



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

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605

Harlene

# COUNCIL AGENDA

May 15, 1990

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on May 15, 1990, at 8:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

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

Councilmembers

A Carlson  
P Moravec  
P Irving  
P Grimes  
P Herbes  
P Langsdorf  
P Joselyn

Staff

P Dulgar  
P Olson  
P Kennedy  
P Monk  
P Barber  
P George  
P Jones

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

The Mayor commended Crystal resident, Jill Lester, 4645 Colorado Avenue North, for her exemplary performance in the administration of CPR to a fellow citizen until such time as emergency units could reach the scene.

1. The City Council considered the minutes of the Board of Review of May 1, 1990 and the Regular City Council meeting of May 1, 1990.

Moved by Councilmember G and seconded by Councilmember L to (approve) (approve, making the following exceptions: \_\_\_\_\_

to) the minutes of the Board of Review of May 1, 1990 and the Regular City Council meeting of May 1, 1990.

Motion Carried.

CONSENT AGENDA

1. Consideration of an application from Crystal Lions Club to operate a 3.2 beer stand at the Firemen's Open House (John T. Irving Fire Station) on May 19, 1990 with request for waiver of fee.
2. Consideration of a permit to allow City of Crystal Park & Recreation Department to hold the annual Women & Leisure Services Dinner and meeting at the Community Center on May 17, 1990, and also to serve wine at the event.

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

Motion Carried.

REGULAR AGENDA

1. The City Council considered a Charitable Gambling license renewal for Robbinsdale Lions Club at Burling's Tally Ho Restaurant.

*I/M to continue until June 5, 1990 the discussion of the Charitable gambling license renewal for Robbinsdale Lions Club at Burling's Tally Ho Restaurant until more information is obtained in writing from Robbinsdale Lions regarding possible violations of state gambling rules and loss of receipts, with a copy of our request to the State Gaming Div., Dept. of Revenue.*  
Motion Carried

Moved by Councilmember X and seconded by Councilmember     to (approve) (deny) (continue until     the discussion of) Charitable Gambling license renewal for Robbinsdale Lions Club at Burling's Tally Ho Restaurant.

Motion Carried.

2. The City Council considered a solicitor's permit for Teens Against Drugs from April 1990 through April 1991.

Moved by Councilmember M and seconded by Councilmember L to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) a solicitor's permit for Teens Against Drugs from April 1990 through April 1991, *based on the Police Department report.*  
Motion Carried.

3. The City Council continued consideration of a Charitable Gambling license renewal from the April 3, 1990 City Council meeting for Cystic Fibrosis at Nicklows.

*G/J to deny the Charitable gambling license renewal for Cystic Fibrosis at Nicklows.*

*Aye - G*

*No - M, I, L, J, H*

*Absent - C*

Motion failed

Moved by Councilmember I and seconded by Councilmember M to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) Charitable Gambling license renewal for Cystic Fibrosis at Nicklows.

*Aye - M, I, L, J, H*

*No - G*

*Absent - C*

Motion Carried.

4. The City Council reviewed a request to modify site improvement agreement at 5241 Hanson Court (Beaver Machine). *Those appearing and heard: Jim Shakerle, Owner of Beaver Machine*  
*Mike Miller, joint owner of the building at 5241, Hanson Court*

*M/I to table the request to modify site improvement agreement at 5241 Hanson Court until such time as staff can work with the property owners and come back to the Council with a recommendation.*

Moved by Councilmember M and seconded by Councilmember \_\_\_\_\_ to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) modification of site improvement agreement at 5241 Hanson Court (Beaver Machine).

Motion Carried.



5. The City Council considered a City of Crystal Mission Statement.

*M/L to continue to June 5, 1990 discussion of the City of Crystal Mission Statement to allow the Council more time to review it.*

*Motion Carried*

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to adopt the following City of Crystal Mission Statement: (insert wording as approved by Council).

*Motion Carried.*

6. The City Council considered a Resolution relating to the City of Crystal Flexible Benefit Account Plan Adopting Amended and Restated Plan.

