 15 in each year the port authority shall report to the city council the amount of surplus funds that are in its judgment available for transfer to the sinking fund for any general obligation bonds of the authority, to reduce tax levies to pay the bonds. The council shall then decide by resolution what amount to transfer.

Subd. 10. Wisconsin real property. The port authority may purchase or lease real property in Wisconsin for barge fleetings or for recreation activities or for both.

Subd. 11. Transfer of city property to port. The city of Winona may transfer, with or without consideration and on other terms the city council considers desirable, its interest in any real property, including fee title, to the port authority of Winona. The transfer must be authorized by ordinance. The ordinance must contain the following:

- (1) the general location and the specific legal description of the property;
- (2) a finding by the city council that the real property is marginal under section 469.058, supported by reference to one or more of the conditions listed in section 469.048, subdivision 5;
- (3) a statement as to the consideration, or absence of it, to be received by the city at the time of transfer; and
- (4) other information considered appropriate by the city council.

A conveyance of fee title under this subdivision must be by quitclaim deed.

History: 1987 c 291 s 90

ECONOMIC DEVELOPMENT AUTHORITIES

469.090 DEFINITIONS.

Subdivision 1. Generally. In sections 469.090 to 469.108, the terms defined in this section have the meanings given them herein, unless the context indicates a different meaning.

Subd. 2. Authority. "Authority" means an economic development authority.

Subd. 3. City. "City" means a home rule charter or statutory city.

Subd. 4. Development. "Development" includes redevelopment, and "developing" includes redeveloping.

Subd. 5. Cost of redevelopment. "Cost of redevelopment" means, with respect to an economic development district project, the cost of:

469.090 ECONOMIC DEVELOPMENT

- (1) acquiring property, whether by purchase, lease, condemnation, or otherwise;
- (2) demolishing or removing structures or other improvements on acquired properties;
- (3) correcting soil deficiencies necessary to develop or use the property for an appropriate use as determined by the authority;
- (4) constructing or installing public improvements, including streets, roads, and utilities;
- (5) providing relocation benefits to the occupants of acquired properties;
- (6) planning, engineering, legal, and other services necessary to carry out the functions listed in clauses (1) to (5); and
- (7) the allocated administrative expenses of the authority for the project.

History: 1987 c 291 s 91

469.091 ECONOMIC DEVELOPMENT AUTHORITY.

Subdivision 1. **Establishment.** A city may, by adopting an enabling resolution in compliance with the procedural requirements of section 469.093, establish an economic development authority that, subject to section 469.092, has the powers contained in sections 469.090 to 469.108 and the powers of a housing and redevelopment authority under sections 469.001 to 469.047 or other law, and of a city under sections 469.124 to 469.134 or other law. If the economic development authority exercises the powers of a housing and redevelopment authority contained in sections 469.001 to 469.047 or other law, the city shall exercise the powers relating to a housing and redevelopment authority granted to a city by sections 469.001 to 469.047 or other law.

Subd. 2. **Characteristics.** An economic development authority is a public body corporate and politic and a political subdivision of the state with the right to sue and be sued in its own name. An authority carries out an essential governmental function when it exercises its power, but the authority is not immune from liability because of this.

History: 1987 c 291 s 92

469.092 LIMIT OF POWERS.

Subdivision 1. **Resolution.** The enabling resolution may impose the following limits upon the actions of the authority:

- (1) that the authority must not exercise any specified powers contained in sections 469.001 to 469.047, 469.090 to 469.108, and 469.124 to 469.134 or that the authority must not exercise any powers without the prior approval of the city council;
- (2) that, except when previously pledged by the authority, the city council may by resolution require the authority to transfer any portion of the reserves generated by activities of the authority that the city council determines is not necessary for the successful operation of the authority to the debt service fund of the city, to be used solely to reduce tax levies for bonded indebtedness of the city;
- (3) that the sale of all bonds or obligations issued by the authority be approved by the city council before issuance;
- (4) that the authority follow the budget process for city departments as provided by the city and as implemented by the city council and mayor;
- (5) that all official actions of the authority must be consistent with the adopted comprehensive plan of the city, and any official controls implementing the comprehensive plan;
- (6) that the authority submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval;
- (7) that the authority submit its administrative structure and management practices to the city council for approval; and
- (8) any other limitation or control established by the city council by the enabling resolution.

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Subd. 2. Modification of resolution. The enabling resolution may be modified at any time, subject to subdivision 5, and provided that any modification is made in accordance with this section.

Subd. 3. Report on resolution. Without limiting the right of the authority to petition the city council at any time, each year, within 60 days of the anniversary date of the first adoption of the enabling resolution, the authority shall submit to the city council a report stating whether and how the enabling resolution should be modified. Within 30 days of receipt of the recommendation, the city council shall review the enabling resolution, consider the recommendations of the authority, and make any modification it considers appropriate. Modifications must be made in accordance with the procedural requirements of section 469.093.

Subd. 4. Compliance. The city council's determination that the authority has complied with the limitations imposed under this section is conclusive.

Subd. 5. Limits; security. Limits imposed under this section must not be applied in a manner that impairs the security of any bonds issued or contracts executed before the limit is imposed. The city council must not modify any limit in effect at the time any bonds or obligations are issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.

History: 1987 c 291 s 93

469.093 PROCEDURAL REQUIREMENT.

Subdivision 1. Enabling resolution. The creation of an authority by a city must be by written resolution referred to as the enabling resolution. Before adopting the enabling resolution, the city council shall conduct a public hearing. Notice of the time and place of hearing, a statement of the purpose of the hearing, and a summary of the resolution must be published in a newspaper of general circulation within the city once a week for two consecutive weeks. The first publication must appear not more than 30 days from the date of the public hearing.

Subd. 2. Modifications. All modifications to the enabling resolution must be by written resolution and must be adopted after notice is given and a public hearing conducted as required for the original adoption of the enabling resolution.

History: 1987 c 291 s 94

469.094 TRANSFER OF AUTHORITY.

Subdivision 1. Economic development, housing, redevelopment powers. The city may, by ordinance, divide any economic development, housing, and redevelopment powers granted under sections 469.001 to 469.047 and 469.090 to 469.108 between the economic development authority and any other authority or commission established under statute or city charter for economic development, housing, or redevelopment.

Subd. 2. Project control, authority, operation. The city may, by resolution, transfer the control, authority, and operation of any project as defined in section 469.174, subdivision 8, or any other program or project authorized by sections 469.001 to 469.047 or sections 469.124 to 469.134 located within the city, from the governmental agency or subdivision that established the project to the economic development authority. The city council may also require acceptance of control, authority, and operation of the project by the economic development authority. The economic development authority may exercise all of the powers that the governmental unit establishing the project could exercise with respect to the project.

When a project or program is transferred to the economic development authority, the authority shall covenant and pledge to perform the terms, conditions, and covenants of the bond indenture or other agreements executed for the security of any bonds issued by the governmental subdivision that initiated the project or program. The economic development authority may exercise all of the powers necessary to perform the terms, conditions, and covenants of any indenture or other agreements executed for the security of the bonds and shall become obligated on the bonds when the project or program is transferred as provided in this subdivision.

Subd. 3. **Transfer of personnel.** Notwithstanding any other law or charter provision to the contrary, the city council may, by resolution, place any employees of the housing and redevelopment authority under the direction, supervision, or control of the economic development authority. The placement of any employees under the direction, supervision, or control of the economic development authority does not affect the rights of any employees of the housing and redevelopment authority, including any rights existing under a collective bargaining agreement or fringe benefit plan. The employees shall become employees of the economic development authority.

History: 1987 c 291 s 95

469.095 COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES, PAY, REMOVAL.

Subdivision 1. **Commissioners.** Except as provided in subdivision 2, paragraph (d), an economic development authority shall consist of either three, five, or seven commissioners who shall be appointed after the enabling resolution provided for in section 469.093 becomes effective. The resolution must indicate the number of commissioners constituting the authority.

Subd. 2. **Appointment, terms; vacancies.** (a) Three-member authority: the commissioners constituting a three-member authority, one of whom must be a member of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, four, and six years, respectively. Thereafter all commissioners shall be appointed for six-year terms.

(b) Five-member authority: the commissioners constituting a five-member authority, two of whom must be members of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of two, three, four, five, and six years respectively. Thereafter all commissioners shall be appointed for six-year terms.

(c) Seven-member authority: the commissioners constituting a seven-member authority, two of whom must be members of the city council, shall be appointed by the mayor with the approval of the city council. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively and two members for six years. Thereafter all commissioners shall be appointed for six-year terms.

(d) The enabling resolution may provide that the members of the city council shall serve as the commissioners.

(e) The enabling resolution may provide for the appointment of members of the city council in excess of the number required in paragraphs (a), (b), and (c).

(f) A vacancy is created in the membership of an authority when a city council member of the authority ends council membership. A vacancy for this or another reason must be filled for the balance of the unexpired term, in the manner in which the original appointment was made. The city council may set the term of the commissioners who are members of the city council to coincide with their term of office as members of the city council.

