



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

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COUNCIL AGENDA

October 3, 1989

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on October 3, 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

A Dulgar
P Olson *arrived 9:45 p.m.*
P Kennedy
P Monk
P Barber
P George

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

* *The Mayor introduced new Fire Chief Kevin Mc Ginty.*

The Mayor acknowledged a donation in the amount of \$4500 from the Crystal Lions for an Officer Exchange Program and a donation from the Elks Lodge #44 for \$43.45 for the D.A.R.E. Program.

The Mayor read a proclamation proclaiming October 18, 1989 as American Field Service Intercultural Programs Day. *S/M to approve the proclamation. Motion Carried.*

1. The City Council considered the minutes of the Regular City Council meeting of September 19, 1989 and the Special Worksession of September 18, 1989.

Moved by Councilmember C and seconded by Councilmember R to (approve) (approve, making the following exceptions: _____)

to) the minutes of the Regular City Council meeting of September 19, 1989 and the Special Worksession of September 18, 1989.

Councilmember abstained from approval of the regular meeting of September 19, 1989 which she did not attend.

Motion Carried.

CONSENT AGENDA

1. Consideration of a change in dates on a solicitor's permit for Minnesota Public Interest Research Group (MPIRG).
2. Consideration of resignation of Lois Darg from the Human Relations Commission.
3. Consideration of resignation of Lois Ehret from the Human Relations Commission.

Moved by Councilmember _____ and seconded by Councilmember _____ to remove items _____, _____, and _____ from the Consent Agenda. Motion Carried.

Moved by Councilmember S and seconded by Councilmember G to approve the Consent Agenda.

Motion Carried.

PUBLIC HEARINGS

1. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor 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 7.5' in the required 30' front yard setback and 3.5' in the required 5' side yard setback for construction of a 20' x 20' attached garage at 5062 Quail Avenue North. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were:

Jerry Ackerman, 5038 Quail Ave. No. (opposed)

Cindy Trayseth, 5062 Quail Ave. No. (applicant)

Walter Ranik, 5032 Quail Ave. No. could not attend meeting but delivered a written objection to approval of the variance.

The Mayor closed the Public Hearing.

Moved by Councilmember S and seconded by Councilmember L to (grant as recommended by and based on the findings of fact of the Planning Commission) (deny) (continue until _____ the discussion of) the authorization pursuant to Section 515.55 of the Crystal City Code to vary or modify the strict application of Section 515.13, Subd. 2 a) and Section 515.13, Subd. 3 a) 1) granting a variance of 7.5' in the required 30' front yard setback and 3.3' in the required 5' side yard setback for construction of a 20' x 20' attached garage at 5062 Quail Avenue North as requested in applications #89-27 and #89-28.

Motion Carried.

S/C to continue public hearing to Oct. 17, 1989 for staff and applicant to explore alternative plans for the project.

Motion carried.

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 consider assessments for: A) The 1989 Sealcoat Program Project #89-2, B) Curb and Gutter Improvement Project #89-5, C) Alley Improvement Project #89-6, D) Sidewalk Repair Project #89-7, E) Diseased Tree Removal and Weed Cutting and Debris Removal, and F) Delinquent Sewer, Water, Recycling and Street Lighting Charges. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were:

A. 1989 Sealcoat Project #89-2:

- Muriel Stewart, 4600 Colorado Ave. No. (written appeal also received from Joseph and Muriel Stewart).
- Tony McLaughlin, 4706 Zane Ave. No.
- Macy Seymour, 4841 Hampshire Ave. No.

B. Curb and Gutter Improvement Project #89-5

Tony McLaughlin, 4706 Zane Ave. No.

C. Alley Improvement Project #89-6

Greg Smith, 3835 Vera Cruz Ave. No. (Overlay 2" above his blocktap - water will sit in his driveway)

The Mayor closed the Public Hearing.

- A. Moved by Councilmember S and seconded by Councilmember R to adopt the following resolution, the reading of which was dispensed with by unanimous consent; *with side-yard benefit to double bungalows*

RESOLUTION NO. 89-66

RESOLUTION ADOPTING ASSESSMENT FOR THE
1989 SEALCOAT PROGRAM, PROJECT #89-2

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

Motion carried, resolution declared adopted.

- B. Moved by Councilmember G and seconded by Councilmember M to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 89-67

RESOLUTION ADOPTING ASSESSMENT
CURB & GUTTER IMPROVEMENT, PROJECT #89-5

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

Motion carried, resolution declared adopted.

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

RESOLUTION NO. 89-68

RESOLUTION ADOPTING ASSESSMENT FOR
ALLEY IMPROVEMENT, PROJECT #89-6

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

Motion carried, resolution declared adopted.

- D. Moved by Councilmember S and seconded by Councilmember G to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 89-69

RESOLUTION ADOPTING ASSESSMENT FOR
SIDEWALK REPAIR, PROJECT #89-7

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

Motion carried, resolution declared adopted.

- E. Moved by Councilmember M and seconded by Councilmember G to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 89-70

RESOLUTION ADOPTING ASSESSMENT FOR
DISEASED TREE REMOVAL AND WEED CUTTING
AND DEBRIS REMOVAL

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

Motion carried, resolution declared adopted.

- F. Moved by Councilmember L and seconded by Councilmember S to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 89-71

RESOLUTION ADOPTING ASSESSMENT FOR
DELINQUENT SEWER, WATER, RECYCLING
AND STREET LIGHTING CHARGES

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

Motion carried, resolution declared adopted.

Recess 8:15 pm
Resumed 8:30 pm.
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 to expand a non-conforming use (said non-conformity being bar/restaurant in an industrial area) and structure (insufficient setback) and a variance of 24 off street parking spaces to permit an outside cafe at 4900 West Broadway. The Mayor asked those present to voice their opinions or to ask questions concerning the variances. Those present and heard were: **(5 votes needed for approval)**

Bill Mavity, Attorney for Steven Weisman
Steven Weisman, Owner of Steve O's.

Jim Kraker, 4913 Vera Cruz Ave. No.

Ruth Hunt, 4824 Xenia Ave. No.

Aick Espeland, 4843 Xenia Ave. No.

Mayor announced the EDA meeting would immediately follow the City Council meeting.

The Mayor closed the Public Hearing.

Moved by Councilmember R and seconded by Councilmember S to (grant) (deny as recommended by and based on the findings of fact of the Planning Commission) (continue until *to next possible meeting allowing staff and applicant to work up a more definite plan*) the authorization pursuant to Section 515.05 of the Zoning Code to expand a non-conforming use, said non-conformity being bar/restaurant in an industrial area and a structure with insufficient setback; and a variance of 24 off street parking stalls (Section 515.09, Subd. 8 v) of the Zoning Code) to permit an outside cafe at 4900 West Broadway as requested in applications #89-31, and #89-32.

Motion Carried.

Findings of Fact:-**REGULAR AGENDA**

1. The City Council considered awarding of a bid for playground equipment at Kentucky & Cavanagh Parks.

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

RESOLUTION NO. 89- 72

RESOLUTION AWARDING A BID *to Viking Fence*

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

Motion carried, resolution declared adopted.

*Recess 9:40 P.M.
Resumed 9:50 P.M.*

2. The City Council considered the Second Reading of an Ordinance to consider Franchise Agreement with Northern States Power Company.

Peter Carney, Manager of Rate Administration for N.S.P.

Moved by Councilmember M and seconded by Councilmember G to adopt the following ordinance:

ORDINANCE NO. 89- 20

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF CRYSTAL, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES

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

Motion Carried.

3. The City Council considered the Second Reading of an Ordinance amendment to the Charitable Gambling Ordinance.

Moved by Councilmember S and seconded by Councilmember R to adopt the following ordinance:

ORDINANCE NO. 89- 21

AN ORDINANCE RELATING TO CHARITABLE GAMBLING: REPEALING CRYSTAL CITY CODE, SUBSECTION 1100.19, SUBDIVISION 11; AMENDING CRYSTAL CITY CODE, SUBSECTION 1100 BY ADDING A SUBDIVISION

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

Motion Carried.

4. The City Council considered the Second Reading of an Ordinance relating to compensation of members of the City Council.

Moved by Councilmember C and seconded by Councilmember G to adopt the following ordinance:

ORDINANCE NO. 89-22

AN ORDINANCE RELATING TO
COMPENSATION OF MEMBERS OF THE
CITY COUNCIL: REPEALING
CRYSTAL CITY CODE, SUBSECTION 210.07

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

Aye: G, R, C, H

No: M, L

Abstain: S

Motion Carried.

5. The City Council considered an appropriation of \$1147 for maintenance and support of the Animal Humane Society.

No action was taken.

Moved by Councilmember X and seconded by Councilmember X to remove from the table.

Motion Carried.

Moved by Councilmember X and seconded by Councilmember X to (approve) (deny) (continue until X the discussion of) appropriation of \$1147 for maintenance and support of the Animal Humane Society.

Motion Carried.

6. The City Council considered a resolution amendment to Project Air Agreement.

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

RESOLUTION NO. 89-73

RESOLUTION AUTHORIZING AMENDMENT TO
THE PROJECT AIR AGREEMENT

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

Motion carried, resolution declared adopted.

7. The City Council discussed the rescheduling of the City Council/Environmental Quality Commission Worksession.

By common consent the City Council
~~Moved by Councilmember _____ and seconded by Councilmember _____ to~~
~~set 7:00 p.m. on Nov. 16, 1989 for a work session with the~~
~~Environmental Quality Commission to discuss the Housing Maintenance~~
~~Code.~~

~~Motion Carried.~~

8. The City Council discussed the update on Brooklyn Park Redevelopment Plan north of 62nd Avenue. Council directed staff to send residents in the affected area an update.

9. The City Council Considered a nonencroachment agreement between the City of Crystal and Hennepin County for Federal-aid highway improvement.

Moved by C.M. S and seconded by C.M. L to approve the ~~Agreement between the City of Crystal and Hennepin County for Federal-Aid Highway Improvement, and further, to authorize the Mayor and City Manager to sign such agreement.~~

Motion Carried

adopt the following resolution, etc.

Resolution No. 89-74

A Resolution Approving Agreement No. 51-09-89
Between Crystal + Hennepin County for
Federal Aid Highway Improvements For
Medicine Lake Rd.

Roll Call + A.L.

Motion Carried, Resolution declared adopted.

OPEN FORUM

Infomural Disc. . . .

- * The City Council discussed a circulator bus system in the Northern suburbs.

S/L to approve Crystal's share (approximately \$200) to fund a study of a circulator bus system for the northern suburbs, including cities of Crystal, Brooklyn Park, Maple Grove and Osseo.

Motion Carried

- * The Mayor read a proclamation proclaiming the week of October 15-21, 1989 as National Business Women's Week in the City of Crystal.

INFORMAL DISCUSSION AND ANNOUNCEMENTS

- * The District 281 referendum was discussed. Consensus of the Council was to have Patricia Neils, ^{School Board Chair} of Dist. 281 appear at a Council meeting explaining the referendum as well as discussion of Thorson School ^{Michelle Field} and Cavanagh Park.
- * Budget hearing was discussed. Consensus was to put on hold until further information is received from the State.
- MAC Capital Improvement Program was discussed - Crystal concerns to be addressed to the Tri-City Airports Commission.
 - House at 5400 - 35th Ave. No. was discussed.
 - Human Relations Commission special meeting Oct. 16 on group homes.

Moved by Councilmember S and seconded by Councilmember R to approve the list of license applications.

Motion Carried.

Moved by Councilmember S and seconded by Councilmember R to adjourn the meeting.

Motion Carried.

Meeting adjourned at 10:40 p.m.

- * The City Council recognized the dedication of Red Sochacki Park in Robbinsdale. Mr. Sochacki is now a resident of Crystal and a member of the Crystal Park & Recreation Commission.
- C.M. Rygg gave report on A.M.M.
 - C.M. Rygg asked if ~~any~~ Council objected to his attendance at the Annual Congress of Cities Conference in Atlanta. No objection was received.

APPLICATIONS FOR LICENSE

October 5, 1989

GAS FITTER'S LICENSE - \$30.25

Gadtke Plumbing, 3510 N. Kilmer Lane, Plymouth, MN 55441

Guaranty Heating Company, 11741 Elm Creek Road, Osseo, MN
55369

PLUMBER'S LICENSE - \$30.25

Williams Mechanical, 11504 K-Tel Drive, Minnetonka, MN 55343

LeVasseur Plumbing Company, 1010 Ferndale, Maplewood, MN
55119

Southtown Plumbing, 6636 Penn Ave. S., Richfield, MN 55423

Sent with Preliminary Agenda on September 29, 1989:

Memo from Police Chief dated 9-18-89 re: Donations
Letter from AFS Special Events Task Force dated
July 24, 1989; proclamation.
Minutes of the September 19, 1989 Council meeting.
Minutes of the September 18, 1989 Special Work
Session of the City Council.
Memo from City Clerk dated 9-26-89 re: MPIRS
solicitor's permit.
Letter from Lois Darg of the Human Relations
Commission dated 9-10-89 resigning as commissioner.
Memo from Admin. Secretary dated 9-27-89 re: Resig-
nation of Lois Ehret from the Human Relations
Commission.
Memo from Bldg. Inspector dated 9-7-89 re: Variances
at 5062 Quail Avenue North.
Notice of Public Hearing for 5062 Quail Ave. as
returned by Walter Ranik, 5032 Quail with comment
regarding variances.
Appeal to Sealcoat Assessment by Joseph W. and
Muriel L. Stewart, 4600 Colorado Ave. No.
Memo from City Engr. dated 9-26-89 along with
resolutions for same re: Assessment Hearing for
1989 Projects.
Petition from residents re: outside cafe at
4900 W. Broadway.
Memo from City Engr. dated 9-7-89 re: Outside Cafe
at Steve O's, 4900 West Broadway.
Memo from Park & Rec. Director dated 9-27-89 re:
Bids for playground equipment at City Parks.
Northern States Power Co. Franchise Policy; Ordinance
re: franchise - N.S.P.
Ordinance relating to charitable gambling
Letter from City Attorney dated 9-27-89 along with
ordinance relating to compensation of council-
members.
Letter from Animal Humane Society dated 9-22-89.
Memo from Community Development Coordinator dated
9-27-89 re: amendment to 3-party project air
agreement.
Memo from Comm. Development Coordinator dated
9-27-89 re: City Council/Environmental Quality
Commission Work Session.