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

RESOLUTION NO. 90-27

RESOLUTION RELATING TO THE CITY OF CRYSTAL  
FLEXIBLE BENEFIT ACCOUNT PLAN ADOPTING  
AMENDED AND RESTATED PLAN

By roll call and voting aye: \_\_\_\_\_; voting no: \_\_\_\_\_; absent, not voting: \_\_\_\_\_

Motion carried, resolution declared adopted.

7. The City Council considered the Second Reading of an Ordinance Relating to Rezoning Property at 6918 - 56th Avenue North.

*Motion ② J/M to reconsider the Second Reading of the ordinance relating to rezoning property at 6918-56<sup>th</sup> Ave. No.*  
*Aye: M, I, L, J*  
*No: G, H*  
*Absent: C* *Motion Carried*

*Motion ③ J/L to table until the June 5, 1990 City Council meeting.*  
*Motion Carried*

*Motion ①* Moved by Councilmember J and seconded by Councilmember M to adopt the following ordinance:

ORDINANCE NO. 90-

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

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

*Aye: M, I, L, J*  
*No: G, H*  
*Absent: C*  
*Motion Carried*  
*Failed*

8. The City Council considered the Second Reading of an Ordinance Relating to Intoxicating Liquor License Bonds.

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

ORDINANCE NO. 90-13

AN ORDINANCE RELATING TO INTOXICATING  
LIQUOR LICENSES: AMENDING CRYSTAL CITY CODE,  
SUBSECTION 1200.07, SUBDIVISIONS 3, 4, AND 5,  
IN ORDINANCE NO. 90-12

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

*Motion Carried.*

9. The City Council considered the selection of a consultant to rewrite the Comprehensive Plan.

*Fred Hoisington of The Hoisington Group appeared and was heard.*

*G/L to continue discussion of the selection of a consultant to rewrite the Comprehensive Plan until such time as Councilmembers can review all proposals submitted.*

*Motion carried*

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

RESOLUTION NO. 90-

RESOLUTION DISBURSING FUNDS FROM THE  
PERMANENT IMPROVEMENT REVOLVING FUND, PART B

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

*Motion carried, resolution declared adopted.*

10. The City Council considered a resolution relating to Community Energy Council Program Agreement (Energy Audit Program).

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

RESOLUTION NO. 90- ~~27~~ 28

RESOLUTION AUTHORIZING COMMUNITY ENERGY  
COUNCIL PROGRAM AGREEMENT

By roll call and voting aye: M, I, G, L, J,  
H, \_\_\_\_\_; voting no: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; absent, not  
voting: C.

*Motion carried, resolution declared adopted.*

11. The City Council considered a Resolution relating to Paper Procurement Policy for the City of Crystal.

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

RESOLUTION NO. 90-~~28~~29

RESOLUTION RELATING TO PAPER PROCUREMENT  
POLICY FOR THE CITY OF CRYSTAL

By roll call and voting aye: M, I, G, L, J,  
H, \_\_\_\_\_; voting no: \_\_\_\_\_; absent, not  
voting: C, \_\_\_\_\_.

Motion carried, resolution declared adopted.

12. The City Council considered the designation of an Engineering Consultant for the 36th Avenue reconstruction project.

A. *I/G approve the following resolution authorizing preparation of a feasibility study with inclusion of consideration of rebuilding the street and an alternate of upgrading the street, and the cost differences, the reading of which was dispensed with by unanimous consent.*

~~B.~~ Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to adopt the following resolution, the reading of which was dispensed with by unanimous consent:

RESOLUTION NO. 90-~~29~~30

RESOLUTION AUTHORIZING PREPARATION OF A  
FEASIBILITY STUDY

By roll call and voting aye: M, I, G, L, J,  
H, \_\_\_\_\_; voting no: \_\_\_\_\_; absent, not  
voting: C, \_\_\_\_\_.

Motion carried, resolution declared adopted.

- B. Moved by Councilmember L and seconded by Councilmember M to (approve as recommended by the City Engineer) (deny) (continue until \_\_\_\_\_ the discussion of) the designation of RCM as Engineer for the 36th Avenue reconstruction project, and further, that staff be authorized to prepare the necessary contract for consideration on a future City Council agenda.

