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October 13, 1989

Mr. Jerry Dulgar
City Manager
% Darlene George
City Clerk
City of Crystal
4141 Douglas Drive N.
Crystal, MN 55422

Dear Mr. Dulgar:

Thank you for the opportunity to submit a proposal to the City of Crystal for general, corporate, civil legal services.

As you will see in the attached proposal, the firm of Holmes & Graven, Chartered has made a commitment to the representation of public bodies as a mainstay of its practice. In addition to the municipal finance, development and redevelopment work for which Holmes & Graven has become highly regarded in the legal community and the public sector, we also represent a large number of public bodies in general, civil matters. Among these clients are the cities of New Brighton, Brooklyn Center, Richfield, Robbinsdale, Medina and Lauderdale. We have a large staff of attorneys with considerable expertise and experience in the representation of public sector clients.

In addition to the attorneys described in the attached proposal, we are very pleased to announce that in November of this year, Holmes & Graven will be joined by nine attorneys presently employed by the firm of LeFevere, Lefler, Kennedy, O'Brien & Drawz, all of whom specialize or spend a considerable amount of time in the practice of various fields of municipal law. These include Dave Kennedy, with whom you are most familiar; Jim Thomson, city attorney for the City of Plymouth who specializes in litigation representing municipal clients; Corrine Heine; Jim Strommen; Paul Baertschi; Steven Bubul; Julie Lawler; Mary Frances Skala; and Steve Tallen. Once these attorneys have joined our firm, we will be reevaluating work assignments among the various attorneys in the firm. If this evaluation results in any significant change in the information set forth in the attached proposal, we will promptly notify the city.

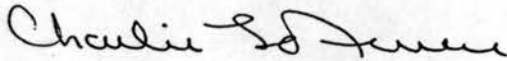
Mr. Jerry Dulgar
October 13, 1989
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We feel that representation of municipal clients is important, challenging and enjoyable work. Therefore, we are very enthusiastic about the prospect of representing the City of Crystal. We believe that the firm of Holmes & Graven is uniquely suited to act as city attorney for the City of Crystal on all civil matters and hope that we will be given an opportunity to have further discussions with you about the qualifications of our firm.

If you have any questions about any of the information set forth in the attached proposal, please feel free to give me a call.

Thank you, again, for inviting the submission of the attached proposal.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles L. LeFevre".

Charles L. LeFevre

CLL:rsr
Enclosure

**PROPOSAL FOR GENERAL CORPORATE CIVIL
LEGAL SERVICES**

**CITY OF
CRYSTAL, MINNESOTA**

**HOLMES & GRAVEN, CHARTERED
470 PILLSBURY CENTER
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE: (612)337-9300**

CONTACT PERSON: CHARLES L. LeFEVERE

OCTOBER 13, 1989

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I. FIRM BACKGROUND

A. NAME OF FIRM.

Holmes & Graven, Chartered is a Minnesota professional corporation.

B. ADDRESS, PHONE AND FAX NUMBERS OF FIRM.

The address of the firm is: Holmes & Graven, Chartered
 470 Pillsbury Center
 Minneapolis, MN 55402

The firm's telephone number for the switchboard (612)337-9300. In addition, each attorney has a direct dial number.

Our Fax number is 337-9310. In the event that line is busy, the call will automatically roll over to our second Fax machine.

C. BRIEF HISTORY OF THE FIRM.

Holmes & Graven was formed in 1973. From its very beginning, the firm has been extensively involved in the representation of public sector clients.

D. NUMBER OF ATTORNEYS AND THEIR SPECIALTIES.

1. Number. The firm consists of 24 attorneys (20 directors and 4 associate staff attorneys).

2. Specialities. The specialized areas of practice at Holmes & Graven which are relevant to this proposal include the following:

a. Land Use. An essential element of municipal legal representation is rendering advice to the client concerning a host of zoning, land use, comprehensive plan and subdivision issues which cities have on a daily basis. Attorneys in our firm have extensive and long-term experience in such matters. One of our attorneys, Ronald Batty holds a Masters Degree in Urban Planning, and in addition has worked as a city planner for the City of New York, Borough of Queens and was the Zoning Administrator for the City of Minnetonka from 1980 to 1984. Mr. Batty has also worked extensively with the City of Richfield on land use issues including the establishment of the C-3-Freeway zoning district in 1986.

b. Eminent Domain. Holmes & Graven has handled both routine and complex condemnation proceedings since the firm was established. Since November 1, 1979, those matters have principally been handled by Robert J. Lindall and John M. LeFevre. In recent years Mary Dobbins has also been heavily involved in this area.

During the period November 1, 1978 through the present, Mr. Lindall has been involved in approximately 200 condemnation proceedings. Most of them have involved commercial or industrial properties. They have included several challenges to public purpose, challenges to the use of the quick-take statute, use of the development approach to value, severance claims, going concern claims, use of condemnation as a title clearance technique, litigation related to the lift of the automatic stay of litigation in bankruptcy which otherwise precludes condemnation, relocation claims, claims for damages arising from dismissal of a condemnation, applicable interest rate, withdrawal of funds from deposit, zoning, street vacations, highest and best use, pollution, leasehold interests, fixture value, environmental approvals, future interests, easements, inverse condemnation, redevelopment plans, redevelopment contracts, special assessments, real estate taxes, and other issues related to condemnation.

Mr. Lindall is co-author with Mary Dobbins and Douglas Peterson, respectively, of two articles in Minnesota Real Estate Law Journal entitled Minnesota's Doctrines of Public Purpose and Superior Public in Eminent Domain (Vol. 1, No. 13, p. 200) and The Origins of Eminent Domain Vol. 1, No. 12. He was chairman of Hennepin County Bar Eminent Domain Committee in 1981-1982 and 1982-1983. John M. LeFevre authored Some Ethical Issues in the Eminent Domain Area (Hennepin Lawyer, 1983).

John Dean has actively practiced in this area as well, having handled condemnation proceedings for the cities of Richfield, Crystal, Brooklyn Center, Robbinsdale, New Brighton and Lauderdale.

- c. Improvement Projects and Special Assessments. As city attorneys we assist the city staff throughout the special assessment process to assure compliance with statutory procedures. We consult with staff in the preparation of assessment rolls, acquiring property when needed and the handling of assessment appeals. Charlie LeFevre has been a frequent lecturer at continuing legal education courses on this subject and is a nationally recognized approving bond counsel with extensive experience in reviewing improvement proceedings in cities throughout the state of Minnesota.
- d. Environment Law. Holmes & Graven has extensive experience in the practice of environmental law through the representation of both public and private clients. Our experience includes:

- 1) The firm has served as general counsel to the Metropolitan Waste Control Commission. This has involved work regarding sewage treatment and disposal and the Clean Water Act and its application to local government units. In this connection, we have developed and instituted the industrial strength charge system in the metropolitan area (both model ordinances and joint power agreements), the industrial cost recovery system, and the waste discharge rules for the metropolitan disposal system. In addition, we have represented the Commission in matters relating to discharge permits, on-land disposal of waste, and litigation regarding municipal user and connection charges.
 - 2) We have represented the Minneapolis Community Development Agency (MCDA), formerly the Minneapolis Housing and Redevelopment Authority, in several environmental matters. In particular, we represented the agency in lengthy litigation in the mid-1970s regarding the adequacy of the Environmental Impact Statement on the Cedar-Riverside New Communities redevelopment project. We have also represented the agency and other public clients in reviewing the adequacy of various environmental documents.
 - 3) The firm has represented several clients regarding the hazardous waste siting procedures under the direction of the Minnesota Waste Management Board, including the County of Carver (with respect to a hazardous waste land disposal facility) and a citizen's group in Plymouth (with respect to a hazardous waste processing facility). In addition, we have advised numerous public clients regarding environmental laws, including the Minnesota Environmental Rights Act (Superfund).
 - 4) From time to time, the firm has rendered advice to various public clients regarding the environmental consequences of development proposals. In addition, we have had extensive experience regarding the issues of historic preservation, environmental impact statements and environmental worksheets.
- e. Litigation. Since its inception, Holmes & Graven has engaged in a substantial and varied litigation practice. At the present time eight attorneys are engaged virtually full time in litigation. In addition to our eminent domain practice described above, other areas of our litigation practice relevant to this proposal include:

- 1) Real estate. Holmes & Graven has litigated cases involving real estate title disputes, mortgage foreclosure, enforcement of purchase agreements, and cases involving claims of fraud and misrepresentation. Because cities regularly purchase and sell land, the availability of this service is of significant value.
- 2) Land Use. Attorneys at Holmes & Graven have litigated numerous cases involving official land use decisions of municipalities including challenges to zoning, conditional use permits, and variances. The addition of Mr. Batty, a highly skilled land use attorney to our professional staff can only enhance our ability to provide quality service on these matters.
- 3) Other litigation relating to municipal decisions and governmental authority. Holmes & Graven has litigated, on behalf of various units of government, disputes over the adequacy of provision of municipal services, housing assistance, relocation benefits, section 1983 claims, claims against municipalities and other government agencies involving anti-trust liability, claims of environmental damage and claims disputing the adequacy of environmental review processes.
- 4) Complex litigation. Holmes & Graven possesses the capacity to provide litigation services to its municipal clients even in unusual and complex matters. Examples include:

-Cedar-Riverside Environmental Defense Fund v. Hills: Holmes & Graven represented the MHRA in this challenge by a neighborhood group to the adequacy of the Environmental Impact Statement (EIS) drafted by HUD to assess the implications of the proposed "new town in town" for the Cedar-Riverside area. This case was substantial and complex, involving a trial at the district court level and an appeal to the Eighth Circuit Court of Appeals.

-Cedar-Riverside Associates v. United States of America: Holmes & Graven represented the MHRA in this case involving numerous claims by a developer against federal and local agencies. The claims included breach of contract, mismanagement of governmental assistance programs, Section 1983 claims and anti-trust claims. This case was made even more complex by consolidation with a foreclosure action

started by HUD against a related development entity. This case involved over 50 depositions, numerous motions to the district court, appointment of a receiver, and several appeals to the Eighth Circuit Court of Appeals.

-Council of Large Public Housing Agencies (CLPHA) v. HUD: Holmes & Graven acts as local counsel for MCDA in this lawsuit commenced by CLPHA and several local housing authorities against HUD in a challenge to HUD's attempt to recapture certain subsidies to the local housing authorities. This case was commenced on behalf of the plaintiffs by counsel in Washington, D.C., but Holmes & Graven has monitored the proceedings on behalf of MCDA.

-MHRA v. Wisconsin Surety Corporation: This case involved a claim against a surety company which provided a surety bond for a contractor known as First Minnesota Construction Company to cover certain construction work done on public housing units on the Olson Highway. MHRA could not sue the contractor, which had defaulted on the contract, and then gone defunct. Nor could MHRA proceed directly against the bonding company, which had gone into liquidation proceedings under Wisconsin statutes. Holmes & Graven represented MHRA in a trial in Wisconsin state court to obtain a substantial award, collected by MHRA, against the liquidation proceeds of the bonding company.

-Hoyt Construction v. MHRA: Holmes & Graven successfully defended this lawsuit brought by a local contractor against MHRA on grounds that MHRA had arbitrarily and discriminatorily awarded contracts and enforced contract specifications.

The litigation experience of Holmes & Graven, only a small portion of which is described above, has given the firm and its litigation department a uniquely broad and deep experience and expertise in virtually all areas of litigation in which a public entity could become involved. For that reason, we believe Holmes & Graven is well-suited to represent the City should litigation matters arise.

- f. Employment and Personnel Matters. Holmes & Graven has been actively involved in the employment/personnel area since

its inception. Several of its attorneys have represented and advised governmental and private clients in this area. The litigation department of the firm has devoted substantial time and resources to the litigation of employment cases. This experience includes the following types of representation: discipline/discharge cases; race, sex, disability and age discrimination cases; sexual harassment cases; Veterans' Preference Act cases; reviews of personnel policies/handbooks, employment contracts, affirmative action plans; advice on pay equity/comparable worth plans; labor-management contracts and the Minnesota Data Practices Act.

Holmes & Graven has primarily represented defendants in employment matters, and in particular, government agencies. Its attorneys have defended these cases in federal and state courts, arbitrations, the Minnesota Human Rights Department, the federal EEOC, The Minneapolis Commission on Civil Rights, before the Commissioner of Veterans Affairs, and in informal negotiations. Two of its attorneys who have extensive experience in the employment area are John M. LeFevre, Jr. (University of Michigan, J.D. 1969) and Mary G. Dobbins (William Mitchell College of Law, J.D. 1983).

The major clients in the employment/personnel area include: Minneapolis Community Development Agency (MCDA), Minneapolis Park and Recreation Board, Suburban Hennepin Regional Park Reserve District, Dakota County Housing and Redevelopment Authority and Catholic Eldercare, Inc.

- g. Joint Powers. Attorneys in the firm have extensive experience in the laws affecting joint powers organizations. We have prepared numerous joint powers contracts for groups of municipalities for various purposes.
- h. Legislative. Holmes & Graven has for many years been active in legislative matters on behalf of public entities. Our firm was primarily responsible for drafting the Uniform Tax Increment Act, the Municipal Housing Finance Act, the Commercial Rehabilitation law, and the 1982 Interest Reduction legislation. We have drafted and lobbied many amendments to Chapter 462, the Industrial Development Revenue Bond Act, the Municipal Housing Finance Act, tax increment laws and various other statutes on behalf of the National Association of Housing and Redevelopment Officials as well as individual clients. This includes, for example, legislation to equalize tax disparities between border cities enacted during the 1983 session on behalf of Moorhead, Minnesota and the 1984 industrial development bond allocation legislation.

The firm has also been involved in federal legislation. Through the offices of Representatives Frenzel and Sabo and Senator Durenberger, we have drafted and consulted with respect to much housing and development legislation, including the 1980 Ullman legislation, the housing provision of the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984.

Holmes & Graven represented the League of Minnesota Cities with respect to certain tax exempt financing provisions of the Tax Reform Act of 1986.

Finally, Holmes & Graven has been active in the review and preparation on legislation which will modify the land use provisions of Minnesota Statutes, Chapter 462.

- i. Real Estate. Much of the firm's activities involve in one manner or another issues pertaining to land and its ownership. In addition to our condemnation and general real estate litigation activities, we handle countless real estate transactions for the clients of the firm. In that connection we have gained extensive experience in issues affecting title; and have handled many proceedings necessary to establish and to clear title to land.
- j. Finance.
 - 1) Municipal Finance General. As a nationally recognized bond counsel, Holmes & Graven has acted as bond counsel throughout the United States. The firm is a member of The National Association of Bond Lawyers and is listed in the Municipal Bond Attorneys of The United States section of "The Bond Buyer's Directory." Holmes & Graven has a broad base of experience in connection with the issuance and sale of public debt, whether at the local, regional or state level. We have acted as bond counsel, underwriter's counsel, company counsel and issuer's counsel in issues of general obligation bonds, tax increment revenue bonds, industrial development bonds and single family and multifamily housing bonds. As discussed below, we played a central role in the drafting of Minnesota's tax increment, industrial development bond and housing bond laws.
 - 2) Redevelopment. Holmes & Graven developed much of its housing and redevelopment law experience by acting as general counsel to the Minneapolis Housing and Redevelopment Authority from April, 1973 to June, 1981. When that agency was reorganized in 1981, the

Minneapolis city attorney undertook the general counsel responsibilities, and we concentrate on condemnation, various bond issues and redevelopment contract negotiations. While general counsel, however, Holmes & Graven rendered approximately 500 formal legal written opinions regarding all aspects of the operation of a housing and redevelopment authority, all of which have been retained and cataloged; handled approximately 350 condemnation proceedings through Commissioner hearings, district court trial and Supreme Court appeal; handled real estate title matters, including quiet title and torrens proceedings; negotiated all development agreements, including tax increment, UDAG, EDA, SBA and CDBG-funded projects; initiated the locally funded commercial and housing rehabilitation program, the urban homestead program, the single family and multifamily loan programs, as well as initial implementation of the CDBG, UDAG, Section 23 and Section 8 programs; litigated all authority trial matters; and handled federal and state lobbying activities.

Our expertise in housing and redevelopment matters has resulted in our current role as general counsel to the Housing and Redevelopment Authorities and Economic Development Authorities of Robbinsdale, Columbia Heights, Chanhassen, Brooklyn Center, Saint Cloud, Dakota County, Washington County, Stearns County, Scott County, and Northwest Multi-County. We also represent the Minnesota Chapter of The National Association of Housing and Redevelopment Officials.

In many cases Holmes & Graven is retained to provide specialized housing, economic development or redevelopment services to cities. We act in this capacity in Moorhead, Duluth, Rochester, St. Paul, Hibbing, Aitken, Grand Rapids, Maplewood, Shakopee, Eagan, Brooklyn Park, Morris, Benson, Stewartville, Dawson, Winona, Adrian, Austin, Willmar, Bemidji, Bloomington, Buffalo, Coon Rapids, Excelsior, Fergus Falls, Fridley, Hastings, Olmsted County, Lincoln County, Mankato, Monticello, Sartell, Savage, Thief River Falls, Waconia, Watertown, Wayzata, and for the Metropolitan Council's Housing and Redevelopment Authority. While these services are varied, they typically involve the structuring and negotiating of specific transactions.

We believe Holmes & Graven's experience in representing the private sector is at least as important

as our experience on the public side. Our attorneys have represented such developers as Laukka & Associates Inc., Winfield Development Companies, The Boisclair Corporation, Duraps, Inc., United Properties, Pentom, Inc., M.A. Mortenson Company, Anderson-Jordahl Company, The Wilder Foundation, Apache Corporation, Metro Office Parks Company, Crossroads Development Corporation and Carley Capitol Group, Darrel A. Farr Development Corp., Richard Miller Homes, Hoaglan Builders, Rosewood Corporation, Woodbridge Properties, and others in housing, development, or redevelopment matters in which local public financial assistance is involved. Holmes & Graven represents these developers only on a transactional basis, so that this representation would generally not present a conflict of interest. We believe this has given us a unique opportunity to understand the strengths and weaknesses of a development transaction from the private viewpoint. It has, for example, given us the ability to adopt and develop a computer model which analyzes real estate transactions from the developer's perspective, which has proven extremely useful to many public entities when trying to answer the always present and forever difficult question of how much subsidy is enough subsidy. This system was developed because we believed that public entities were at a distinct disadvantage in contract negotiations if they didn't understand the potential profit margins in this and other similar transactions.