Memo from City Engr. dated 9-25-89 re: Brooklyn
Park Redevelopment North of 62nd Avenue.
Letter from Hennepin County Dept. of Public Works
dated 9-25-89 re: Agreement for Medicine Lake Road;
copy of agreement.
Memo from Asst. City Mgr. dated 10-3-89 re: EDA
Advisory Commission Applications.
Memo from Finance Director and Asst. Finance Director
dated 10-3-89 re: Impact of New Property Tax Law.
Memo from Bldg. Inspector and Supervising Sanitarian
dated 9-21-89 re: Refuse Enclosures.
Memo from Supervising Sanitarian dated 9-21-89 re:
Refuse Enclosures.
Minutes of the Environmental Quality Commission's
Special Meeting of 8-31-89.
Letter from MAC dated 9-22-89 re: Environmental
Review Process.
Human Relations Commission minutes of 8-28-89.
Letter from Superamerica dated 9-18-89 re: newly
formed corporation, Birch Bru, Inc.
Letter from Kimberly Kantorowicz dated 9-25-89
re: Miss Minnesota National Teen-Ager 1989.
Memo from Admin. Secretary dated 9-29-89 re: 6427 -
41st Avenue North.
Park & Rec. Advisory Commission Agenda for 10-4-89.
Copy of City of Crystal Newsletter for October 1989.
Action Needed Memo from 9-19-89 Council meeting.
Letter from District #281 dated 9-29-89 re: levy
referendum for November 7.
Letter from City Attorney's Office dated 4-20-89
re: Review of SRA Achievements; minutes of the
quarterly meeting of the suburban rate authority.
Letter from Paster Enterprises dated 10-2-89
re: holiday banners promotion.
Announcement from MN Dept. of Human Rights re: No
Fault Grievance Training sessions.

Memorandum

DATE: September 29, 1989
TO: Mayor and Council
FROM: John A. Olson, Assistant City Manager
SUBJECT: Preliminary Agenda for the October 3, 1989 Council Meeting

As you know Jerry is out of town attending a City Managers' Conference and then will be gone on vacation through Wednesday of next week. Therefore, he will not be at the Council meeting Tuesday night. I am chairman of a committee to set the junior high school boundaries for School District 279 and will have to make the presentation on the boundary changes to the District 279 School Board on Tuesday night beginning at 7:30. Therefore, I will not be at the Council meeting but you will be ably assisted by the remaining staff headed by Bill Monk. The items are fairly simple and few in number. I will make comments on a few of them for you for more background.

Bill Barber will cover the first Public Hearing and Bill Monk will cover Public Hearing #2 and 3.

Regular Agenda:

Item #1. Both Bill and Ed will be able to discuss this bid with you on Tuesday evening so if you have any questions after reading the material enclosed you can ask them at that time.

Items #2, #3, and #4 are Second Readings of Ordinances which you had information given to you previously.

Item #5. You will note a letter from the Animal Humane Society indicating their sources of funds and the locations of their pulltab operations. At this time I do not see any reason to change Jerry's recommendation about not honoring their request, however, if you do so please remember you will have to add this to items to discuss at your budget hearings later this month.

Item #6. Julie Jones will be present at the meeting to discuss this item. It is a project to provide weather stripping and minor insulation for persons who cannot afford that work done in their homes.

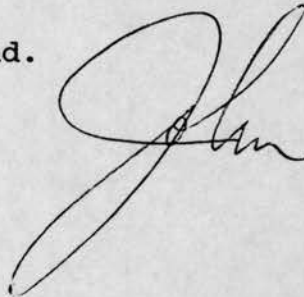
Item #7. Again Julie Jones will be present at the meeting to discuss this, however, the Environmental Quality Commission finds that the dates selected by the Council will not work out for them and is suggesting Saturday, November 11, or Thursday, November 16, as possible meeting dates.

Item #8. This report from Bill Monk is mainly an update to remind the Council of where the project was left at the last time discussion was held. Bill will try to answer the questions for you at the meeting.

Mayor Herbes has asked that the appointments of some members of the EDA Advisory Commission be placed on the agenda so that the commission itself can start to organize. At this point we only have three applications and if we receive more by the time this agenda needs to be sent out, we will include those with the packet. However, I believe since the newsletter is going out mid-October we will receive more applications at that time and may want to consider holding off appointments until the first meeting in November.

All of you have a nice weekend.

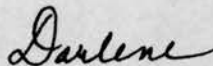
JAO/js



P.S.

John Olson has gone out of town and as you know, Jerry is gone also. I received the new draft of the Council salary ordinance for second reading from the City Attorney. I spoke with Mr. Kennedy regarding the figures he has inserted and he asked that this be brought to your attention in the preliminary agenda. My understanding was a 15% increase - 5% for each of the next 3 years beginning January 1, 1990, which would be 15% of your current salary divided by three and 1/3 given each of the next three years. Mr. Kennedy has figured 5% each year for the next three years, which is slightly more than 15% over a three-year period. Please be prepared to clarify for the second reading of the ordinance on Tuesday.

Have a nice weekend!



COUNCIL AGENDA - SUMMARY

COUNCIL MEETING OF
OCTOBER 3, 1989

Call to order

Roll call

Pledge of Allegiance to the Flag

Acknowledgement of \$4500 donation from Crystal Lions for an Officer Exchange Program; and \$43.45 from Elks Lodge #44 for the D.A.R.E. Program.

Consideration of a proclamation proclaiming October 18, 1989 as AFS Intercultural Programs Day.

Approval of the minutes of the regular meeting of September 19, 1989 and Special Work Session of September 18, 1989.

Consent Agenda

1. Consideration of a change in dates on a solicitor's permit for Minnesota Public Interest Research Group (MPIRG).
2. Consideration of resignation of Lois Darg from the Human Relations Commission.
3. Consideration of resignation of Lois Ehret from the Human Relations Commission.

Public Hearings

1. Public hearing to consider variances for construction of a 20' x 20' attached garage which will encroach in the required 30' front yard setback and 5' side yard setback at 5062 Quail Avenue North.
2. Public hearing to consider assessments for:
 - a. 1989 Sealcoat Program
 - b. Brunswick Avenue Curb and Gutter Improvement between 46th and 47th Avenues
 - c. Alley Improvement between 38th & 39th Avenues and west of Vera Cruz
 - d. 1989 Sidewalk Program
 - e. Diseased Tree Removal and Weed Cutting and Debris Removal
 - f. Delinquent Sewer, Water, Street Lighting, and Recycling Charges

3. Public hearing to consider non-conforming use and parking variances for outside cafe at Steve O's, 4900 West Broadway.

Regular Agenda Items

1. Consideration of awarding of bids for playground equipment at Kentucky & Cavanagh Parks.
2. Consideration of Second Reading of an Ordinance to consider Franchise Agreement with Northern States Power Company.
3. Consideration of Second Reading of an Ordinance amendment to the Charitable Gambling Ordinance.
4. Consideration of Second Reading of an Ordinance relating to compensation of members of the City Council.
5. Consideration of an appropriation of \$1147 for maintenance and support of the Animal Humane Society.
6. Consideration of a resolution amendment to Project Air Agreement.
7. Discussion of rescheduling City Council/Environmental Quality Commission Worksession.
8. Update on Brooklyn Park Redevelopment Plan north of 62nd Avenue.

Open Forum

Informal Discussion and Announcements

Licenses

Adjournment

APPLICATIONS FOR LICENSE

October 5, 1989

GAS FITTER'S LICENSE - \$30.25

Gadtke Plumbing, 3510 N. Kilmer Lane, Plymouth, MN 55441

Guaranty Heating Company, 11741 Elm Creek Road, Osseo, MN
55369

PLUMBER'S LICENSE - \$30.25

Williams Mechanical, 11504 K-Tel Drive, Minnetonka, MN 55343

LeVasseur Plumbing Company, 1010 Ferndale, Maplewood, MN
55119

Southtown Plumbing, 6636 Penn Ave. S., Richfield, MN 55423

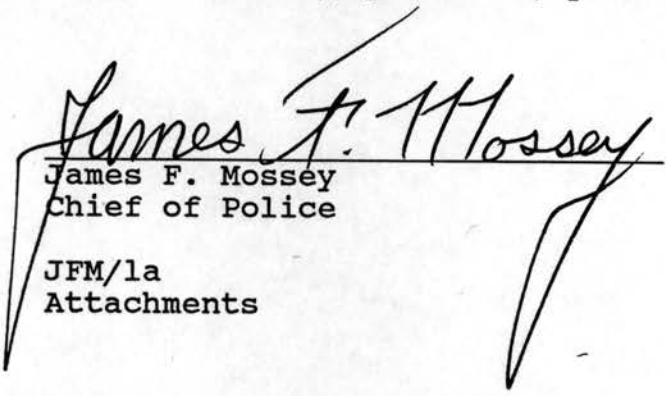
CITY OF CRYSTAL
Police Department

M E M O R A N D U M

DATE: September 18, 1989
TO: Jerry Dulgar, City Manager
FROM: James Mossey, Chief of Police
SUBJECT: Donations

Attached please find copies of checks I recently received from the Crystal Lions Club in the amount of \$4500.00 for an Officer Exchange Program, and \$43.45 from Mpls. Lodge #44 Elks Club for our D.A.R.E. Program. I will be writing letters of appreciation to these organizations for their generous donations. Perhaps you would want to mention this to the City Council and see if they wish to recognize the donations in some fashion in addition to what I will be doing.

If you have any questions, please let me know.


James F. Mossey
Chief of Police

JFM/la
Attachments



MINNEAPOLIS LODGE NO. 44

**B.P.O.E.
LODGE ACCOUNT
5410 LAKELAND AVENUE
CRYSTAL, MN 55429**

4417

75-1521/910

September 13 89

PAY
TO THE
ORDER OF D.A.R.E.

\$ 43.45

~~ELKS~~ \$43dol's45cts

DOLLARS



NEW HOPE STATE BANK

NEW HOPE, MINNESOTA 55428

FOR Crystal city Police

SECRETARY - EXALTED RULER - TREASURER

Leonard J. Sule
Donald F. Hunt

**CRYSTAL LIONS CLUB
CHARITABLE GAMBLING
PALACE INN**

2799

75-1662/910

PAY TO THE
ORDER OF

City of Crystal Police Dept

\$ 4500.00

Four thousand five hundred and no/100

DOLLARS

**The Bank
EASY PLACE North**

Crystal Offices
7000 Bass Lake Road
42nd & Douglas
Crystal, MN 55428

MEMO

overseas program 933

Anthony P. Kastanas



**AFS INTERCULTURAL
PROGRAMS
USA**

SUZANN EISENBERG
STATE DIRECTOR

24 July 1989

Dear Sir or Madam:

AFS Intercultural Programs would like to invite you to join in celebrating the 75th anniversary of American Field Service.

As a tribute to AFS' commitment to intercultural exchange and understanding, we invite you to join the Minnesota State Senate in proclaiming Wednesday, October 18th, 1989 AFS Day.

We are planning a global gathering of the AFS family at the state capitol on that day to honor the courageous Minnesotans who served as volunteer ambulance drivers for the American Field Service during the first and second World Wars and would encourage attendance for these festivities.

Minnesota has long been a leader in the AFS/USA network. Minnesotans from all walks of life have both hosted young people and sent their own sons and daughters abroad, thereby furthering world understanding.

On behalf of the nearly 1000 community-based AFS volunteers, I urge you to join us in commemorating this special occasion.

If you would like any further information, please contact me at (612) 926-3600. I will be happy to answer any questions you have.

Sincerely,

Mary B. Capra
Mary B. Capra
AFS Special Events Task Force

Enclosure
MBC/lh

PROCLAMATION

AFS INTERCULTURAL PROGRAMS DAY

October 18th, 1989

WHEREAS, the American Field Service (AFS) was founded in 1914 as a volunteer ambulance corps during World War I and II; and

WHEREAS, after the two wars the ambulance drivers became committed to ending the horrors of war and preventing future wars through intercultural learning and understanding; and

WHEREAS, the ambulance drivers believed the best way to accomplish their mission was people from different cultures getting to know one another one person, one family at a time; and

WHEREAS, the student exchange program began in America in 1947, and in Minnesota in 1957; and

WHEREAS, AFS student exchanges include students 15-18 years old from 52 countries and AFS teacher exchanges include elementary and secondary educators from China, Thailand, the Soviet Union and Latin America; and

WHEREAS, the AFS students enjoy homestays with American families for a school year or a summer; and

WHEREAS, the American students do the same in other countries; and

WHEREAS, more than 85,000 students from more than 80 countries have received international scholarships, and Minnesota has shared the program with nearly 6,000 international students; and

WHEREAS, this year, about 150 AFS students will live and study in Minnesota schools, 65 of them in the Twin Cities area; and

WHEREAS, the American Field Service is celebrating its 75th anniversary this year; NOW, THEREFORE,

IT IS HEREBY PROCLAIMED

October 18th, 1989 shall be

AFS INTERCULTURAL PROGRAMS DAY.



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

ADMINISTRATIVE OFFICE

PROCLAMATION

AFS INTERCULTURAL PROGRAMS DAY

WHEREAS, The American Field Service (AFS) was founded in 1914 as a volunteer ambulance corps during World War I and II; and

WHEREAS, after the two wars the ambulance drivers became committed to ending the horrors of war and preventing future wars through intercultural learning and understanding; and

WHEREAS, the ambulance drivers believed the best way to accomplish their mission was people from different cultures getting to know one another one person, one family at a time; and

WHEREAS, the student exchange program began in America in 1947, and in Minnesota in 1957; and

WHEREAS, AFS student exchanges include students 15-18 years old from 52 countries and AFS teacher exchanges include elementary and secondary educators from China, Thailand, the Soviet Union and Latin America; and

WHEREAS, the AFS students enjoy homestays with American families for a school year or a summer; and

WHEREAS, the American students do the same in other countries; and

WHEREAS, more than 85,000 students from more than 80 countries have received international scholarships, and Minnesota has shared the program with nearly 6,000 international students; and

WHEREAS, this year, about 150 AFS students will live and study in Minnesota schools, 65 of them in the Twin Cities area; and

WHEREAS, the American Field Service is celebrating its 75th anniversary this year;

NOW, THEREFORE, BE IT RESOLVED that I, Betty Herbes, Mayor of Crystal, Minnesota, proclaim October 18, 1989 as

AFS INTERCULTURAL PROGRAMS DAY

Date

Mayor

September 19, 1989

page 493

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on September 19, 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, Rygg, Carlson, Herbes, Smothers. Absent was: Langsdorf. Also in attendance were the following staff members: Jerry Dular, City Manager; John Olson, Assistant City Manager; David Kennedy, City Attorney; William Monk, Public Works Director; William Barber, Building Inspector; Darlene George, City Clerk.

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

The City Council considered the minutes of the Regular City Council meeting of September 5, 1989 and the Special Meeting of the City Council on September 7, 1989.

Moved by Councilmember Smothers and seconded by Councilmember Grimes to approve the minutes of the Regular City Council meeting of September 5, 1989 and the Special Meeting of the City Council on September 7, 1989.

Motion Carried.

The City Council considered the following Consent Agenda:

1. Consideration of charitable gambling license renewal for Church of All Saints at the Paddock Bar.
2. Set public hearing for October 3 to consider non-conforming use and structure variance and parking variance for outside cafe at Steve O's, 4900 West Broadway.
3. Set public hearing for October 3 to consider variances for construction of a 20' x 20' attached garage which will encroach in the required 30' front yard setback and 5' side yard setback at 5062 Quail Avenue North.
4. Consideration of a charitable gambling license renewal for Lions Club Crystal.

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

Motion Carried.