Motion Carried.

OPEN FORUMINFORMAL DISCUSSION AND ANNOUNCEMENTS

Mgr. - Reports of Comp. Plan

Reminder June 5 Council meeting at Community Center

Meyer announced City Mgr. moving to Crystal

C.M. Jasslyn - ~~requested~~ recommended The Chair of EDA Advisory Commission should vote or abstain so EDA knows the feelings of each Commissioner.

C.M. Grimes questioned Dram shop insurance certificates.

C.M. Grimes - Goals + Objectives should be measurable

Goal - more general

Objective - more measurable

①

M/L to adopt the following resolution:

Resolution No. 90-~~31~~ 31

Resolution To Cease The Purchase  
of Styro-foam cups and containers

Roll Call: Absent: C

Rest: Aye

motion Carried



Moved by Councilmember L and seconded by Councilmember I to approve the list of license applications.

Motion Carried.

Moved by Councilmember L and seconded by Councilmember I to adjourn the meeting.

Motion Carried.

Meeting adjourned at 10:25 p.m.

APPLICATIONS FOR LICENSE  
MAY 15, 1990

POOLS - Indoor (\$175.00)

Twin Lake North Condominiums, 4710 58th Avenue North

POOLS - Outdoor (\$125.00)

Douglas Court Apartments, 6300-6410 27th Ave. No.  
Twin Lake North Condominiums, 4710 58th Avenue No.  
Winnetka Village Apartments, 7710 36th Ave. No.

REFUSE HAULERS - \$50.00 Co. Lic. + \$25.00 ea. vehicle

A & B Trucking, 187 James Avenue North, Mpls, MN  
Hilger Transfer, Inc., 8550 Zachary Lane, Maple Grove, MN  
The Mengelkoch Company, 119 NE 14th St., New Brighton, MN  
Waste Management-Blaine, Circle Pines, Minnesota

LIQUOR LICENSES - OFF-SALE - (\$200 + dram shop insurance)

Palace Inn, 5607 W. Broadway, Crystal, MN 55428  
Rom-C, Inc. dba Crystal Liquors, 5924 W. Broadway, Crysta., MN 55428  
Handy Superette, Inc. dba Adair Liquor #1, 6001 - 42nd Ave. No.,  
Crystal, MN 55422  
Louie's Liquors, Inc., 4920 W. Broadway, Crystal, MN 55422  
Chalet Liquor, Inc., 5301 - 36th Ave. No., Crystal, MN 55422  
D.A.S., Inc. dba United Liquors #3, 3530 Douglas Drive, Crystal,  
MN 55422  
Lamplighter Liquor Barrel, 2728 Douglas Drive, Crystal, MN 55422  
LAMA Corporation dba M.G.M. Liquor Warehouse, 355 Willow Bend,  
Crystal, MN 55422

3.2 BEER OFF-SALE - (\$42.00)

Bob's DairyStore, 4800 Idaho Ave. No., Crystal, MN 55428  
Noble Drug Company, 4705 - 36th Ave. N., Crystal, MN 55422  
Wallace Pettit dba Tom Thumb Superette #125, 2708 Douglas Drive,  
Crystal, MN 55422  
Tom Thumb Store #286, 5120 - 56th Ave. N., Crystal, MN 55429  
Steven Weisman Industries, Inc. dba Steve O's, 4900 West Broadway,  
Crystal, MN 55429  
Jack Mankowski dba Jack's Superette, 7200 - 56th Ave. N., Crystal,  
MN 55428  
Superamerica Stations, Inc., 7818 - 36th Ave. N. (#4187), Crystal,  
MN 55427

APPLICATIONS FOR LICENSE  
May 15, 1990

FOOD ESTABLISHMENT - Itinerant (Exempt)

Park & Rec Dept. for Community Center Dedication Dinner  
at 48th & Douglas Drive for Dedication Dinner on June 9, 1990.

FOOD ESTABLISHMENT - Itinerant (Exempt)

Park & Rec Department at Community Center Concession Stand  
at 48th & Douglas Drive for concession stand from June 1 to  
June 8, 1990.