Robert Deike is a former staff attorney for the Minneapolis Housing and Redevelopment Authority and as such was responsible for providing general advice and representation to the authority in connection with all aspects of its operations, including its real estate and redevelopment programs and transactions. From June, 1981 until he joined Holmes & Graven in October, 1983, Mr. Deike provided the same representation to the MCDA on a daily basis. Since joining our firm Mr. Deike has provided general representation to several housing and redevelopment authorities throughout the state and has participated in the structuring, negotiating, and drafting of numerous redevelopment contracts and related land sale and development documents.

Holmes & Graven has negotiated literally hundreds of development contracts on behalf of public clients. We drafted the early tax increment agreements, the form of which is in common use today. We drafted the first UDAG contract in connection with the Minneapolis

Pillsbury research and development facility and that form is still in use nationally by HUD.

Holmes & Graven negotiated and drafted development contracts for the following representative projects:

Pillsbury research and development facility	- Minneapolis
Central Avenue Developments	- Columbia Heights
Industry Square Development Corporation	- Metrodome, Minneapolis
Norwest Center	- St. Cloud
Boisclair East Bank (River Place)	- Golden Valley
First Bank of Robbinsdale	- Robbinsdale
Downtown Mall	- Grand Rapids
Block 40 (Galtier Place - Lowertown)	- St. Paul
Watlow Facility	- Winona
Lake & Hennepin project	- Minneapolis
Edenborough	- Edina
Hyridge Condominiums	- Minnetonka
Franklin Avenue Redevelopment Project	- Minneapolis
Lee School	- Robbinsdale
Coke-Marquette Development	- Minneapolis

3) Public Housing.

We think that an important part of development in any community over the next few years will be multifamily housing, and that an understanding of both the real estate and financing aspects of such projects will be

vital. Daniel R. Nelson and Stefanie N. Galey have done extensive work in the housing cooperative and condominium area, as well as with various HUD and Minnesota Housing Finance Agency programs.

Holmes & Graven has had extensive experience in representing and advising various housing and redevelopment authorities throughout the state in connection with their operation of public housing and other federally-assisted housing programs. Among the public housing authorities to which Holmes & Graven has provided such services are the Minneapolis Community Development Agency and its predecessor, the Minneapolis Housing and Redevelopment Authority. In the course of providing such representation the firm has had the opportunity to research such areas as sufficiency of admission procedures and criteria for public housing tenants, including handicapped and disabled persons, "good cause" requirements for evictions of public housing tenants, and due process hearing requirements for denial of admissions to public housing and evictions from public housing. The firm's involvement has not been limited to the federal public housing program, but has included the giving of advice and representation of public housing agencies concerning the development and operation of the federal Section 8 existing housing program.

In addition to giving general legal advice and assistance concerning the public housing and Section 8 housing programs, the firm has also represented numerous public housing agencies in litigation arising out of their operation of public housing and Section 8 housing programs. The following represents some examples of the litigation in which the firm has been involved:

a) MHRA vs. Wright: An action brought in Hennepin County Municipal Court on behalf of the Minneapolis Housing and Redevelopment Authority to evict a tenant from public housing for lease violations relating to the tenant's conduct. The case involved challenges to the housing authority's determination that good cause existed for eviction and to the sufficiency of the housing authority's due process procedures followed prior to eviction.

b) Zephier vs. MCDA: An action in federal district court brought against the MCDA by participants in the MCDA's Section 8 existing housing program challenging the legality of the MCDA's policy on landlord

terminations of leases under the Section 8 Program. The plaintiff contended that the MCDA's policies did not comply with federal law governing the giving of notices of termination of leases under the Section 8 existing housing program. The case was ultimately rendered moot by a change in the relevant federal law.

c) Miller vs. MCDA: An action in federal district court challenging the validity of the MCDA's policy concerning the admission to public housing of persons with a history of alcohol related problems. The plaintiff, an applicant for admission to housing, contended that the MCDA's policy of requiring persons with a history of alcohol or drug related problems to demonstrate an ability to live independently violated both federal law governing the operation of the public housing program and state law prohibiting discrimination based on disability. The tenant was ultimately admitted to public housing after an administrative admissions hearing held by the MCDA, and the federal litigation was settled through a consent decree agreed upon by the parties.

d) New vs. Minneapolis Housing and Redevelopment Authority: An action in state district court by a tenant in public housing who claimed that her personal property was illegally taken from her public housing unit by housing authority employees and destroyed. The case involved a constitutional challenge to the validity of a statutory limitation on the amount of punitive damages which could be assessed against a public housing authority for violation of the statute specifying the manner in which a landlord must retain and dispose of property left in a unit by a tenant upon vacation of the unit. This action was ultimately settled by agreement of the parties.

The persons who would be primarily responsible for the firm's work in these areas would be John M. LeFevre and Robert Deike. Mr. LeFevre has represented the MCDA and other public housing authorities on numerous occasions in connection with litigation regarding the operation of public housing and Section 8 housing programs. Prior to joining the firm of Holmes & Graven in October, 1983, Mr. Deike had for approximately 3 years been employed as an attorney by the Minneapolis City Attorney's Office and the Minneapolis Community Development Agency. During that time, Mr. Deike was nearly exclusively responsible for advising and representing the MCDA and its predecessor, the Minneapolis Housing and Redevelopment Authority, in connection with the

day to day operation of its public housing and Section 8 housing programs.

4) Legislative.

Holmes & Graven has for many years been active in legislative matters on behalf of housing and redevelopment clients. Our firm was primarily responsible for drafting the Uniform Tax Increment Act, the Municipal Housing Finance Act, the Commercial Rehabilitation law, and the 1982 Interest Reduction legislation. We have drafted and lobbied many amendments to Chapter 462, the Industrial Development Revenue Bond Act, the Municipal Housing Finance Act, tax increment laws and various other statutes on behalf of the National Association of Housing and Redevelopment Officials as well as individual clients. This includes, for example, legislation to equalize tax disparities between border cities enacted during the 1983 session on behalf of Moorhead, Minnesota and the 1984 industrial development bond allocation legislation.

Finally, the firm has been involved in federal legislation. Through the offices of Representatives Frenzel and Sabo and Senator Durenberger, we have drafted and consulted with respect to much housing and development legislation, including the 1980 Ullman legislation and the housing provision of the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984.

Holmes & Graven represented the League of Minnesota Citites with respect to certain tax exempt financing provisions of the Tax Reform Act of 1986.

E. NUMBER OF POSITION TITLES OF SUPPORT PERSONNEL

1. Number of paralegals and specialties. Our firm employs five individuals who are classified as paralegals. Three are primarily involved in litigation activities. One is primarily involved in real estate activities; and one is primarily involved in public finance and securities activities.
2. Support Personnel. Holmes & Graven's support staff (excluding paralegals) is organized as follows:
 - a. Secretarial - 9
 - b. Accounting and administrative - 11

c. Night word processors - 2

d. Law clerks - 3

F. DESCRIPTION OF OFFICE ORGANIZATION

Holmes & Graven is a private corporation. James S. Holmes, David L. Graven and John R. Larson are the principals of the corporation. The principals are also members on the 17 person Board of Directors which together with the firm's Executive Committee establishes firm policy and governs the firm's operations. The Director of Administration is responsible for the implementation of the directives of the board and overseeing the personnel issues relating to the professional and non-professional staff.

The secretarial staff is assigned to designated attorneys. Law clerks and messengers are available on an as-needed basis.

The form of our business entity, management structure and attorney and staffing practices have served our firm well. Departures of our legal staff and the resulting disruptions are very rare.

II. ATTORNEY QUALIFICATIONS:

A. INDIVIDUAL QUALIFICATIONS.

1. Introduction. In providing legal service to public sector clients Holmes & Graven uses a team approach. The individual designated as City Attorney would oversee and be responsible for all work done for the City; however, he or she has available all of the considerable resources and expertise of the firm and will provide to the City the individuals best suited to undertake any given project. Although the primary contact with the City will continue to be the designated City Attorney, we have found that over time the City staff will tend to develop relationships with the most knowledgeable and experienced attorneys in the firm practicing in the staff member's field (e.g., finance, real estate, redevelopment, employee relations, law enforcement, etc.). In such cases we make it our responsibility to ensure that the City Attorney is kept advised and informed of the work of the other attorneys in the firm.

A brief description of the attorneys in the firm is attached as Attachment One. Those attorneys who are designated as City Attorney and principal back-up attorneys and those attorneys who are most likely to be providing services to the City are described in more detail in this section.

2. Responsible City Attorney. We propose that Charles L. LeFevere act as City Attorney for Crystal. Mr. LeFevere has served as the city attorney for New Brighton for seven years, the city attorney for Brooklyn Center for two years, and the attorney for the Lake

Minnetonka Conservation District (a municipal corporation created by special law in 1969) for eleven years. He has also served as city attorney for the City of Minnetonka and has undertaken projects of various kinds for many other metropolitan cities including Medina, Richfield, Ramsey, Egan, Burnsville, Inver Grove Heights, Roseville, Crystal and Plymouth. Approximately 90% of Mr. LeFevre's time involves practice in the areas described in this proposal, and he would continue to be available to provide these services into the foreseeable future. A copy of Mr. LeFevre's Resume is attached as Attachment Two.

3. Principal Back-up Attorneys. The principal back-up attorneys for the City Attorney are John B. Dean and Ronald H. Batty. Both are experienced city attorneys and the City should feel free to contact either of these attorneys in the absence or unavailability of the City Attorney. John is 45 years old and has practiced municipal law for 18 years. He is the City Attorney for the cities of Richfield and Robbinsdale. A copy of John's resume is attached as Attachment Three. Ron is 37 years old and is the City Attorney for both Medina and Lauderdale. Ron holds a master's degree in urban planning, has worked as a city planner for the City of New York, Burrough of Queens, and was the zoning administrator for the City of Minnetonka from 1980 to 1984. A copy of Ron's resume is attached as Attachment Four.
4. Other Support Attorneys. The designated City Attorney has at his or her disposal an experienced staff of attorneys who may be called upon to assist, or provide primary service, in various specialties. These include:
 - a. Labor Relations - John M. LeFevre, Jr., Mary Dobbins .
 - b. Condemnation - Robert J. Lindall.
 - c. Planning and Development - Ronald H. Batty.
 - d. Public Improvements and Special Assessments - Charles L. LeFevre.
 - e. Litigation - David L. Graven. Mr. Graven is actively involved in litigation and has general supervisory authority over the litigation activities at the firm. Depending upon the nature of the matter, Mr. Graven may actually handle the litigation, or he may assign the matter to another litigator having special knowledge in the area.
 - f. Development and Redevelopment - John B. Dean, Ron H. Batty.
 - g. Municipal Finance - James Holmes or Stefanie Galey

B. ALLOCATION OF WORK.

Depending on the nature of the legal service being provided, the client is often best served in terms of cost and efficiency by non-attorney support staff. These matters include legal research, real estate title work, litigation support, code updates and real estate transaction support. In all cases this work is supervised and checked by experienced attorneys. Our experience has been that less than ten percent of the City's work would be done by non-attorney support staff. We, are, of course, willing to discuss allocating more of the described services to our non-legal staff; however, we suspect that such allocations can ordinarily be made more efficiently and more economically to city staff.

C. CURRENT RESPONSIBILITIES AND FUTURE ABAILABILITY

Charlie LeFevere currently has primary responsibility as designated counsel for the cities of Brooklyn Center and New Brighton, and the Lake Minnetonka Conservation District. He provides assistance to the designated city attorneys for Richfield and Robbinsdale and works on special projects for a number of other public bodies. Although some restructuring of his work load would be required, we are confident that he would have sufficient time, now and in the foreseeable future, to assume the responsibilities of City Attorney for the City of Crystal.

D. BACK-UP ATTORNEYS.

Principal back-up attorneys are identified and described, in paragraph II.A.3. above.

III. FIRM QUALIFICATIONS

A. CLIENT REFERENCES.

1. Principle References. The clients whose references are most directly applicable to this proposal are the City Managers who have had direct experience with the responsible city attorney and the principle back-up attorneys. These are:

Mr. Jerry Splinter, City Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
Telephone No. 561-5440

Mr. David Childs, City Manager
City of New Brighton
803 - 5th Ave., N.W.
New Brighton, MN 55112
Telephone No. 633-1533

Mr. Hank Sinda, City Manager
[Former City Manager, City of New Brighton]
City of Sioux City
Telephone No. (712) 279-6102

Mr. James Miller, City Manager
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345
Telephone No. 933-2511

Mr. James Prosser, City Manager
City of Richfield
6700 Portland Ave., S.
Richfield, MN 55423
Telephone No. 968-7521

Mr. Walter Fehst, City Manager
City of Robbinsdale
4221 Lake Road
Robbinsdale, MN 55422
Telephone No. 537-4534

2. Other References. Other public sector clients for which the firm provides legal services are listed in Attachment Five.

B. **WORKLOAD ACCOMMODATION AND PRIORITIES.**

Holmes and Graven has committed itself to the representation of public sector clients. In fact nearly three quarters of the revenue of the firm is derived from the representation of such clients in either general civil representation or public sector finance. Because the City of Crystal would be a major municipal client of the firm its work would be given the highest priority.

IV. FEES

A. **RETAINER FEE.**

We would prefer that all fees be on an hourly basis at the rates specified below. We have found that such an arrangement is the most equitable for both the client and the firm and fosters a more harmonious long term relationship.

We are mindful, however, of the advantages to the City of the use of a retainer. Therefore, if the City prefers to continue to use a retainer we would propose that the retainer be set at \$1,100 per month for 1990 for the services listed in the Request for Proposals with the exception of attendance at Charter Commission and EDA meetings which would be billed at the rate set forth in the following paragraphs. We will keep detailed

records on services provided under the retainer, and adjustments would be made for the years 1991 and 1992, either up or down, so that the anticipated rate of compensation for retainer services would result in the same rate of compensation to be paid for general, civil non-retainer work, based on the number of hours of service under the retainer for the preceding year.

B. OTHER FEES.

If we are selected to provide legal services for the City our rates for 1989 will be \$85 per hour for all attorneys except in the case of litigation where our rates will be \$95 per hour for directors in the firm and \$85 per hour for all other attorneys. Clerk and paralegal time is billed at \$50 per hour. Anticipated rates for the years 1989, 1990, 1991 and 1992 are shown in the following table:

	1989	1990	1991	1992
General civil matters				
directors	85	88	100	105
associate attorneys	85	88	95	100
clerks and paralegals	50	53	55	60
litigation and administrative proceedings				
directors	95	98	110	115
associate attorneys	85	88	95	100
clerks and paralegals	50	53	55	60
development and redevelopment [EDA]				
directors	85	88	110	115
associate attorneys	85	88	95	100
clerks and paralegals	50	53	55	60

The rates for the years 1991 and 1992 may be adjusted downward as necessary to be generally consistent with rates charged to other municipal clients. However, barring extraordinary inflation, the rates will not exceed the amounts shown in the table.

Fees for rendering approving bond opinions depend on the nature and amount of the bond issue. We believe these rates are competitive, and we would be happy to provide more information on request.

No additional charge is made for availability of FAX machines. Billings will conform to the requirements stated in the Request for Proposals. Out of pocket expenses, disbursements and mileage will be charged to the appropriate file.

V. CONCLUSION

We believe that the firm of Holmes & Graven is exceptionally well qualified to serve as City Attorney for the City of Crystal. These qualifications will be enhanced by the addition of nine attorneys presently practicing with the LeFevre, Lefler firm, in the field of municipal law. Holmes & Graven has made a commitment to providing general legal services of the highest quality to public bodies throughout the state, and we will continue to honor that commitment.

Attachment One

There follows a brief background summary of each attorney, as well as his or her area of practice:

Robert A. Alsop, born New Ulm, Minnesota, May 9, 1959; admitted to bar, 1986, Minnesota; 1986, U.S. District Court of Minnesota. Education: St. Olaf College (B.A., 1981); William Mitchell College of Law (J.D., 1986). Member: Minnesota State and American Bar Associations. Practice: Real estate, litigation.

Mary Jo Brenden, born Saint Paul, Minnesota, February 28, 1958; admitted to bar, 1984, Minnesota. Education: St. Olaf College (B.A. 1980); William Mitchell College of Law (J.D. 1984, cum laude). Practice: Securities, corporate.

Christine M. Chale, born Aurora, Colorado, October 16, 1958; admitted to bar, 1983, Minnesota. Education: University of North Dakota (B.A. 1980; summa cum laude); University of Minnesota (J.D., cum laude, 1983) Phi Beta Kappa. Member: American, Minnesota State, and Hennepin County Bar Associations; and National Association of Bond Lawyers. Practice: Municipal finance.

Robert C. Carlson, born St. Paul, Minnesota, March 27, 1943; admitted to bar 1973, Minnesota, Iowa; 1973, U.S. District Court of Minnesota and U.S. Court of Appeals, Eighth Circuit; 1985, U.S. Supreme Court. Education: University of Minnesota (B.S. 1966); University of Iowa (J.D. with honors 1973). Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Corporate and securities.

Robert L. Davidson, born Mohall, North Dakota, August 29, 1933; admitted to bar, 1957, Minnesota. Education: University of Minnesota (B.S.L., 1955; LL.B., 1957). Phi Delta Phi. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Real Estate.

Robert J. Deike, born Mankato, Minnesota, June 28, 1951; admitted to bar, 1980, Minnesota. Education: Mankato State University (B.A., 1975); William Mitchell College of Law (J.D., cum laude, 1980). Co-author with Norton and Davidson "Minnesota Real Estate Digest," Mason Publishing Company, 1983. Member: Minnesota State and American Bar Associations. Practice: Governmental representation, real estate, contracts.

Mary G. Dobbins, born Minneapolis, Minnesota, May 5, 1954; admitted to bar, 1983, Minnesota; 1983 U.S. District Court of Minnesota. Education: University of Minnesota (B.A. 1979, magna cum laude); William Mitchell College of Law (J.D. 1983, cum laude). Phi Beta Kappa. Member: Minnesota State and American Bar Associations. Practice: Real estate, litigation.

Eng, Jeffrey, born West Allis, Wisconsin, March 14, 1963; admitted to bar, 1988, Minnesota; 1988, U.S. District Court of Minnesota. Education: University of Wisconsin-Madison (B.B.A., with honors, 1985); University of Minnesota (J.D., 1988). Member: University of Minnesota Law Review, 1987-1988. Member: Minnesota State and American Bar Associations. Practice: Litigation.

Stefanie N. Galey, born New York, New York, October 28, 1953; admitted to bar, 1980, Minnesota; 1981, U.S. District Court of Minnesota. Education: Cornell University (B.A. 1975); William Mitchell College of Law (J.D., cum laude, 1980). Member: Hennepin County, Minnesota State and American Bar Associations; National Association of Bond Lawyers. Practice: Finance, taxation, securities.