Subd. 3. **Increase in commission members.** An authority may be increased from three to five or seven members, or from five to seven members by a resolution adopted by the city council following the procedure provided for modifying the enabling resolution in section 469.093.

Subd. 4. **Compensation and reimbursement.** A commissioner, including the president, shall be paid for attending each regular or special meeting of the authority in an amount to be determined by the city council. In addition to receiving pay for meetings, the commissioners may be reimbursed for actual expenses incurred in doing official business of the authority. All money paid for compensation or reimbursement must be paid out of the authority's budget.

Subd. 5. **Removal for cause.** A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall

other law or charter provide any employees of the supervision, or control of any employees under the employment authority does not development authority, including or fringe benefit plan. development authority.

MS, VACANCIES, PAY,

Subdivision 2, paragraph (d), three, five, or seven commissioners provided for in section number of commissioners

Authority: the commissioner may be a member of approval of the city council. two, four, and six years, elected for six-year terms.

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Removed by the city council A commissioner shall be

removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the city council may temporarily suspend the commissioner. If the city council finds that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the city clerk.

History: 1987 c 291 s 96

469.096 OFFICERS; DUTIES; ORGANIZATIONAL MATTERS.

Subdivision 1. **Bylaws, rules, seal.** An authority may adopt bylaws and rules of procedure and shall adopt an official seal.

Subd. 2. **Officers.** An authority shall elect a president, a vice president, a treasurer, a secretary, and an assistant treasurer. The authority shall elect the president, treasurer, and secretary annually. A commissioner must not serve as president and vice president at the same time. The other offices may be held by the same commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.

Subd. 3. **Duties and powers.** The officers have the usual duties and powers of their offices. They may be given other duties and powers by the authority.

Subd. 4. **Treasurer's duties.** The treasurer:

- (1) shall receive and is responsible for authority money;
- (2) is responsible for the acts of the assistant treasurer;
- (3) shall disburse authority money by check only;
- (4) shall keep an account of the source of all receipts, and the nature, purpose, and authority of all disbursements; and
- (5) shall file the authority's detailed financial statement with its secretary at least once a year at times set by the authority.

Subd. 5. **Assistant treasurer.** The assistant treasurer has the powers and duties of the treasurer if the treasurer is absent or disabled.

Subd. 6. **Treasurer's bond.** The treasurer shall give bond to the state conditioned for the faithful discharge of official duties. The bond must be approved as to form and surety by the authority and filed with the secretary. The bond must be for twice the amount of money likely to be on hand at any one time, as determined at least annually by the authority provided that the bond must not exceed \$300,000.

Subd. 7. **Public money.** Authority money is public money.

Subd. 8. **Checks.** An authority check must be signed by the treasurer and one other officer named by the authority in a resolution. The check must state the name of the payee and the nature of the claim that the check is issued for.

Subd. 9. **Financial statement.** The authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the authority's credits and assets, and its outstanding liabilities in a form required for the city's financial statements. The authority shall examine the statement together with the treasurer's vouchers. If the authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.

History: 1987 c 291 s 97

469.097 EMPLOYEES; SERVICES; SUPPLIES.

Subdivision 1. **Employees.** An economic development authority may employ an executive director, a chief engineer, other technical experts and agents, and other employees as it may require, and determine their duties, qualifications, and compensation.

Subd. 2. **Contract for services.** The authority may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.

Subd. 3. **Legal services.** The authority may use the services of the city attorney or hire a general counsel for its legal needs. The city attorney or general counsel, as determined by the authority, is its chief legal advisor.

Subd. 4. **Supplies.** The authority may purchase the supplies and materials it needs to carry out sections 469.090 to 469.108.

Subd. 5. **City purchasing.** An authority may use the facilities of its city's purchasing department in connection with construction work and to purchase equipment, supplies, or materials.

Subd. 6. **City facilities, services.** A city may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to its authority.

Subd. 7. **Delegation power.** The authority may delegate to one or more of its agents or employees powers or duties as it may deem proper.

History: 1987 c 291 s 98

469.098 CONFLICT OF INTEREST.

Except as authorized in section 471.88 a commissioner, officer, or employee of an authority must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.

History: 1987 c 291 s 99

469.099 DEPOSITORIES; DEFAULT; COLLATERAL.

Subdivision 1. **Named; bond.** Every two years an authority shall name national or state banks within the state as depositories. Before acting as a depository, a named bank shall give the authority a bond approved as to form and surety by the authority. The bond must be conditioned for the safekeeping and prompt repayment of deposits. The amount of bond must be at least equal to the maximum sums expected to be deposited at any one time.

Subd. 2. **One bank account.** An authority may deposit all its money from any source in one bank account.

Subd. 3. **Default; collateral.** When authority funds are deposited by the treasurer in a bonded depository, the treasurer and the surety on the treasurer's official bond are exempt from liability for the loss of the deposits because of the failure, bankruptcy, or other act or default of the depository. However, an authority may accept assignments of collateral from its depository to secure deposits just as assignments of collateral are permitted by law to secure deposits of the authority's city.

History: 1987 c 291 s 100

469.100 OBLIGATIONS.

Subdivision 1. **Taxes and assessments prohibited.** An authority must not levy a tax or special assessment, except as otherwise provided in sections 469.090 to 469.108, pledge the credit of the state or the state's municipal corporations or other subdivisions, or incur an obligation enforceable on property not owned by the authority.

Subd. 2. **Budget to city.** Annually, at a time fixed by charter, resolution, or ordinance of the city, an authority shall send its budget to its city's council. The budget must include a detailed written estimate of the amount of money that the authority expects to need from the city to do authority business during the next fiscal year. The needed amount is what is needed in excess of any expected receipts from other sources.

Subd. 3. **Fiscal year.** The fiscal year of the authority must be the same as the year of its city.

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Subd. 4. Report to city. Annually, at a time and in a form fixed by the city council, the authority shall make a written report to the council giving a detailed account of its activities and of its receipts and expenditures during the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the city.

Subd. 5. Audits. The financial statements of the authority must be prepared, audited, filed, and published or posted in the manner required for the financial statements of the city that established the authority. The financial statements must permit comparison and reconciliation with the city's accounts and financial reports. The report must be filed with the state auditor by June 30 of each year. The auditor shall review the report and may accept it or, in the public interest, audit the books of the authority.

Subd. 6. Compliance examinations. At the request of the city or upon the auditor's initiative, the state auditor may make a legal compliance examination of the authority for that city. Each authority examined must pay the total cost of the examination, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received must be deposited in the revolving fund of the state auditor.

History: 1987 c 291 s 101

469.101 POWERS.

Subdivision 1. Establishment. An economic development authority may create and define the boundaries of economic development districts at any place or places within the city if the district satisfies the requirements of section 469.174, subdivision 10, except that the district boundaries must be contiguous, and may use the powers granted in sections 469.090 to 469.108 to carry out its purposes. First the authority must hold a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the city. Also, the authority shall find that an economic development district is proper and desirable to establish and develop within the city.

Subd. 2. Acquire property. The economic development authority may acquire by lease, purchase, gift, devise, or condemnation proceedings the needed right, title, and interest in property to create economic development districts. It shall pay for the property out of money it receives under sections 469.090 to 469.108. It may hold and dispose of the property subject to the limits and conditions in sections 469.090 to 469.108. The title to property acquired by condemnation or purchase must be in fee simple, absolute. The authority may accept an interest in property acquired in another way subject to any condition of the grantor or donor. The condition must be consistent with the proper use of the property under sections 469.090 to 469.108. Property acquired, owned, leased, controlled, used, or occupied by the authority for any of the purposes of this section is for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions. The exemption applies only while the authority holds property for its own purpose. The exemption is subject to the provisions of section 272.02, subdivision 5. When the property is sold it becomes subject to taxation.

Subd. 3. Options. The economic development authority may sign options to purchase, sell, or lease property.

Subd. 4. Eminent domain. The economic development authority may exercise the right of eminent domain under chapter 117, or under its city's charter to acquire property it is authorized to acquire by condemnation. The authority may acquire in this way property acquired by its owner by eminent domain or property already devoted to a public use only if its city's council approves. The authority may take possession of property to be condemned after it files a petition in condemnation proceedings describing the property. The authority may abandon the condemnation before taking possession.

469.101 ECONOMIC DEVELOPMENT

Subd. 5. **Contracts.** The economic development authority may make contracts for the purpose of economic development within the powers given it in sections 469.090 to 469.108. The authority may contract or arrange with the federal government, or any of its departments, with persons, public corporations, the state, or any of its political subdivisions, commissions, or agencies, for separate or joint action, on any matter related to using the authority's powers or performing its duties. The authority may contract to purchase and sell real and personal property. An obligation or expense must not be incurred unless existing appropriations together with the reasonably expected revenue of the authority from other sources are sufficient to discharge the obligation or pay the expense when due. The state and its municipal subdivisions are not liable on the obligations.