FOOD ESTABLISHMENT - Itinerant (Exempt)

Park & Rec Department at Community Center for Ice Cream  
Social at 48th & Douglas Drive for Ice Cream Social, June 9, 1990.

TREE TRIMMERS \_ (\$55.00)

Design Tree Service, Inc., 4300 Brookdale Dr., Brooklyn Park, MN  
Arbor Tree Service, 4300 Brookdale Dr., Brooklyn Park, MN

To Clearing the Resolution  
styro-foam cups + containers  
1 + 2 paper procurement

- ③ WHEREAS, STYRO-FOAM ~~IS A~~ CREATES A MAJOR ~~HEALTH~~ ECOLOGICAL PROBLEM, ~~AND IS NOT IN THE WASTE STREAM,~~

NOW ∴ BE IT RESOLVED THAT THE CITY OF CHASSON ~~SHALL~~ PURCHASING STYRO-FOAM CUPS AND CONTAINERS WHEN OTHER MORE ECOLOGICALLY PRUDENT OPTIONS EXIST.

APPLICATIONS FOR LICENSE  
May 15, 1990

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at 48th & Douglas Drive for Dedication Dinner on June 9, 1990.

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Design Tree Service, Inc., 4300 Brookdale Dr., Brooklyn Park, MN  
Arbor Tree Service, 4300 Brookdale Dr., Brooklyn Park, MN



Sent with preliminary agenda on 5-11-90:

Letter to Jill Lester from Mayor dated 5-15-90.  
Minutes of the Board of Review of May 1, 1990.  
Minutes of the regular City Council mtg. of 5-1-90.  
License application from Crystal Lion's for 3.2 beer stand at Fireman's Open House May 19, 1990 with request for waiver of fee.  
Memo from Park & Rec. Asst. Director dated 5-9-90 re: request to serve wine at Community Center Function.  
Memo from Chief Mossey dated 5-10-90 re: Robbinsdale Lions Gambling License Renewal; application and pertinent papers.  
Memo from Chief Mossey dated 5-4-90 re: Solicitor's permit for Teens Against Drugs; permit application and pertinent papers.  
Gambling license renewal application for Cystic Fibrosis at Nicklows and pertinent papers; letter from City Attorney dated 5-7-90; letter from R. Peter Madel III dated 5-1-90 of Cystic Fibrosis.  
Memo from City Engr. dated 5-9-90 re: Site Improvements at 5241 Hanson Court.  
Memo from City Clerk dated 5-8-90 re: City of Crystal Mission Statement; copy of mission statement  
Memo from Finance Director dated 5-8-90 re: Revise IRS #125/129 Flexible Benefit Plan; resolution; memo from City Treasurer (no date) re: City of Crystal Flexible Benefit Plan.  
Ordinance relating to rezoning at 6918-56th Ave. N.  
Ordinance relating to intoxicating liquor licenses; financial responsibility (bond requirement).  
Memo from Asst. City Mgr./Comm. Dev. Director dated 5-9-90 re: selection of a Planning Consultant for updating the Comprehensive Plan.  
Memo from Community Development Coordinator dated 5-10-90 re: Community Energy Council Program Agreement.  
Memo from Recycling Coordinator dated 5-3-90 re: Establishment of City Paper Procurement Policies.  
Memo from City Engr. dated 5-10-90 re: Consultant Proposals for 36th Avenue Reconstruction Project.  
Letter fro K of C dated 5-1-90 re: schedule of bingo under its charitable gambling license.

Summary of Article 7 - 1990 Minnesota Tax Act,  
Tax Increment Financing dated 5-2-90 from the  
City Attorney.

Memo from City Mgr. dated 5-10-90 re: Goals and  
Objectives - Department Heads.

Off-sale liquor applications and pertinent papers  
for Crystal Liquors, 5924 W. Broadway; Adair  
Liquor Store #1, 6001 - 42nd Ave. N.; MGM Liquor  
Warehouse, 355 Willow Bend; Louie's Liquors,  
4920 West Broadway; Chalet Liquors, 5301 - 36th  
Ave. N.; United Liquors #3, 3530 Douglas Dr. N.;  
Lamplighter Liquor Barrel, 2728 Douglas Dr.;  
Palace Inn Pizza, 5607 W. Broadway.