David L. Graven, born Minneapolis, Minnesota, July 22, 1929; admitted to bar, 1953, Minnesota; 1954, U.S. Court of Military Appeals. Education: St. Olaf College (B.A., 1950); University of Minnesota (LL.B., 1953). Phi Beta Kappa; Order of the Coif. President and Recent Case Editor, Minnesota Law Review, 1952-1953. Co-author: with Enker "Minnesota Criminal Procedure," Continuing Legal Education, 2 Vols., 1968. Author: "Seller's Liability After Sale," Chapter in MINNESOTA REAL ESTATE, CLE, 1970; "Minnesota Contract for Deed," Minnesota Practice Institute, 1976. Professor of Law, University of Minnesota Law School, 1963-1974. Uniform Law Commissioner, Minnesota, 1958-1961. Secretary, Judicial Council, State of Minnesota, 1965-1970. Member: Governor's Human Rights Commission, Minnesota, 1965-1967; Board of Directors, Citizen's League, 1965-1970; 1981-; Metropolitan Council (Twin Cities Area), 1971-1974; Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure, 1971-. Chairman, Transportation Advisory Board of Metropolitan Council, Twin Cities Area, 1977-; Member, Minnesota News Council, 1981-. Member: Minnesota State and American Bar Associations; Trustee, Minnesota Bar Association LAW PAC 1977-; Chairman, Legislative Committee, Minnesota Bar Association, 1981-. [Major, JAGC, USAR, 1954-1957.] Practice: Real estate, litigation, environmental law.

James S. Holmes, born Fargo, North Dakota, March 9, 1941; admitted to bar, 1969, Minnesota. Education: Washburn University of Topeka (B.A., magna cum laude, 1966); University of Minnesota (J.D., cum laude, 1969). Order of the Coif. McVicar Scholar. Article Editor, University of Minnesota Law Review, 1968-1969. Co-author with David Graven: "Of Open Meetings," "Attorney-Client Privileges," and "The Government Lawyer," 33 Bench and Bar 8, February, 1977. Author: "The Attorney-Client Privilege Exception to the Open Meeting Law," 62 Minnesota Cities 13, December, 1977. Author: "Minnesota Tax Increment Financing Act, annotated," 1979, 1980, 1982. Instructor, Legal Writing, 1969-1971, Appellate Advocacy, 1971-1973, University of Minnesota Law School. Adjunct

Professor, Municipal Bonds, 1982, University of Minnesota Law School. Chairman Metropolitan Council Housing Advisory Committee, 1971-1973. Member, Metropolitan Council Redevelopment Authority Advisory Committee, 1973-1974. Member, Minnesota Chapter of the National Association of Housing and Redevelopment Officials, 1979-. Member, National Association of Bond Lawyers (Member, Tax Increment/Special Assessment District Financing Committee and Financing Housing, 1978-). Member: Hennepin County (Member, Local Government Law Committee, 1978-), Minnesota State and American (Member, Local Government Law Section) Bar Associations. Practice: General representation, real estate, finance.

John R. Larson, born Montevideo, Minnesota, January 24, 1947; admitted to bar, 1974, Minnesota. Education: University of Minnesota and Mankato State College (B.A., 1970); William Mitchell College of Law (J.D., 1974). Chairman of Committee for a Law Review; Committee on Professional Responsibility; Securities Examiner, Securities Division, Minnesota Department of Commerce, 1972-1974; Real Estate Director, Securities Division, Minnesota Department of Commerce, 1974-1975; Minnesota Commissioner of Securities, 1975-1978 (with responsibilities for the administration of Minnesota securities, real estate, franchise, subdivided land, charities and corporate takeover laws); Chairman, Commerce Commission, 1978 (with oversight responsibilities of securities, banks and insurance divisions of the Department of Commerce); Member: William Mitchell College of Law Association; Real Estate, Securities and Syndication Institute; National Syndication Forum; Former member of National Association of Securities, Dealers, Inc.; Real Estate Committee; Former member Commodity Futures Trading Commission; Advisory Committee on State Jurisdiction. Continuing Legal Education Speaker. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: General business, securities, real estate.

Wellington H. Law, born St. Paul, Minnesota, October 30, 1931; admitted to bar, 1955, Minnesota; 1957, U.S. District Court, District of Minnesota; 1963, U.S. Supreme Court and U.S. Court of Military Appeals; 1970, U.S. Claims Court. Education: University of Minnesota (B.S.L., 1955, LL.B., 1955). Phi Delta Phi. Member, Board of Editors. University of Minnesota Law Review, 1953-1954. Member: Hennepin County, Minnesota State and American (Member, Forum Committee on Construction Industry, 1979-; Sections on: Public Contract Law; International Law) Bar Associations.

John M. LeFevre, Jr., born Dayton, Ohio, September 15, 1944; admitted to bar, 1970, New York; 1973, U.S. District Court, W.D.N.Y., 1977, Minnesota; 1978, U.S. District Court, D. Minn.; 1978, U.S. Court of Appeals, Eighth Circuit. Education: Williams College (B.A. cum laude, 1966); University of Michigan (J.D., 1969). Phi Beta Kappa. Member: Hennepin County and Minnesota State Bar Associations. Referee, Hennepin County Conciliation Court. [Capt., U.S. Marine Corps Reserve, 1970-1972]. Practice: Litigation, condemnation, motor carrier representation, environmental law.

Robert J. Lindall, born Slayton, Minnesota, February 28, 1944; admitted to bar, 1969, Minnesota and 1980, U.S. District Court of Minnesota. Education: University of Minnesota (B.A., 1966; J.D., 1969). Delta Theta Phi, Phi Sigma Kappa. Co-author with Mary Dobbins, "Minnesota's Doctrines of Public Purpose and Superior Public Purpose in Eminent Domain," Minn. Real Est. L. J., May/June, 1983, Co-author with Douglas Peterson, "Origins of Eminent Doman," Minn. Real Est. L. J., August, 1983. Special Assistant Attorney General, State of Minnesota (representing Pollution Control Agency), 1969-1973. Staff Attorney, 1973-1974, Vice President and General Counsel, 1974-1977, President and General Manager, 1977-1978, Jonathan Development Corporation. Member, 1971-1975 and Chairman, 1974-1975, Minnesota Environmental Education Council. Member, Metropolitan Council Transportation Advisory Board, 1978-1981. Alderman, City of Chaska, 1978-to present. Mayor Pro Tem, City of Chaska, 1988 to present. Member: Hennepin County (Chairman, Eminent Domain Committee, 1981-1983), Minnesota State and American Bar Associations; International Right of Way Association. Continuing Legal Education speaker. Practice: condemnation, real estate, litigation, general governmental representation, environmental law.

Laura R. Mollet, born Racine, Wisconsin, August 3, 1957; admitted to bar, 1982, Minnesota. Education: University of Minnesota (B.A., magna cum laude, 1979; J.D., 1982). Member: Hennepin County and American Bar Associations. Practice: Litigation, securities.

Daniel R. Nelson, born Minneapolis, Minnesota, August 27, 1955; admitted to bar, 1980, Minnesota; 1981, U.S. District Court of Minnesota. Education: St. Olaf College (B.A., cum laude, 1977); University of Minnesota (J.D., 1980). Member: Hennepin County, Minnesota State and American Bar Associations; National Association of Bond Lawyers. Practice: General governmental representation, municipal finance.

Barbara L. Portwood, born Kansas City, Missouri, October 22, 1951, admitted to bar, 1979, Wisconsin and U.S. District Court, Western District of Wisconsin; 1981, Minnesota. Education: Rutgers University (B.A. 1975); University of Wisconsin (J.D., cum laude, 1979). Law Clerk to the Honorable Barbara B. Crabb, Chief Judge, U.S. District Court, Western District of Wisconsin, 1979-1980. Member: Hennepin County, Minnesota State and American Bar Associations; State Bar of Wisconsin; National Association of Bond Lawyers. Practice: General governmental representation, municipal finance.

Larry M. Wertheim, born Minneapolis, Minnesota, May 29, 1950; admitted to bar, 1976, Minnesota; 1976, U.S. District Court of Minnesota; 1978, U.S. Court of Appeals, Eighth Circuit. Education: University of California at Berkeley (A.B., 1971); University of Wisconsin (M.A., 1973); University of Minnesota (J.D., magna cum

laude, 1976). Phi Beta Kappa. Author: "Due-On-Sale Clauses in Minnesota," 1 MINN. REAL. EST. L. J. 33 (1982); "Due-On-Sale Clauses - An Update," 1 Minn. Real Est. L.J. 81, 1982; "Due-On-Sale III: The New Federal Preemption," 1 Minn. Real Est. L.J. 113, 1982; "Case Comment -American National Bank v. Blaeser," 1 Minn. Real Est. L.J. 154, 1983. Member: Hennepin County and Minnesota State Bar Associations. Practice: Litigation, general business matters.

Bonnie L. Wilkins, born Fargo, North Dakota, October 22, 1944; admitted to bar 1986, Minnesota. Education: North Dakota State University (B.A. 1966), University of Minnesota (J.D., cum laude, 1986). ABA Moot Court Competition Participant, 1985. Appellate Advocacy Instructor, University of Minnesota Law School. Member: Ramsey County, Minnesota State and American Bar Associations. Practice: Real estate, corporate.

CHARLES L. LEFEVERE

PERSONAL DATA:

- Born December 21, 1946, Minneapolis, Minnesota
- Married to Kathryn Fevold
- Two Children
- Graduate of Richfield, Minnesota, High School
- B.A. in English (1968) St. Olaf College, Northfield, Minnesota
- Exchange student sophomore year to Tuskegee Institute, Tuskegee, Alabama.
Teacher for Tuskegee Institute Community Education Program in Lowndes County, Alabama
- Attended Officer Candidate School in Newport, Rhode Island (1968) and served aboard heavy cruiser with deployment to Europe, Africa, Caribbean Islands, South America and Norfolk, Virginia. Rank, Lieutenant.
- J.D., cum laude, (1975) University of Minnesota

PROFESSIONAL EXPERIENCE:

Municipal.

City attorney for New Brighton; City attorney for Brooklyn Center; attorney for the Lake Minnetonka Conservation District; assistant school district attorney for the Hopkins, Edina, and Columbia Heights School Districts; assistant city attorney for the cities of Richfield, Crystal, and Medina; special counsel to cities including Minnetonka, Burnsville, Inver Grove Heights and Ramsey; and approving bond counsel to a large number of other cities, school districts and counties throughout the state.

Administrative.

Regulation of public utilities; practice before the North Dakota Public Service Commission and Minnesota Environmental Quality Board, including work on power plant siting, environmental impact statements and testifying before Minnesota House and Senate committees. Advising political subdivisions and utilities on legal matters at regular meetings and hearings, appearances before state and local administrative agencies, trial and appellate practice.

PROFESSIONAL LECTURES AND SEMINARS:

- City Engineers Association of Minnesota, January 21, 1988
Recent Changes in the Law of Special Assessments
- Minnesota Institute of Legal Education, March 15, 1985
Special Assessments
- Minnesota Association of City Attorneys, January 21-22, 1983
Municipal Regulation of Landfills and Other Sources of Pollution or Contamination
- Hennepin County Bar Association, Local Government Committee,
September 9, 1982, Storm Water Management, Financing Alternatives

- Minnesota Association of City Attorneys, Annual Meeting, June 18, 1982
Special Assessments, Impact of Recent District Court Decision
- Hennepin County Bar Association Eminent Domain Committee
April 14, 1982, The Pitfalls of Special Assessment Appeals Minnesota
State Bar Association
- Continuing Legal Education, November 20, 1980
Land Use Issues - 1980 Seminar Special Assessments

PROFESSIONAL ORGANIZATIONS:

- Admitted to practice before the Minnesota Supreme Court and other Courts of the State, Federal District Court for Minnesota and Eighth Circuit Court of Appeals.
- American Bar Association -- Local Government Law Committee
- Minnesota State Bar Association
- Hennepin County Bar Association -- Local Government Law Committee
- Nationally recognized Approving Municipal Bond Attorney listed in Directory of Municipal Bond Dealers of the United States

COMMUNITY ACTIVITIES AND SPECIAL INTERESTS:

- Rotary International
- Minneapolis Athletic Club
- Chairman, Minnetonka Board of Zoning Adjustment, 1979-1984
- Hunting, swimming, skiing, running, hockey
- Managing or coaching various youth hockey and baseball teams
- Former President, Wayzata Youth Hockey Association

EMPLOYMENT DATA:

- April, 1989 to present: Director, Holmes & Graven, Chartered
- September, 1975 to April, 1989: Director and Shareholder, LeFevere, Lefler, Kennedy, O'Brien & Drawz
- July, 1973 to September, 1975: Law Clerk, LeFevere, Lefler, Kennedy, O'Brien & Drawz
- October, 1968 to March, 1972: Line Officer, United States Navy
- May, 1968 to October, 1968: Construction Inspector, City of Burnsville

JOHN B. DEAN

PERSONAL DATA:

Born April 14, 1944, New Britain, Connecticut
Married to Joanne Domovich of Western Springs, Illinois
One Child
Graduate of Shawnee Mission High School, Shawnee Mission, Kansas
B.A. (1968) University of Kansas, Lawrence, Kansas
J.D. (1969) University of Minnesota

PROFESSIONAL EXPERIENCE:

Municipal.

Extensive practice including drafting of ordinances, zoning and land use planning, special assessments, real estate and condemnation. Trial work, civil and criminal, with civil trial work including representing municipal clients in zoning and licensing matters in state and federal court, including the Eighth Circuit Court of Appeals. Advising municipal clients on legal matters and attendance at regular and special meetings of municipalities' staff and governing bodies. Legal representation and redevelopment authorities including negotiating and drafting legal documents, including development agreements. Legal representation has included Hopkins School District, Lake Minnetonka Conservation District, Brooklyn Park, Brooklyn Center, Crystal, Lauderdale, Richfield and Richfield Housing and Redevelopment authority and special litigation of special projects for clients not represented on a full time basis such as East Bethel, Ramsey, Albert Lea, Bloomington, Chanhassen and Minneapolis.

Other. Legislative lobbying and coordinator of legislative programs for organizations primarily in the law enforcement field.

PROFESSIONAL ORGANIZATIONS:

- Admitted to practice before the Minnesota Supreme Court and other Courts of the State, and Federal District Court of Minnesota and Eighth Circuit Court of Appeals.
- Registered lobbyist, State of Minnesota
- Minnesota State Bar Association
- Hennepin County Bar Association — Local Government Law and Eminent Domain
- American Bar Association

EMPLOYMENT DATA:

- April, 1989 - present: Holmes & Graven, Chartered, specializing in general legal practice in the areas of local government law, redevelopment law and legislative lobbying.
- February, 1971 to April, 1989: LeFevre, Lefler, Kennedy, O'Brien & Drawz, with specialization in trial and general legal practice in areas of local government and redevelopment law; and legislative lobbying.
- June, 1969 to January, 1971: Assistant State Public Defender and Assistant Hennepin County Public Defender, specializing in criminal trial law.

RONALD H. BATTY

Home Address

4261 Alabama Avenue South
St. Louis Park, Minnesota 55416
(612)922-0496

Office Address

470 Pillsbury Center
Minneapolis, Minnesota 55402
(612)337-9300

EDUCATION

Juris Doctor
Georgetown University Law Center
Washington, D.C.
May, 1979

Master of Urban Planning
Hunter College
City of University of New York
New York, New York
May, 1975

Bachelor of Arts
Loyola University
New Orleans, Louisiana
January, 1973
Major: Political Science
Minor: Economics

WORK EXPERIENCE

Attorney
February 1984 - present

Holmes & Graven, Chartered
Minneapolis, Minnesota
(since April 1989)
LeFevre, Lefler, Kennedy,
O'Brien & Drawz, P.A. -
(February 1984 through
April 1989)

Municipal Experience:

- Serve as city attorney for cities of Medina and Lauderdale and assistant city attorney for Richfield, Brooklyn Center and Robbinsdale
- Conduct research and write legal opinions on a variety of municipal matters
- Communicate with public officials, citizens and legal counsel regarding city affairs
- Appear at city council and other public meetings

Development and Public Finance Experience:

- Extensive practice in areas of public development and redevelopment law with emphasis on tax increment financing
- Draft and negotiate development agreements for cities within metropolitan area and outstate
- Serve as bond counsel on numerous municipal issues

Zoning Administrator
February 1980 - February 1984

City of Minnetonka
Minnetonka, Minnesota

- Administered and interpreted zoning ordinance, subdivision regulations and sign controls for city
- Participated in preparation of land use litigation matters and drafting of municipal ordinances
- Designed and implemented complete package of administrative procedures for newly created position of Zoning Administrator
- Drafted and presented reports to city council, planning commission and board of zoning adjustment

Realty Specialist
Sept. 1976 - Dec. 1979

U.S. Dept. of HUD
Interstate Land Sales Office
Washington, D.C.

- Reviewed and interpreted title evidence, covenants, plats, financial statements and litigation documents to ensure compliance with Interstate Land Sales Full Disclosure Act
- Testified at administrative hearings and assisted in preparation of evidence for hearings
- Conducted extensive staff training for 15 HUD professionals regarding title evidence and land use provisions of Department regulations
- Edited annotation of administrative and federal cases involving Interstate Land Sales Full Disclosure Act for Department use

ACADEMIC ACCOMPLISHMENTS

Weintraub Fellowship for Social Sciences at Hunter College, City University of New York

Magna Cum Laude, Loyola University

President, Student Committee on Academic Excellence for College of Arts and Sciences, Loyola University

University Fellow, Loyola University

BAR ADMISSION

Minnesota, 1980

PROFESSIONAL MEMBERSHIPS

Minnesota State Bar Association

Hennepin County Bar Association

Attachment Five

Holmes & Graven invites you to contact any of the clients we have named in the preceding materials to discuss the services we offer. For your convenience there follows a few representative names and telephone numbers:

Robbinsdale Housing and Redevelopment Authority
Chairperson: Bill Blonigan 537-7706
Executive Director: Walt Fehst 537-4534

Columbia Heights Housing and Redevelopment Authority
Chairperson: E. "Sebe" Heintz 788-4315
Community Development Director: Todd Stutz 788-3417

Minneapolis Community Development Agency
Executive Director: James Heltzer 342-1200
Land Department: Michael Schwab 342-1265
Donald Hennessy 342-1254
Public Housing Department: Larry Bruckner 342-1436
Cora McCorvey 342-1537
Downtown Development Department: Jerry Luesse 342-1346
Project Coordinator: Judd Rietkerk 342-1341

Dakota County Housing and Redevelopment Authority
Executive Director: Mark Ulfers 473-4800

St. Cloud Housing and Redevelopment Authority
Chairman: George McDowall 1-251-8640
Acting Executive Director: Leona Humphrey 1-252-0880

St. Paul Department of Planning and Economic Development
Director: James Bellus 298-5775

National Association of Housing and Redevelopment Officials
Minnesota Chapter
President: Nancy Reeves 291-6307

Washington County Housing and Redevelopment Authority
Dennis Balyeat 458-0936

City of Moorhead 1-218-299-5301
Director, Community Development: Scott Hutchins

City of St. Cloud
Elmer Malinen 255-7200

City of Hibbing
Pat Garrity 1-218-262-3486

City of Hopkins
Community Development Director: Jim Kerrigan 935-8474
City Manager: Craig Rapp 935-8474

Metropolitan Waste Control Commission
Counsel: Mark Thomsen 222-8423
Chief Administrator: Louis Breimhurst

JENSEN, HICKEN, GEDDE & SCOTT, P. A.