Subd. 6. **Limited partner.** The economic development authority may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.

Subd. 7. **Rights; easements.** The economic development authority may acquire rights or an easement for a term of years or perpetually for development of an economic development district.

Subd. 8. **Supplies; materials.** The economic development authority may buy the supplies and materials it needs to carry out this section.

Subd. 9. **Receive public property.** The economic development authority may accept land, money, or other assistance, whether by gift, loan or otherwise, in any form from the federal or state government, or an agency of either, or a local subdivision of state government to carry out sections 469.090 to 469.108 and to acquire and develop an economic development district and its facilities under this section.

Subd. 10. **Development district authority.** The economic development authority may sell or lease land held by it for economic development in economic development districts. The authority may acquire, sell, or lease single or multiple tracts of land, regardless of size, to be developed as a part of the economic development of the district under sections 469.090 to 469.108.

Subd. 11. **Foreign trade zone.** The economic development authority may apply to the board defined in United States Code, title 19, section 81a, for the right to use the powers provided in United States Code, title 19, sections 81a to 81u. If the right is granted, the authority may use the powers. One authority may apply with another authority.

Subd. 12. **Relation to other redevelopment powers.** The economic development authority may exercise powers and duties of a redevelopment agency under sections 469.152 to 469.165, for a purpose in sections 469.001 to 469.047 or 469.090 to 469.108. The authority may also use the powers and duties in sections 469.001 to 469.047 and 469.090 to 469.108 for a purpose in sections 469.152 to 469.165.

Subd. 13. **Public facilities.** The authority may operate and maintain a public parking facility or other public facility to promote development in an economic development district.

Subd. 14. **Government agent.** An economic development authority may cooperate with or act as agent for the federal or the state government, or a state public body, or an agency or instrumentality of a government or a public body to carry out sections 469.090 to 469.108 or any other related federal, state, or local law in the area of economic development district improvement.

Subd. 15. **Studies, analysis, research.** An authority may study and analyze economic development needs in the city, and ways to meet the needs. An authority may study the desirable patterns for land use for economic development and community growth and other factors affecting local economic development in the city and make the result of the studies available to the public and to industry in general. An authority may engage in research and disseminate information on economic development within the city.

Subd. 16. **Public relations.** To further an authorized purpose, an authority may (1) join an official, industrial, commercial, or trade association, or another organization;

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in sections 469.090
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concerned with the purpose, (2) have a reception of officials who may contribute to advancing the city and its economic development, and (3) carry out other public relations activities to promote the city and its economic development. Activities under this subdivision have a public purpose.

Subd. 17. **Accept public land.** An authority may accept conveyances of land from all other public agencies, commissions, or other units of government, if the land can be properly used by the authority in an economic development district, to carry out the purposes of sections 469.090 to 469.108.

Subd. 18. **Economic development.** An authority may carry out the law on economic development districts to develop and improve the lands in an economic development district to make it suitable and available for economic development uses and purposes. An authority may fill, grade, and protect the property and do anything necessary and expedient, after acquiring the property, to make it suitable and attractive as a tract for economic development. An authority may lease some or all of its lands or property and may set up local improvement districts in all or part of an economic development district.

Subd. 19. **Loans in anticipation of bonds.** After authorizing bonds under sections 469.102 and 469.103, an authority may borrow to provide money immediately required for the bond purpose. The loans must not exceed the amount of the bonds. The authority shall by resolution decide the terms of the loans. The loans must be evidenced by negotiable notes due in not more than 12 months from the date of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of the bonds when the bonds are issued and delivered to the bond purchasers. The loan must not be obtained from any commissioner of the authority or from any corporation, association, or other institution of which an authority commissioner is a stockholder or officer.

Subd. 20. **Use of proceeds.** The proceeds of obligations issued by an authority under section 469.103 and temporary loans obtained under subdivision 19 may be used to make or purchase loans for economic development facilities that the authority believes will require financing. To make or purchase the loans, the authority may enter into loan and related agreements, both before and after issuing the obligations, with persons, firms, public or private corporations, federal or state agencies, and governmental units under terms and conditions the authority considers appropriate. A governmental unit in the state may apply, contract for, and receive the loans. Chapter 475 does not apply to the loans.

Subd. 21. **Mined underground space development.** Upon delegation by a municipality as provided in section 469.139, an authority may exercise any of the delegated powers in connection with mined underground space development under sections 469.135 to 469.141.

History: 1987 c 291 s 102

469.102 GENERAL OBLIGATION BONDS.

Subdivision 1. **Authority; procedure.** An economic development authority may issue general obligation bonds in the principal amount authorized by two-thirds majority vote of its city's council. The bonds may be issued in anticipation of income from any source. The bonds may be issued: (1) to secure funds needed by the authority to pay for acquired property or (2) for other purposes in sections 469.090 to 469.108. The bonds must be in the amount and form and bear interest at the rate set by the city council. The authority shall sell the bonds to the highest bidder. The authority shall publish notice of the time and the place for receiving bids, once at least two weeks before the bid deadline. Except as otherwise provided in sections 469.090 to 469.108, the issuance of the bonds is governed by chapter 475. The authority when issuing the bonds is a municipal corporation under chapter 475.

Subd. 2. **Detail; maturity.** The authority with the consent of its city's council shall set the date, denominations, place of payment, form, and details of the bonds. The

bonds must mature serially. The first installment is due in not more than three years and the last in not more than 20 years from the date of issuance.

Subd. 3. **Signatures; coupons; liability.** The bonds must be signed by the president of the authority, be attested by its secretary, and be countersigned by its treasurer. The signatures may be facsimile signatures. The interest coupons if any, must be attached to the bonds. The coupons must be executed and authenticated by the president, engrossed, or lithographed facsimile signature of the authority's president and secretary. The bonds do not impose any personal liability on a member of the authority.

Subd. 4. **Pledge.** The bonds must be secured by the pledge of the full faith, credit, and resources of the issuing authority's city. The authority may pledge the full faith, credit, and resources of the city only if the city specifically authorizes the authority to do so. The city council must first decide whether the issuance of the bonds to the authority is proper in each case and if so, the amount of bonds to issue. The city council shall give specific consent in an ordinance to the pledge of the city's full faith, credit, and resources. The authority shall pay the principal amount of the bonds and interest on it from taxes levied under this section to make the payment or from authority income from any source.

Subd. 5. **Tax levy.** An authority that issues bonds under this section, shall, in issuing them, levy a tax for each year on the taxable property in the authority's jurisdiction. The tax must be for at least five percent more than the amount required to pay principal and interest on the bonds as the principal and interest mature. The tax shall be levied annually until the principal and interest are paid in full. After the bonds have been delivered to the purchasers, the tax must not be repealed until the debt is paid. After the bonds are issued, the authority need not take any more action to authorize, extend, assessing, and collecting the tax. The authority's secretary shall immediately send a certified copy of the levy to the county auditor, together with full information on the bonds for which the tax is levied. The county auditor shall extend and collect the levied tax annually until the principal and interest are paid in full. The authority shall transfer the surplus from the excess levy in this section to a sinking fund for principal and interest for which the tax was levied and collected is paid. The authority may direct its secretary to send a certificate to the county auditor before October 1st in a year. The certificate must state how much available income, including the amount in the sinking fund, the authority will use to pay principal or interest or both on a specified issue of the authority's bonds. The auditor shall then reduce the bond liability for that year by that amount. The authority shall then set aside the certified amount and may not use it for any purpose except to pay the principal and interest on the bonds. The taxes in this section shall be collected and sent to the authority by the county treasurer as provided in chapter 276. The taxes must be used only to pay the bonds when due.

Subd. 6. **Authorized securities.** Bonds legally issued under this chapter are authorized securities under section 50.14. A savings bank, trust company, or insurance company may invest in them. A public or municipal corporation may invest its funds in them. The bonds may be pledged by a bank or trust company as security for the deposit of public money in place of a surety bond.

The authority's bonds are instrumentalities of a public governmental agency.

History: 1987 c 291 s 103

469.103 REVENUE BONDS; PLEDGE; COVENANTS.

Subdivision 1. **Authority.** An economic development authority may declare a resolution to issue its revenue bonds either at one time or in series from time to time. The revenue bonds may be issued to provide money to pay to acquire land needed to operate the authority, to purchase or construct facilities, to purchase, construct, or furnish capital equipment to operate a facility for economic development of an area within the city, or to pay to extend, enlarge, or improve a project under its jurisdiction. The issued bonds may include the amount the authority considers necessary to establish an initial reserve to pay principal and interest on the bonds. The authority

not more than three years
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signed by its treasurer; the
if any, must be attached
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state in a resolution how the bonds and their attached interest coupons are to be executed.

Subd. 2. Form. The bonds of each series issued by the authority under this section shall bear interest at a rate or rates, shall mature at the time or times within 20 years from the date of issuance, and shall be in the form, whether payable to bearer, registrable as to principal, or fully registrable, as determined by the authority. Section 469.102, subdivision 6, applies to all bonds issued under this section, and the bonds and their coupons, if any, when payable to bearer, shall be negotiable instruments.