The City Council considered the following Public Hearing:

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 set by the City Council to continue from the August 15, 1989 meeting, a public hearing at which time the City Council will consider

September 19, 1989

page 494

Northern States Power Company Franchise Agreement. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: Larry Benson, N.S.P.

The Mayor closed the Public Hearing.

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

ORDINANCE NO. 89-

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF CRYSTAL, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.

and further, that the second and final reading be held on October 3, 1989.

Motion Carried.

Council directed staff to contact an SRA representative to speak to the Council after the budget is completed.

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

1. Patty Wilder, Executive Director of the Northwest Hennepin Human Services Council, appeared before the City Council regarding their program and budget.
2. The City Council considered a petition from residents regarding property at 6427 - 41st Avenue North. Those appearing and heard were: Sandra Harter, 6412 - 41st Avenue North. Council directed staff to pursue verification of homestead as well as clean-up of this property.
3. The City Council considered the First Reading of an Ordinance amendment to the Charitable Gambling Ordinance. Staff to send letter to all licenses to remind them of 10% obligation.

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

September 19, 1989

page 495
ORDINANCE NO. 89-

AN ORDINANCE RELATING TO CHARITABLE
GAMBLING: REPEALING CRYSTAL CITY
CODE, SUBSECTION 1100.19,
SUBDIVISION 11; AMENDING CRYSTAL
CITY CODE, SUBSECTION 1100
BY ADDING A SUBDIVISION

and further, that the second and final reading be held on
October 3, 1989.

Motion Carried.

4. The City Council considered authorization to issue a building permit to John Leinen Construction Company for John Zimmer to build a 62' x 50' airplane hangar at Lot 9C, Crystal Airport, subject to standard procedure.

Moved by Councilmember Smothers and seconded by Councilmember Rygg to approve authorization to issue a building permit to John Leinen Construction Company for John Zimmer to build a 62' x 50' airplane hangar at Lot 9C, Crystal Airport, subject to standard procedure.

Motion Carried.

5. The City Council considered authorization to issue a building permit to John Leinen Construction Company for Marvin Nelson to build a 40' x 66' airplane hangar at Lot 74A, Crystal Airport, subject to standard procedure.

Moved by Councilmember Smothers and seconded by Councilmember Grimes to approve authorization to issue a building permit to John Leinen Construction Company for Marvin Nelson to build a 40' x 66' airplane hangar at Lot 74A, Crystal Airport, subject to standard procedure.

Motion Carried.

6. The City Council considered a change to the approved sign criteria for the Crystal Gallery as requested by Pier I Imports at 5590 West Broadway. Those appearing and heard were: Tom Steinke, Pro-Wood Signs.

Moved by Councilmember Smothers and seconded by Councilmember Carlson to approve a change to the approved sign criteria for the Crystal Gallery as requested by Pier I Imports at 5590 West Broadway.

Motion Carried.

7. The City Council considered the Second Reading of an Ordinance vacating a portion of the side utility and drainage easement and reconsideration of a variance of 2' of the required 3' side yard setback for construction of a 20' x 20' detached garage at 5408 Angeline Avenue North. Those appearing and heard were: Chuck Bagne, 5408 Angeline Avenue North.

September 19, 1989

page 496

- A. Moved by Councilmember Smothers and seconded by Councilmember Moravec to adopt the following ordinance:

ORDINANCE NO. 89-19

AN ORDINANCE VACATING A CERTAIN
DRAINAGE AND UTILITY EASEMENT

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

- B. Moved by Councilmember Carlson and seconded by Councilmember Smothers to reconsider a variance of 2' of the required 3' side yard setback for construction of a 20' x 20' detached garage at 5408 Angeline Avenue North.

Motion Carried.

- C. Moved by Councilmember Smothers and seconded by Councilmember Carlson to approve a variance of 2' of the required 3' side yard setback for construction of a 20' x 20' detached garage at 5408 Angeline Avenue North.

Motion Carried.

8. The City Council considered award of bid for creek restoration on Brunswick Avenue north of 32nd Avenue.

Moved by Councilmember Moravec and seconded by Councilmember Smothers to adopt the following resolution, the reading of which was dispensed with by unanimous consent, awarding bid to F.F. Jedlicki, not to exceed \$14,460:

RESOLUTION NO. 89-59

RESOLUTION AWARDDING BID

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers. Absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

9. The City Council considered a conditional use permit to allow an auto service center in a B-3 (Auto-Oriented Commercial) District at 6800 - 56th Avenue North. Those appearing and heard were: Paul Oberstar, KLO Properties; Curt Jergens, Real Estate representative for Firestone.

Moved by Councilmember Grimes and seconded by Councilmember Carlson to approve as recommended by and based on the findings of fact of the Planning Commission conditional use permit #89-24, as submitted by KLO Properties, to allow an auto service center in a B-3 (Auto-Oriented Commercial) District (Section 515.35, Subd. 4 c)), property located at 6800 - 56th Avenue North.

Motion Carried.

September 19, 1989

page 497

The Mayor called a recess at 8:25 p.m. and the meeting was reconvened at 8:37 p.m.

10. The City Council considered a no parking resolution for Medicine Lake Road as part of the Upgrade Project.

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

RESOLUTION NO. 89-60

RESOLUTION APPROVING PARKING RESTRICTIONS ON
MINNESOTA STATE AID HIGHWAY 670 (MEDICINE LAKE ROAD)
BETWEEN LOUISIANA AVENUE AND DOUGLAS DRIVE
IN THE CITY OF CRYSTAL, HENNEPIN COUNTY, MINNESOTA

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers; absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

11. The City Council considered findings of fact for denial of rezoning application for property at 6203-6213 - 36th Avenue North.

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

RESOLUTION NO. 89-61

RESOLUTION DENYING REQUEST FOR
REZONING OF CERTAIN PROPERTY AT
6203-13 36TH AVENUE NORTH IN THE CITY

By roll call and voting aye: Moravec, Grimes, Carlson, Herbes; voting no: Smothers; absent, not voting: Langsdorf; abstaining: Rygg. Motion carried, resolution declared adopted.

12. The City Council considered final approval of proposed plat for HRA 5th Addition at 3432 Welcome Avenue North.

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

RESOLUTION NO. 89-62

RESOLUTION APPROVING A PLAT

September 19, 1989

page 498

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers; absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

13. The City Council considered renewal of contract between Metropolitan Clinic of Counseling (Employee Assistance Program) and the City of Crystal.

Moved by Councilmember Grimes and seconded by Councilmember Smothers to approve the contract between Metropolitan Clinic of Counseling and the City of Crystal for the period of September 1, 1989 through August 31, 1990 at a fee of \$8.50 per employee for a total of \$1032.00, money to be taken from Account #01-4310-000-32.

Motion Carried.

14. The City Council considered an appropriation of \$1147 for maintenance and support of the Animal Humane Society. Those appearing and heard were: Liz Looney, Animal Humane Society.

Moved by Councilmember Moravec and seconded by Councilmember Smothers to table and direct staff to obtain a report on financial aspects of the Society as well as its charitable gambling operation, and contact legislators regarding funding for the Society.

Motion Carried.

15. The City Council considered the designation of voting and alternate voting delegates for the Annual Congress of Cities, November 25-29, 1989, in Atlanta, Georgia.

Moved by Councilmember Moravec and seconded by Councilmember Smothers to designate Mayor Herbes as the voting delegate and City Manager and Councilmember Moravec as the alternate voting delegates for the Annual Congress of Cities, November 25-29, 1989, in Atlanta, Georgia.

Motion Carried.

16. The City Council considered the First Reading of an Ordinance relating to compensation of members of the City Council.

Moved by Councilmember Carlson and seconded by Councilmember Smothers to adopt the following ordinance with a 20% increase in salaries of Council and Mayor, effective January 1, 1990:

ORDINANCE NO. 89-

AN ORDINANCE RELATING TO
COMPENSATION OF MEMBERS OF THE
CITY COUNCIL: REPEALING
CRYSTAL CITY CODE, SUBSECTION 210.07

Moved by Councilmember Grimes and seconded by Councilmember Smothers to amend the motion of Councilmember Carlson to a 15%

September 19, 1989

page 499

increase for Council and Mayor, giving them 5% for each of the next 3 years, effective January 1, 1990.

By roll call and voting aye: Grimes, Carlson, Herbes, Smothers; voting no: Moravec; absent, not voting: Langsdorf; abstaining: Rygg.

Motion Carried.

Voting on the main motion as amended: voting aye: Grimes, Carlson, Herbes, Smothers; voting no: Moravec; absent, not voting: Langsdorf; abstaining: Rygg

and further, that the second and final reading be held on October 3, 1989.

Motion Carried.

17. The City Council considered CDBG Third Party Agreement with the Greater Minneapolis Day Care Association.

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

RESOLUTION NO. 89-63

RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT
BLOCK GRANT THIRD PARTY AGREEMENT WITH
THE GREATER MINNEAPOLIS DAYCARE ASSOCIATION

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers; absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

18. The City Council considered setting a date of work session for the Environmental Quality Commission to meet with the Council in November to discuss the Housing Maintenance Code.

By consensus the Council set 7:00 p.m. on November 20, 1989 for a work session with the Environmental Quality Commission to discuss the Housing Maintenance Code.

19. The City Council discussed the Long-Range Planning Commission. It was the consensus of the Council that abolishment of the Long-Range Planning Commission should be placed on the next Long-Range Planning Commission agenda for discussion and then come back to the Council.

20. The City Council discussed the Civil Service Commission.

Moved by Councilmember Smothers and seconded by Councilmember Moravec to appoint Marty Gates, 5108 - 48th Avenue North, to the Civil Service Commission for an unexpired term ending December 31, 1990.

Motion Carried.

September 19, 1989

page 500

The City Attorney advised the Council that the Charter Commission would be discussing the Civil Service Commission at its next meeting.

21. The City Council reconsidered the dates for the budget public hearing.

Moved by Councilmember Smothers and seconded by Councilmember Moravec to set 7 p.m., October 24, 1989 as the date for the budget public hearing and October 31, 1989 as an alternate date, in lieu of October 10 and October 17, 1989, as previously set by the City Council.

Motion Carried.

22. The City Council discussed property at 5201 Maryland Avenue North.

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

RESOLUTION NO. 89-64

RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS CONDITIONS
EXISTING AT 5201 MARYLAND AVENUE NORTH
IN THE CITY OF CRYSTAL

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers; absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

23. The City Council discussed Light Rail Transit Stations.

Moved by Councilmember Smothers and seconded by Councilmember Grimes to table.

Motion Carried.

24. The City Council considered a resolution relating to City participation in Narcotics Control Program.

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

RESOLUTION NO. 89-65

RESOLUTION RELATING TO CITY PARTICIPATION IN
NARCOTICS CONTROL PROGRAM

By roll call and voting aye: Moravec, Grimes, Rygg, Carlson, Herbes, Smothers; absent, not voting: Langsdorf. Motion carried, resolution declared adopted.

September 19, 1989

page 501

Moved by Councilmember Smothers 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 Rygg to adjourn the meeting.

Motion Carried.

Meeting adjourned at 9:50 p.m.

Mayor

ATTEST:

City Clerk

September 18, 1989

page 492

Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, the Special Meeting of the Crystal City Council was held on September 18, 1989, at 6:30 p.m., at 4141 Douglas Drive, Crystal, Minnesota. The following were present: Grimes, Carlson (arrived at 7:30 p.m.), Herbes (arrived at 6:50 p.m.), Smothers, Langsdorf (arrived at 6:45 p.m.). Absent were: Moravec, Rygg. Also in attendance were the following staff members: Jerry Dulgar, City Manager; Jessie Hart, Assistant Finance Director; Miles Johnson, Finance Director; Ken Bjorn, Assessor; Darlene George, City Clerk; William Barber, Building Inspector; Nancy Gohman, Administrative Assistant; Julie Jones, Recycling/Redevelopment Coordinator; Ed Brandeen, Park & Recreation Director; William Monk, Public Works Director; Gene Hackett, Assistant Park & Recreation Director.

The City Council discussed the proposed 1990 Budget for the following departments: Elections, Assessing, Building, Commissions, Recycling, Economic Development Authority, Computer, Parks, Recreation, Swimming Pool, Community Center, Tree Disease, Engineering, City Buildings, Streets, Water, and Sewer.

The Mayor adjourned the meeting at 9:40 p.m.

Mayor

ATTEST:

City Clerk

September 26, 1989

TO: John Olson, Assistant City Manager
FROM: Darlene George, City Clerk *D. G.*
RE: Solicitor's Permit
Minnesota Public Interest Research Group (MPIRG)

On July 5, 1989 the Crystal City Council approved the above solicitor's permit for July 6 to July 31, 1989. I received a call from the applicant stating they had not solicited in Crystal in July due to the fact that other solicitors had been in the area just prior to the dates they applied for, and wished to solicit from October 4 through October 31, 1989.

I checked with Chief Mossey and he informed me that he would not need to perform another investigation, but that we need to supply him with a current list of canvassers that will be in Crystal.

I asked the applicant to bring in a letter of request and a current list of canvassers, which they have done.

In Jerry's absence, I recommend this be placed on the consent agenda for the City Council's approval on October 3, 1989.

cc: Jerry Dulgar, City Manager

September 22, 1989

To the City of Crystal,

The Minnesota Public Interest Research Group (MPIRG) is a statewide, student run, non-profit, non-partisan organization active in Minnesota since 1971. MPIRG works on issues dealing with recycling, consumers and the environment, worker protection, utility rate reform, energy conservation, and hazardous wastes to name a few.

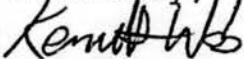
MPIRG is based on nine campuses in Minnesota and our student membership numbers 40,000. Our full-time staff represents the public's interest by lobbying for legislation in the State Capitol, litigating in our courts, and intervening when the state makes major energy, environmental, and utility rate decisions. Because students are directly involved in our work on these issues, through canvassing, internships and serving on state and local boards, MPIRG provides an educational experience into the workings of our governmental system.

We are in our seventh year of canvassing in the Twin Cities Metro Area. Our door-to-door outreach entails explaining MPIRG issues to residents and asking for financial support. We canvass in residential neighborhoods Mondays through Fridays from 5pm to 9pm and occasionally on Saturdays from 11am to 4pm.

We are applying to be in your city from October 4th through October 31st, 1989. I have enclosed a list of current canvassers and proof of our non-profit status. If you have any questions, please call me at 627-4035.

Thank you for your consideration,

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth Webb", written over the typed name.

Kenneth Webb,
Canvass Director

CITY OF CRYSTAL
4141 DOUGLAS DRIVE
CRYSTAL, MINNESOTA 55422

PERMIT # 89-8

DATE July 5, 1989

approved by
Council
D. G.