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
GEDDE, THOMAS A.
HICKEN, JEFFREY P.
HOWARD, ROBERT A.
JENSEN, DAVID L.
MATTHE, PAUL E.
SCOTT, MICHAEL J.

300 ANOKA OFFICE CENTER
2150 THIRD AVENUE
ANOKA, MINNESOTA 55303-2296

TELEPHONE (612) 421-4110
TELECOPIER (612) 421-1040

OF COUNSEL
HADLEY, CHARLES S.
LUTHER, RICHARD L.

October 2, 1989

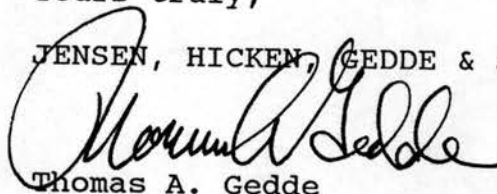
Ms. Darlene George
City Clerk
City of Crystal
4141 Douglas Drive North
Crystal, MN 55422

Dear Ms. George:

Thank you for the invitation to submit a proposal for providing legal services to the City of Crystal. I am pleased to enclose our proposal and would be happy to meet with you or the Council to discuss it at your convenience.

Yours truly,

JENSEN, HICKEN, GEDDE & SCOTT, P.A.



Thomas A. Gedde

TAG/abg

Enclosure

JENSEN, HICKEN, GEDDE & SCOTT, P. A.

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
GEDDE, THOMAS A.
HICKEN, JEFFREY P.
HOWARD, ROBERT A.
JENSEN, DAVID L.
MATTKE, PAUL E.
SCOTT, MICHAEL J.

300 ANOKA OFFICE CENTER
2150 THIRD AVENUE
ANOKA, MINNESOTA 55303-2296

TELEPHONE (612) 421-4110
TELECOPIER (612) 421-1040

OF COUNSEL
HADLEY, CHARLES S.
LUTHER, RICHARD L.

PROPOSAL FOR PROVIDING LEGAL SERVICES TO THE CITY OF CRYSTAL

1) Firm Background

- a) **Name of firm:** Jensen, Hicken, Gedde & Scott, P.A.
- b) **Address, phone and fax number of firm:** 300 Anoka Office Center, 2150 Third Avenue, Anoka, MN 55303-2296; telephone number: 612/421-4110; fax number: 421-1040.
- c) **Brief history of firm:** Founded in 1977. Has been engaged in municipal work since 1979.
- d) **Number of attorneys and their specialties:** seven lawyers and specialties in municipal law, real estate, including development law and tax increment financing, commercial and criminal litigation, probate, corporate, family law, personal injury and workers compensation.
- e) **Number and position titles of support personnel:** four legal assistants, eight legal secretaries and five law clerks, bookkeepers and receptionist.
- f) **Description of office organization (organizational chart):** The law firm is incorporated and is managed by a Board of Directors.

2) Attorney Qualifications

- a) **Identify each attorney, paralegal, and support personnel who will be supplying services for which the City will be billed:**
 - (1) Thomas A. Gedde: B.C.E., J.D., University of Minnesota; prior legal experience as City Attorney for Falcon Heights and Anoka; has been with the firm for 12 years and is a stockholder

and member of the Board of Directors and President; areas of responsibility include municipal, commercial, real estate and development.

- (2) Michael J. Scott: B.A., University of Minnesota, J.D., William Mitchell College of Law; legal experience in prosecution of criminal cases for the Cities of Falcon Heights and Anoka.
- (3) Paul E. Mattke: B.A., Macalester College, J.D., University of Minnesota; legal experience in prosecution of criminal cases for the Cities of Falcon Heights and Anoka and assists the City Attorney on civil matters.
- (4) Edward A. Bock, Jr.: B.A., St. Mary's College, J.D., University of Minnesota; legal experience in real estate and tax increment financing.
- (5) Kay S. Trail: B.A., Hamline University; paralegal experience in various litigation matters.
- (6) Amy B. Goebel: St. Cloud Technical College; legal secretarial experience in various civil matters.

b) A description of the proposed allocation of work between the attorney(s) and support personnel identified:

Thomas A. Gedde: Attend Council meetings and primary responsibility for all municipal work.

Michael J. Scott: Handle various civil matters especially litigation.

Paul E. Mattke: Handle various civil matters.

Edward A. Bock, Jr.: Handle various civil matters especially real estate and tax increment financing matters.

Kay S. Trail: Litigation support.

Amy B. Goebel: Various civil matters.

- c) **Current principal responsibilities for individual designated as primary attorney to include a statement indicating future availability:**

Thomas A. Gedde is available on Tuesday evenings for Council meetings and expects to be available for all future legal needs of the City.

- d) **A description of the availability of and identification of experienced backup attorneys in the case of illness, turnover, or other loss of personnel:**

All of the above attorneys are experienced and would be available to serve the City's needs.

3) **Firm Qualifications**

- a) **Names and telephone numbers of at least three client references whom the City may contact:**

- 1) The Northern Bank
c/o Mr. Larry Baden
301 Jackson Street
Anoka, MN 55303
421-5460
- 2) City of Falcon Heights
c/o Janet R. Wiessner, Clerk-Administrator
2077 West Larpentour Avenue
Falcon Heights, MN 55113-5594
644-5050
- 3) City of Anoka
c/o Mark Nagel, City Manager
2015 First Avenue North
Anoka, MN 55303
421-6630

- b) **A statement of how the workload of Crystal would be accommodated and what kind of priority it would be given:**

The workload of Crystal would be on an "as needed" basis and would be given high priority with the firm.

Fees and Legal Services Description

Legal services provided will be at the following rates for the year 1990: \$35.00 per hour for legal assistant time; \$85.00 per hour for attorney time; and Council meetings would be attended by the City Attorney for a flat rate of \$125.00 per meeting.

Legal services provided will be at the following rates for the year 1991: \$40.00 per hour for legal assistant time; \$90.00 per hour for attorney time; and Council meetings would be attended by the City Attorney for a flat rate of \$140.00 per meeting.

Legal services provided will be at the following rates for the year 1992: \$40.00 per hour for legal assistant time; \$90.00 per hour for attorney time; and Council meetings would be attended by the City Attorney for a flat rate of \$140.00 per meeting.

Monthly billing statements will include all of the information mentioned in the Request for Proposal.

Memorandum

DATE: November 30, 1989

TO: Bill Monk, Public Works Director

FROM: Nancy Gohman, Administrative Assistant *Nancy*

SUBJECT: Liability Issues - Steve O's Proposed Sidewalk Cafe

On November 29, 1989 I spoke with George O'Conner, underwriter for Northstar Risks Services, Inc. (our insurance company), regarding the proposed sidewalk cafe at Steve O's.

The question raised was: Could the City be liable for damages if an injury or property damages occur on the sidewalk cafe at Steve O's. Answer: Yes. Since the City Council of the City of Crystal has taken action to approve two variances and a conditional use permit in order to approve operation of the sidewalk cafe, the City may take some responsibility if property damage or personal injury does occur on the sidewalk cafe area.

If Steve O's has a general liability policy in the amount of \$300,000 the City may be found responsible for the difference between the \$300,000 (Steve O's limit) and \$600,000 (City's limit) if an accident or injury does occur in the sidewalk cafe area.

Six hundred thousand dollars is the requirement by the State of Minnesota that municipalities must insure to. We typically allow contractors in low risk operations to insure to \$500,000, a common limit, when working for the City of Crystal. We prefer contractors to insure to \$1,000,000 for liability.

My suggestion is to have Steve Weisman bring in quotes from his insurance agent for insurance in the amount of \$300,000 and \$500,000 for general liability so the City Council can actually see the cost of insurance for the two amounts for Steve Weisman's operation. Allowing Mr. Weisman to carry limits of \$500,000 for general liability is a compromise the Council may wish to make remembering that Crystal may still be risking \$100,000.

I recommend that the City require Steve Weisman of Steve O's obtain general liability insurance in the minimum amount of \$500,000 per occurrence prior to Council approval of his sidewalk cafe operation. I do not recommend that we accept

the lower insurance amount of \$300,000 for coverage by Steve Weisman for his sidewalk cafe operation. By accepting a \$500,000 limit, the City may be risking \$100,000 if a claim does occur. By accepting \$300,000 the risk to the City may be excessive and extremely costly at \$300,000. I do not recommend that the City accept and allow a sidewalk cafe operation at Steve O's Cafe if general liability limits purchased by Steve O's is \$300,000.

If you have any questions concerning this, please ask me.

ND/js



CITY of CRYSTAL

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

ADMINISTRATIVE OFFICE

November 9, 1989

Mr. Steve Weisman
SteveO's
4900 West Broadway
Crystal, MN 55429

Dear Mr. Weisman;

As you are aware on Wednesday night, November 8, 1989, the City Council approved the non-conformity expansion and parking variances required to operate an outside cafe at SteveO's as detailed on your site plan dated October 19, 1989. The Council's approval was contingent upon the following twelve conditions:

- 1) Both variances be issued for a one-year time period with renewal required to continue the use. Approval shall include issuance of a permit to use a portion of the public sidewalk for operation of a cafe.
- 2) An insurance certificate covering public liability in the amount of \$600,000 be filed with the City naming Crystal as additionally insured.
- 3) The owner/operator furnish Crystal with a waiver of liability to indemnify the City in relation to operation of the cafe.
- 4) The cafe be prohibited from operating after 9 p.m.
- 5) Usage of the cafe shall be associated with dining and not an extension of the bar for drinking only.
- 6) Owner/operator shall secure approval from Hennepin County to use the right-of-way of West Broadway for the cafe operation.
- 7) Owner/operator shall apply for an amended liquor license covering the outside cafe area.

Mr. Steve Weisman
November 9, 1989
Page 2

- 8) City maintains the right to review the cafe use if upgrade of West Broadway is pursued by Hennepin County.
- 9) Tables 1, 2, 13, 14 and 15 be moved back onto the new proposed concrete walk to minimize use of public sidewalk.
- 10) Outside lighting be arranged to minimize impact on passing traffic and be turned off when cafe is closed.
- 11) Owner/operator be charged with litter patrol of area on a daily basis.
- 12) Tables and chairs to be removed from site during off-season periods.

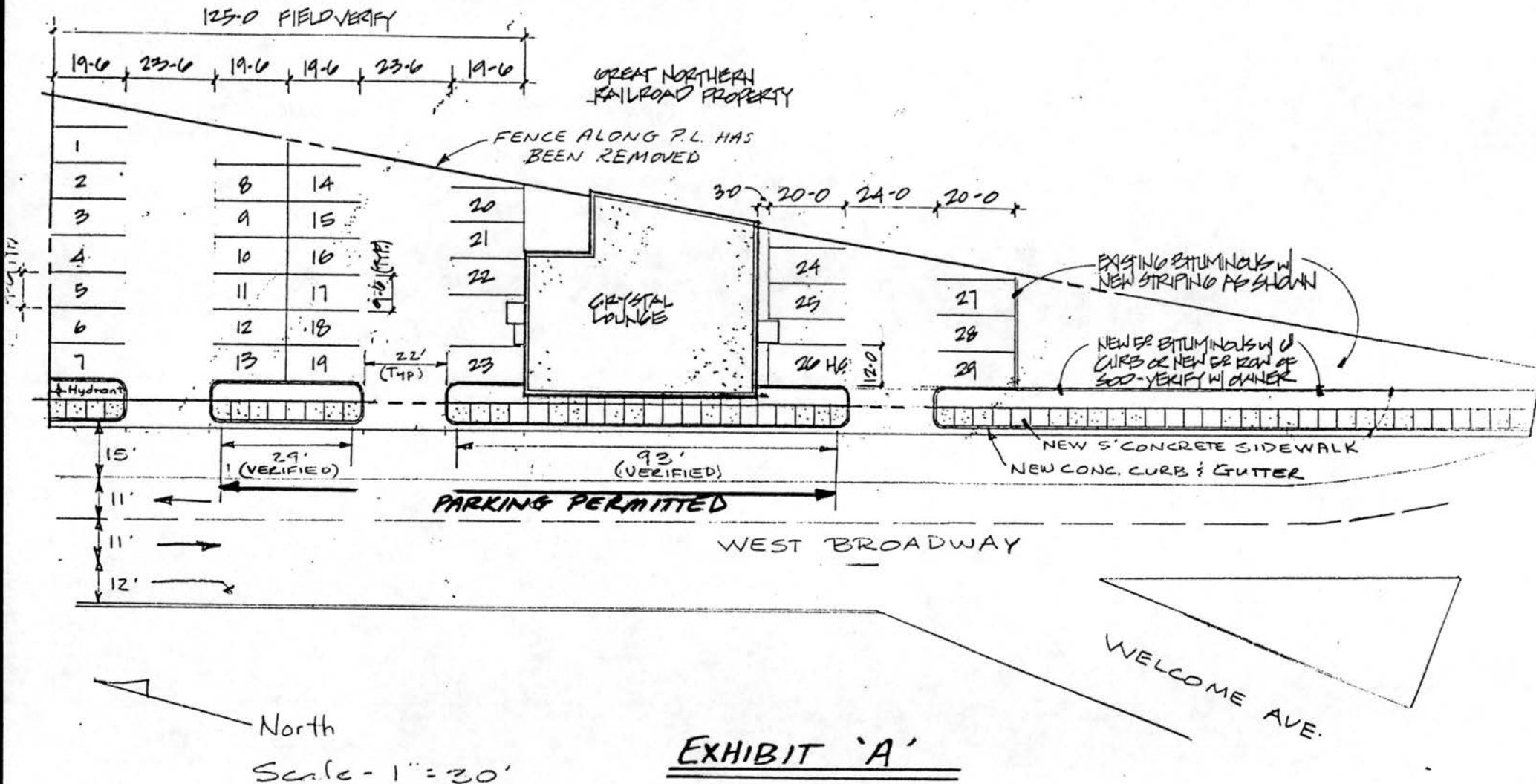
Should you wish to submit additional data regarding reconsideration of the amount of public liability insurance, please let me know.

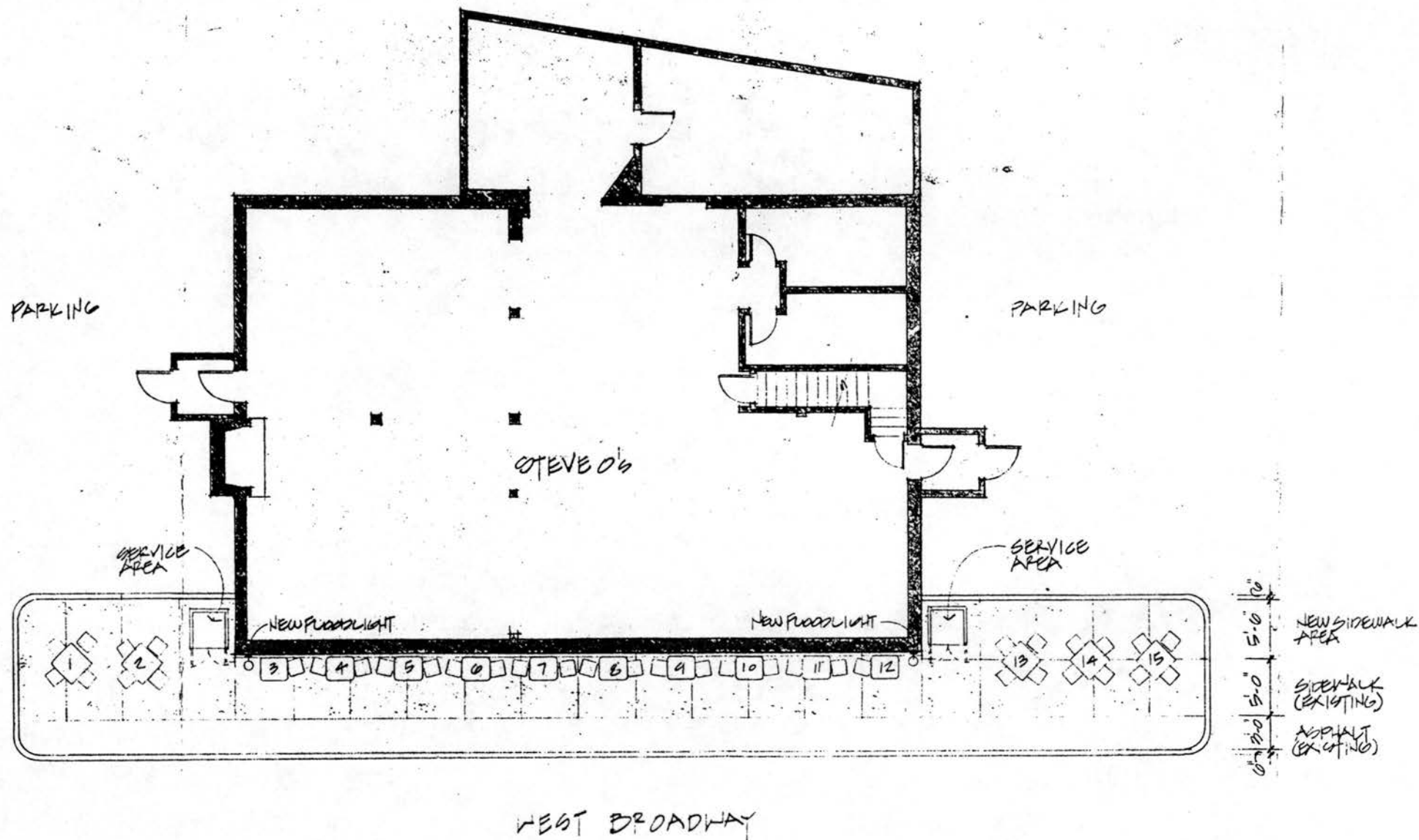
Sincerely,

William Monk
City Engineer

WM:jrs

cc: Jerry Dulgar
James Mossey
Tom Heenan





1 PLAN

1/8"

November 28, 1989

TO: Jerry Dulgar, City Manager
FROM: Darlene George, City Clerk *D.G.*
RE: Second Hand Goods license
Mary Linkner, Owner
The Clothes Exchange
2712 Douglas Drive

While you were in Atlanta attending the Annual Congress of Cities I had two or three conversations with Mary Linkner. When license renewal information was mailed out, she received the ordinance, investigation forms and new fees reflecting the new Pawn Broker/Second Hand Dealer ordinance which was adopted by the City Council this year.