Subd. 3. Sale. The sale of revenue bonds issued by the authority shall be at public or private sale. The bonds may be sold in the manner and for the price that the authority determines to be for the best interest of the authority. The bonds may be made callable, and if so issued, may be refunded.

Subd. 4. Agreements. The authority may by resolution make an agreement or covenant with the bondholders or their trustee. The authority must first decide that the agreement or covenant is needed or desirable to do what the authority may do under this section and to assure that the revenue bonds are marketable and promptly paid.

Subd. 5. Revenue pledge. In issuing general obligation or revenue bonds, the authority may secure the payment of the principal and the interest on the bonds by a pledge of and lien on authority revenue. The revenue must come from the facility to be acquired, constructed, or improved with the bond proceeds or from other facilities named in the bond-authorizing resolutions. The authority also may secure the payment with its promise to impose, maintain, and collect enough rentals, rates, and charges for the use and occupancy of the facilities and for services furnished in connection with the use and occupancy, to pay its current expenses to operate and maintain the named facilities, and to produce and deposit sufficient net revenue in a special fund to meet the interest and principal requirements of the bonds, and to collect and keep any more money required by the resolutions. The authority shall decide what constitutes "current expense" under this subdivision based on what is normal and reasonable under generally accepted accounting principles. Revenues pledged by the authority must not be used or pledged for any other authority purpose or to pay any other bonds issued under this section or under section 469.102, unless the other use or pledge is specifically authorized in the bond-authorizing resolutions.

Subd. 6. Not city debt. Revenue bonds issued under this section are not a debt of the authority's city nor a pledge of that city's full faith and credit. The bonds are payable only from project revenue as described in this section. A revenue bond must contain on its face a statement to the effect that the economic development authority and its city do not have to pay the bond or the interest on it except from revenue and that the faith, credit, and taxing power of the city are not pledged to pay the principal or the interest on the bond.

Subd. 7. Not applicable. Sections 469.153, subdivision 2, paragraph (e), and 469.154, subdivisions 3, 4, and 5 do not apply to revenue bonds issued under this section and sections 469.152 to 469.165 if the interest on the revenue bonds is subject to both state and federal income tax or if the revenue bond proceeds are not loaned by the authority to a private person.

Subd. 8. Tax increment bonds. Obligations secured or payable from tax increment revenues and issued pursuant to this section or section 469.102 are subject to the provisions of section 469.178.

History: 1987 c 291 s 104

469.104 SECTIONS THAT APPLY IF FEDERAL LIMIT APPLIES.

Sections 474A.01 to 474A.21 apply to obligations issued under sections 469.09 to 469.108 that are limited by a federal limitation act as defined in section 474A.02, subdivision 9, or existing federal law as defined in section 474A.02, subdivision 8.

History: 1987 c 291 s 105

469.105 SALE OF PROPERTY.

Subdivision 1. Power. An economic development authority may sell and convey property owned by it within the city or an economic development district if it determines that the sale and conveyance are in the best interests of the city or district and its people, and that the transaction furthers its general plan of economic development. This section is not limited by other law on powers of economic development authorities.

Subd. 2. Notice; hearing. An authority shall hold a hearing on the sale. At the hearing a taxpayer may testify for or against the sale. At least ten, but not more than 20, days before the hearing the authority shall publish notice of the hearing on the proposed sale in a newspaper. The newspaper must be published and have general circulation in the authority's county and city. The notice must describe the property to be sold and state the time and place of the hearing. The notice must also state that the public may see the terms and conditions of the sale at the authority's office and that at the hearing the authority will meet to decide if the sale is advisable.

Subd. 3. Decision; appeal. The authority shall make its findings and decision on whether the sale is advisable and enter its decision on its records within 30 days of the hearing. A taxpayer may appeal the decision by filing a notice of appeal with the district court in the city or economic development district's county and serving the notice on the secretary of the authority, within 20 days after the decision is entered. The only ground for appeal is that the action of the authority was arbitrary, capricious, or contrary to law.

Subd. 4. Terms. The terms and conditions of sale of the property must include the use that the bidder will be allowed to make of it. The authority may require the purchaser to file security to assure that the property will be given that use. In deciding the sale terms and conditions the authority may consider the nature of the proposed use and the relation of the use to the improvement of the authority's city and the business and the facilities of the authority in general. The sale must be made on the authority's terms and conditions. The authority may publish an advertisement for the property at the same time and in the same manner as the notice of hearing required in this section. The authority may award the sale to the bid considered by it to be most favorable considering the price and the specified intended use. The authority may also sell the property at private sale at a negotiated price if after its hearing the authority considers that sale to be in the public interest and to further the aims and purposes of sections 469.090 to 469.108.

Subd. 5. One-year deadline. Within one year from the date of purchase, the purchaser shall devote the property to its intended use or begin work on the improvements to the property to devote it to that use. If the purchaser fails to do so, the authority may cancel the sale and title to the property shall return to it. The authority may extend the time to comply with a condition if the purchaser has good cause. The terms of sale may contain other provisions that the authority considers necessary and proper to protect the public interest. A purchaser must not transfer title to the property within one year of purchase without the consent of the authority.

Subd. 6. Covenant running with the land. A sale made under this section must incorporate in the deed as a covenant running with the land the conditions of sections 469.090 to 469.108 relating to the use of the land. If the covenant is violated the authority may declare a breach of the covenant and seek a judicial decree from the district court declaring a forfeiture and a cancellation of the deed.

Subd. 7. Plans; specifications. A conveyance must not be made until the purchaser gives the authority plans and specifications to develop the property sold. The authority must approve the plans and specifications in writing. The authority may require preparation of final plans and specifications before the hearing on the sale.

History: 1987 c 291 s 106

its findings and decision on records within 30 days of the date of appeal with the district court and serving the notice on the party. The only ground for reversal is if the decision is arbitrary, capricious, or

from the date of purchase, the contractor begins work on the improvement. If the purchaser fails to do so, the contractor may return to it. The authority of the contractor has good cause. The contractor considers necessary and may transfer title to the property without authority.

The authority may require a hearing on the sale.

History: 1987 c 291 s 107

Subdivision 1. **City tax levy.** A city may, at the request of the authority, levy a tax in any year for the benefit of the authority. The tax must be for not more than .75 mill times the assessed valuation of taxable property in the city. The tax is not subject to levy limits. The amount levied must be paid by the city treasurer to the treasurer of the authority, to be spent by the authority.

Subd. 2. **Reverse referendum.** A city may increase its levy for economic development authority purposes under subdivision 1 in the following way. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or if none exists in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or if none exists in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. The election must be held pursuant to the procedure specified in section 275.58.

History: 1987 c 291 s 108

A city that has established a port authority by special law or that has been granted the power to establish a port authority by special law, or a city whose city council has been authorized to exercise the powers of a port authority by special law may elect to use the powers granted in sections 469.090 to 469.108. If the election is made, the powers and duties set forth in sections 469.090 to 469.108 supersede the special law and the special law must not be used after the election. The use of powers under sections 469.090 to 469.108 by a city described in this section does not impair the security of any obligations issued or contracts or agreements executed under the special law. Control, authority, and operation of any project may be transferred to the authority in the manner provided in section 469.094.

History: 1987 c 291 s 109

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RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT
AUTHORITY FOR THE CITY OF BECKER, MINNESOTA

WHEREAS:

1. The City of Becker, Minnesota ("City"), desires to encourage, attract, promote, and develop economically sound industry and commerce within the City for the prevention of unemployment in the City;

2. To these ends and for these purposes, it is necessary that there be established within the City an entity which can undertake the activities necessary to encourage, attract, promote, and develop economically sound industry and commerce within the City;

3. It is recognized that an economic development authority is a means to these ends, and that the City is authorized and empowered to establish an Economic Development Authority under the provisions of Minn. Stat. § 458C.01, et seq. ("Act");

4. The City Council for the City finds it is in the best interests of the City and its residents that the City establish an economic development authority to encourage, attract, promote, and develop economically sound industry and commerce within the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Becker, Minnesota, as follows:

1. Establishment of Commission. There is hereby established an Economic Development Authority, (hereinafter referred to as the "Authority") which shall consist of members appointed by the City Council from among the residents or freeholders of the City. The Authority shall consist of seven members, two of whom shall be members of the City Council. The members shall be appointed by the Mayor with the approval of the City Council. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively, and two members for six years. Thereafter, all members shall be appointed for six-year terms.

2. Vacancies in Office. A vacancy is created in the membership of the Authority when a City Council member of the Authority ends Council membership. A vacancy for this or another reason must be filled for the balance of the unexpired term in the manner in which the original appointment was made. The City Council may set the term of the members who are members of the City Council to coincide with their term of office as members of the City Council.

3. Removal From Office. A member may be removed by the City Council for inefficiency, neglect of duty, or misconduct in office. A member shall be removed only after a hearing before the City Council, and in accordance with the provisions of the Act.