RELIGIOUS AND CHARITABLE ORGANIZATIONS
PERMIT APPLICATIONS

ORGANIZATION'S NAME Minnesota Public Interest Research Group, Inc.
ORGANIZATION'S ADDRESS 2512 Delaware St SE, Mpls 55414
APPLICANT'S NAME Kenneth Joseph Webb PHONE NO. 627-4035
APPLICANT'S ADDRESS 3125 Aldrich Ave S #2 mpls 55408
LOCAL ADDRESS SAME

NAMES AND ADDRESSES OF OFFICERS AND DIRECTORS OF THE ORGANIZATION:

State Board Chair: Christi Gilhoj 412 22nd Ave. S #633, mpls
Vice Chair/Secretary: Dave Anderson 8451 Yates Ave. N Brooklyn Park
Treasurer: Patty Robinson 1055 Everett Court St Paul
Executive Director: Niel Ritchie 4028 Aldrich Ave S mpls

SOLICITATION IS TO BE CARRIED ON (Date) 7/6/89 7/31/89
(From) (To)

IS ANY COMMISSION, FEE, WAGE OR EMOLUMENT GOING TO BE EXPENDED IN CONNECTION
WITH SUCH SOLICITATION? YES

IF THE ANSWER IS YES, WHAT IS THE AMOUNT THEREOF? \$40 salary per night

IF PERMIT IS ISSUED, YOUR ORGANIZATION, ASSOCIATION OR CORPORATION SHALL FURNISH
ALL OF ITS MEMBERS, AGENTS OR REPRESENTATIVES CONDUCTING SOLICITATION CREDENTIALS
IN WRITING STATING THE NAME OF THE ORGANIZATION, NAME OF AGENT AND PURPOSE OF
SOLICITATION.

ATTACH A LIST OF NAMES, ADDRESSES, AND PHONE NUMBERS OF SOLICITORS.

SIGN THE FOLLOWING STATEMENT:

I AFFIRM THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

APPROVED:

Barlene George
CITY CLERK

June 28, 1989
DATE

POLICE DEPT. James P. Hossay, Chief of Police

DATE 6-27-89

Kenneth Webb
SIGNATURE OF APPLICANT

Kenneth Webb
PRINT NAME OF APPLICANT

7/23/89
DATE

CITY OF CRYSTAL
4141 DOUGLAS DRIVE
CRYSTAL, MINNESOTA 55422

PERMIT # _____

In order to comply with State and Federal regulations, the City of Crystal is required to ask the information indicated below. This form will be filed separately from your application and will be used only for record keeping purposes.

AUTHORIZATION AND RELEASE

The undersigned, having filed an application with the City of Crystal for a Solicitation license, realizing that the City has need to investigate the background and history of the applicant in order to better evaluate his or her application for the above license, does hereby authorize and request every law enforcement official and every other person, firm, officer, corporation, association, organization or institution having control of any documents, records or other information pertaining to me to furnish the original or copies of any such documents, records and other information to the City or any of its representatives, and to permit said City or any of its representatives to inspect and make copies of any such documents, records and other information. I further authorize any such persons to answer any inquiries, questions or interrogatories concerning the undersigned which may be submitted to them by the City or its authorized representative. I fully understand that the information so obtained by the City may be used by it in its evaluation of my application.

I hereby release and exonerate any person who shall comply with the authorization and request made herein from any and all liability of every nature and kind growing out of and in any way pertaining to the furnishing or inspection of such documents, records and other information.

Dated this 23rd day of June, 1989.

PLEASE PRINT:

Kenneth Webb
Signature of Applicant

Kenneth Joseph Webb
First Middle Last Name

3125 Aldrich Ave S #2
Address

Mpls, MN 55408
City, State, Zip Code

222 S. Van Dorn Rd
Previous Address

Ithaca, N.Y. 14850
City, State, Zip Code

[REDACTED]
Date of Birth

Minnesota Public Interest Research Group, Inc.
Name of Organization Associated With

9/20/89

Full Name/Birthdate/Drivers License

Page

First & Middle Name	Lname	Birthdate	Drivers Lic or Soc Sec #
Bradford Cary	Anderson	12-13-55	#393-56-9862
Amy Leo	Barankovich	7-27-60	E433135 (WV)
Beth Ann	Barankovich	8-24-63	20403967 (PA)
Kristin J.	Becker	3-25-68	B-260-478-398-239
Brian Jerome	Boudreau	11-6-46	B-360-098-402-853
Michael John	Bowers	8-20-54	B-620-603-429-650
James Eugene	Bruns	4-26-61	#476-84-5572
Junah (no Mname)	Chung	4-1-66	#565-69-0701
Elizabeth Anne	Daskal	4-17-58	D-240-210-067-298
Keith Cornell	Evanson	11-17-67	E-152-465-122-881
David Joseph	Fitzgerald	1-11-62	F-326-135-441-032
David Thomas	Kapell	5-14-62	K-140-135-792-366
Peter Henry	Leverich	1-15-65	L-162-680-303-042
Molly Katherine	McBeath	10-3-69	M-213-609-585-762
Jill Elizabeth	McFarland	7-31-67	M-216-414-210-599
Edmund Edward	Mueller	7-4-55	M-460-178-189-528
Carl William	Muschenheim	7-22-60	M-255-108-887-577
Robert Charles	Nicol	1-1-66	#523-76-4491
Karen (no Mname)	Nyhus	5-7-69	N-200-461-018-349
Joyce Suzanne	Olson	1-8-63	O-425-447-778-025
Kristi Anne	Olson	8-7-67	O-425-478-067-618
Carlos Favian	Rivera	11-4-67	1613098 (Puerto Rico)
Amy Louise	Scott	11-3-61	S-300-066-549-846
Diana Joan	Smith	7-3-66	3865341 (OR)
Kareen Marie	Smith	2-20-69	S5305-136-9560-04 (WI)
Kenneth Joseph	Webb	11-30-61	MN Temp Lic. #6276683

9/20/89

Name/Address/Phone

Page 1

Fname	Lname	Address	Phone
Brad	Anderson	2636 14th Ave S, Mpls	729-1245
Amy	Barankovich	4303 Eton Place, Edina	926-2270
Bethann	Barankovich	3400 Huntington, St Louis Pk	924-0287
Kristin	Becker	16005 Oak Shore Dr, Burnsvle	435-7828
Brian	Boudreau	1945 Fremont Ave S, Mpls	377-8682
Mike	Bowers	1471 Grand Ave, St Paul	698-2162
Jim	Bruns	Rt. 1, Morris	589-3159
Junah	Chung	1400 2nd St S, #A509, Mpls	332-9048
Libby	Daskal	1515 Selby Ave, St Paul	645-4486
Keith	Evanson	2103 25th Ave S, Mpls	333-6485
Dave	Fitzgerald	7109 Jamaca Ave N, Stillwater	426-2460
Dave	Kapell	2700 Pillsbury Ave S, Mpls	870-9540
Pete	Leverich	1460 Sherburne Ave, St Paul	649-1074
Molly	McBeath	1600 Grand Ave, St Paul	696-6242
Jill	McFarland	1206 7th St SE, #11, Mpls	378-0632
Ed	Mueller	2103 25th Ave S, Mpls	333-6485
Bill	Muschenheim	1144 Dayton Ave, St Paul	644-8448
Rob	Nicol	2103 25th Ave S, Mpls	333-6485
Karen	Nyhus	3237 Cedar Island, Evelyth	663-3774
Joyce	Olson	2700 Pillsbury Ave S, Mpls	870-9540
Kristi	Olson	2500 24th St E, Mpls	729-8337
Carlos	Rivera	1400 2nd St S, Mpls	339-1661
Amy	Scott	1502 Jefferson St NE, #2, Mpls	789-8492
Diana	Smith	1924 Stevens Ave S, Mpls	871-5899
Kareen	Smith	861 Snelling N, St Paul	642-9391
Ken	Webb	2400 26th Ave S, Mpls	722-8092

State of Minnesota

SECRETARY OF STATE

Certificate of Good Standing

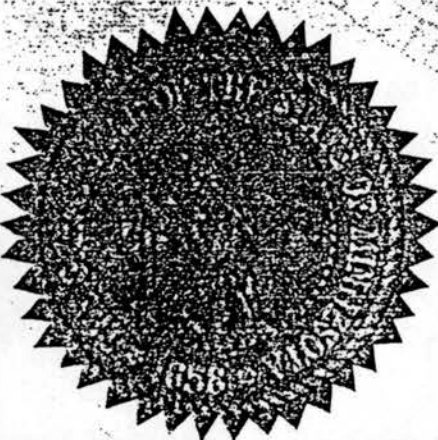
I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: The corporation listed below is a corporation formed under the laws of Minnesota; that the corporation was formed by the filing of Articles of Incorporation with the Office of the Secretary of State on the date listed below; that the corporation is governed by the chapter of Minnesota Statutes listed below; and that this corporation is authorized to do business as a corporation at the time this certificate is issued.

Name: Minnesota Public Interest Research Group

Date Formed: 02/17/1971

Chapter Governed By: 317

This certificate has been issued on 11/22/88.



Joan Anderson Grove
Secretary of State.

Sept 10, 1989

Dear Linda

As much as I hate to
do this I feel I must resign
my position on the Council.
I still have 6 months to go
as Chairman of the Police Advisory
Council in Mpls and a full
year as President of the American
Legion Auxillary. There's just
not enough time in a
week to cover all these
spots. I don't feel that
I can devote the time to
this Council as I would
like too. It certainly
is an interesting one
and hopefully in a year
I might be able to rejoin
your group. Sincerely
Lies Darg

Memorandum

DATE: September 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Joan Schmidt, Administrative Secretary
SUBJECT: Resignation

At the Human Relations Commission of September 25, 1989,
Chair Linda Museus announced the resignation of Lois Ehret.
Due to health reasons, Lois is no longer able to leave her
home.

DATE: September 7, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Barber, Building Inspector
SUBJECT: Variances 89-27 and 89-28 at
5062 Quail Avenue North

Cindy Frayseth is requesting two variances to build an attached 20' x 20' garage to the above-noted address. The first one is a 7 1/2 foot variance along the north driveway line. This is due to the street curving there. The distance increases as you measure south of there. There is the required 30 feet along the south side of garage.

The second variance is for a 3.3 foot variance to the required five foot. This she is requesting in order to get a minimum width of 20 feet for the garage. There is currently 21.7 feet between the house and the property line per survey. If this variance is granted, the south wall of the garage would be required to be a one hour wall.

We looked at the possibility of going with a detached garage but the grade drops off very quickly down to the lake. That option was not really viable.

UPDATE - September 13, 1989

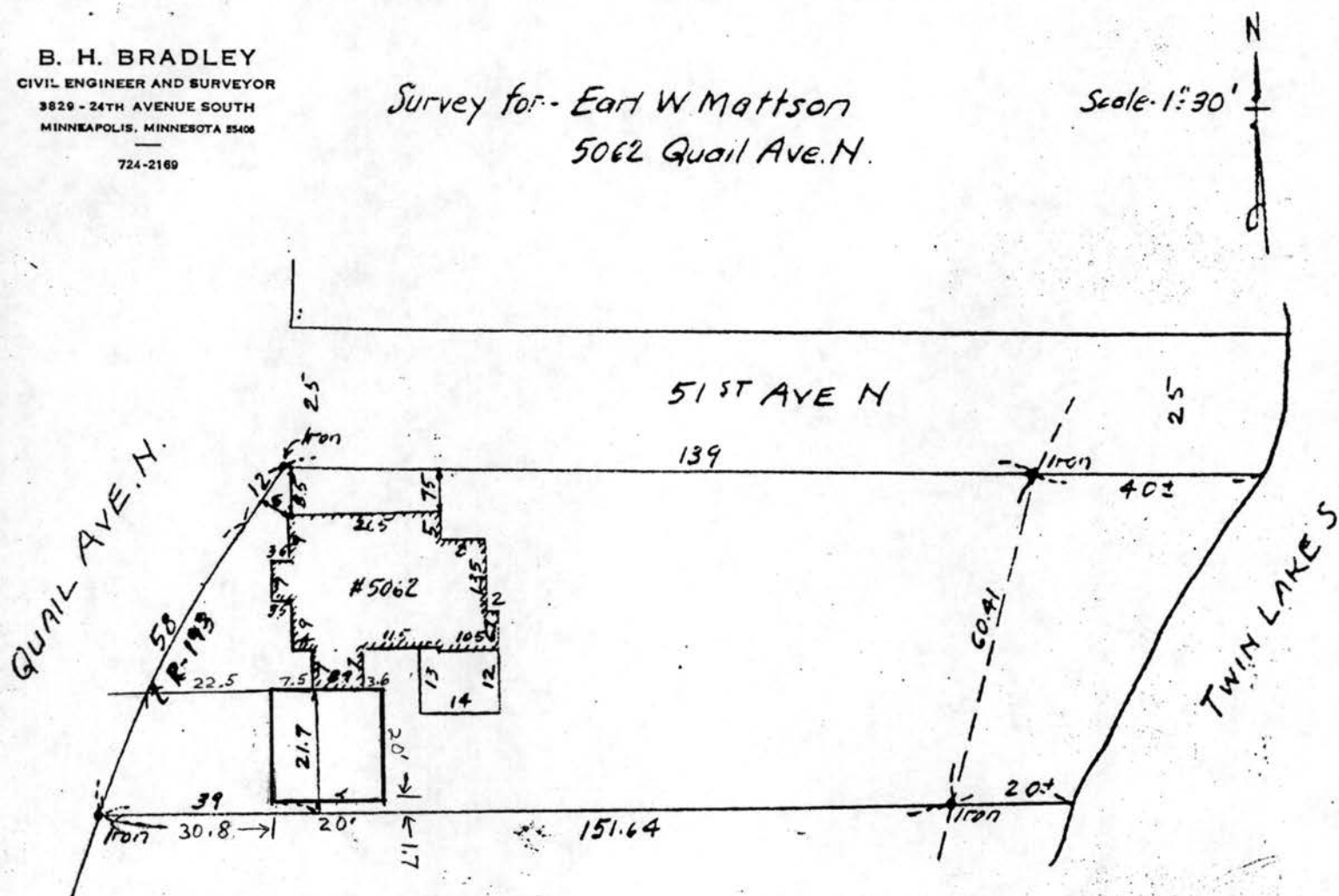
On September 11, 1989, the Planning Commission recommended approval of the above described variances. In their findings the Commission noted hardships involving topography and roadway curvature that essentially eliminate other options.

BB/kk

B. H. BRADLEY
 CIVIL ENGINEER AND SURVEYOR
 3829 - 24TH AVENUE SOUTH
 MINNEAPOLIS, MINNESOTA 55408
 724-2169

Survey for - Earl W Mattson
 5062 Quail Ave. N.

Scale 1"=30'



I hereby certify that this is a correct plat of a survey of Lot 1, Block 1, Mark-Campion 4th Addition, Hennepin County, Minnesota as surveyed by me the 22nd day of April 1968

B H Bradley
 Surveyor.

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

No. 89-27

Date: 8/31/89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 5062 Quail Avenue North

Legal Description of Property: LOT 1 BLOCK 1 Mark-Campion
4TH Addn.

Property Identification Number: 09-118-21-14-0004

Applicant: Cindy S. Frayseth

(Print Name)

8447 Toledo Ave. N. Brooklyn Park, MN 55443

(Address)

424-8326

(Phone No.)