Mary is a small business operator and the fees required by the new ordinance (\$200 license fee, \$200 investigation fee and a \$3,000 bond) could put her out of business. The Clothes Exchange is the only second hand dealers license in Crystal at the present time, and at the time the new ordinance was adopted.

I talked to Dave Kennedy and his suggestion was to have her write a letter to the City Council and place her on the December 5th Council Agenda for consideration by the City Council.

I contacted Mary Linkner and suggested she write a letter and deliver it to me so she could be placed on the December 5 Council Agenda, which she agreed to do. She also wishes to appear at the meeting for her input if needed. It is my understanding that Dave will have some alternative suggestions for the Council.

If you have any objection please let me know.

cc: Dave Kennedy, City Attorney

MARY LINDNER



THE CLOTHES EXCHANGE

Quality Consignment for
Women and Men

2712 N. Douglas Drive
Crystal, MN 55422

542-9502

11/29/89

To The Crystal City Council,

I am Mary Lindner and I own The Clothes Exchange on Douglas Drive. This is a consignment store for women's clothing and accessories.

The ordinance No. 89-1 has created quite a dilemma for me. This is a very small business and I'm not sure it can handle the financial burden this ordinance places on it. Was it your intention to put the Clothes Exchange out of business?

The Clothes Exchange has been at this location for nine years and I'm in my seventh year of ownership. To my knowledge, we've never created a problem for the city of Crystal. We run a clean and profitable business.

MARY LINDNER



THE CLOTHES EXCHANGE

Quality Consignment for
Women and Men

2712 N. Douglas Drive
Crystal, MN 55422

542-9502

The License fee of \$200.00 (versus \$44.00 in 1989); the \$200.00 investigation fee; plus fee for bonding of \$3000.00 seems to be excessive for a business that would be considered an asset to a community. The Clothes Exchange appears to be the only business affected by this ordinance at this time.

I would appreciate it if you would review this ordinance and consider my situation in the process.

Thankyou for your time and attention.

Sincerely,

Mary Lindner
owner

The Clothes Exchange

DATE: November 7, 1989

TO: Jerry Dulgar, City Manager

FROM: Bill Barber, Building Inspector *Bill*

RE: Variance 89-39 (front yard setback)
5423 Welcome Ave. N.

As you will see when you visit the site, the 6'x14' deck is already built. It encroaches 5' into the required 30' front yard setback.

Two brothers, Charles and Arthur Jordan, live here. Art is in a wheelchair and enjoys being able to get outside. My understanding is he is an amputee.

I received a call from the contractor asking if he could build a ramp from the deck to grade and possibly be able to put a roof over the deck and screen it in. I told him that I would include this screened porch as part of their request.

I really do not have a problem with the entire request. The ramp will not require a variance but instead of a 6'x14' deck, they are requesting a 6'x14' screen porch.

I will try to answer any questions you have at the meeting.

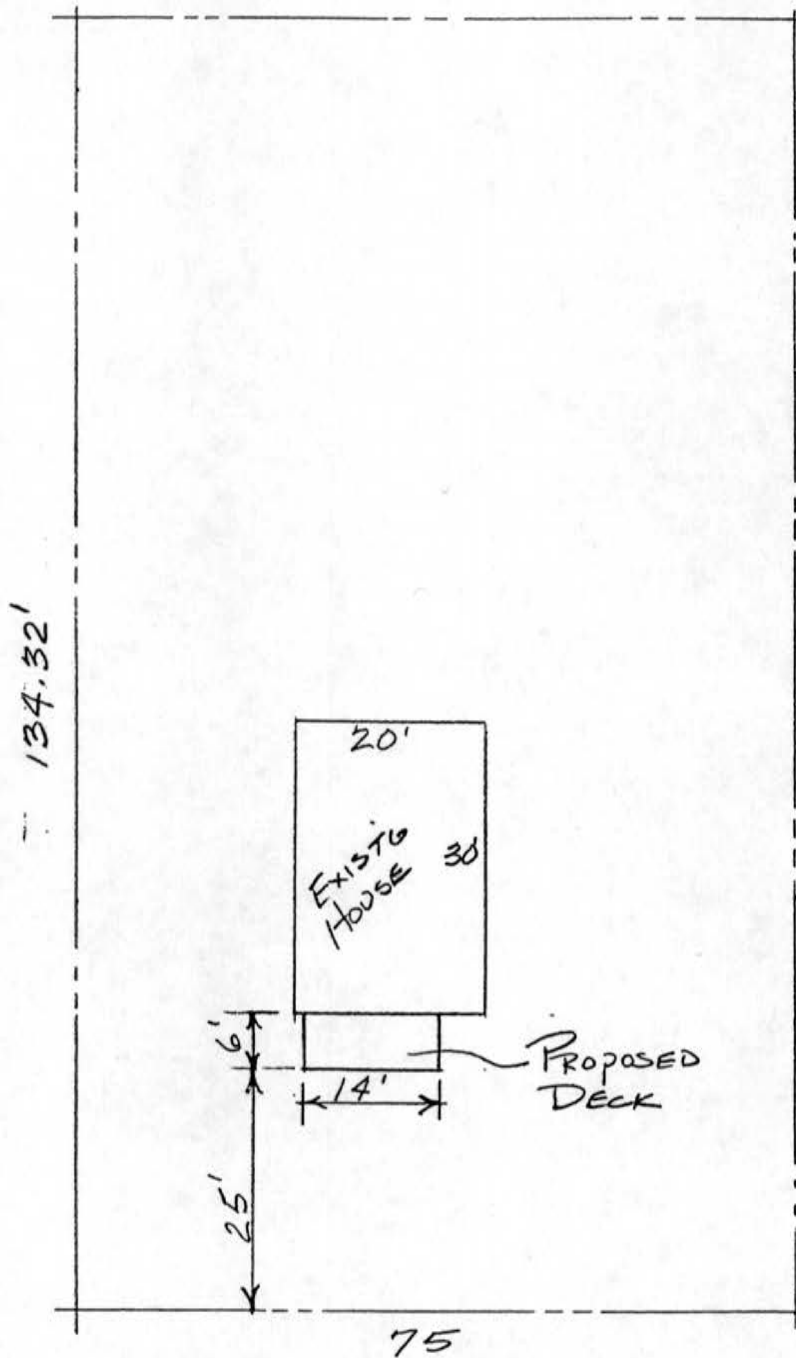
November 15, 1989

UPDATE:

The Planning Commission discussed this at great length and felt that there were other areas on the site that this screened porch could be built. They recommended denial of the 5' variance for the following reasons:

1. No hardship demonstrated.
2. Ample area on the lot for the addition to be located.
3. They were concerned of setting a precedence by granting a variance just because it is already built.

BB/kk



5432 WELCOME AVE No
1" = 20'

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

No. 89-39
Date: 10/4/89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 5423 WELCOME AVE. N. CRYSTAL, MN.
Legal Description of Property: LOTS 2+3, BLOCK 6, BOULEVARD ACRES

Property Identification Number: 09-118-21-38-0123

Applicant: Charles L. Jordan

(Print Name)

5423 WELCOME AVE. N. CRYSTAL, MN

(Address)

(Phone No.)

Owner:

(Print Name)

(Address)

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section _____
of the Zoning Ordinance, as amended, which requires _____

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.

~~construct 6' x 14' Deck~~
construct 6' x 14' Deck

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.

request variance into rear yard 30'
Front yard set Back

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.

improve the looks of neighborhood and will not
be detrimental to the area

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

THIS PROPERTY IS:

TORRENS / ABSTRACT

(Circle one)

(Applicant's Signature)

C. Jordan

(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00

DATE RECEIVED: 10-4-89

RECEIPT #

47472

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

DATE: November 7, 1989

TO: Jerry Dulgar, City Manager

FROM: Bill Barber, Building Inspector *Bill*

RE: Variance 89-41 (Side Street Side Yard Setback)
5955 Jersey Ave. N.

Greg Johnson is requesting a 9' variance to the 10' required side street side yard setback. There now exists a storage shed which was built without a permit.

The rear yard of the property is 33'6" in depth and 60' in width. Section 515.07 Subd. 5(b) states that not more than 30% of the rear yard shall be occupied by accessory structures. Thirty percent of the existing rear yard is 603 square feet. The existing garage (528 sq. ft.) and the storage shed (132 sq. ft.) have a total of 660 sq. ft. which exceeds the allowable by 57 sq. ft.

If you grant the variance for the setbacks, I would suggest that you include the variance for occupying more than 30% of the rear yard as part of your motion.

November 15, 1989

UPDATE:

The Planning Commission recommended to Council that this variance be denied for the following reasons:

1. No hardship demonstrated.
2. To large a variance request.
3. Exceeds the allowable rear yard lot coverage of allowable by the zoning ordinance. Several of the members found an additional addition or storage shed behind existing garage. In that case, the 57 square feet that it exceeds would be greater.

BB/kk

CITY OF CRYSTAL

4141 DOUGLAS DRIVE NORTH

CRYSTAL, MN 55422

Phone: 537-8421

No. 89-41Date: 11/5/89

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

Street Location of Property: 5955 Jersey Ave NLegal Description of Property: Lot one (1) Block three (3) Cusack & Carlson's
Rambler Row Addition, village of Crystal, MinnesotaProperty Identification Number: 05-118-21-13-0051Applicant: Gregory Alan Johnson

(Print Name)

5955 Jersey Ave N. Crystal, MN.

(Address)

537-1913

(Phone No.)

Owner: Gregory Alan Johnson

(Print Name)

5955 Jersey Ave N. Crystal, MN.

(Address)

537-1913

(Phone No.)

REQUEST: Applicant requests a variance on the above-described property from Section 4513
SUB 3(a) 2(u) of the Zoning Ordinance, as amended, which requires 10' SIDE SET
SIDE YARD SETBACK - REQUESTING 9' VARIANCE

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.

As shown on print. The only place I could build structure and
Have it be operational.

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.

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.

There is no Aesthetic or monetary Damage to properties surrounding
area of structure. & will not cause Dangerous situations in Area
Structure is Built.

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)

Gregory Alan Johnson
(Applicant's Signature)Gregory Alan Johnson
(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00DATE RECEIVED: 8/1/89 11/1/89

RECEIPT #

4822446735

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

INDUSTRIAL
BUSINESS
CITY LOTS
TOPOGRAPHIC MAPPING

C. E. COULTER
LAND SURVEYOR

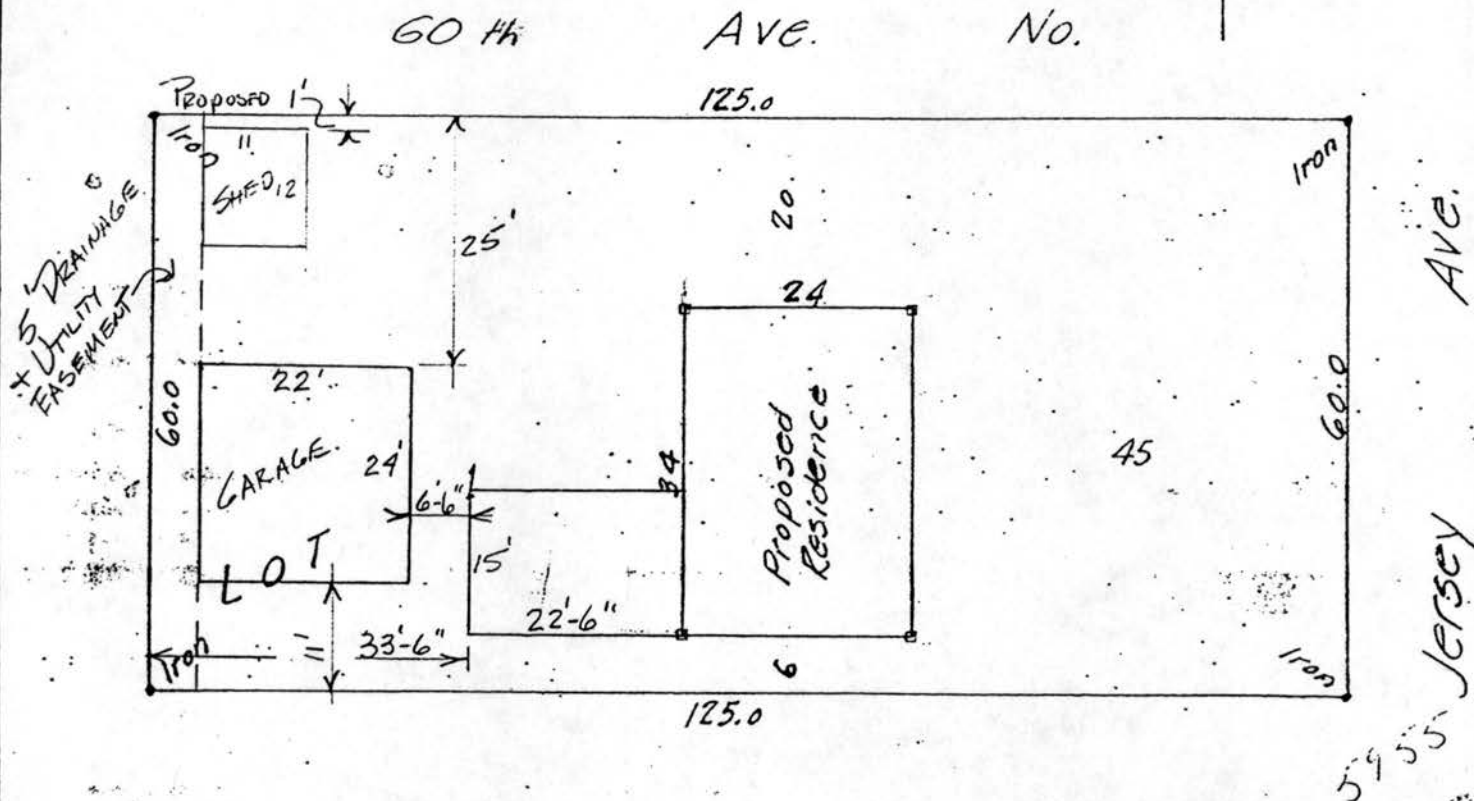
REGISTERED UNDER LAWS OF STATE OF MINNESOTA
LICENSED BY ORDINANCE OF CITY OF MINNEAPOLIS
3348 LYNDALE AVE. SO. MINNEAPOLIS 8, MINN.
LOCUST 0370

PLATTING
FARM SURVEYS
LAKE SHORE
JUDICIAL

Surveyor's Certificate



Scale: 1" = 20'



I hereby certify that the above is a true and correct plat of a survey of:

Lot One (1), Block Three (3); CUSACK AND CARLSON'S RAMBLER ROW ADDITION,
Village of Crystal, Minnesota.

As surveyed by me this 6th day of April 1953 A. D.

Signed C. E. Coulter
Minnesota Registration No. 2584

#4265

DATE: November 28, 1989

TO: Jerry Dulgar, City Manager

FROM: Bill Barber, Building Inspector *BB*

RE: Variance 89-44
5200 Douglas Dr. N.

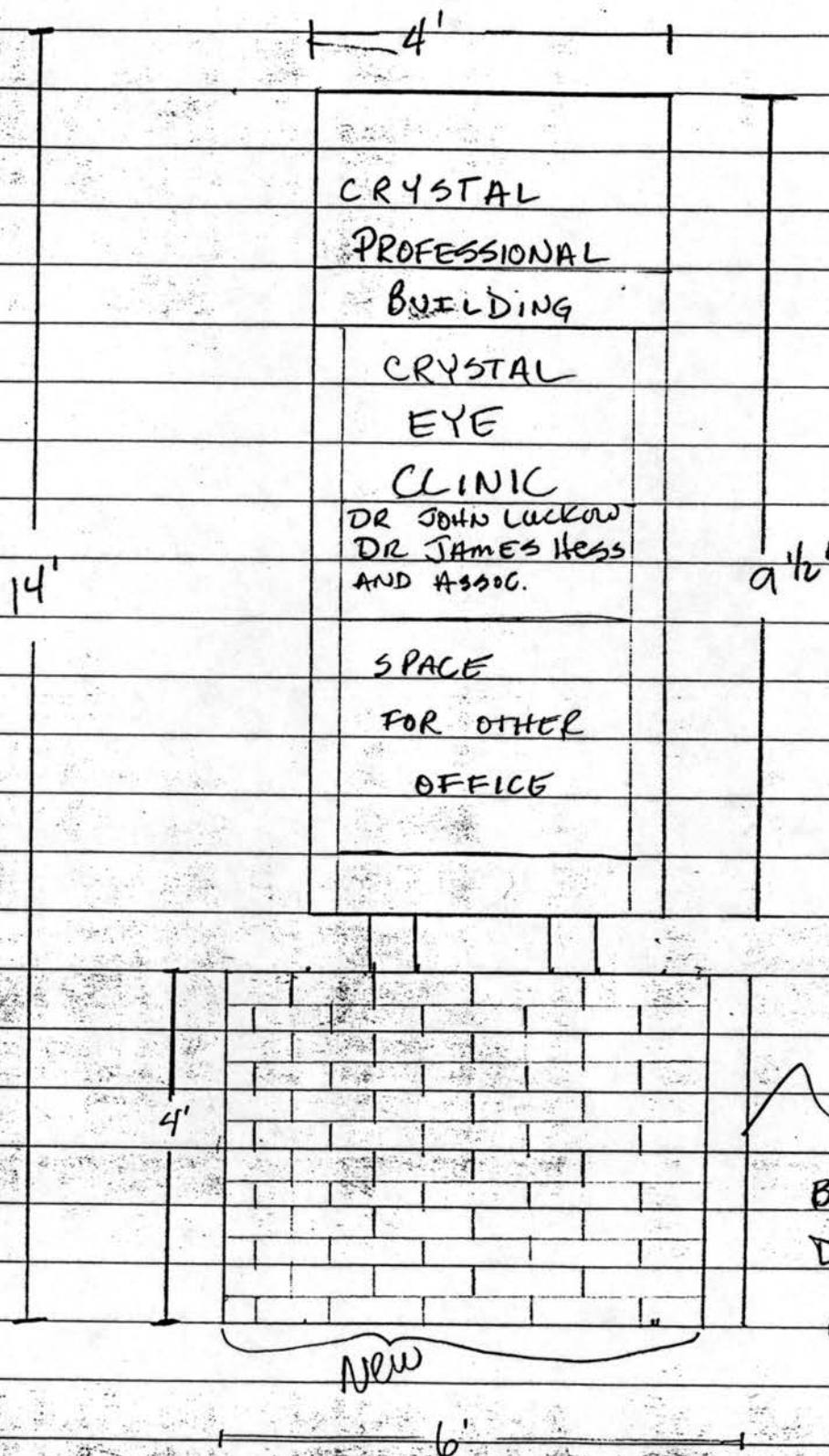
Drs. Hess and Luckow have purchased the office building and are remodeling to fit their needs. They have a need for a sign and would like to make use of the existing wall and add to it to make a planter which is 4 feet high. The sign would sit in this planter an additional 10 feet above the planter. The existing wall is currently 1 foot off the property line and is 3'8" high.