4. Officers, Rules, Employees, Salaries, and Expenses. The Authority shall elect a president, vice president, treasurer, secretary, and an assistant treasurer, each of which shall perform the

duties of said office in the manner specified in the Act. The Authority shall elect the president, treasurer, and secretary annually. A member may not serve as president and vice president at the same time. The other offices may be held by the same officer. The offices of secretary and assistant treasurer need not be held by an authority member.

5. Adoption of By-Laws and Rules. The authority shall adopt by-laws and rules to govern its procedures and for the transaction of its business and shall keep a record of attendance at its meetings and of resolutions, transactions, findings, and determinations showing the vote of each member on each question requiring a vote; or if absent or abstaining from voting, indicating such fact. The records of the Authority shall be a public record, except for those items classified by law as non-public data. The Authority shall adopt an official seal.

6. Employment Staff. Subject to approval of the City Council and within limits set by appropriations or other funds made available, the Authority may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs. Members of the Authority shall receive a salary or fee to be determined by the City Council for their services and may receive necessary travel, per diem, and other expenses while on official business of the Authority if funds are available for this purpose.

7. Appropriations, Fees, and Other Income. The City Council shall make available to the Authority such appropriations as it deems fit for salaries, fees, and expenses necessary in the conduct of its work. The Authority shall have authority to expend all budgeted sums so appropriated and recommend the expenditures of other sums made available for its use from grants, gifts, and other sources for the purposes and activities authorized by this Resolution.

8. Functions, Powers, and Duties. Except as specifically limited by this Resolution, the Authority shall have all the authority granted it pursuant to the Act including, in general, but not limited to the following:

- a. The Authority may contract for services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.
- b. The Authority may use the services of the City Attorney for its legal needs.
- c. The Authority may purchase the supplies and materials it needs to carry out its duties.
- d. The Authority may use the facilities of the City's purchasing department in connection with construction work and to purchase equipment, supplies, or materials.

e. The Authority may create and define the boundaries of economic development districts as authorized by the Act.

f. The Authority may be a limited partner in a partnership whose purpose is consistent with the Authority's purpose.

g. The Authority may issue general obligation bonds and revenue bonds when authorized by the City Council and pledge as security for the bonds the full faith, credit, and resources of the City or such revenues as may be generated by projects undertaken by the Authority.

h. The Authority may cooperate with or act as agent for the federal or state government or a state public body, or an agency or instrumentality of a government or other public body to carry out the powers granted it by the Act or any other related federal, state, or local law in the area of economic development district improvement.

i. An Authority may study and analyze economic development needs in the City and ways to meet those needs.

j. An Authority may join an official, industrial, commercial, or trade association, or other organization concerned with such purposes, hold receptions of officials who may contribute to advancing the City and its economic development, and carry out other appropriate public relations activities to promote the City and its economic development.

k. The Authority may carry out the law on economic development districts to develop and improve the lands in an economic development district to make it suitable and available for economic development uses and purposes. In general, with respect to an economic development district, the Authority may use all of the powers given an economic development authority by law.

l. The Authority may perform such other duties which may be lawfully assigned to it by the City.

All City employees shall, upon request and within a reasonable time, furnish to the Authority or its employees or agents such available records or information as may be required in its work. The Authority, or its employees or agents, may, in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of this Resolution.

9. Limitations of Power. The actions of the Authority shall be limited as follows:

a. The Authority may not exercise any specific powers contained in the Act, Minn. Stat. § 462, and 472A without the prior approval of the City Council.

b. Except when previously pledged by the Authority, the City Council may, by resolution, require the Authority to transfer any portion of the reserves generated by activities of the Authority that the City Council determines are not necessary for the successful operation of the Authority, to the debt service funds of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.

c. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance.

d. The Authority shall follow the budget process for City departments as provided by the City and as implemented by the City Council and Mayor.

e. All official actions of the Authority must be consistent with the adopted comprehensive plan of the City and any official controls implementing the comprehensive plan.

f. The Authority shall submit all planned activities for influencing the action of other governmental agencies, subdivisions, or bodies to the City Council for approval.

g. The Authority shall submit its administrative structure and management practices to the City Council for approval.

10. Conflicts with Other Resolutions and Separability of Provisions. All resolutions or portions of resolutions in conflict herewith are repealed. Should any section of this Resolution be held unconstitutional or void, the remaining provisions shall nonetheless remain in full force and effect.

11. Effective Date. This Resolution shall take effect immediately upon its adoption as provided in the Act.

Adopted by the City Council of the City of Becker, Sherburne County, Minnesota, on _____, 1986.

CITY OF BECKER, MINNESOTA

By _____
Mayor

Attest:

City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Tuesday, September 16, 1986, the City Council for the City of Becker, Sherburne County, Minnesota, will hold a public hearing in the Becker City Hall in said City at 7 p.m. for the purpose of obtaining public comment prior to committing adoption of an enabling resolution establishing an Economic Development Authority for the City of Becker.

The Economic Development Authority ("Authority") shall consist of five or seven members, two of which shall be members of the City Council, each member, except for Council members, serving for six-year terms. The Authority shall have the power to undertake various activities to encourage and assist economic development within the City and enter such contracts as are necessary to accomplish these activities. The Authority shall also have the power to establish economic development districts within which it may assist economic development through participation in various costs of development. In order to finance these activities, the Authority shall have limited power to issue bonds. The Authority shall be required to follow the budget process for City departments, only undertake official action consistent with the City's comprehensive plan and submit its administrative structure and management practices to the City Council for approval. The Authority will have the power to issue bonds to finance its activities, or to undertake the participation in the cost of development within economic development districts but must obtain prior approval to issue such bonds. The City has limited authority to levy ad valorem taxes for the purpose of financing the activities of the Authority.

The City Council for the City of Becker invites the public to attend this important public hearing. All interested persons will be given an opportunity to be heard. Written and oral comments will be received and considered by the City Council.

By order of the City Council
for the City of Becker, MN
By Janet Boettcher
City Clerk

(Tribune, Aug. 26, Sept. 2, 1986)

Resolution No. -----

RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT
AUTHORITY FOR THE CITY OF SAUK CENTRE, MINNESOTA

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Ordinance

WHEREAS:

1. The City of Sauk Centre, Minnesota ("City"), desires to encourage, attract, promote, and develop economically sound industry and commerce within the City for the prevention of unemployment in the City;
2. To these ends it is necessary that there be established within the City an entity which can undertake the activities necessary to encourage, attract, promote, and develop economically sound industry and commerce within the City;
3. It is recognized that an economic development authority is a means to these ends, and that the City is authorized and empowered to establish an Economic Development Authority under the provisions of Minnesota Statute Section 469 et. seg. ("Act");
4. The City Council for the City finds it is in the best interest of the City and its residents that the City establish an economic development authority to encourage, attract, promote, and develop economically sound industry and commerce within the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sauk Centre, as follows:

I. GRANT OF POWERS

- A. The City Council does hereby establish the Sauk Centre Economic Development Authority. (SCEDA)
- B. Subject to the limitation and conditions set forth in Section II, the authority is granted all powers contained in Minnesota Statute Section 469 et. seg.

II. LIMIT OF POWERS

The following limits are hereby imposed upon the actions of the Sauk Centre Economic Development Authority.

A. Resolution

1. The authority must not exercise any powers without the prior approval of the city council;
2. The sale of all bonds or obligations issued by the authority shall be approved by the city council before issuance;
3. The authority shall follow the budget process

established for city departments.

4. The actions of the authority must be consistent with the adopted comprehensive plan of the city.
5. The authority shall submit its administrative structure and management practices to the city council for approval;

B. Modification of Resolution

1. The resolution may be modified at anytime.

C. Report on Resolution

1. Without limiting the right of the authority to petition the city council at anytime, each year, within 60 days of the anniversary date the authority shall submit a report stating whether and how the enabling resolution should be modified.

III. TRANSFER OF AUTHORITY

A. Project Control, Authority, Operation

1. The city may, by resolution, transfer the control, authority, and operation of any project located within the city from the governmental agency or subdivision that established the project to the SCEDA. The SCEDA may exercise all of the powers that the governmental unit establishing the project could exercise with respect to the project.

B. Transfer of Personnel

1. The city council may, by resolution, place any employee of the housing and redevelopment authority under the direction, supervision, or control of the SCEDA.

IV. COMMISSIONERS

A. Appointment

1. The SCEDA shall consist of three (3) members appointed by the mayor with the approval of the city council. One shall be a member of the City Council.
2. Both Sauk Centre Opportunities and the Sauk Centre Chamber of Commerce shall suggest nominees for the other two (2) positions.

B. Terms

1. Those initially appointed shall be appointed for terms of two, four and six years respectively.
2. Thereafter all commissioners shall be appointed for six-year terms.