Letter from Lommen, Nelson, Cole & Stageberg dated  
5-14-90 re: Cystic Fibrosis; copy of check in  
the amount of \$21, 067.83.

*Darkene*

Memorandum

DATE: May 11, 1990  
TO: Mayor and Council  
FROM: John A. Olson, Assistant Manager  
SUBJECT: Preliminary Agenda for the May 15, 1990 Council Meeting

There are no public hearings for the Council to consider at this meeting. We have two items on the Consent Agenda and twelve items on the regular agenda.

Item #2: Please review the Police Department report on this item because they are recommending denial of this request.

Item #3: Cystic Fibrosis Foundation has still refused to pay the amount required by ordinance. I believe the City has given them reasonable time to comply with the ordinance. I recommend denial of this renewal.

Item #4: In February the City Council was asked to review the Mission Statement which is included in this packet. We had not received any comments from Councilmembers and therefore we are placing this item on the agenda for your consideration and comment. If it is possible and you have time, please review this statement and bring comments to the meeting Tuesday night.

Item #5: There have been some changes in the Flexible Benefit Account Plan which Miles Johnson has detailed in his memo. Please review these in detail because they make a difference in how we pay non-reimbursed health costs for employees.

Item #8: The recommendation for a consultant to rewrite the Comprehensive Plan may require some detailed discussion. A representative of the company, recommended by the staff, will be at the meeting.

Item #11: Bill Monk will be discussing his memo regarding this subject on Tuesday night. Please review his material so that if you have questions, you will be able to address them at the meeting.

Item #12: The company requesting the modification of site improvements has made several changes regarding site in the past and is now asking that a further change in site improvement agreement to eliminate necessary curbing along Hanson Court. Council should take a close look at making exceptions to site improvement agreements as they may become a precedence for other developers or firms in the future.

REMINDER: The regular Council meeting starts at 8 p.m. because of the School Board Election, however, the EDA has set up a tour of the City which starts at 6 o'clock. Therefore, if you wish to go on the tour, you must arrive shortly before 6. The EDA Advisory Commission has also been invited to go on this tour and a bus and box supper will be provided.

Have a good weekend and we'll see you Tuesday at 6 or 8 p.m.

JAO/js

COUNCIL AGENDA - SUMMARY

COUNCIL MEETING OF  
May 15, 1990  
REMINDER MEETING STARTS AT 8 P.M.

Call to order

Roll call

Pledge of Allegiance to the Flag

Commendation of Jill Lester, Crystal resident, for her exemplary performance in the administration of CPR to a fellow citizen until emergency units could reach the scene.

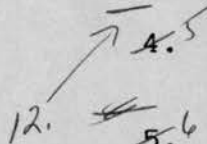
Approval of the minutes of the Board of Review of May 1, 1990 and the regular City Council meeting of May 1, 1990.

**Consent Agenda**

1. Consideration of an application from Crystal Lions Club to operate a 3.2 beer stand at the Firemen's Open House (John T. Irving Fire Station) on May 19, 1990 with request for waiver of fee.
2. Consideration of a permit to allow City of Crystal Park & Recreation Department to hold the annual Women & Leisure Services Dinner and meeting at the Community Center on May 17, 1990, and also to serve wine at the event.

**Regular Agenda Items**

1. Consideration of a Charitable Gambling license renewal for Robbinsdale Lions Club Robbinsdale at Burling's Tally Ho Restaurant.
2. Consideration of a solicitor's permit for Teens Against Drugs from April 1990 through April 1991.
3. Continuance of consideration of a Charitable Gambling license renewal from the April 3, 1990 City Council meeting for Cystic Fibrosis at Nicklows.

12.  4.5 Consideration of the City of Crystal Mission Statement.

5.6 Consideration of a resolution relating to the City of Crystal Flexible Benefit Account Plan Adopting Amended and Restated Plan.