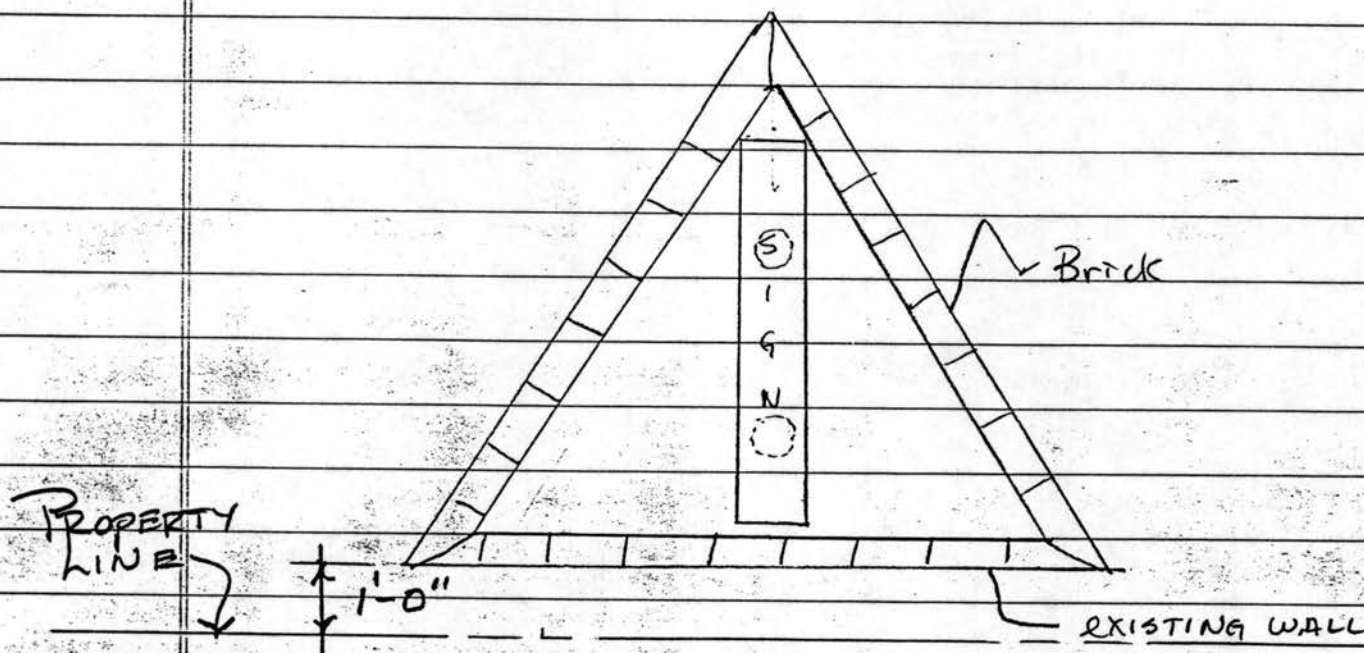
A sign of this size is required to be a minimum of 10 feet setback from property line. With the sign this close to the property line and of this height, there will be a site obstruction looking to the south. You won't be able to see past the sign for north bound traffic until you have pulled out to the street curb line and across the sidewalk.

The purpose of the Sign Ordinance is to bring non-conforming signs into conformance with the existing sign ordinance and to provide some standards to control the design, quality of materials, construction and location.

BB/kk

Dr. John Luckow
Dr. James Hess
5200 Douglas Dr.
537-3213





View From TOP

DOUGLAS DR.

CITY OF CRYSTAL

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

Date: Nov 28, 1989

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

Street Location of Property: 5200 Douglas Dr

Legal Description of Property: _____

Property Identification Number: _____

Owner: Dr. John Luckow & Dr. James Hess
(Print Name)3735 Lakeland Ave N. Robb
(Address)521-3563
(Phone No.)Applicant: SAME
(Print Name)

(Address)

(Phone No.)

DESCRIPTION OF REQUEST: REQUESTING 9' VARIANCE TO TR
ROAD 10' SETBACK FROM PROPERTY LINES. 406.13
SUBD 7

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

we want to use existing brick wall and to put sign where
it can use the best available sight lines to increase
visibility

NOTE: Attach plan or survey of proposal.

THIS PROPERTY IS:

TORRENS / ABSTRACT
(Circle one)

James J. Hess
(Applicant's Signature)

(Owner's Signature)

(Office Use Only)

FEE: \$ 75.00 DATE RECEIVED: 11-28-89 RECEIPT # 48230

(Approved) (Denied) - Planning Commission

(Date)

(Approved) (Denied) - City Council

(Date)

ORDINANCE NO. 89-_____

AN ORDINANCE RELATING TO BUILDING CONSTRUCTION:
AMENDING CRYSTAL CITY CODE SECTION 400
BY ADDING A SUBSECTION: REPEALING
CRYSTAL CITY CODE, SUBSECTION 400.01

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Section 400 is amended by adding subsection to read:

"401.02. State Building Code. Subdivision 1. Code Adoption. The Building Code of the State of Minnesota, authorized by Minnesota Statutes, Sections 16B.60 to 16B.73, and embodied in the Rules of the Commissioner of Administration, is the Building Code of the City, and is a part of this Code as completely as if fully set forth herein. A copy of the State Building Code shall be kept available for public use in the office of the Building Official.

Subd. 2. Procedures and Administration.

(a) As provided in the 1987 State Building Code, the following are hereby adopted by reference:

- (1) 1985 Edition of the Uniform Building Code, identified as "UBC".
- (2) 1984 Edition of the National Electrical Code, identified as "NEC".
- (3) American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, identified as ANSI A17.1-1984 and Supplement, ANSI A17.1a-1985.
- (4) Minnesota Plumbing Code, identified in the Minnesota State Building Code as Chapter 1355, 1987 Edition.
- (5) "Flood Proofing Regulations", June, 1972, Office of the Chief of Engineers, U.S. Army, identified in the Minnesota Statute Building Code as Chapter 1335.

State

- (6) One and Two Family Dwelling Code, 1975 Edition.
- (7) Minnesota Heating, Ventilation, Air Conditioning and Refrigeration Code, identified in the Minnesota State Building Code as Chapter 1345.
- (8) 1983 Model Energy Code, identified in the Minnesota State Building Code as Chapter 4215.
- (9) Solar Energy Systems, identified in the Minnesota Statute Building Code as Chapter 1325.
- (10) State of Minnesota Manufactured Home Rules, 1983 Edition, identified in the Minnesota State Building Code as Chapter 1350.
- (11) Minnesota Prefabricated Building Code, identified in the Minnesota State Building Code as Chapter 1360.
- (12) Technical Requirements for Fallout Shelters, identified in the Minnesota State Building Code as Chapter 1330.
- (13) Variations in Snow Loads, identified in the Minnesota State Building Code as Chapter 1365.
- (14) 1985 Uniform Building Code Appendix Chapter 35 (Sound Transmission Control).
- (b) The following Appendices, Standards and Supplemental Materials are not a mandatory part of the State Code but are adopted by reference for the City of Crystal and are incorporated into this Code as completely as if set out in full.
 - (1) The following Chapters from the 1985 UBC Appendix:
 - Chapter 1. (Life Safety Requirements for Existing Buildings other than High-Rise Buildings)
 - Chapter 7. (Covered Mall Buildings)
 - Chapter 38. (Basement Pipe Inlets)
 - Chapter 55. (Membrane Structures)
 - Chapter 70. (Excavation and Grading)
 - (2) Flood Proofing Regulations, Sections 200.2 through 205.3, Chapter 1335 of the Minnesota State Building Code.

Sec. 2. Crystal City Code, Subsection 400.01 is repealed.

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

Mayor

Attest:

Clerk

Ordinance 1

**CRYSTAL POLICE DEPARTMENT
SUPPLEMENTAL INVESTIGATION REPORT**

OFFENSE: Gambling License
 Renewal Application CASE NO: 89010185

COMPLAINANT: Mn Therapeutic Camp PHONE NO: 218-828-2344

ADDRESS: 6014 Lakeland Ave. No. (ROSTAMOS)

DATE: 11/27/89 1400 HRS OFFICER: Holm/dsl

REGARDING: **GAMBLING LICENSE RENEWAL APPLICATION FOR
 MINNESOTA THERAPEUTIC CAMP BRAINERD**

I contacted The Minnesota Charities Review. They stated that they had no problems with this organization. I then contacted the Attorney General's Office. They also stated that this organization was fine, the only discrepancy was that it was listed under Minnesota Therapeutic Camp, Inc. instead of Minnesota Therapeutic Camp Brainerd. I then contacted the Secretary of State and they had the same organization listed Minnesota Therapeutic Camp, Inc. but they also stated that this was okay. I then contacted the Better Business Bureau and they had no complaints against this organization.

There was nothing brought up in this investigation to discredit this organization from receiving it's gambling license renewal.

89010/85

November 22, 1989

TO: James Mossey, Police Chief
FROM: Darlene George, City Clerk *D.G.*
RE: Charitable Gambling Investigation
Minnesota Therapeutic Camp
at Rostamo's

Please complete the routine investigation for the above referenced gambling license renewal application. The application and lease agreement is attached for your information. Please return application and lease agreement to me with your investigation report.

If you have any questions, feel free to give me a call. I will place this on the December 5 Council Agenda if the investigation report is completed in time.



Department of Revenue - Gaming Division
Mail Station 3315
St. Paul, MN 55146-3315
(612) 297-5300

For Board Use Only

Paid Amt: _____

Check No. _____

Date: _____

GAMBLING LICENSE RENEWAL APPLICATION

LICENSE NUMBER: B-00691-044		/ EFF. DATE: 03/01/89		/ AMOUNT OF FEE: \$125.00	
1. Applicant—Legal Name of Organization MINN THERAPEUTIC CAMP BRAINERD		2. Street Address Box 763			
3. City, State, Zip Brainerd, MN 56401		4. County Crow Wing		5. Business Phone (218) 828-2344	
6. Name of Chief Executive Officer E R Endres				7. Business Phone (218) 828-2344	
8. Name of Treasurer or Person Who Accounts for Revenues Dick Mans				9. Business Phone (218) 828-2344	
10. Name of Gambling Manager Larry Hennig		11. Bond Number 58325106		12. Business Phone (612) 441-2230	
13. Name of Establishment Where Gambling Will Take Place Rostamos Crystal		14. County Hennepin		15. No. of Active Members 250	
16. Lessor Name Richard Rostamos				17. Monthly Rent: \$600	

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

Days	Times	Days	Times	Days	Times

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

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

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

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

GAMBLING SITE AUTHORIZATION

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

BANK RECORDS AUTHORIZATION

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

OATH

I hereby declare that:

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

23. Official Legal Name of Organization Minn Therapeutic Camp	Signature (Chief Executive Officer) E R Endres	Date 7/11	Title C.E.O.
---	--	---------------------	------------------------

ACKNOWLEDGEMENT OF NOTICE BY LOCAL GOVERNING BODY

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

24. City/County Name (Local Governing Body) City of Crystal	Township: If site is located within a township, please complete items 24 and 25:		
Signature of Person Receiving Application: Darlene George	25. Signature of Person Receiving Application		
Title City Clerk	Date Received (this date begins 60 day period) 11-20-89	Title:	
Name of Person Delivering Application to Local Governing Body: Larry Hennig	Township Name		

Lawful Gambling Lease Agreement

Premises Information

Name of legal premises owner (lessor)	Address	City/Zip Code	Phone
RICHARD ROSTAMOS	6014 LAKEVIEW	CRYSTAL	5377431

Name of sublessor (if any)	Address	City/Zip Code	Phone

Name and address of leased premises	Address	City/Zip Code
-------------------------------------	---------	---------------

MINN THERAPEUTIC CAMP B-00691-044
Name of organization leasing the premises (lessee) License Number, if known

Gambling Activity

The lawful gambling activity which the organization will conduct are (check all that apply):

☐ bingo ☐ raffles ☐ paddlewheels ☒ pull-tabs ☐ tipboards**Rent Information** (See Rules 7860.0090, Subp 3)

Class A and C licenses:

Rent for bingo and all other gambling activities conducted during that bingo occasion may not exceed:

\$200 for up to 6,000 square feet;

\$300 for up to 12,000 square feet; and

\$400 for more than 12,000 square feet.

Rent to be paid per bingo occasion \$

Class B and D licenses:

Rent for gambling activities not including bingo may not exceed \$24 per square foot per month, with a maximum of \$600.

Rent to be paid per month \$ 600.00

Rent may not be based on a percentage of receipts or profits from lawful gambling.

Premises Description

The area leased within the premises is 5 feet by 5 feet, for a total of 25 square feet.

Attach a sketch which identifies the location of the leased premises when a portion of a building is the leased premises. That sketch must include the dimensions of the leased premises.

Effective Dates

The lease will go into effect at 12:01 a.m. on 3/1/ 19 90, and will end at 12:00 a.m. on 3/1/ 1991, for a period of one year.

Times and Days of Bingo Activity (If none, indicate N/A) ☐ N/A

The bingo occasions will be held:

from (hours)_____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week) _____

from (hours)_____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week)

from (hours) _____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week) _____

from (hours) _____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week) _____

from (hours) _____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week) _____

from (hours)_____ (a.m./p.m.) to _____ (a.m./p.m.) on (days of week)

By agreeing to the terms of this lease, it is mutually agreed that:

- The owner of the property (lessor), and sublessor, if any, may not manage gambling at the premises.
- The lessor of the premises, his or her immediate family, and any agents or employees of the lessor may not participate as players in the conduct of lawful gambling on the leased premises.
- The lessor/sublessor and the lessee do not have a direct or indirect financial interest in the distribution or manufacture of gambling equipment.
- The lessor or sublessor of the premises will allow the Board or agents of the Board, the Commissioner of Public Safety or agents of the commissioner, or the Commissioner of Revenue or agents of the commissioner, and law enforcement personnel to inspect the premises at any reasonable time, and permit the organization to conduct lawful gambling at the premises according to the terms of this lease. The lessor may not impose any conditions on the organization regarding distributors of gambling equipment, services, or the use of profits.
- The organization must obtain a license from the Gambling Control Board. The organization will be responsible for complying with the laws and rules of lawful gambling.
- The organization must have at the gambling premises a current inventory of gambling equipment, a sketch with dimensions of the premises available for review, and a clear physical separation or divider between the lessee's gambling equipment and the lessor's business equipment.
- The organization will be responsible for ensuring that the lessor's business activities are not conducted on the leased premises.
- If the lease is cancelled prior to the termination date of this lease, each party agrees to notify the Gambling Control Board explaining the reasons for the cancellation. The lease shall be terminated immediately for any gambling, liquor, prostitution or tax evasion violations occurring on the premises.
- The lessor/sublessor of the premises shall provide the lessee access to the licensed premises during any time reasonable and necessary to conduct lawful gambling on the premises and as agreed upon in this lease.
- (Write in any other conditions or restrictions that will be included as part of the lease. Attach additional sheets if necessary)

This lease is the total and only agreement between the lessor/sublessor and the organization conducting lawful gambling activities. There is no other agreement and no other consideration required between the parties as to the lawful gambling and other matters related to this lease. (Any changes in this lease must be submitted to the Gambling Control Board within 10 days of the change.)

Lessor/Sublessor signature

Date

Signature of organization official

Date

R.C. Rott

11/20/89

Harry Hennig *11/20/89*

Title

Title

PRESIDENT

Gaming Manager

A copy of this lease and sketch with dimensions must be submitted with the license application or license renewal to:

Department of Gaming - Gambling Control Division
Mail Station 3315
St. Paul, Minnesota 55146-3315

TAX INCREMENT POLICY STATEMENT

The North Metro Mayors Association believes that tax increment financing is the only effective existing tool by which local government can preserve and protect its physical and economic development environment. It has been the essential ingredient in providing housing, carrying out redevelopment and encouraging economic development.

The Association understands that tax increment financing must be used efficiently and with appropriate restraint. In this regard, the Association adopts the following policy statement:

Policy No. 1:

Member cities of the North Metro Mayors Association intend to use tax increment financing for:

- o Creation of jobs,
- o Demonstrated public purpose,
- o Housing to benefit targeted groups,
- o Correction of significant soil or land problems,
- o Significant increase in tax base,
- o Redevelopment of existing blighted or substandard properties.

Policy No. 2:

The Legislature has exhibited continuing concern that cities are utilizing tax increment financing to compete with each other for development. Cities of the North Metro Mayors Association will not knowingly engage in "bidding wars" with other member cities on projects which are to be funded with tax increment.

Policy No. 3:

Current law requires that copies of a proposed tax increment financing plan be submitted by cities to the county and school districts within which the proposed district is located. Thus giving these entities an opportunity to appear at a city public hearing preceding adoption of the plan. Member cities of the North Metro Mayors Association will, in addition to complying with these provisions, convene a "review summit" before creation of any new district and will invite the elected officials and staffs of all affected taxing jurisdictions to review, advise and comment on the proposed plan(s).

Policy No 4:

The existing tax increment law requires cities, before creating a new district, to find that "but for" the use of tax increment the anticipated development would not occur in the reasonably foreseeable future. The North Metro Mayors Association will develop analytical and numerical tools to assist member cities to more comparatively and objectively weigh the "but for" test. In this regard, the Association will issue land costs, construction costs, financing costs and current comparable internal rates of return to permit member cities to better judge the level of assistance necessary to induce a proposed project(s).

Policy No. 5:

Economic development tax increment districts may be created if the city determines that the district will create jobs and enhance tax base. Member cities of the North Metro Mayors Association will have in place or will develop a comprehensive policy for evaluating economic district projects, including a recommended set of "leverage ratios" for proposed economic development which will measure the number of private dollars matching each public tax increment dollar.

Policy No. 6:

Cities have traditionally issued general obligation tax increment debt to pay the public cost associated with a tax increment financing district, particularly in the case of redevelopment districts. Member cities of the North Metro Mayors Association concerned about the level of general obligation debt in their cities, will attempt to fund their public development costs on a revenue basis without the issuance of general obligation debt.