C. Vacancies

1. A vacancy is created in the membership when a city council member of the SCEDA ends council membership.
2. A vacancy for this or another reason must be filled for the balance of the unexpired term, in the manner in which the initial appointment was made.
3. The city council may set the term of the commissioner who is a member of the city council to coincide with their term of office as a member of the city council.

D. Increase in Commission Members

1. The authority may be increased from three to five or seven members by a resolution adopted by the city council.

E. Removal for Cause

1. A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office.
2. A commissioner shall be removed only after a hearing.
3. A copy of the charges must be given to the commissioner at least ten days before the hearing.

V. OFFICERS, ORGANIZATIONAL MATTERS

A. Bylaws, Rules, Seal

1. The SCEDA may adopt bylaws and rules of procedure.
2. The SCEDA shall adopt an official seal.

B. Officers

1. The SCEDA shall elect a president, vice president, treasurer, secretary, and assistant treasurer.
2. The SCEDA shall elect the president, treasurer, and secretary annually.
3. A commissioner must not serve as president and vice-president at the same time.
4. The other offices may be held by the same commissioners.
5. The offices of secretary and assistant treasurer need not be held by a commissioner.

VI. EMPLOYEES, SERVICES, SUPPLIES

A. Employees

1. The SCEDA may employ an executive director, a chief engineer, other technical experts and agents, and other employees it may require.
2. The SCEDA shall determine their duties, qualifications and compensation.

B. Contract for Services

1. The SCEDA may contract for the services of professionals needed to perform its duties and exercise its powers.

C. Legal Service

1. The SCEDA may use the services of the city attorney or hire a general council for its legal needs.

D. Supplies and Purchasing

1. The SCEDA may purchase the supplies and materials it needs to carry out its functions.
2. The SCEDA may use the facilities of the city's purchasing department in connection with construction work and to purchase equipment, supplies, or materials.

E. City Facilities

1. The city may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to the EDA.

VII. CONFLICT OF INTEREST

1. Except as authorized in section 471.88 a commissioner, officer, or employee of the SCEDA must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.

VIII. OBLIGATIONS

A. Budget to the City

1. The SCEDA shall send its budget to the council at the time fixed by the charter.
2. The budget must include a detailed written estimate of the amount of money that the authority expects to need from the city to do authority business during the next fiscal year.

B. Fiscal Year

1. The fiscal year of the SCEDA shall be the same as the fiscal year of the city.

C. Report to the City

1. Annually, at a time and in a form fixed by the city council, the SCEDA shall make a written report to the council.
2. The report shall give a detailed account of the EDA's activities and of its receipts and expenditures during the preceding calendar year, together with additional matters and recommendations it deems advisable for the economic development of the city.

D. Audit

1. The financial statements of the SCEDA must be prepared, audited, filed, and published or posted in the manner required for the financial statements of the city.
2. The report must be filed with the state auditor by June 30 of each year.

IX. ECONOMIC DEVELOPMENT DISTRICT; SCHEDULE OF POWERS

A. Establishment

1. The SCEDA may create and define the boundaries of economic development districts.
2. The SCEDA may use the powers granted to carry out its purpose.

B. Acquire Property

1. The SCEDA may acquire by lease, purchase, gift, devise or condemnation proceedings the needed right, title and interest in the property to create economic development districts.
2. Property acquired, shall be leased, owned, controlled, used, or occupied by the SCEDA is for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions.
3. The exemption only applies while the SCEDA holds property for its own purpose.

C. Options

1. The SCEDA may sign options to purchase, sell, or lease property.

D. Contracts

1. The SCEDA may make contracts for the purpose of economic development within the powers given it.

E. Limited Partner

1. The SCEDA may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.

F. Rights; easements

1. The SCEDA may acquire rights or an easement for a term of years or perpetually for development of an economic development district.

G. Supplies; materials

1. The SCEDA may buy the supplies and materials it needs.

H. Receive public property

1. The SCEDA may accept land, money, or other assistance, whether by gift, loan, or otherwise, in any form from the federal or state government, or any agency of either, or a local subdivision of state government.

I. Public Facilities

1. The SCEDA may operate and maintain a public parking facility or other public facilities to promote development in an economic development district.

X. GENERAL OBLIGATION BONDS

A. Authority

1. The SCEDA may issue general obligation bonds in the principal amount authorized by two-thirds majority vote of the city council.
2. The bonds may be issued in anticipation of income from any source. The bonds may be issued:
 - a. to secure funds needed by the SCEDA to pay for acquired property.
 - b. for other purposes in sections 469.090 to 469.108.
3. The bonds must be in the amount and form and bear interest at the rate set by the city council.

B. Maturity

1. The 1st installment shall be due in not more than 3 years and the last in not more than 20 years from the date of issuance.

C. Detail

1. The SCEDA with the consent of the council shall set the date, denominations, place of payment, form, and details of the bonds.

D. Signatures

1. The bonds shall not impose any personal liability on a member of the SCEDA.

E. Pledge

1. The bonds shall be secured by the full faith, credit and resources of the city.
2. The SCEDA may pledge the full faith, credit and resources of the city only if the city specifically authorized the SCEDA to do so.

F. Tax Levy

1. The SCEDA that issues bonds shall, before issuing bonds, levy a tax for each year on the taxable property in the city.
2. The tax shall be for at least 5 percent more than the amount required to pay the principal and interest on the bond as the principal and interest matures.
3. The tax shall be levied annually until the principal and interest are paid in full.
4. After the bonds have been delivered to the purchasers, the tax shall not be repealed until the debt is paid.
5. The SCEDA shall transfer the surplus from the excess levy to a sinking fund after the principal and interest for which the tax was levied and collected is paid.
6. The SCEDA's bonds are instrumentalities of a public governmental agency.

XI. REVENUE BONDS

A. Authority

1. The SCEDA may decide by resolution to issue its revenue bonds either one at a time or in series from time to time.
2. The revenue bonds may be issued to provide money to operate the authority, to purchase or construct facilities, to purchase, construct, install, or furnish capital equipment to operate a facility for economic development.
3. The SCEDA shall state in the resolution how the bonds and their attached interest coupons are to be executed.

B. Revenue Pledge

1. In issuing general obligation or revenue bonds, the SCEDA may secure the payment of the principal and interest on the bonds by a pledge of and lien on authority revenue.
2. The revenue must come from the facility to be acquired, constructed, or imposed with the bond proceeds or from other facilities named in the bond authorizing resolution.

3. Revenue bonds are not a debt of the city nor a pledge of the city's full faith and credit.

XII. LEVY TAXES

A. City Tax Levy

1. The city may, at the request of the SCEDA, levy a tax in any year for the benefit of the SCEDA.
2. The tax shall not be for more than .75 mill.
3. The tax shall not be subject to levy limits.

Passed: October _____, 1988.

President

ATTEST:

City Clerk

Approved by me this _____ day of October, 1988

Mayor

BY-LAWS

OF

COTTAGE GROVE ECONOMIC DEVELOPMENT AUTHORITY

ARTICLE I

Purpose

The Cottage Grove Economic Development Authority (hereinafter the "Authority") is a public body politic and corporate and a political subdivision of the State of Minnesota. The primary purpose of the Authority is to serve as an Economic Development Authority pursuant to Minnesota Statutes 458C as amended 1986. The Authority shall be governed by all requirements of said statute, the Enabling Resolution No. 86-227 (hereinafter the "Resolution") passed by the Cottage Grove City Council and any amendments to the Resolution which may be enacted in the future.

ARTICLE II

Offices and Boundaries

1. The principal office shall be in the City Hall of the City of Cottage Grove, County of Washington, State of Minnesota.
2. The Authority may also have offices at such other places as the Commissioners of the Authority may from time to time appoint, or as the business of the Authority may require.
3. The territory in which operations of the Authority are principally to be conducted consists of the City of Cottage Grove in the County of Washington, State of Minnesota.

ARTICLE III

Board of Commissioners

1. The management of all of the affairs, property and business of the Authority shall be vested in a Board of Commissioners, consisting of five (5) persons, with at least two members of the City Council. Commissioners shall be appointed by the Mayor with the approval of the City Council.
2. The initial terms of the Commissioners shall be for two, three, four, five and six years respectively. Thereafter, all commissioners shall be appointed for six year terms.
3. The Board of Commissioners may exercise all powers of the Authority and do all such lawful acts and things as are directed or required to be done pursuant to law, the enabling resolution or pursuant to these By-Laws.

4. All vacancies in the Board of Commissioners shall be filled by Mayoral appointment with approval by the City Council. A Commissioner selected to fill any vacancy shall hold office for the balance of the unexpired term to which he or she is appointed.

5. Meetings of the Board of Commissioners shall be held at least quarterly in the principal office of the Authority in the City of Cottage Grove, State of Minnesota or at such other place as the Board may establish from time to time. At least five (5) days written notice of such meetings shall be given to the Commissioners.