Owner: Lindsay B. Bergstrom / Monica J. Winker

(Print Name)

3230 Utah Ave. N. Crystal, MN 55427

(Address)

546-8533

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.13
SUBD 2(a) of the Zoning Ordinance, as amended, which requires 30' FRONT YARD
SETBACK. REQUESTING 7 1/2' VARIANCE TO FRONT YARD SETBACK.

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.

There is a distinct slope in the terrain down to the lake causing
hardships to setting the garage back further. There is also a picture window
with a beautiful view of downtown that would be covered up if the garage is
set back.

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

This property has an unusual curve in the front property line
in respect to the existing house built in 1938. The proposed garage
will sit farther back off the property line than the house does.

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.

The front of the proposed garage to the front (street) property
line is a direct line from the closest part of the house toward the
street and the row of houses to the south of the property.

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)

Cindy S. Frayseth
(Applicant's Signature)

Lindsay B. Bergstrom / Monica J. Winker
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00

DATE RECEIVED: 8/31/89

RECEIPT # 47056

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

Date: 8/31/89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 5062 Quail Avenue North

Legal Description of Property: LOT 1 BLK 1 MARK CAMPION
4TH ADDN

Property Identification Number: 09-118-21-14-0004

Applicant: Cindy S. Frayseth

(Print Name)

8447 Toledo Ave. N. Brooklyn Park, MN 55443 424-8326

(Address)

(Phone No.)

Owner: Lindsay B. Bergstrom / Monica J. Winker

(Print Name)

3230 4th Ave. N. Crystal, MN 55427

(Address)

546-8533

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.13
SUBD. 3 (a) 1 of the Zoning Ordinance, as amended, which requires 5' SIDE YARD
SETBACK. REQUESTING A 3.3' VARIANCE TO SIDE YARD
SETBACK

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.

There is a large cottonwood tree (the only tree in the front yard)
located in front of the house that requires the proposed standard
smallest 20'x20' garage site in order to keep the tree.

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.

The proposed garage site between the existing house and the side
property line is necessary due to the location of the stairs in the
house without enduring a major remodeling and expense.

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

The property is Twin Lake shore property and I own a boat and
car that would be much safer and more kept up if they could
both fit in the proposed garage.

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)

Cindy S. Frayseth
(Applicant's Signature)

Lindsay B. Bergstrom / Monica J. Winker
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00

DATE RECEIVED: 8/31/89

RECEIPT # 47056

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

NOTICE OF PUBLIC HEARING
ON REQUEST FOR VARIANCES
IN FRONT AND SIDE YARD SETBACKS

Application #89-27 and #89-28

City of Crystal, MN

NOTICE IS HEREBY GIVEN that the City Council of the City of Crystal, serving as the Board of Adjustments and Appeals, will meet on Tuesday, October 3, 1989, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Crystal Municipal Building, 4141 Douglas Drive, in said City, to consider a variance of 7.5 ft. in the required 30 ft. front yard setback (Section 515.13, Subd. 2 a) and a variance of 3.3 ft. in the required 5 ft. side yard setback (Section 515.13, Subd. 3 a) 1) for construction of a 20' x 20' attached garage on the existing house at 5062 Quail Ave. N., P.I.D. #09-118-21-14-0004.

The proposed variance applications have been submitted by Cindy Frayseth, 8447 Toledo Ave. N.

Persons desiring to be heard on this matter may do so at this time.

DATED: September 19, 1989

BY ORDER OF THE CITY COUNCIL
CITY OF CRYSTAL
DARLENE GEORGE CITY CLERK

THE HOUSE SHOULD BE CONDEMNED

NO, UNLESS THE HOUSE IS UPGRADED TO TO THE HOMES IN THE AREA

WALTER RAMIK
Walter Ramik
5032 QUAIL AVE. N.
CRYSTAL, MINN. 55429

SEPT 25th 1989

CITY OF CRYSTAL
4141 DOUGLAS DRIVE
CRYSTAL MN 55422

ATT. CITY CLERK

RE. ASSESSMENT ON PROPERTY AT 4600 COLORADO AVE. No.
FOR SEAL COATING STREET. PROJECT # 89-2 P.I.D. # 09-118-21-33-0661
AMOUNT OF \$529.74

WE WISH TO APPEAL THIS AMOUNT AND HAVE IT CONSIDERED
AT THE CITY COUNCIL MEETING OCT 3rd 1989.

WE ARE RETIRED SENIOR CITIZENS AND DRIVE ONE CAR.
AND RENT OUT THE OTHER HALF TO A WIDOW WHO DOES
NOT DRIVE A CAR.

I WAS TOLD AT CITY HALL THE ASSESSED AMOUNT
WAS SO LARGE BECAUSE THIS IS A DOUBLE BUNGALOW
AND CREATES MORE USE OF THE STREETS.

IF USAGE IS THE GAUGE FOR CHARGING THEN HOW
ABOUT THE MANY HOMES WITH 2-3-4 CARS BEING USED
ON A ACTIVE BASIS. JUST IS MY BLOCK THERE ARE
SEVERAL ONE FAMILY HOUSES WHERE TWO OR MORE FAMILIES
RESIDE AND AS MANY AS FOUR CARS ARE USED.

THANK YOU FOR YOUR CONSIDERATION

JOSEPH W. STEWART
MURIEL L STEWART
4600 COLORADO AVE NO.
CRYSTAL 55422

DATE: September 26, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Assessment Hearing for 1989 Projects

Costs associated with a number of recently completed municipal projects have been tabulated and assessments calculated based on benefit derived by abutting or serviced property. A description of each project is listed below while the approving resolution and relevant background materials are included in the attached packet. It is recommended a separate motion be made for each of the project resolutions.

A. 1989 Seal Coat Program - Project 89-2

Streets were seal coated in District 3 which covers the north central quadrant of Crystal. Street maintenance personnel sealed cracks while patching and leveling the existing black-top surface in preparation for the aggregate cover which is handled by contract. The street crew made an exceptional effort to correct existing street and drainage problems during this preparatory phase.

Upon tabulation of all costs associated with the seal coat program, an assessment rate of \$2.24 per front foot was calculated. This rate compares to the \$2.26 estimated in the feasibility study prepared last spring. It should be noted that seal coat costs are expected to rise as we move south due to the drastic increase in preparatory maintenance work required.

Last year the Council opted to utilize a unit or average frontage assessment approach for single family lots. This change resulted from a staff recommendation that benefit is a factor of usage and not frontage. However, assessment of multi-family residential, commercial, industrial and park property continues to be based on frontage due to lack of a more defined indicator of benefit.

\$ 2.24 Per Foot Assessment Rate
(\$284,680.51 ÷ 127,222.71 LF)
\$174.85 Unit Assessment for Single Family
Residential Lot without Alley
(78.06 LF Average)
\$230.29 Unit Assessment for Single Family
Residential Lot with Alley
(68.54 LF Average)
\$ 76.76 Unit Assessment for Single Family
Residential Lot with Alley Frontage Only

Two items deserve special note in regards to the above breakdown. First, several streets in District 1 (northwest quadrant) were included in this year's program so numerous lots in the area are proposed to be assessed 1/2 unit to finalize partial assessments from two years ago. No one in District 1 who received the equivalent of a full assessment in 1987 is proposed to be reassessed at this time.

The second item relates to the average frontage difference for single family lots with and without alleys. Based on comments voiced at the improvement hearing in May, calculations for both situations were separated so averages as proposed for assessment purposes are based on actual conditions. This results in a significant reduction for residential lots on alleys in terms of the original estimate.

If assessments for seal coat are not paid by November 15, the costs are assessed over a two-year period at a 7-1/2% interest rate.

B. Curb and Gutter on Brunswick Avenue Between 46th and 47th Avenues - Project 89-5

Curb and gutter improvements on a one-block section of Brunswick Avenue were approved on the basis of a petition project and were constructed by contract. The proposed per foot assessment totals \$20.38 as compared with a figure of \$23.46 estimated in the feasibility study.

A map and per lot cost breakdown is attached to the approving resolution in this packet. If not prepaid, curb and gutter assessments are levied for a 10-year term at a 7-1/2% interest rate.

C. Surfacing Improvements to the Alley East of Welcome Avenue Between 38th and 39th Avenues.

This improvement project was also initiated by petition although the contract to install concrete was handled by the City of Robbinsdale. Final restoration work is just being completed at this time.

Total costs for this project were \$13,660.56 which breaks down to a proposed assessment rate of \$16.31. The feasibility study estimate was \$16.50 per front foot.

A map and individual assessment roll are attached to the approving resolution. If not prepaid, alley assessments are levied over a 5-year period at an interest rate of 7-1/2%.

D. 1989 Sidewalk Repair Program

City staff performs an inspection of existing sidewalk on an annual basis to identify sections that pose a hazard to pedestrian traffic. Property owners abutting these sidewalk sections are then afforded the opportunity to perform the work on their own. If the necessary repairs are not completed by the property owner, the City handles the work by contract and assesses 100% of the cost. The only exception to the 100% assessment of cost regards single family residential property with abutting sidewalk on primary streets/thoroughfare walk routes. These properties are only assessed 10% of the actual costs with the City's Infrastructure Fund covering the balance. Based on contract costs, the proposed assessment rate for sidewalk repair is \$2.36 per square foot.

Maps and a proposed assessment roll are attached to the approving resolution. If not prepaid, sidewalk assessments are levied for a five-year term at a 7-1/2% interest rate.

E. 1989 Diseased Tree Removal and Weed Cutting and Debris Removal

These three programs are handled in much the same manner as the sidewalk project in terms of notification and contract. The only difference is that diseased tree removal, weed cutting and debris removal costs are performed and charged on a per job basis based on a unit bid. Assessments are levied over a one-year term for weed cutting and a five-year term for diseased tree and debris removal at a 7-1/2% interest rate.

F. Delinquent Sewer, Water, Street Lighting and Recycling Charges

Unpaid utility bills are certified for collection with the following year's taxes. Interest is charged at 7-1/2%, and a certification fee is included.


WM:jrs

Encls

CITY OF CRYSTAL

NOTICE OF ASSESSMENT HEARING

OCTOBER 3, 1989

NOTICE IS HEREBY GIVEN that the City Council of the City of Crystal, MN, will meet in the Council Chambers at the Crystal City Hall, 4141 Douglas Drive, on Tuesday, October 3, 1989, at 7:00 P.M., or as soon thereafter as the matter may be heard, to consider the assessments to be levied against those properties benefited by the following improvements:

SEAL COAT IMPROVEMENT NO. 8990 (89-2)

Adair Ave.	- 42nd Ave. to 47th Ave..
Brunswick Ave.	- 42nd Ave. to 47th Ave.
Byron Ave.	- West Broadway to Lakeland Ave.
Colorado Ave.	- 42nd Ave. to cul-de-sac N. of 47th
Corvallis Ave.	- Louisiana Ave. to Douglas Dr.
Corvallis Ave.	- West Broadway to Highway #81
Edgewood Ave.	- 47th Ave. to Fairview Ave.
Edgewood Ave.	- Corvallis Ave. to 51st Pl.
Fairview Ave.	- Zane Ave. to West Broadway
Fairview Ave.	- Welcome Ave. to Lakeland Ave.
Florida Ave.	- 47th Ave. to 51st Pl.
Florida Ave.	- 53rd Ave. to 210' N. of 54th Ave.
Georgia Ave.	- 47th Ave. to Fairview Ave.
Hampshire Ave.	- 47th Ave. to 130' N. of 51st Pl.
Idaho Ave.	- 48th Ave. to Fairview Ave.
Idaho Ave.	- 52nd Ave. to 150' S. of 52nd Ave.
Idaho Ave.	- 59th Ave. to Lombardy Lane
Jersey Ave.	- 48th Ave. to Corvallis Ave.
Jersey Ave.	- 56th Ave. to 57th Ave.
Kentucky Ave.	- 48th Ave. to Fairview Ave.
Kentucky Ave.	- 57th Ave. to West Broadway
Lakeland Ave.	- 47th Ave. to Corvallis Ave. (W. side)
Lakeside Ave.	- Vera Cruz Ave. to Lakeland Ave.
Louisiana Ave.	- 47th Ave. to Corvallis Ave.
Louisiana Ave.	- 52nd Ave. to 110' S. of 52nd Ave.
Maryland Ave.	- 47th Ave. to Fairview Ave.
Maryland Ave.	- 52nd Ave. to 54th Ave.
Maryland Ave.	- 58th Ave. to 59th Ave.
Nevada Ave.	- 45th Ave. to Fairview Ave.
Nevada Ave.	- 58th Ave. to 59th Ave.
Oregon Ave.	- 58th Ave. to 59th Ave.
Vera Cruz Ave.	- 250' S. of 43rd Ave. to 100' N. of 46th
Vera Cruz Ave.	- West Broadway to Corvallis Ave.
Welcome Ave.	- 250' S. of 43rd Ave. to West Broadway
Welcome Ave.	- Fairview Ave. to Corvallis Ave.
Xenia Ave.	- 250' S. of 43rd Ave. to Fairview Ave.
Yates Ave.	- 44th Ave. to 46th Ave.
Yates Ave.	- 47th Ave. to Fairview Ave.
Zane Ave.	- 250' S. of 43rd Ave. to Fairview Ave.
43rd Ave.	- Brunswick Ave. to Vera Cruz Ave.
44th Ave.	- Brunswick Ave. to Vera Cruz Ave.
45th Ave.	- Douglas Dr. to Zane Ave.
45th Ave.	- Zane Ave. to Vera Cruz Ave.
46th Ave.	- Douglas Dr. to Vera Cruz Ave.
47th Ave.	- Nevada Ave. to Douglas Dr.
47th Ave.	- Douglas Dr. to Vera Cruz Ave.
48th Ave.	- West Broadway to Highway #81
48th Ave.	- Nevada Ave. to Douglas Dr.
48th Ave.	- Zane Ave. to West Broadway
49th Ave.	- West Broadway to Lakeland Ave.
50th Ave.	- Vera Cruz Ave. to Lakeland Ave.
50th Ave.	- Louisiana Ave. to Douglas Dr.
51st Pl.	- Vera Cruz Ave. to Lakeland Ave.
51st Pl.	- Hampshire Ave. to cul-de-sac W. of Hamp.
51st Pl.	- Florida Ave. to Douglas Dr.
54th Ave.	- Douglas Dr. to West Broadway
57th Ave.	- Nevada Ave. to Maryland Ave.
58th Ave.	- Kentucky Ave. to West Broadway
59th Ave.	- Sumter Ave. to Nevada Ave.
	- Quebec Ave. to West Broadway

ALLEYS

Louisiana Ave. to Jersey Ave., between Fairview & 50th
Jersey Ave. to Hampshire Ave., between Fairview & 50th
Hampshire Ave. to Florida Ave., between Fairview & 50th
43rd Ave. to 44th Ave., between Brunswick & Adair
43rd Ave. to 44th Ave., between Adair & Zane
44th Ave. to 45th Ave., between Adair & Zane
43rd Ave., south, between Zane & Xenia
43rd Ave., south, between Xenia & Welcome
43rd Ave. to 44th Ave., between Xenia & Welcome
44th Ave. to 45th Ave., between Xenia & Welcome
45th Ave. to 46th Ave., between Xenia & Welcome
44th Ave. to 45th Ave., between Welcome & Vera Cruz
45th Ave. to 46th Ave., between Welcome & Vera Cruz
47th Ave. to 48th Ave., between Zane & Yates
47th Ave. to 48th Ave., between Yates & Xenia
48th Ave. to Fairview Ave., between Yates & Xenia
47th Ave. to 48th Ave., between Xenia & Welcome
48th Ave. to Xenia Ave., between Xenia & Welcome

CURB & GUTTER IMPROVEMENT NO. 8990 (89-5)

Brunswick Ave. - between 46th & 47th

ALLEY IMPROVEMENT NO. 8990 (89-6)

Vera Cruz to Welcome Ave. - between 38th & 39th

SIDEWALK REPAIR IMPROVEMENT NO. 8990 (89-7)

4301 Douglas Dr. N.	5440 West Broadway
4328 Douglas Dr. N.	5707 West Broadway
4407 Douglas Dr. N.	5708 West Broadway
4553 Douglas Dr. N.	5720 West Broadway
4725 Douglas Dr. N.	4800 56th Ave. N.
5100 Douglas Dr. N.	4824 56th Ave. N.
5340 Hanson Court	5111 56th Ave. N.
5704 Orchard Ave. N.	5211 56th Ave. N.
5724 Orchard Ave. N.	5222 56th Ave. N.
5740 Orchard Ave. N.	5505 56th Ave. N.
5540 Regent Ave. N.	5600 56th Ave. N.
4940 West Broadway	5618 56th Ave. N.
5160 West Broadway	5724 56th Ave. N.
5264 West Broadway	5802 56th Ave. N.
5400 West Broadway	7301 56th Ave. N.