Policy No. 7:

(Statement on Pooling)

September 26, 1989

City Council
City of Crystal
4141 North Douglas Drive
Crystal, Minnesota 55422

Dear Council Members:

During the course of our examination, we made certain observations relating to the system of internal control and accounting procedures which we are bringing to your attention in this letter. These observations, of course, refer only to those areas to which our audit work extended. We are presenting the letter in three sections.

- A. Prior Year Recommendations
- B. Discussion of Operations
- C. Current Year Recommendations
- D. Conclusion

A. PRIOR YEAR RECOMMENDATIONS

Below, we comment on the status recommendations in last years' letter.

Federal Revenue Sharing - This fund has been closed.

Revenue Classifications - Property taxes, assessments, fiscal disparities taxes and homestead credit receipts are being recorded separately.

Assessment Collections - We understand that the City now states on its assessment notices that no prepayments will be accepted until after a public hearing is held to adopt the assessment roll.

CDBG - Community Development Block Grant disbursements are being reconciled on a regular basis.

September 26, 1989
Page 2

A. PRIOR YEAR RECOMMENDATIONS (CONTINUED)

Chart of Accounts - While the State auditor's recommended classification of accounts for cities has not been adopted, we feel the finance department has adequate basis for not doing so. We suggest that it be implemented when it becomes feasible for the finance department to do so.

Payrolls - All employees are now being paid on LOGIS payroll checks.

Park and Recreation Receipts - Again this year we noted that the Park and Recreation Department is not recording all receipts through the cash register. This causes problems reconciling cash on hand to receipts. Steps should be taken to implement a system whereby Park and Recreation receipts are reviewed before they are submitted to the finance department. Steps should be taken to improve training of part-time employees in the proper use of the cash register. Consideration should also be given to using pre-numbered documents for off site receipts. The finance department currently spends an inordinate amount of time reconciling Park and Recreation receipts. They should not have to do so.

Transfers - Transfers between funds are now recorded separately.

General Fixed Assets - Our opinion on the City's financial statements is qualified because the general fixed assets owned by the City are not included. The City should establish records for its various property and equipment. Such records would improve internal control over the property and equipment and to remove the qualification from our opinion. We repeat this comment for your consideration.

Certificate of Achievement for Excellence in Financial Reporting - We understand that this has been set for a goal in 1989.

City Funds - The City still has a number of funds that could be included in the General Fund. Maintaining unnecessary funds results in additional work in the finance department and unduly burdens the financial report. We believe the following funds could be closed in 1989:

Pension Fund
Post Audit Fund
Park Reward Fund
Arts and Entertainment Fund
Planning Fund

Finance Department - In last year's letter we noted the need for an Assistant Finance Director. We are pleased to note that the position was created and the individual began in early May.

City Council
City of Crystal

September 26, 1989

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B. OPERATIONS

In the paragraphs which follow, we comment on significant changes in operations during 1988 from the previous year.

General Fund

A comparison of General Fund revenues and expenditures for 1988 to those for 1987 is as follows:

	<u>1988</u>		<u>1987</u>	<u>Increase</u>	<u>Percent</u>
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>	<u>(decrease)</u>	<u>of change</u>
Revenue	\$4,766,087	\$4,765,473	\$4,754,806	\$ 10,667	.2
Expenditures	5,717,925	5,364,920	4,947,727	417,193	8.4
Net change	\$ (951,838)	\$ (599,447)	\$ (192,921)	\$ (406,526)	107.2

The major elements of revenue for the two years were:

	<u>1988</u>	<u>1987</u>	<u>Increase</u>	<u>Percent</u>
			<u>(decrease)</u>	<u>of change</u>
General property taxes	\$1,485,506	\$1,446,441	\$ 39,065	2.7
Licenses and permits	222,369	210,701	11,668	5.5
Intergovernmental	2,202,532	2,225,687	(23,155)	(1.0)
Charges for services	378,678	345,486	33,192	9.6
Fines and forfeitures	212,295	221,578	(9,283)	4.2
Other revenue	264,093	304,913	(40,820)	(13.3)
	<u>\$4,765,473</u>	<u>\$4,754,806</u>	<u>\$ 10,667</u>	.2

Major elements of expenditures for the two years were:

	<u>1988</u>	<u>1987</u>	<u>Increase</u>	<u>Percent</u>
			<u>(decrease)</u>	<u>of change</u>
General administration	\$ 968,938	\$1,024,193	\$ (55,255)	(5.4)
Public safety	1,929,511	1,592,590	336,921	21.2
Public works	646,064	631,730	14,334	2.3
Health and sanitation	139,607	133,459	6,148	4.6
Park and recreation	870,767	817,202	53,565	6.6
Unallocated	787,864	678,082	109,782	16.2
Transfers to other funds	22,169	70,471	(48,302)	(68.6)
	<u>\$5,364,920</u>	<u>\$4,947,727</u>	<u>\$417,193</u>	8.4

B. OPERATIONS (CONTINUED)

General Fund (Continued)

Conclusions:

Total revenue increased \$10,667 in 1988. General property tax revenue increased \$39,065 due to increased mill rates and charges for services increased \$33,192. These reflect the City's move toward less reliance upon intergovernmental revenues.

The undesignated fund balance at December 31, 1988 was \$1,657,768 or approximately 28% of the 1989 budgeted expenditures, a decrease from 36% of the 1988 budgeted expenditures at December 31, 1987. Such a fund balance is necessary to provide for working capital, contingencies, etc.

The City should review its fund balance requirements to determine the adequacy of the fund balance.

Water and Sewer Fund

A condensed summary of operations for the last four years follows:

	<u>1988</u>	<u>1987</u>	<u>1986</u>	<u>1985</u>
Operating revenue				
User charges - Water	\$ 931,797	\$ 844,123	\$ 697,959	\$ 694,476
User charges - Sewer	967,124	886,876	859,476	848,278
Other	67,651	62,606	83,083	109,403
	<u>\$1,966,572</u>	<u>\$1,793,605</u>	<u>\$1,640,518</u>	<u>\$1,652,157</u>
Operating expenses				
Water	\$ 972,821	\$ 888,002	\$ 868,966	\$ 835,457
Sewer	1,221,458	1,038,560	972,036	980,232
	<u>\$2,194,279</u>	<u>\$1,926,562</u>	<u>\$1,841,002</u>	<u>\$1,815,689</u>
Operating loss	\$ (227,707)	\$ (132,957)	\$ (200,484)	\$ (163,532)
Other revenue (expense) -				
Net	<u>287,174</u>	<u>249,575</u>	<u>251,933</u>	<u>322,557</u>
Net income	<u>\$ 59,467</u>	<u>\$ 116,618</u>	<u>\$ 51,449</u>	<u>\$ 159,025</u>

City Council
City of Crystal

September 26, 1989
Page 5

B. OPERATIONS (CONTINUED)

Water and Sewer Fund (Continued)

Net other revenue consists mainly of an add-back of depreciation on contributed assets. This, in effect, allows the continuation of rate structures which do not charge property owners for improvements already paid for by special assessments. The operation of this fund should be closely monitored, however, to ascertain that rates are adequate to compensate for possible future conditions and deterioration in plant facilities.

C. CURRENT YEAR RECOMMENDATIONS

Utility Accounts Receivable - New Hope

We noted that the City is currently carrying a large receivable balance from the City of New Hope. Per conversations with the finance director and the utility clerk, the City of Crystal owes a near equal amount to New Hope. This is because Crystal provides utility service to some New Hope residents and New Hope provides utility services to some Crystal residents. We recommend that the finance director, the city engineer and the utility clerk meet with their counterparts at New Hope and resolve this matter. To continue to carry these amounts in the financial statements as overstatements of assets and liabilities could result in financial statements that are misleading.

Community Development Block Grant

During the year the City expends this money and applies to Hennepin County for reimbursement. We noted several items that were billed twice. These requests for reimbursement should be more closely monitored to ensure that this does not happen.

D. CONCLUSION

We are pleased to report that the internal control of operations continued to be good, the financial records are maintained on a current basis, and the employees are discharging their responsibilities in a capable and efficient manner.

Administrative policies are being consistently followed and supervised by what we consider to be an outstanding administrative staff.

* * * * *

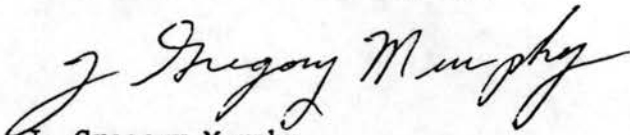
City Council
City of Crystal

September 26, 1989
Page 6

The above comments were developed during our examination and deal primarily with accounting and certain operational matters. We would be pleased to discuss the above comments with you at your convenience and to render any assistance you may require. We would like to acknowledge the courtesy and cooperation extended to us during the course of our audit.

Very truly yours,

GEORGE M. HANSEN COMPANY, P.A.



J. Gregory Murphy
JGM:iac

Field work completed March 29, 1989

MEMORANDUM

DATE: November 29, 1989

TO: Jerry Dulgar, City Manager

FROM: Julie Jones, Community Development Coordinator

SUBJECT: Council Action on the Housing Maintenance Code Report

Now that the City Council and the Environmental Quality Commission have met to discuss the draft Housing Maintenance Code, the City Council should now take formal action to accept the report and forward the draft Housing Maintenance Code to other committees for their review. The Mayor indicated at the November 16 work session that the Code should be forwarded to the Planning Commission and the EDA Advisory Commission for their review. The City Attorney would then be asked to review the draft code before it is presented to the City Council for a second review. I believe this action would be appropriate.

kg

**REPORT TO THE CITY COUNCIL
REGARDING THE NEED FOR
A HOUSING MAINTENANCE CODE
WITHIN THE CITY OF CRYSTAL**

by the

ENVIRONMENTAL QUALITY COMMISSION

October 1989

**HOUSING MAINTENANCE CODE REPORT
ENVIRONMENTAL QUALITY COMMISSION
PAGE 1**

BACKGROUND

The Crystal Environmental Quality Commission (EQC) first began discussion of improving Crystal's Housing Maintenance Code at their October 20, 1988 meeting. Pauline Langsdorf, Council Liaison, expressed her concern during that meeting that the City's housing stock was deteriorating. Although the EQC members were doubtful that they were the appropriate commission to study this subject, their interest and concern led them through months of continued discussions on the subject.

During their year-long study of this subject the Environmental Quality Commission sought the expertise and advice of people experienced with or affected by other city housing maintenance codes. First, the background of the failure of the point-of-sale (Section 8) provision in the Crystal 1977 Housing Code was studied. The commission also invited several speakers to share their experiences and knowledge of the advantages and disadvantages of housing maintenance codes. These speakers included Crystal city staff members, Realtors, landlords, and former housing inspectors. The commission also studied data published by the Metropolitan Council regarding current and future housing and population trends.

By June 15, 1989 the Environmental Quality Commission was prepared to compile a report on their findings for the City Council's review, outlining their basic recommendations. The City Council, however, had previously passed Resolution 89-33 on June 5, 1989, requesting the Environmental Quality Commission to prepare a draft housing code by September 15, 1989. The Environmental Quality Commission then scheduled several special meetings in an attempt to meet the deadline.

RECOMMENDATIONS

The draft Crystal Housing Maintenance Code, which the Environmental Quality Commission finalized on October 19, 1989, consists of two portions. One addresses single-family, point-of-sale inspections, and the other addresses requirements for licensing of all rental properties. The Commission feels strongly that enforcement capabilities need to be added to the existing housing code in order to make improvements to housing conditions in the City. The Environmental Quality Commission considered the possibility of recommending truth-in-housing inspections, where any building defects are disclosed through an inspection at point of sale but are not required to be corrected before closing. However, the Commission is convinced that these type of housing inspections would do very little improve Crystal's housing stock. Therefore, the Environmental Quality Commission recommends that the City require that homes be inspected at the point-of-sale by an inspector employed by the City.

Since most substandard housing complaints are regarding rental properties, the Commission recommends that restrictions be placed on rental properties, as well. The Commission studied the options of registering rental properties, point-of-sale inspections, and licensing. It was the finding of the Environmental Quality Commission that registration would help resolve tenant disputes but do little to improve housing conditions. Point-of-sale inspections would take too many years to improve rental property quality since large apartment complexes do not sell often. Licensing was viewed by the Environmental Quality Commission as the best alternative since it could be implemented within a two-year time period. This type of inspection program has proven effective for the Cities of Brooklyn Center and Brooklyn Park.

The Environmental Quality Commission realizes that there will likely be strong opposition to the passage of a point-of-sale housing maintenance code by many residents since many will view it as an additional city tax and infringement on their rights to do as they wish with their property. The realty community is also going to be in strong opposition to point-of-sale inspections since it often complicates sales transactions for them. Therefore, the Environmental Quality Commission recommends that the City Council consider passing the rental licensing code first and the point-of-sale housing code at a later

**HOUSING MAINTENANCE CODE REPORT
ENVIRONMENTAL QUALITY COMMISSION
PAGE 2**

date. This would allow time for the community to see the benefits of housing inspections. It would also allow time for community education on the subject. Environmental Quality Commission members have suggested conducting sample housing inspections for interested groups of residents, holding neighborhood community meetings, and printing an inspection checklist in the City newsletter.

Staffing requirements to maintain a citywide housing maintenance program have also been investigated by the Environmental Quality Commission. It is recommended that one full-time housing inspector be hired. If the inspection program is phased-in slowly, it may be possible to split the cost of a full-time person with the City of Robbinsdale since they are also presently considering passage of a housing code. There would be additional expenses to the City for the cost of printing inspection forms also. Existing secretarial staff in the building department and existing work space, vehicles and equipment may be used to accommodate the new inspector, however.

Estimated fees generated through inspections (Exhibit A) show a shortage of funds to cover the estimated expenses of an additional, full-time, qualified housing inspector. The housing program would need to be subsidized during the first two years if the point-of-sale inspection code is implemented at a later date. The fees in Exhibit A are slightly higher than most area cities' fees (Exhibit B), so it is not recommended to raise them any higher.

The Environmental Quality Commission looks forward to the opportunity to further explain their findings to the City Council at the worksession scheduled for November 16, 1989. They wish to continue to be involved in advising the Council as the public education surrounding this project begins and as the specific inspection policies are formulated.

EXHIBIT A

HOUSING INSPECTION FEE REVENUES

1988 Assessing Figures

Apartment Units	1767	(58 buildings)
Townhouses	0	
Triplex Units	3	(1 building)
Duplex Units	144	(72 buildings)
Non-homestead Single-Family	<u>338</u>	

Total Rental Units:	2252
---------------------	------

Yearly Fees Generated From Rental Licensing

(Based on \$50 charge/building + \$5/unit)

50% of Apartment units	\$ 5,722
Duplexes, Triplexes	2,010
Single-family rental	<u>8,450</u>

Total Yearly Fee Income	\$16,182
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Yearly Fees Generated From Point-of-Sale Housing Inspections

(Based on \$35 charge/inspection)

Estimated 350-400 home sales in Crystal per year	\$12,250-14,000
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TOTAL YEARLY INCOME	\$28,432-30,182
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EXHIBIT B

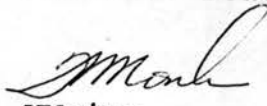
OTHER CITIES FEES

Brooklyn Center	(Biannual)	Multi \$20/bldg. + \$5/unit Single \$25 Double\$25/1st \$35 if both rented Triplex\$20/bldg. + \$5/unit
Brooklyn Park	(Annual)	Multi \$50/bldg. + \$5/unit Single \$25 Duplex\$25 Triplex\$25
New Hope		All Units \$35/home + \$5/unit (Point-of-Sale only)
St. Louis Park		Single \$35 (Point-of-Sale) Rentals\$35 (When renter changes or once a year minimum) Condos \$35 (Point-of-Sale)

DATE: November 27, 1989
TO: Jerry Dulgar, City Manager
FROM: Bill Monk, City Engineer
SUBJECT: Long Range Planning Commission

As you are aware, three members of the Planning Commission are also members of the Long Range Planning Commission (LRPC). Based on the input of these three individuals in reference to work activities of the LRPC, a motion was approved recommending the Planning Commission assume the appropriate work items (related to planning) of the LRPC while making the LRPC inactive. Disbanding the LRPC was not recommended as a future project may surface requiring the activities of a multi-faceted commission.

If this recommendation of the Planning Commission is accepted, no further Council action is required. Current members of the LRPC would be notified of the Commission's inactive status.


WM:jrs



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

PARK AND RECREATION DEPARTMENT

November 30, 1989

Dear Crystal City Councilmembers

On Saturday, December 16, the Crystal Parks and Recreation Department will present the second annual "Crystal Winterfest". I am sending you a note to request the honor of your presence in a volunteer capacity to help greet the attendees and serve them a cookie and cup of coffee or hot cider.

Last year's Winterfest was a wonderful afternoon of activities and community socializing and this year we expect Becker Park to be even livelier. We will have holiday crafts, music, horse and buggy rides, and a visit from Santa - all free to our residents.

Please join us and share in the holiday spirit and fun.

Sincerely,

Michael J. Anderson
Crystal Parks and Recreation Department

PARK AND RECREATION ADVISORY COMMISSION

Agenda

December 6, 1989

1. Call meeting to order 7:00 p.m.
2. Approval of minutes
3. Review monthly report
4. Review and discuss grand opening plans for Community Center (attached letter)
5. Discuss policies of center: smoking, alcoholic beverages, etc. (attached)
6. Request from Lions Club to use Community Center
7. Review purchase of lot near Bassett Creek Park in exchange for existing park land
8. Review Winterfest plans
9. Election of officers for 1990
10. Other business:
 1. Approval of fees & charges schedule by City Council
 2. Approval of double flume waterslide by City Council
 3. Set dates for Sno Fun Days
11. Adjournment

DATE: November 13, 1989
TO: Bill Monk, City Engineer
FROM: Sante H. Davidson, Street Superintendent
SUBJECT: Snow Plowing

Snow plowing and sanding will be started as soon as practical after it starts snowing. The actual time will vary based on time of day, weather forecast and snow accumulation. If the snow starts late in the evening and is forecast to continue throughout the night, the plows and sanders will routinely start at 3 a.m. and plow until the City is cleared. All other times they will sand and plow as the situation warrants.

The City is divided into six sectors with a snow plow assigned to each. Within each sector there is an assigned starting point which we list as Point A, Point B and Point C. Each time it snows we start at the next letter point. For example if the plow in Sector 1 starts at Point A the first snowfall, then on the next snowfall we would start at Point B and the third snowfall start at Point C and the next return to Point A and continue this cycle the rest of the season. By using this method we can insure each group of residents equal service.