6. Special meetings of the Board of Commissioners may be called at any time by the President, or, in his/her absence, by the Vice-President or by any two (2) Commissioners, to be held at the principal office of the Authority in the City of Cottage Grove, State of Minnesota, or at such other place or places as the President, Vice President or any two Commissioners calling such meeting may designate. Notice of special meetings of the Board of Commissioners shall be given to each Commissioner at least three (3) days prior to the meeting via telephone, telegram, letter or personally.

7. A quorum at all meetings of the Board of Commissioners shall consist of a majority of the whole Board, but in no case shall a quorum be less than three (3) Commissioners. Less than a quorum may, however, adjourn any meeting, which may be held on a subsequent date without further notice, provided a quorum be present at such deferred meeting.

8. Compensation for attending meetings and actual expenses shall be established from time to time by City Council Resolution.

9. All meetings of the Authority shall be open to the public.

ARTICLE IV

Officers

1. The officers of the corporation shall be a President, a Vice-President, a Secretary, a Treasurer and an Assistant Treasurer who shall be elected to one year terms. They shall hold office until their successors are elected and qualified. The President, Vice-President and Treasurer shall be members of the Board of Commissioners. No person may hold more than one (1) office. The Secretary and Assistant Treasurer need not be members of the Board of Commissioners.

2. The President shall preside at all meetings of the Authority, shall be in charge of the day-to-day operations, shall sign or counter-sign all certificates, contracts and other instruments of the Authority as authorized by the Board of Commissioners, shall make reports to the Board of Commissioners, and shall perform all such other duties as are incident to his/her office or are properly required of him/her by the Board of Commissioners.

3. The Vice-President shall exercise the functions of the President during the absence or disability of the President.
4. The Secretary shall issue notice for all meetings, except for notice of special meetings of the Board of Commissioners called at the request of Commissioners as provided herein may be issued by such Commissioners, shall keep minutes of all meetings, shall have charge of the Authority books, and shall make such reports and perform such other duties as are incident to his/her office, or are properly required to him/her by the Board of Commissioners.
5. The Treasurer shall perform all duties incident to his/her office which are properly required by the Board of Commissioners.
6. In the case of the absence or inability of any officer of the Authority to act and of any person herein authorized to act in his/her place, the Board of Commissioners may from time to time delegate the powers or duties of such officer to any other officer, or any Commissioner whom it may select.
7. Vacancies in any office arising from any cause may be filled by the Commissioners present at any regular or special meeting.

ARTICLE V

Attendance and Expenses

1. Any Commissioner who is absent from three (3) consecutive duly called meetings of the Board shall be deemed to have resigned unless the absentee provides a satisfactory explanation to the President and the President so notes such explanations in the records of the Authority.
2. Commissioners and officers shall be entitled to reimbursement for all reasonable travel and related expense incurred in attendance at meetings and in the performance of duties on behalf of the Authority. Schedules of reimbursable expense shall be established by the Authority from time to time, as ratified by the City Council.

ARTICLE VI

Finance and Administration

1. The monies of the Authority shall be deposited in the name of the Authority in such bank or banks as the Board of Commissioners shall designate, and shall be drawn out only by check signed by two persons designated by resolution by the Board of Commissioners.
2. The fiscal year of the Authority shall be the same as the fiscal year of the City of Cottage Grove.
3. The nature, number, and qualification of the staff required by the authority to conduct its business according to these By-Laws shall be annually determined by the Board of Commissioners. Any agreement shall set forth in

reasonable detail the nature of the services to be performed, the cost basis for such services and the payment to be made by the Authority. Included within the service to be provided under this arrangement shall be necessary contacts with prospective applicants, involved financial institutions, federal or state agencies and the keeping of necessary books of account and records in connection with the Authority business.

4. The books and records of the Authority shall be kept at the "Authority" office in the City of Cottage Grove and State of Minnesota.

5. The affairs of the Authority shall be limited to promoting the growth and development of commercial and industrial concerns in the City of Cottage Grove.

ARTICLE VII

Powers

The Authority may exercise all of its powers, subject to the limitations contained in Article VIII, as are contained in the laws applicable to economic development authorities or housing and redevelopment authorities including but not limited to the following.

1. The Enabling Act, Minnesota Statutes, Chapter 484C.

2. The Housing Act, Minnesota Statutes, Chapter 462.

3. Agency powers contained in the Development Act, Minnesota Statutes, Chapter 472A.

4. The powers of a redevelopment agency contained in the Industrial Bond Act, Minnesota Statutes, Chapter 474.

5. The powers of a City contained in the Housing Finance Act, provided that such powers authorized by ordinance of the City Council pursuant to Minn. Stat. 462C.02, subd. 6 of the Housing Finance Act.

6. The powers of an authority contained in the Tax Increment Act, Minnesota Statutes, Chapter 273.

ARTICLE VIII

Limit of Powers

1. The sale of all bonds issued by the Authority must be approved by the City Council before issuance.

2. The ability of the Authority to participate as a limited partner in a development project must have prior approval of the City Council.
3. All official actions of the Authority must be consistent with the adopted Comprehensive Plan of the City, and any official controls implementing the comprehensive plan.
4. The Authority must submit administrative structure and management practices to the City Council for approval and conduct its affairs consistent with those structures and management practices.

ARTICLE IX

Annual Report and Budget

1. The Authority shall prepare an annual report describing its activities and providing an accurate statement of its financial condition. Said report shall be prepared and submitted to the City of Cottage Grove by March 1st each year.
2. The Authority shall prepare an annual budget projecting anticipated expenses and sources of revenue. Said budget shall be prepared and submitted to the City of Cottage Grove by May 1st each year.

ARTICLE X

Notices

1. Whenever the provisions of the statute or these By-Laws require notice to be given to any Commissioner or officer, they shall not be construed to mean personal notice; such notice may be given in writing by depositing the same in the post office, postage prepaid, addressed to such Commissioner at his or her address as the same appears in the books of the Authority, and the time when the same shall be mailed shall be deemed to be the time of giving of such notice.
2. A waiver of any Notice in writing, signed by a Commissioner, whether before or after the time stated in said Waiver for holding a meeting, shall be deemed equivalent to a Notice required to be given to any Commissioner.

ARTICLE XI

Staff

1. The Authority shall at all times, as specified and directed by the Board of Commissioners, make available professional staff as needed for carrying out the purposes of this Authority. "Staff" shall include city employees and other qualified individuals or organizations, who may from time to time contract with the Authority to provide professional legal, accounting and technical assistance to the Authority.

2. The Staff have the capability to package, process, close and service business financial assistance transactions which the Authority may participate in while pursuing the purposes of the Authority.

The Staff shall be available to receive visitors or respond to business matters over the telephone during normal business hours.

The Staff shall have the capability to provide management advice and services to business concerns in the territory of the Authority, which assistance, when provided, shall further the purposes of the Authority.

The Staff shall also have professional management, legal and accounting capabilities sufficient to insure the proper and efficient operation of the Authority.

3. The number of the Staff shall be as determined by the Board of Commissioners, provided, however, that this number shall be sufficient to meet the requirements of Section 2 of this Article.

Regardless of the number of the Staff, the Staff shall be qualified, based upon education, experience in the opinion of the Board of Commissioners to meet the provisions of Section 2 of this Article.

ARTICLE XII

Seal

1. The official seal of the Authority shall be in the form affixed hereto.

ARTICLE XIII

Indemnification

1. The Authority shall have the power to indemnify any persons, whether officers, Commissioners, employees, agents or other persons acting for or on behalf of the Authority in respect to any and all matters or actions for which indemnification is permitted by the laws of the State of Minnesota, including, without limitation, liability for expenses incurred in defending against actions commenced or threatened.

2. The Authority may purchase and maintain insurance for claims arising out of the actions taken by the Authority and its members, or any threatened claim against the Authority or persons described in paragraph 1 of this Article.

ARTICLE XIV

Amendment of By-Laws

1. Alterations, amendments or repeal of the By-Laws may be made by a majority of the Commissioners entitled to vote at any meeting, if the notice of


such meeting contains a statement of the proposed alteration, amendment or repeal after ratification by the City Council. Notice of any alteration, amendment or repeal of the By-Laws shall be given in writing to each Commissioner at least five (5) days prior to the meeting at which said proposed alteration, amendment or repeal shall be considered.

ARTICLE XV

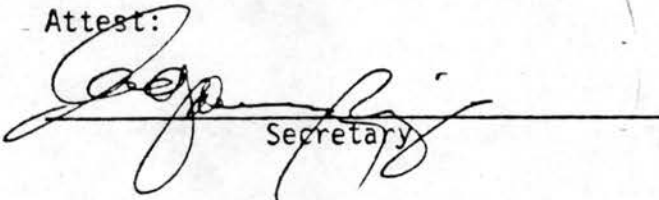
Miscellaneous

1. All meetings of the Authority shall be governed by Roberts Rules of Order, Revised.
2. The Authority shall adopt and maintain a conflict of interest policy which shall be applicable to all actions to be taken by the Commissioners or officers.

Passed this 10th day of August 1987.