DISEASED TREE REMOVAL NO. 8990

4800 Jersey Ave. N.
4832 Jersey Ave. N.
3704 Welcome Ave. N.
6700 60th Ave. N.

DEBRIS REMOVAL NO. 8990

5231 Douglas Dr. N.
5912 Idaho Ave. N.
3335 Pennsylvania Ave. N.

DELINQUENT WEED CUTTING NO. 8990

3200 Adair Ave. N.	5948 Kentucky Ave. N.
5426 Angeline Ave. N.	6058 Lakeland Ave. N.
3200 Brunswick Ave. N.	5201 Maryland Ave. N.
6834 Corvallis Ave. N.	5709 Maryland Ave. N.
2713 Douglas Dr. N.	5756 Orchard Ave. N.
3148 Douglas Dr. N.	3449 Welcome Ave. N.
3200 Douglas Dr. N.	6000 27th Ave. N.
3431 Douglas Dr. N.	5105 50th Ave. N.
3949 Douglas Dr. N.	5201 52nd Ave. N.
6124 Hampshire Ave. N.	5517 56th Ave. N.
2954 Kentucky Ave. N.	6918 56th Ave. N.

DELINQUENT SEWER/WATER UTILITY CHARGES, RECYCLING
& STREET LIGHTING NO. 8990

All delinquent sanitary sewer, water, recycling, street lighting and weed cutting charges will be assessed directly against the property that received the service. The balance of the projects shall have benefit assessed to properties abutting the street sections listed above.

Assessments to be levied for the above listed projects total \$461,975.20. The proposed assessment roll is now on file in the office of the City Clerk and open to inspection by all parties interested.

For a period of thirty days after the date of the resolution levying said assessment, the entire amount of the assessment against any parcel of land may be paid without interest. After that date, the entire balance of the assessment may be paid by November 15 of any year, with interest for the year in which payment is made. The first installment will be payable with interest at the rate of 7-1/2% per annum on the entire assessment from the date of the resolution levying said assessments to December 31, 1990, and each subsequent installment shall be paid with one year's interest at said rate on all unpaid installments.

The entire amount levied against any parcel of land will be payable, unless prepaid, in equal installments as designated for each improvement below:

Seal Coat Improvement No. 8990	2 years
Curb & Gutter Improvement No. 8990	10 years
Alley Improvement No. 8990	5 years
Sidewalk Repair Improvement No. 8990	5 years
Diseased Tree Removal No. 8990	5 years
Debris Removal No. 8990	5 years
Delinquent Weed Cutting 8990	1 year
Delinquent Sewer/Water Utility Charges, Recycling & Street Lighting No. 8990.	1 year

Written or oral objections will be considered at the hearing. An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the City Clerk within 30 days after the adoption of the assessment and filing such notice with the District Court within 10 days after service upon the City Clerk. No such appeal as to the amount of an assessment on a specific parcel of land may be made unless the owner has either filed a signed written objection to that assessment with the City Clerk prior to the hearing or has presented the written objection to the presiding officer at the hearing.

BY ORDER OF THE CITY CLERK
DARLENE GEORGE, CITY CLERK

(Published in the Crystal-Robbinsdale Post News, September 20, 1989)

A

3 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 1989 Seal Coat Program, Project 89-2.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 2 years, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

Mayor

ATTEST:

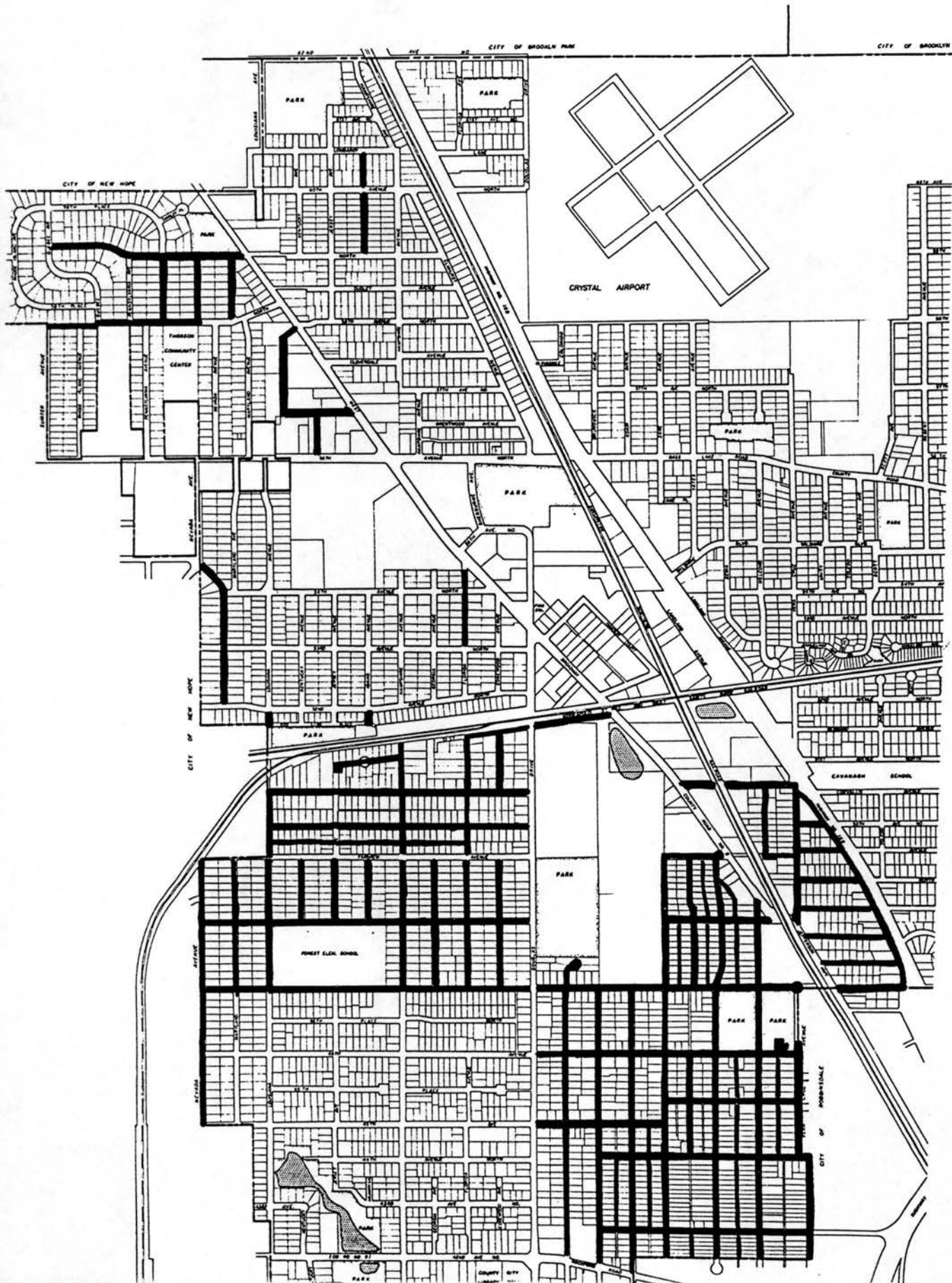
City Clerk

CRYSTAL · MINNESOTA

PROP.
1989
SEALCOAT



REVISED 12-86



B

3 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the Curb & Gutter Improvement, Project 89-5.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

Mayor

ATTEST:

City Clerk

DOUGLAS

PROJECT MAP



EXISTING CONCRETE
CURB & GUTTER - - - - -

PROPOSED CONCRETE
CURB & GUTTER - - - - -

PETITION SIGNERS X

AVENUE

47TH

AVENUE

AVE.

46TH

AVENUE

COLORADO

AVENUE

AVENUE

ZANE

VATEC

45TH

AVENUE

BRUNSWICK

NO.

ADAIR

45TH

44TH

AVI

6107	6101
	X
	X
	41
	X
	35
	29
	23
	19
	X
	13
4601	

4652	6013
X	
46	X
40	X
34	X
28	X
22	X
4608	
X	
6024	6020

CURB & GUTTER IMPROVEMENT 8990 (89-5)
BRUNSWICK AVENUE BETWEEN 46TH AND 47TH AVENUES

<u>P.I.D./Owner/Address</u>	<u>Frontage (Ft.)</u>	<u>Proposed Assessment (\$23.46 Per Ft.)</u>	<u>Assessment (\$20.38 Per Ft.)</u>
09-118-21-33-0025 James & Lea Bourassa 6020 - 46th Ave. N.	67.26	\$1,578	\$1,370.76
09-118-21-33-0026 Paul & Cynthia Olson 6024 - 46th Ave. N.	101.99	2,393	2,078.56
09-118-21-33-0027 James & Janice Rathbun 4608 Brunswick Ave. N.	66.39	1,558	1,353.03
09-118-21-33-0028 Dennis & Deborah Nieman 4622 Brunswick Ave. N.	66.39	1,558	1,353.03
09-118-21-33-0029 Roni Marie Hillier 4628 Brunswick Ave. N.	66.34	1,556	1,352.01
09-118-21-33-0030 Joan C. Fearon 4634 Brunswick Ave. N.	66.39	1,558	1,353.03
09-118-21-33-0069 Steven & Janine Neverman 4640 Brunswick Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0066 Wm. & Donna Moore 4646 Brunswick Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0065 Roger & Joanne Peterson 4652 Brunswick Ave. N.	113.40	2,660	2,311.09
09-118-21-33-0064 Richard M. Soldat 6013 - 47th Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0053 Donna McCue 6107 - 47th Ave. N.	67.24	1,577	1,370.35

09-118-21-33-0052 Allen & Terri Evenson 6101 - 47th Ave. N.	105.79	2,482	2,156.00
09-118-21-33-0058 Evelyn Frahn 4641 Brunswick Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0059 Chris Madonna 4635 Brunswick Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0072 Steven Schleif 4629 Brunswick Ave. N.	60.0	1,408	1,222.80
09-118-21-33-0073 N. Mlinar & R. Hanson 4623 Brunswick Ave. N.	74.3	1,743	1,514.23
09-118-21-33-0031 Frank & Diane Warpeha 4619 Brunswick Ave. N.	66.0	1,548	1,345.08
09-118-21-33-0032 Raymond & Elaine Neuberger 4613 Brunswick Ave. N.	66.0	1,548	1,345.08
09-118-21-33-0060 Edwin & Marie Carlson 4601 Brunswick Ave. N.	146.83	3,445	2,992.40

C

3 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the Alley Improvement, Project 89-6.

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

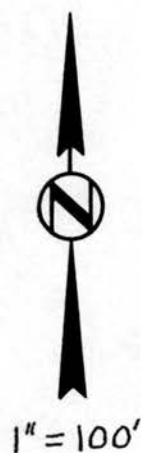
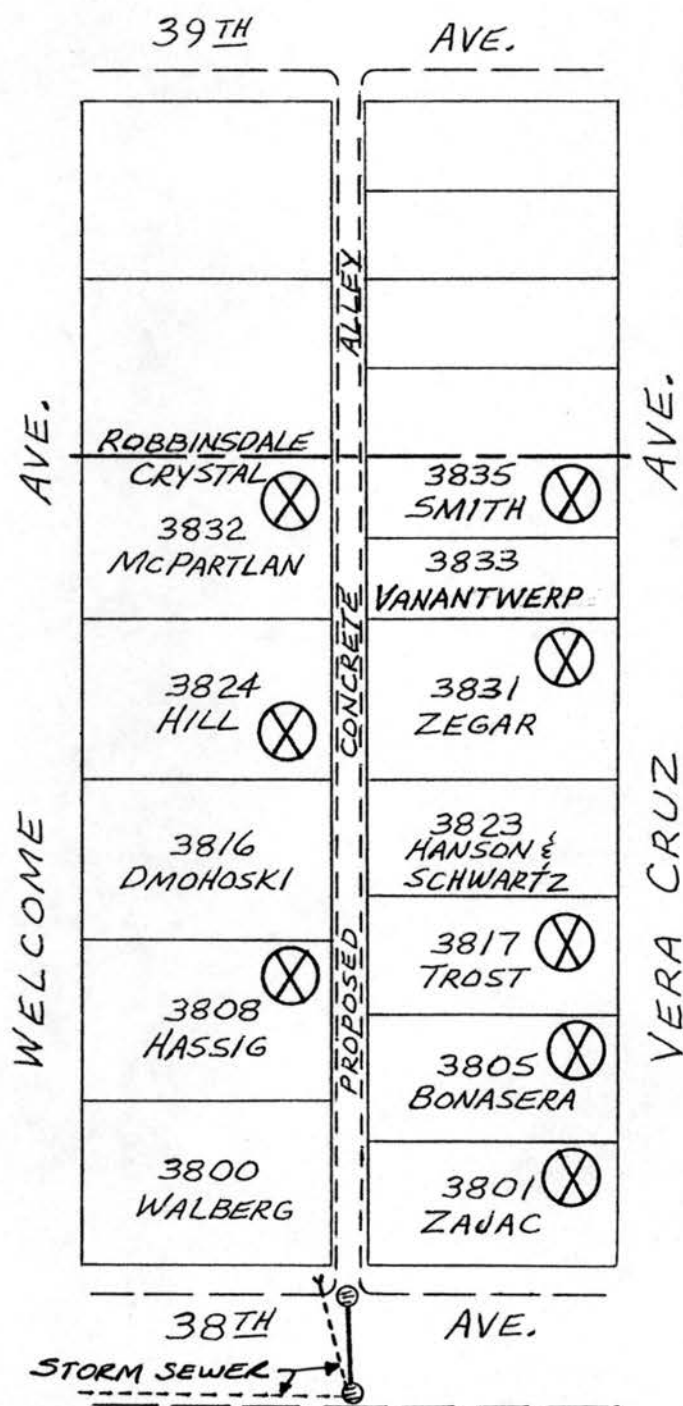
1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 5 years, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