The plowing of alleys is started at the same time as the streets and completed along with them. In a normal five to six inch snowfall this takes 10 to 11 hours if there are no breakdowns of equipment.

The sidewalks along major walk/bus routes are cleared as soon as practical after the County completes their plowing of County roads. In their efforts to clear the County roads the County plows throw the snow onto the sidewalks as there is so little space between the road and sidewalk. This requires that we make several trips around the sidewalk route after every snowfall. The initial circuit takes approximately 9 to 10 hours when the snow is heavy. We have one operator and one machine with a blower for this operation. Where there are privacy fences adjacent to the sidewalk, there is an increase in time and expense associated with removal.

The City snow plows are designed as one-way plows to travel with traffic. Therefore all snow on the traffic side of the avenue must be plowed in that direction. There is no known way to keep snow from filling the end of driveways as the plows pass by. The cost of the City maintaining enough personnel and equipment to clear out ~~all~~ driveways is prohibitive.

Bill Monk
November 13, 1989
Page 2

The building of obstructions at the curb line also causes problems and increases the cost of removal as equipment can be readily damaged even if extra care is exercised by the plow operator. The snow from the street must go on the boulevard.

The practice of residents blowing the snow from driveways and walkways into the street causes a very serious traffic problem. When the snow freezes and a car hits the rough spots, the car could be thrown out of control and an accident might occur. The City does attempt to enforce its ordinance prohibiting this practice.

When there is an ice build-up in the street from freezing and thawing, there is only a limited amount of scraping that can be done without damage to the street. Therefore we try to keep it sanded as much as possible.

Sanding is started whenever there is a need for it. The City policy has always been to sand stop intersections, curves and hills. We have to use sand sparingly as it winds up in the storm sewer system and has to be removed from the sewers and the holding ponds which is an expensive process. However we will sand as necessary to ensure public safety. There are signs on the sanders warning drivers to stay 50 ft. behind the trucks for safety purposes.

The City of Crystal does not have a dry pavement policy; so drivers will always have to be careful during the winter.

The City maintains six snow plows for the streets which consist of four trucks and two graders. We have two plows for alleys and one sidewalk plow. We also maintain one loader plow for the fire stations and City parking lots.

SHD:jrs

SECTOR
2

SECTOR
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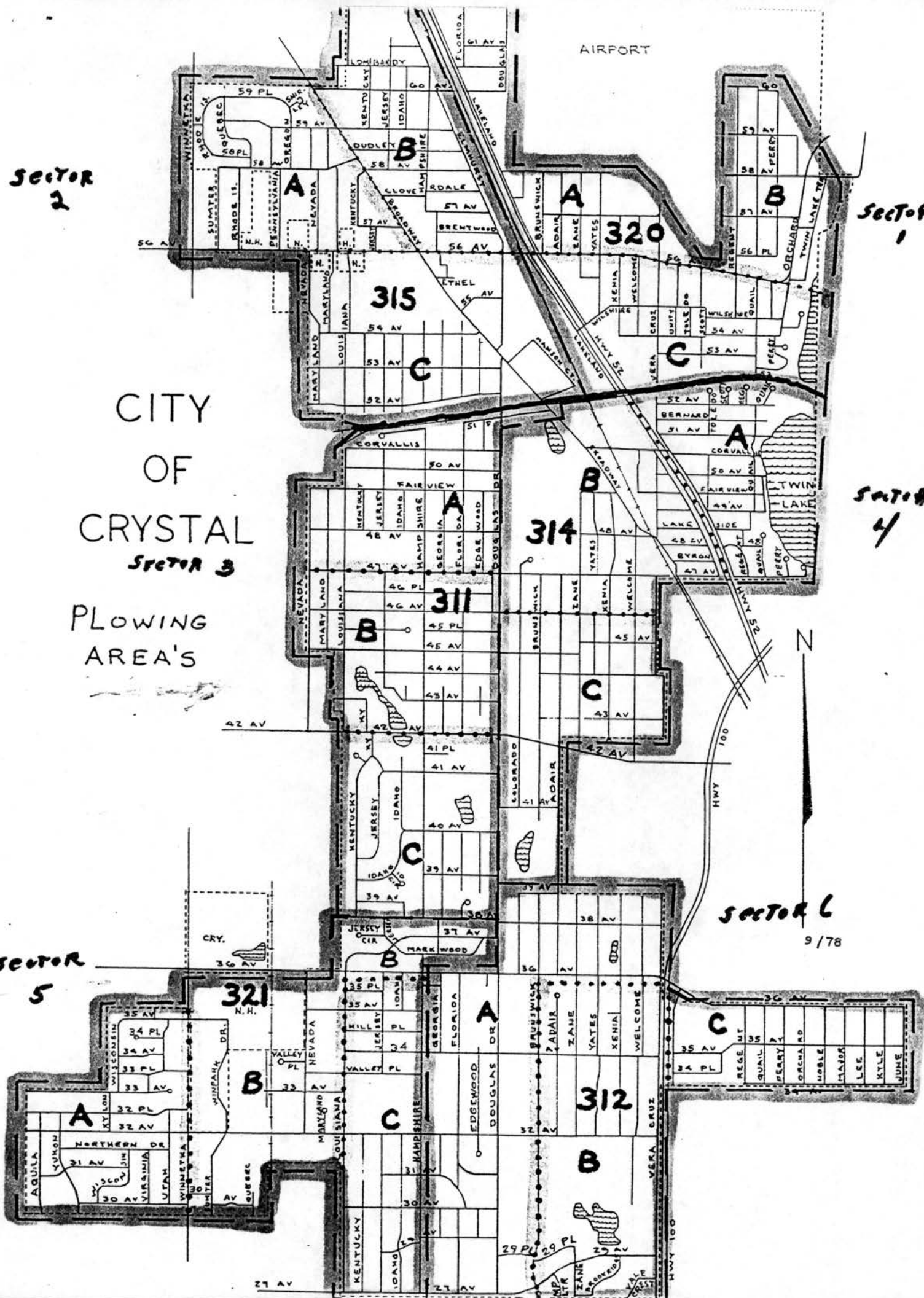
CITY
OF
CRYSTAL
SECTOR 3

PLOWING
AREA'S

SECTOR
4

SECTOR
5

SECTOR 6
9/78





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

ADMINISTRATIVE OFFICE

November 22, 1989

TO: City of Crystal Councilmembers
FROM: Jerry Dulgar, City Manager
RE: Progress of Goal Setting/Team Building Sessions

As indicated in the Newsbrief of November 22, a progress report was being worked up regarding the April Goal Setting/Team Building Session and the November follow-up session. Listed below are the top ten goals generated at the sessions and the progress made toward each goal thus far.

Goal No. 1: To improve communication with the public.

Progress:

- a. Compilation of a "counter" survey (complete 1-90)
- b. Enhance newsletter articles ie. Crimebusters, Human Relations brochure
- c. Cable TV Programs including interviews with various departments and Channel 37 City information
- d. City Line (phone line information - call 645-6060, Category 1000, zip code 55428)
- e. Coverage of City departments in the Crystal/Robbinsdale Post News
- f. Budgeting for a community survey
- g. Initiation of the Abandoned, Vacant, Unsafe Housing Complaint System which is handled through the Building Department

Goal No. 2: To develop a Housing Maintenance Code.

Progress:

- a. Housing Maintenance Code has been studied by the Environmental Quality Commission
- b. The Environmental Quality Commission is sending it on to the Planning Commission and the Economic Development Authority Advisory Commission for study
- c. From there it will go to the City Attorney to prepare for adoption.

Goal No. 3: To improve communications (Council/Council; Council/Staff).

Progress:

- a. A newsbrief to the City Council on the weeks between receipt of Council packets
- b. follow-up Goal Setting/Team Building Session (Council and Department Heads)
- c. Staff is working on a Council complaint procedure and a form for same
- d. An Employee Recognition Program has been adopted
- e. An Employee Safety Award Program has been adopted

Goal No. 4: To examine budget allocation of resources.

Progress:

- a. Adopted a fee schedule with an increase in fees
- b. Explored equipment certificates which will be used in the 1990-1991 budget process
- c. Contacted charitable gambling organizations for donations
- d. Tri-City Airport Commission is investigating delinquent property taxes on airport property

Goal No. 5: To review Comprehensive Plan and Zoning Ordinance.

Progress:

- a. Sections of the Code have been rewritten by the City Engineer as the need arises
- b. Comprehensive Plan has been reviewed for conformance with the Metropolitan Council Development Guide changes (progress is slow because of the deletion of a Community Development Director)

Goal No. 6: To form an Economic Development Authority.

Progress:

- a. Accomplished

Goal No. 7: To develop a Mission Statement for the City.

Progress:

- a. Sample mission statements were collected from employees; these were presented at the follow-up Goal Setting/Team Building Session of Council and staff, four versions were drafted and ranked at the session

- b. A committee has been selected to put together a finalized Mission Statement for presentation to the City Council in January of 1990

Goal No. 8: To develop a plan to attract new business.

Progress:

- a. Creation of the Crystal Business Council
- b. Participation in the North Metro Development Association
- c. Working with prospective developers to find sites, etc.

Goal No. 9: To exert more influence on legislators and regional agencies.

Progress:

- a. City Manager being appointed to the Emergency Response Commission
- b. Contact with legislators through Northern Mayors Association, Association of Metropolitan Municipalities, etc.

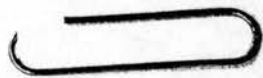
Goal No. 10: To develop a plan for use of Crystal Airport:

Progress:

- a. Reactivated the Tri-City Airport Commission (will be meeting quarterly rather than monthly; plan portion delayed because of deletion of Community Development Director)
- b. Interaction with Metropolitan Airports Commission staff relative to various things at the airport

If you have questions or comments, get them to me or Darlene.
We welcome your input.

cc: Don Salverda,
Attitude Development Consultants, Inc.
cc: Department Heads



Crystal City Council
4141 Douglas Drive
Crystal, Mn 55422

On December 31, 1989
J. J. Choromanski Will Retire
After 40 Successful Years in Banking
Please Join Us For Hors D'oeuvres
and Refreshments
Sunday, December 17, 1989
3:00 p.m. to 6:00 p.m.
at
The Bank North, N.A.
7000 Bass Lake Road

HUMAN RELATIONS COMMISSION
October 23, 1989

The Human Relations Commission meeting was called to order at 7:04 p.m. Members present were: James Allison, John Luzaich, Kathryn Huston, Linda Museus, Norman Eid, and Renee Werner.

Members absent: Arlene West (excused).

Also present were Garry Grimes, Council Liaison; and Joan Schmidt, Staff Liaison.

1. Moved by commission member Norman Eid and seconded by commission member John Luzaich to approve the minutes of the September 25, 1989 Human Relations Commission meeting.

Motion Carried.

2. It was discussed that the joint three-city meeting (Northwest Suburban Human Rights Commissions) needed to be rescheduled. The date decided on was November 11, 1989 at Crystal City Hall from 9:30 a.m. to 11 a.m. A memo to Robbinsdale and Golden Valley chairs will be sent out and it was requested that the tape from the Group Home Special Meeting with John Loving be available.
3. Notice was received on No-Fault Grievance Training Session of October 28th. The commission decided that this needed to be scheduled here for Crystal members and perhaps Robbinsdale members sometime in January.
4. The commission reviewed the information received from the City Attorney's office dealing with Group Homes. Garry Grimes stated that he had asked at the last City Council meeting to have input come back to the commission on building, fire, and zoning codes dealing with Group Homes. The commission thought it would be a good idea to have someone from the County come out to talk to us.

Discussion followed as to how to go about accessing information as to what is going on with Group Homes. How do we go about accessing that information? Is it necessary to go in person to see the application or can we request a copy be mailed out of the application?

Moved by commission member Norman Eid and seconded by commission member John Luzaich to request that the City Attorney inform the commission as to the proper procedure to follow to access information from the State of Minnesota or the County on completed applications for Group Homes.

Motion Carried.

5. A report was given on the Special Meeting on Group Homes with guest speaker Jim Loving. Linda Museus conveyed Arlene West's thoughts that Mr. Loving was prepared but would go over his prepared text and didn't always address the issue. The commission also learned that there are no requirements that

employees in Group Homes meet certain standards. Most of the time training of C.P.R., back lifts, feeding techniques, oral hygiene, etcetera is given in-service. Reviews take place at least once a year. If complaints occur then review is sooner. It appears that there is a lot of misunderstanding between the County and the State. We would like to have a representative from the County talk to us.

6. A report on the 18th Annual Conference of the League of Minnesota Human Rights Commissions that was held on October 6 and 7 in St. Cloud was given by John Luzaich. John was surprised that only 38 communities make up the Human Rights Commissions and that these communities are divided into sections. Crystal, Robbinsdale, and Golden Valley belong to Section 8. Gerry Sikorski was the keynote speaker on "Think Globally, Act Locally". John also attended workshops on "Multicultural Gender Information" and "Aids".
7. Old business mentioned: three members short; need youth member; and our Brochure has gone out. There will not be a meeting in December.
8. Other business: Should discuss having a Special Day devoted to Human Rights in the community. This discussion should be held in conjunction with Robbinsdale and Golden Valley on November 11.

Moved by commission member James Allison to set the date of September 22, 1990 for Crystal Human Rights Day.

Motion Failed for Lack of a Second.

Moved by commission member James Allison and seconded by commission member Kathryn Huston to set the date of October 20, 1990 for Crystal Human Rights Day.

Motion Carried.

Moved by commission member James Allison and seconded by commission member Renee Werner to adjourn. Meeting adjourned at 9:02 p.m.

DUE DATE: NOON, WEDNESDAY, November 29, 1989

MEMO TO: Jerry Dulgar, City Manager

MEMO FROM: John Olson, Assistant City Manager

ACTION NEEDED MEMO: From the November 21, 1989 Council Meeting

The items listed below are the actions requested by the City Council at their regular Council meeting of November 21, 1989. These items should be taken care of by noon, Wednesday, preceding the next regularly scheduled Council meeting and returned to the Assistant City Manager for his review.

DEPARTMENT

ITEM

CONSENT AGENDA

BUILDING
INSPECTOR

1. Set public hearing to consider a variance in the front yard setback at 5423 Welcome Ave. N.
ACTION NEEDED: Publish notice and notify affected property owners.
ACTION TAKEN: Notices have been mailed.

ADMINISTRATIVE
SECRETARY

ACTION NEEDED: Place item on December 5 Council agenda.
ACTION TAKEN: Item placed on December 5 Council agenda.

BUILDING
INSPECTOR

2. Set public hearing to consider a variance in the side street side yard setback at 5955 Jersey Avenue North.
ACTION NEEDED: Publish notice and notify affected property owners.
ACTION TAKEN: Notices have been mailed.

ADMINISTRATIVE
SECRETARY

ACTION NEEDED: Place item on December 5 Council agenda.

ACTION TAKEN: Item placed on December 5 Council agenda.

REGULAR AGENDA

PUBLIC WORKS
DIRECTOR

1. Consideration of First Reading of an Ordinance rezoning property at 3343 Vera Cruz.

ACTION NEEDED: Item continued until December 19.

ACTION TAKEN: Placed on December 19 Council agenda.

ADMINISTRATIVE
SECRETARY

ACTION NEEDED: Place item on December 19 Council agenda.

ACTION TAKEN: Placed on December 19 Council agenda.

PARK & RECREATION
DIRECTOR

2. Consideration of setting rental fees for the new Community Center.

ACTION NEEDED: Proceed with publishing fees as approved by Council.

ACTION TAKEN: Proceeding as directed.

PARK & RECREATION
DIRECTOR

3. Consideration of the construction of a double flume waterslide at Crystal Municipal Pool.

ACTION NEEDED: Proceed to advertise for bids for the two slide flume making sure that successful company has product liability insurance.

ACTION TAKEN: Proceeding as directed.

FINANCE
DIRECTOR

4. Consideration of a request from the Crystal Fire Department for an increase in pension and salary.
ACTION NEEDED: Change pension and salary benefits as presented by firefighters for a two-year term.
ACTION TAKEN: New pension benefits to be in place January 1, 1990.

CITY MANAGER

5. Consideration of a resolution establishing an Employee of the Year Award Program.
ACTION NEEDED: Proceed with program as authorized by Council.
ACTION TAKEN: In process.
6. Deleted because of previous action.

CITY CLERK

7. Consideration of resolution adopting City of Crystal fee schedule.
ACTION NEEDED: Fee schedule approved as presented, notify all affected departments to begin using new fees.
ACTION TAKEN: Each Code Book holder will receive a copy along with resolution as Appendix IV of the Code.
8. Discussion of fees regarding the League of Minnesota Cities Insurance Trust.
ACTION NEEDED: No action needed; to be discussed later.

PUBLIC WORKS
DIRECTOR

9. Review of the Feasibility Study for Twin Lake/Ryan Lake Outlet Modification Improvement.
ACTION NEEDED: No action needed at this time; to be brought back to the Council when action is needed.
ACTION TAKEN: Notice being sent to Twin Lake residents for informational meeting.

CITY CLERK

10. Consideration of holding an organizational meeting of the City Council and an EDA meeting on January 2 with regular meetings on January 9 and 23.
ACTION NEEDED: Notify Post of changes in meetings and post notices in City Hall.
ACTION TAKEN: Will be posted and publicized in December.

ADMINISTRATIVE
SECRETARY

11. Consideration of First Reading of an Ordinance relating to Building Construction.
ACTION NEEDED: Place Second Reading on December 5 Council agenda.
ACTION TAKEN: Item placed on December 5 Council agenda.

CITY MANAGER

12. Consideration of sending a letter of appreciation to Arnie Bilyeu for the construction of the City Logo.
ACTION NEEDED: Send letter and certificate of appreciation to Arnie Bilyeu.
ACTION TAKEN: Certificate and letter to be sent.

ADMINISTRATIVE
ASSISTANT

13. Consideration of interviewing four attorney firms at the December 5 Council meeting.
ACTION NEEDED: Notify recommended firms and provide City Council with fee schedule and informational packets in addition to the newly elected Councilmembers.
ACTION TAKEN: Four firms notified. Packets to be given to Council.

REDEVELOPMENT
COORDINATOR

14. Review with Environmental Quality Commission the complaint regarding leaves presented to the Council by Councilmember Carlson.
ACTION NEEDED:
ACTION TAKEN: Item will be placed on December 21 EQC meeting agenda.

CITY CLERK

15. Consideration of requiring Councilmembers attending the National League of Cities meeting to prepare written reports for the entire Council.
ACTION NEEDED: Send out reminder to Council following League Convention regarding the written reports.
ACTION TAKEN: Will monitor receipt of reports.

CITY CLERK

16. Licenses.
ACTION NEEDED: Issue licenses.
ACTION TAKEN: Licenses issued.