President

Attest:


Secretary

BY-LAWS
OF
GRAND RAPIDS ECONOMIC DEVELOPMENT AUTHORITY

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Miscellaneous

ARTICLE I

Purpose

The Grand Rapids Economic Development Authority is a public body politic and corporate and a political subdivision of the State of Minnesota. The primary purpose of the Authority is to serve as an Economic Development Authority pursuant to Minnesota Statutes 458C. The authority shall be governed by all requirements of said statute, the Enabling Resolution No. 86-82 passed by the Grand Rapids City Council and any amendments to the Enabling Resolution which may be enacted. The affairs of the Authority shall include, but not be limited to, promoting growth and development of commercial and industrial concerns in the City of Grand Rapids.

ARTICLE II

Office and Boundaries

1. The principal office shall be at the City Hall of the City of Grand Rapids, County of Itasca, State of Minnesota.
2. The territory in which operations of the corporation are principally to be conducted consists of corporate municipal boundaries of the City of Grand Rapids, in the State of Minnesota.

ARTICLE III

Board of Commissioners

1. The management of all of the affairs, property and business of the Authority shall be vested in a Board of Commissioners, consisting of five (5) persons. The City Council members shall be appointed by the Mayor to serve as commissioners of the EDA on approval of the City Council.
2. The terms of the Commissioners shall be concurrent with the Council members terms of office.
3. The Board of Commissioners may exercise all powers of the Authority and do all such lawful acts and things as are required or permitted to be done pursuant to law, the enabling resolution or pursuant to these by-laws.
4. Meetings of the Board of Commissioners shall be held at least quarterly in the principal office of the Authority in the City of Grand Rapids, State of Minnesota, or at such other place as the Board may establish from time to time. A calendar of meetings shall be set at the first meeting of the year.
5. Special meetings of the Board of Commissioners may be called at any time by the President, or, in his absence, by the Vice-President or by any two (2) Commissioners, to be held at the principal office of the Authority in the City of Grand Rapids, State of Minnesota, or at such other place or places as the Authority may from time to time designate. Notice of special meetings of the Board of Commissioners shall be given to each Commissioner at least 24 hours prior to the meeting as per Article X.

6. A quorum at all meetings of the Board of Commissioners shall consist of majority of the whole board, but in no case shall a quorum be less than three Commissioners. Less than a quorum may, however, adjourn any meetings, which may be held on a subsequent date without further notice, provided a quorum is present at such deferred meeting.

7. No stated salary shall be paid Commissioners for their services, but, by subsequent resolution of the Board of Commissioners, expenses may be reimbursed for attendance at each regular or special meeting of such Board; provided that nothing herein contained shall be construed to preclude any Commissioner from serving the Authority in any capacity and receiving compensation therefor. Salaries may be set by Council according to M.S. 458C.08, Subd. 4.

ARTICLE IV

Officers

1. The officers of the corporation shall be a President, Vice-President, Treasurer and an Assistant Treasurer. The officers shall be elected to a one-year term. They shall hold office until their successors are elected and qualified. The President, Vice-President and Treasurer shall be members of the Board of Commissioners. The Secretary and Assistant Treasurer need not be a member of the Board of Commissioners and shall be appointed by the Board.

2. The President shall preside at all meetings of the Authority, shall be in charge of the day-to-day operations, shall sign or counter-sign all certified contracts and other instruments of the Authority as authorized by the Board of Commissioners, shall make reports to the Board of Commissioners, and shall perform all such other duties as are incident to the office or are properly required of the officer by the Board of Commissioners.

3. The Vice-President shall exercise the functions of the President during absence or disability of the President.

4. The Secretary shall issue notice for all meetings, except that notice for meetings of Commissioners called at the request of Commissioners as provided in the Statute may be issued by such Commissioners, shall keep minutes of all meetings, shall have charge of the Authority books, and shall make such reports and perform other duties as are incident to this office, or are properly required by the Board of Commissioners.

5. The Treasurer shall perform all duties incident to the office which are required of the Treasurer by the Board of Commissioners as set forth in Mississippi Statute 458C.09, Subd. 4.

6. In the case of the absence or inability to act of any officer of the Authority and of any person herein authorized to act in place of the officer, the Board of Commissioners may from time to time delegate the powers and duties of such officer to any other officer, or any Commissioner whom it may select.

7. Vacancies in any office arising from any cause may be filled by the Board of Commissioners at any regular or special meeting.

8. The fees, if any, of all contracted agents of the Authority shall be fixed by the Board of Commissioners.

ARTICLE V

Attendance and Expenses

1. Commissioners and officers shall be entitled to reimbursement for all reasonable travel and related expense incurred in attendance at meetings and in the performance of duties on behalf of the Authority. Schedules of reimbursable expense shall be established by the Authority from time to time.

ARTICLE VI

Finance and Administration

1. The monies of the Authority shall be deposited in the name of the Authority in official city depositories, and shall be drawn out only by check signed by persons designated by resolution by the Board of Commissioners.
2. The fiscal year of the Authority shall be the same as the fiscal year of the municipality.
3. The nature, number and qualification of the staff required by the authority to conduct its business according to these by-laws shall comply with Minnesota Statutes 458.C.10.
4. The books and records of the Authority shall be kept at the Authority office in the City of Grand Rapids and State of Minnesota.

ARTICLE VII

Powers

1. The Authority may exercise all of the powers contained in the Enabling Act, Minnesota Statutes, Chapter 458 C. Amended 1986.
2. The Authority may exercise all of the powers contained in the Housing Act, Minnesota Statutes, Chapter 462.
3. The Authority may exercise all of the powers of an Agency contained in the Development Act, Minnesota Statutes, Chapter 472A.
4. The Authority may exercise all of the powers of a redevelopment agency contained in the Industrial Bond Act, Minnesota Statutes, Chapter 474.
5. The Authority may exercise all of the powers of a city contained in the Housing Finance Act, provided authorized to do so by ordinance of the Council pursuant to Section 462C.02, Subdivision 6 of the Housing Finance Act.
6. The Authority may exercise all of the powers of an authority contained in the Tax Increment Act, Minnesota Statutes, Chapter 273.
7. The Authority may exercise such powers as may be contained in other laws applicable to economic development authorities or housing and redevelopment authorities not specifically described herein.

ARTICLE VIII

Limit of Powers

1. The sale of all bonds issued or levying of taxes by the authority must be approved by the City Council before issuance.
2. The ability of the Authority to participate as a limited partner in a development project must have prior approval of the City Council.
3. All official actions of the Authority must be consistent with the adopted comprehensive plan of the City, and any official controls implementing the comprehensive plan.
4. The Authority must submit administrative structure and management practices to the City Council for approval.

ARTICLE IX

Annual Report and Budget

1. The Authority shall prepare an annual report describing its activities and providing an accurate statement of its financial condition, together with additional matters and recommendations it deems advisable for the economic development of the city. Said report shall be prepared and submitted to the City of Grand Rapids by March 1 each year.
2. The Authority shall prepare an annual budget projecting anticipated expense and sources of revenue. Said report shall be prepared and submitted to the City of Grand Rapids by September 1 each year.

ARTICLE X

Notices

1. At least one day before the meeting, the secretary shall notify each member of the time, place and purpose of the meeting by phone or written notice delivered to the member personally or by leaving a copy at the home of the member with some person of suitable age and discretion. Special meetings may be set without prior written notice when all commission members are present at the meeting or consent in writing or by phone to the secretary.

ARTICLE XI

Staff

1. An economic development authority may employ an executive director, a chief engineer, other technical experts and agents, and other employees as it may require, and determine their duties, qualifications, and compensation.
2. The authority may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.
3. The authority may use the services of the city attorney or hire a general counsel for its legal needs. The city attorney or general counsel, as determined by the authority, is its chief legal advisor.

4. A city may furnish offices, structures and space, and stenographic, clerical, engineering, or other assistance to its authority.
5. The authority may delegate to one or more of its agents or employees powers or duties as it may deem proper.

ARTICLE XII

Seal

1. The official seal of the Authority shall be in the form affixed hereto.

ARTICLE XIII

Indemnification

1. The authority shall have the power to indemnify officers, Commissioners, - and employees, acting for or on behalf of the Authority in respect to any and all matters or actions for which and to the extent that indemnification is permitted by the laws of the State of Minnesota.
2. In its discretion the Authority may purchase insurance in conjunction with the indemnification provisions of Section 1 above.

ARTICLE XIV

Amendment of By-Laws

1. Alterations, amendments or repeal of the By-Laws may be made by a majority of the Commissioners entitled to vote at any meeting, if the notice of such meeting contains a statement of the proposed alteration, amendment or repeal. Notice of any alteration, amendment or repeal of the By-Laws shall be given in writing to each Commissioner at least ten (10) days prior to the meeting at which said proposed alteration, amendment or repeal shall be considered.

ARTICLE XV

Miscellaneous

1. All meetings of the Authority shall be governed by Roberts Rules of Order, Revised.
2. Except as authorized in section 471.88 a Commissioner, officer, or employee of an authority must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.