Mayor

ATTEST:

City Clerk



X PETITIONER

ALLEY IMPROVEMENT 8990 (89-6)
BETWEEN VERA CRUZ AND WELCOME AVENUES
38TH TO 39TH AVENUES

<u>P.I.D./Owner/Address</u>	<u>Frontage (Ft.)</u>	<u>Proposed Assessment (\$16.50 Per Ft.)</u>	<u>Assessment (\$16.31 Per Ft.)</u>
16-118-21-34-0060 Gregory Smith 3835 Vera Cruz Ave. N.	41.5	\$ 685	\$ 676.87
16-118-21-34-0061 Richard Vanantwerp 3833 Vera Cruz Ave. N.	41.5	685	676.87
16-118-21-34-0062 George Zegar 3831 Vera Cruz Ave. N.	83.0	1,370	1,353.73
16-118-21-34-0063 Kimberly Hanson & Kathleen Schwartz 3823 Vera Cruz Ave. N.	60.0	990	978.60
16-118-21-34-0064 Gregory Trost 3817 Vera Cruz Ave. N.	60.4	997	985.12
16-118-21-34-0065 Frank Bonasera 3805 Vera Cruz Ave. N.	65.0	1,073	1,060.15
16-118-21-34-0066 Janet Zajac 3801 Vera Cruz Ave. N.	65.0	1,073	1,060.15
16-118-21-34-0067 Harold Walberg 3800 Welcome Ave. N.	84.4	1,393	1,376.56
16-118-21-34-0068 Frank Hassig 3808 Welcome Ave. N.	83.0	1,370	1,353.73
16-118-21-34-0069 Chester Dmohoski 3816 Welcome Ave. N.	83.0	1,370	1,353.73
16-118-21-34-0070 Norman Hill 3824 Welcome Ave. N.	83.0	1,370	1,353.73
16-118-21-34-0071 John McPartlan 3832 Welcome Ave. N.	83.0	1,370 Concrete driveway restoration	1,353.73 +77.59 1,431.32

3 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the Sidewalk Repair, Project 89-7.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 5 years, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

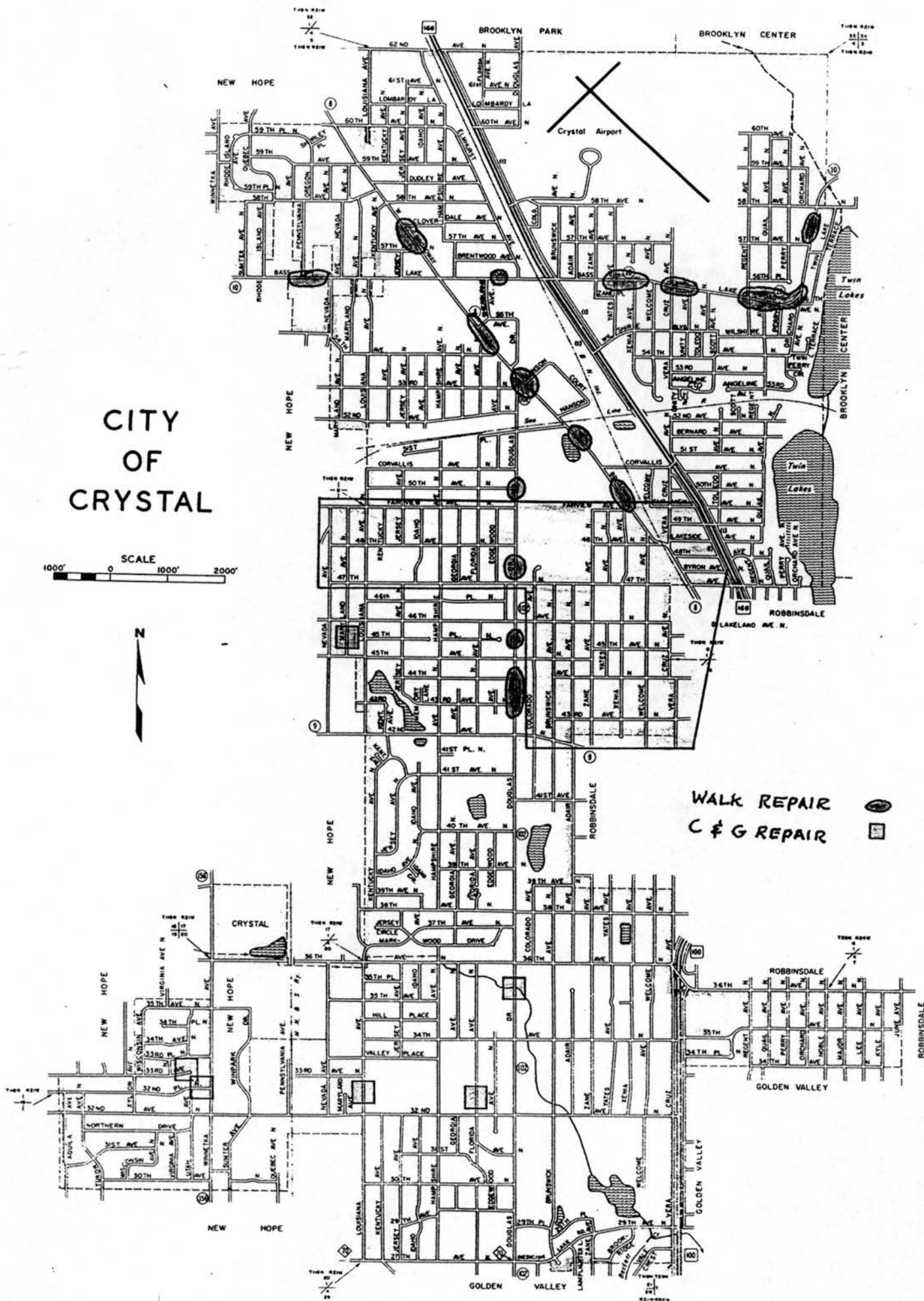
Mayor

ATTEST:

City Clerk

CITY OF CRYSTAL

SCALE
1000' 0 1000' 2000'



SIDEWALK REPAIR IMPROVEMENT NO. 8990 (89-7)

Lawrence Gleason 5618 56th Ave. N. #04-118-21-31-0007	\$33.04	St. Raphael's Church 7301 56th Ave. N. #05-118-21-34-0001	\$230.81
Odie Germundson 5802 56th Ave. N. #04-118-21-31-0021	\$11.92	Lorraine Spears 5708 West Broadway #05-118-21-42-0003	\$10.00
Appraisal Research Assoc. 5600 56th Ave. N. #04-118-21-31-0023	\$80.24	Orval Aland 5720 West Broadway #05-118-21-42-0029	\$10.00
Dr. Joseph Whelen 5724 56th Ave. N. #04-118-21-31-0107	\$11.33	Merle/Phyllis Mattson 5707 West Broadway #05-118-21-42-0057	\$53.81
Michael Henne 5505 56th Ave. N. #04-118-21-34-0089	\$54.28	1st Minnesota 5440 West Broadway #05-118-21-44-0006	\$57.82
Joan Eide 5704 Orchard Ave. #04-118-21-41-0113	\$10.00	McDonald's 5400 West Broadway #05-118-21-44-0026	\$57.82
Astrid Featt 5724 Orchard Ave. N. #04-118-21-41-0116	\$10.00	James/Mary Lang 4725 Douglas Dr. #08-118-21-41-0063	\$10.00
Bruce Kuiper 5740 Orchard Ave. #04-118-21-41-0118	\$14.28	Donald Noonan 5340 Hanson Court #09-118-21-22-0003	\$174.88
C. R. Knaeble Post 5222 56th Ave. N. #04-118-21-43-0010	\$313.88	John Aarstad 5264 West Broadway #09-118-21-22-0034	\$34.93
Theo. Maass 5211 56th Ave. N. #04-118-21-43-0073	\$60.18	Glen Haven Mem. Gardens 5100 Douglas Drive #09-118-21-23-0001	\$23.25
John Peterson 5111 56th Ave. N. #04-118-21-43-0076	\$59.71	Suttle Car Wash 5160 West Broadway #09-118-21-24-0023	\$136.88
Junior Larson 4824 56th Ave. N. #04-118-21-44-0045	\$11.33	Rick Hartmann 4328 Douglas Drive #16-118-21-22-0030	\$10.00
Robert Pellow 4800 56th Ave. N. #04-118-21-44-0057	\$399.78	Valarie Hornlein 4301 Douglas Drive #17-118-21-11-0014	\$10.00
Peter Tokle 5540 Regent Ave. N. #04-118-21-44-009	\$62.54	K.Stormer/T.Hasapopoulos 4407 Douglas Drive #17-118-21-11-00327	\$10.00

E

3 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for Diseased Tree Removal and Weed Cutting and Debris Removal.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 5 years for diseased tree and debris removal and 1 year for weed cutting, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

Mayor

ATTEST:

City Clerk

WEED CUTTING 1990

Daniel Hanson 5517 56th Ave. N. #04-118-21-34-0004	\$55.00	Keith Anderson 3949 Douglas Dr. #17-118-21-41-0045	\$55.00
Daniel Otten 5756 Orchard Ave. N. #04-118-21-41-0120	\$110.00	Scott Levitt 3431 Douglas Dr. #20-118-21-11-0009	\$55.00
Envoy Limosine Corp. 6058 Lakeland Ave. N. #05-118-21-11-0087	\$70.00	Michael Bradley 2954 Kentucky Ave. #20-118-21-43-0116	\$55.00
Thomas McWhite 6124 Hampshire Ave. N. #05-118-21-12-0033	\$55.00	Lincoln Ctr. Prop. 2713 Douglas Dr. #20-118-21-44-0020	\$170.00
Bruce Hauser 5948 Kentucky Ave. N. #05-118-21-13-0069	\$55.00	W. J. Cavanaugh 3449 Welcome Ave. N. #21-118-21-21-0021	\$110.00
Carolyn Carringer 6918 56th Ave. N. #05-118-21-42-0033	\$55.00	Twin Lakes Messenger 3200 Adair Ave. N. #21-118-21-23-0043	\$110.00
Kimberly Hanson 6834 Corvallis Ave. N. #08-118-21-13-0040	\$55.00	M W Investments 3200 Brunswick Ave. N. #21-118-21-23-0046	\$110.00
Ivan Hagle 5201 Maryland Ave. N. #08-118-21-21-0091	\$55.00	Wheelock Enterprises 3200 Douglas Dr. #21-118-21-23-0114	\$110.00
George Cook 5201 52nd Ave. N. #09-118-21-12-0006	\$55.00	Clarence Schulz 3343 Vera Cruz Ave. N. #21-118-21-24-0121	\$55.00
Steven Mollen 5426 Angeline Ave. N. #09-118-21-12-0115	\$55.00	Stuart Gale 3148 Douglas Dr. #21-118-21-32-0001	\$55.00
Todd Pallum 5105 50th Ave. N. #09-118-21-13-0068	\$55.00	David Curry 6000 27th Ave. N. #21-118-21-33-0044	\$125.00

DISEASED TREE 1990

Burton Orred 6700 60th Ave. N. #05-118-21-12-0060	\$185.00	Vicki L. Plymate 4517 Zane Ave. N. #09-118-21-33-0090	\$350.00
Robert J. Mullins 6908 58th Ave. N. #05-118-21-13-0132	\$225.00	Hal Gensler 5720 43rd Ave. N. #16-118-21-21-0055	\$315.00
Joyce Orr 5906 Elmhurst Ave. N. #05-118-21-14-0014	\$225.00	Mark Spurling 3704 Welcome Ave. N. #16-118-21-34-0087	\$242.50
Kathleen Teschendorf 5741 Nevada Ave. N. #05-118-21-31-0059	\$275.00	Scott Kevitt 3431 Douglas Dr. #20-118-21-11-0009	\$275.00
Patrick Masters 4757 Hampshire Ave. N. #08-118-21-42-0002	\$350.00	Donna Armstrong 3500 Idaho Ave. N. #20-118-21-12-0004	\$350.00
Dale Oas 4832 Jersey Ave. N. #08-118-21-42-0070	\$600.00		

DEBRIS REMOVAL 1990

Michael Kitlinski 5912 Idaho Ave. N. #05-118-21-13-0023	\$171.26
Leprechuan, Inc. 5231 Douglas Dr. #08-118-21-23-0009	\$446.00
Scott Kevitt 3335 Pennsylvania Ave. N. #20-118-21-23-0009	\$219.00

F

4 OCTOBER 1989

RESOLUTION NO. 89-

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of Delinquent Sewer, Water, Recycling and Street Lighting Charges.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the services for which charges are now delinquent.
2. Such assessment shall be payable in equal annual installments extending over a period of 1 year, the first of the installments to be payable on or before the first Monday in January, 1990, and shall bear interest at the rate of 7-1/2 per cent per annum from the date of the adoption of this assessment resolution until December 31, 1990.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Council this 3rd day of October, 1989.

Mayor

ATTEST:

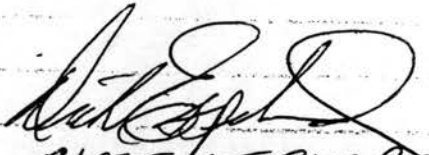
City Clerk

We, the below signed, oppose
the proposed expansion to allow
an outside cafe at 4900 W. Broadway.

SIGNATURE

ADDRESS

1. Paul or Margaret Kewinski
4849 Xenia Ave No
533-1782

2. 
CLOSE AT 9:00 PM 4843 XENIA AVEN
535-6229

3. Darlyne B. Hoffmann - 4837 Xenia Ave N.
537-7016

4. George Ma 4807 Xenia Ave No

5. Marc R. Chagrin 4800 XENIA AVE N
9:00 P.M. - YES

6. Gail Gudryjohn 4812 Xenia Ave No
Fri, Sat til 9:00 - only yes

7. Carl Wauk 4818 XENIA AVEN
535-5852

8. Shari Wogner 4818 XENIA
535-5852

9. Angie Heuer 4825 N. Xenia

10. Ruth & Lee Hunt 4824 Xenia N.

Summary:

The block immediately West of W. Broadway and Steve O's (4800 - 4900 Tenia) was surveyed by petition.

Unless the cafe closed by 9 p.m. every night, most residents were opposed to its opening. The reason behind the 9 p.m. Curfew was to minimize the noise level late at night. Also, some residents were concerned about the possibility of more trash flying about the neighborhood.

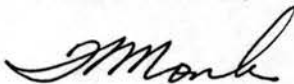
Prepared by Ruth Hunt

DATE: September 7, 1989
TO: Planning Commission
FROM: Bill Monk, City Engineer
SUBJECT: Outside Cafe at SteveO's at 4900 West Broadway

The owner of SteveO's lounge has applied for variances associated with establishment of an outside cafe as noted on the attached site plan and discussed in the staff memorandum dated June 16. Specifically the variances are as follows:

- 1) Variance to expand a non-conforming use (bar/restaurant in an industrial area) and structure (insufficient setback) pursuant to Section 515.05 of the Zoning Code.
- 2) Variance of 24 parking stalls (approximately one per table) pursuant to Section 515.09, Subd. 8 v) of the Zoning Code. This would be in addition to the 28 stall variance previously approved in 1984 and currently in effect.

I will be prepared to review existing conditions as well as details of the cafe proposal with the Commission on Monday night. A representative of the owner will also be attendance.



WM:jrs

Encls

9/12/89 UPDATE

On September 11 the Planning Commission recommended denial of the above-described variances. While the Commission noted the outside cafe was a novel concept for Crystal, numerous concerns were voiced regarding the use of limited public right-of-way for such a purpose. In their findings on the variances the Commission noted hardship was all related to the site's non-conformity and that economic gain was not proper justification to allow the proposed expanded use.

DATE: June 16, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Steve O's Proposal for an Outside Cafe

A proposal has been submitted by Steve O's at 4900 West Broadway to establish an outside cafe consisting of approximately 12 to 14 tables. Due to the proximity of the building to the property line along West Broadway, the tables are proposed to be located on the public sidewalk.

Based on a quick review of the proposal, the following issues have been identified:

- The seasonal increase in seating capacity is an expansion of a non-conforming use (I-2 Zoning) and structure (setbacks). A variance to expand a non-conforming situation is required by Section 515.05 of the Zoning Code. Further, a parking variance is also required although the seasonal nature makes the situation difficult in establishing the actual number of spaces needed.
- Hennepin County will be required to approve the use of their right-of-way for this private purpose. Safety and liability will be major concerns.
- Crystal will need to approve use of the public sidewalk for this purpose as the sidewalk is maintained and regulated by the City. In dealing with similar situations in the past, the City has not allowed use of public or private sidewalks for extended business use based on safety concerns given the narrow (5') width of most sidewalk sections.
- Crystal will be required to modify Steve O's liquor license to include the cafe area and portions of public right-of-way impacted by the operation.
- Liability issues related to use of public property for a private use and modification of the liquor license to include right-of-way need to be closely scrutinized prior to any final approval.
- Although I have not had an opportunity to discuss the proposal with members of the Health Department, I believe health-related issues would revolve around food preparation and service.

Jerry Dulgar


Subject: Steve O's Proposal for an Outside Cafe

June 16, 1989

Page 2

As we discussed, the City Council is not in a position to approve the cafe proposal on Tuesday night. Ordinance provisions require Planning Commission review and public hearings on the variances related to the non-conformity and parking.

The issues associated with use of the sidewalk and modification of the liquor license, however, go well beyond the Planning Commission's review authority. I recommend the Council discuss the proposal in terms of these City issues at this time. If past policy is maintained, there is then little reason to pursue the planning-related issues.



WM:jrs

Encls

125-0 FIELD VERIFY

GREAT NORTHERN
RAILROAD PROPERTY

FENCE ALONG P.L. HAS
BEEN REMOVED AND AREA PAVED WITHOUT
CITY INVOLVEMENT

19-0 23-0 19-0 19-0 23-0 19-0

30 20-0 24-0 20-0

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Hydrant

CRYSTAL
LOUNGE
Steve Os

20' Ht

EXISTING BITUMINOUS W/
NEW STRIPING AS SHOWN

NEWER BITUMINOUS W/
CURBS OR NEWER ROW OF
500-VERIFY W/ OWNER

NEW 5' CONCRETE SIDEWALK
NEW CONC. CURB & GUTTER

(ALL) 9'-6"

22' (TYP)

12'-0"

29' (VERIFIED)

93' (VERIFIED)

ON STREET

PARKING PERMITTED

WEST BROADWAY

PROPOSED CAFE TABLES

WELCOME AVE.

North
Scale - 1" = 30'

EXHIBIT 'A'

FROM THE
DESK OF

STEVEN WEISMAN

6-14-89

To The Honorable City Council;
The proposal for the outdoor cafe
would be as follows.

- ① The cafe would be open seven (7) days week.
- ② The hours the cafe would be open are in discussion stages at this time. Most likely 11am to 12:45pm
- ③ The time of year this cafe would be in operation would be from Memorial Day to Labor Day. Give a couple weeks either way due to good weather.
- ④ We would be selling food and liquor at the cafe. The same menu items, plus we are designing a new menu.

Thank you for your
consideration
Steven
Weisman

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

No. 89-31
Date: 9-6-89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 4900 West BROADWAY
Legal Description of Property: _____

Property Identification Number: _____
Applicant: STEVEN WEISMAN
(Print Name)
4900 West BROADWAY
(Address) (Phone No.)
Owner: SAME
(Print Name)
(Address) (Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.05 of the Zoning Ordinance, as amended, which requires no expansion of non-conforming uses and structures.

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.
The purpose of the outdoor cafe is for maintaining the summer business which is generally lost to outdoor activities. This should not be viewed as expansion - this should be viewed as business saving.
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.
The layout of the site limits action.
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 detriment to the city.

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)

Steven Weisman
(Applicant's Signature)
Steven Weisman
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 9/6/89 RECEIPT # 47094

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

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

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

No. 89-32

Date: 9-6-89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 4900 West Broadway

Legal Description of Property: _____

Property Identification Number: _____

Applicant: STEVEN WEISMAN
(Print Name)

(Address)

(Phone No.)

Owner: Steve
(Print Name)

(Address)

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 515.09, Subd. BV of the Zoning Ordinance, as amended, which requires a specific number of parking stalls for a business serving food and drink.

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.

The purpose of the outside cafe is for maintaining the summer business which is generally lost to outside activities. This should not be viewed as expansion - This should be viewed as business.

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.

The layout of the site limits action

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 detriment to the City

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)

Steven Weisman
(Applicant's Signature)

Steven Weisman
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 9/6/89 RECEIPT # 47094

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

DATE: September 27, 1989

MEMO TO: Jerry Dulgar, City Manager

FROM: Edward C. Brandeen, Park & Recreation Director *ECB*

SUBJECT: Bids for Playground Equipment at City Parks

The following bids were received for furnishing and installing playground equipment at two city parks -- Cavanagh and Kentucky.

Viking Fence & Construction	\$34,417
Minnesota Playground, Inc.	36,876

The amount remaining in the budget for playground equipment in 1989 is \$34,443. Crystal Highlands, Lee and Iron Horse parks have been previously updated this year.

This apparatus and equipment installation is included in the department's 5-Year Plan.

The bids are competitive and represent a good value for the City. I recommend we award the bid to Viking Fence & Construction in the amount of \$34,417 which includes excavation and furnishing sand at both areas.

For your information, this is creative and colorful modular equipment, manufactured by the Gametime Equipment Company. Each site will be edged in timbers and sand installed to a depth of 10 inches. Each site will also be handicapped-accessible with ramp and grab bars.

NORTHERN STATES POWER COMPANY
FRANCHISE POLICY

Northern States Power Company will continue to obtain franchises, and renew existing franchises when they expire, in the cities we serve in the States of Minnesota and North Dakota unless the Area Office Manager submits reasons why the seeking or obtaining a franchise in a particular city is not in the best interest of the Company and its customers.

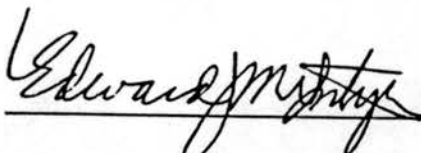
Company will accept 20 year standard long or short form electric or gas franchise unless overriding circumstances dictate differently and then only after Area Office Management approval.

The Company is opposed to any type of fee for the franchise rights but, if city insists, the Company will accept language allowing a franchise fee up to 4% unless overriding circumstances (such as a charter provision or SRA membership) dictate differently. The Company will generally not accept a fee on services to competitive markets (e.g., large volume gas customers).

Company will insist on language in the franchise allowing a franchise fee to be implemented only by separate ordinance with a 60 day notice prior to adoption period, during which time Company customers will be made aware of impending franchise fee action by City government.

Company will provide an acceptance document only to those franchise ordinances in accordance with its policies.

APPROVED BY



Gas Utility

Vice President-Gas Utility
Title



Electric Utility

Sr. VP - Electric Utility
Title

Approved: September 15, 1989

ORDINANCE NO. 89-_____

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF CRYSTAL, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.

THE CITY OF CRYSTAL ORDAINS:

SECTION 1. DEFINITIONS

1.1 "City" In this Ordinance, "City" means the City of Crystal, County of Hennepin, State of Minnesota.

1.2 "City Utility System" means the facilities used for providing sewer, water, or any other public utility service owned or operated by City or agency thereof.

1.3 "Company" means Northern States Power Company, a Minnesota corporation, its successors and assigns.

1.4 "Notice" means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to the Area Office Manager thereof at Brooklyn Center, Minnesota. Notice to City shall be mailed to the City Clerk.

1.5 "Public Way" means any street, alley, or other public right-of-way within the City.

1.6 "Public Ground" means land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.7 "Electric Facilities" means electric transmission and distribution towers, poles, lines, guys, anchors, ducts, fixtures, and necessary appurtenances owned or operated by the Company for the purpose of providing electric energy for public use.

SECTION 2. FRANCHISE

2.1 Grant of Franchise. City hereby grants Company, for a period of twenty years from September 19, 1989, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Ways and Public Grounds of City subject to the provisions of this ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to zoning ordinances, other applicable ordinances, permit procedures, and to the further provisions of this franchise.

2.2 Effective Date; Written Acceptance. This franchise shall be in force and effect from and after its passage and its acceptance by the Company, and its publication as required by law and the City Charter. An acceptance by the Company must be filed with the City Clerk within 90 days after publication.

2.3 Service Rates and Area. The service to be provided and the rates to be charged by Company for electric service in City currently are subject to the jurisdiction of the Minnesota Public Utilities Commission. The area within the City in which the Company may provide electric service currently is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 Publication Expense. The expense of publication of this ordinance shall be paid by the Company.

2.5 Default. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. If the dispute is not resolved within 30 days of the written notice, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS

3.1 Location of Facilities. Electric Facilities shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and they shall be located on Public Grounds as determined by the City. The Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to other reasonable regulations of the City.

3.2 Field Locations. The Company shall provide field locations for any of its underground Electric Facilities within a reasonable period of time on request by the City. The period of time will be considered reasonable if it compares favorably with the average time required by the cities in the same county to locate municipal underground facilities for the Company.

3.3 Street Openings. The Company shall not open or disturb the paved surface of any Public Way or Public Ground for any purpose without first having obtained permission from the City, for which the City may impose a reasonable fee. Permit conditions imposed on the Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. The Company may, however, open and disturb the paved surface of any Public Way or Public Ground without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event the Company shall notify the City by telephone to the office designated by the City before opening or distributing a paved surface of a Public Way or Public Ground. Not later than the second working day thereafter, the Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Way or Public Ground, the Company shall restore the same, including paving and its foundation, to as good condition as formerly existed, and shall maintain the same in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if the Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Way or Public Ground in the said condition, the City shall have, after demand to the Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of the Company. The Company shall pay to the City the cost of such work done for or performed by the City, including its administrative expense and overhead, plus ten percent additional as liquidated damages. This remedy shall be in addition to any other remedy available to the City.

3.5 Shared Use of Poles. The Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities whenever such use will not interfere with the use of such poles or towers by the Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by the Company because of such use by City.

SECTION 4. RELOCATIONS

4.1 Relocation of Electric Facilities in Public Ways. Except as provided in Section 4.3, if the City determines to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order the Company to relocate its Electric Facilities located therein. The Company shall relocate its Electric Facilities at its own expense. The City shall give the Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electrical Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment expenses on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Electric Facilities in Public Ground. Except as may be provided in Section 4.3, City may require the Company to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment of the public use to which the Public Ground is or will be put. The relocation or removal shall be at the Company's expense. The provisions of 4.2 apply only to Electric Facilities constructed in reliance on a franchise and the Company does not waive its rights under an easement or prescriptive right.

4.3 Projects with State or Federal Funding. Relocation, removal, or rearrangement of any Company facilities made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46 as supplemented or amended. It is understood that the right herein granted to Company is a valuable right. City shall not order Company to remove, or relocate its facilities when a Public Way is vacated, improved or realigned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Company, but the City need not pay those portions of such for which reimbursement to it is not available.

4.4 Liability. Nothing in the Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

SECTION 5. TREE TRIMMING

The Company may trim all trees and shrubs in the Public Ways and Public Grounds of City interfering with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that the Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION

6.1. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the City. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, the Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS

The City shall give the Company at least two weeks' prior written notice of a proposed vacation of a Public Way. Except where required for a City street or other improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electrical Facilities,

until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way, under Minnesota Statutes, Section 160.29.

SECTION 8. CHANGE IN FORM OF GOVERNMENT

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of the Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. FRANCHISE FEE

9.1 Separate Ordinance. During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on the Company, the City may impose on the Company a franchise fee of not more than five percent of the Company's gross revenues as hereinafter defined. The franchise fee shall be imposed by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 60 days after written notice enclosing such proposed ordinance has been served upon the Company by certified mail. The fee shall not become effective until at least 60 days after written notice enclosing such adopted ordinance has been served upon the Company by certified mail.

9.2 Terms Defined. The term "gross revenues" means all sums, excluding any surcharge or similar addition to the Company's charges to customers for the purpose of reimbursing the Company for the cost resulting from the franchise fee, received by the Company from the sale of electricity to its retail customers within the corporate limits of the City.

9.3 Collection of the Fee. The franchise fee shall be payable not less often than quarterly, and shall be based on the gross revenues of the Company during complete billing months during the period for which payment is to be made. The percent fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and the percentage may not be changed more often than annually. Such fee shall not exceed any amount which the Company may legally charge to its customers prior to payment to the City by imposing a surcharge equivalent to such fee in its rates for electric service. The Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles or customer refunds. The time and manner of collecting the franchise fee is subject to the approval of the Public Utilities Commission, which the Company agrees to use best efforts to obtain. The Company agrees to make its gross revenues records available for inspection by the City at reasonable times.

9.4 Conditions on the Fee. The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes and the City quarterly or more often collects a fee or tax of the same or greater percentage on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling, or lighting, as well as to the supply of energy needed to run machinery and appliances on premises located within or adjacent to the City, but shall not apply to energy sales for the purpose of providing fuel for vehicles.

SECTION 10. SEVERABILITY

If any portion of this franchise is found to be invalid for any reason whatsoever, the validity of the remainder shall not be affected.

SECTION 11. AMENDMENT

This ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of the Company's written consent thereto with the City Clerk within 90 days after the effective date of the amendatory ordinance.

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED

This franchise supersedes any previous electric franchise granted to the Company or its predecessor.

Passed and approved _____.

Mayor

City Manager

ATTEST:

City Clerk

0011RE01.F16