6. <sup>7</sup> Consideration of Second Reading of an Ordinance Relating to Rezoning Property at 6918 - 56th Avenue North.
7. <sup>8</sup> Consideration of Second Reading of an Ordinance Relating to Intoxicating Liquor License Bonds.
8. <sup>9</sup> Consideration of the selection of a consultant to rewrite the Comprehensive Plan.
9. <sup>10</sup> Consideration of a resolution relating to Community Energy Council Program Agreement (Energy Audit Program).
10. <sup>11</sup> Consideration of a resolution relating to Paper Procurement Policy for the City of Crystal.
11. <sup>12</sup> Designate Engineering Consultant for 36th Avenue reconstruction project.
12. <sup>4</sup> Review request to modify site improvement agreement at 5241 Hanson Court (Beaver Machine).

**Open Forum**

**Informal Discussion and Announcements**

**Licenses**

**Adjournment**

APPLICATIONS FOR LICENSE  
MAY 15, 1990

POOLS - Indoor (\$175.00)

Twin Lake North Condominiums, 4710 58th Avenue North

POOLS - Outdoor (\$125.00)

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Winnetka Village Apartments, 7710 36th Ave. No.

REFUSE HAULERS - \$50.00 Co. Lic. + \$25.00 ea. vehicle

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Hilger Transfer, Inc., 8550 Zachary Lane, Maple Grove, MN  
The Mengelkoch Company, 119 NE 14th St., New Brighton, MN  
Waste Management-Blaine, Circle Pines, Minnesota

LIQUOR LICENSES - OFF-SALE - (\$200 + dram shop insurance)

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Crystal, MN 55422  
Tom Thumb Store #286, 5120 - 56th Ave. N., Crystal, MN 55429  
Steven Weisman Industries, Inc. dba Steve O's, 4900 West Broadway,  
Crystal, MN 55429  
Jack Mankowski dba Jack's Superette, 7200 - 56th Ave. N., Crystal,  
MN 55428  
Superamerica Stations, Inc., 7818 - 36th Ave. N. (#4187), Crystal,  
MN 55427

APPLICATIONS FOR LICENSE  
May 15, 1990

FOOD ESTABLISHMENT - Itinerant (Exempt)

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at 48th & Douglas Drive for Dedication Dinner on June 9, 1990.

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Park & Rec Department at Community Center for Ice Cream  
Social at 48th & Douglas Drive for Ice Cream Social, June 9, 1990.

TREE TRIMMERS \_ (\$55.00)

Design Tree Service, Inc., 4300 Brookdale Dr., Brooklyn Park, MN  
Arbor Tree Service, 4300 Brookdale Dr., Brooklyn Park, MN

May 15, 1990

Ms. Jill Lester  
4645 Colorado Avenue North  
Crystal, MN 55422

Dear Ms. Lester:

On April 28, 1990, at approximately 1 p.m., a report came to you, Jill Lester, an employee of Crystal Super Valu, 4200 Douglas Drive, that there was a man down in the parking lot.

You told the store manager to call 911 and get John Olson, another Super Valu employee and also a Robbinsdale fireman. You rushed outside and immediately attended the victim--- there was no pulse and he was not breathing. You began administering CPR and were joined by John. Together you continued CPR until emergency units from Crystal and North ambulance arrived on the scene.

According to reports, the family of the victim feels he is alive today due to your and Mr. Olson's efforts.

As you are aware, each second of life saving effort counts in an emergency such as this. Your unselfish response to the situation played a major role in saving this citizen's life.

I wish to commend you for exemplary service and outstanding performance in the life-saving of a fellow citizen on April 28, 1990.

Sincerely,

Betty Herbes, Mayor  
City of Crystal

BH/DG/js





**CITY of CRYSTAL**

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

May 15, 1990

Ms. Jill Lester  
4645 Colorado Avenue North  
Crystal, MN 55422

Dear Ms. Lester:

On April 28, 1990, at approximately 1 p.m., a report came to the manager of Super Valu, 4200 Douglas Drive, that there was a man in the parking lot who was not breathing.

The store manager immediately summoned John Olson, an employee of Super Valu and a volunteer firefighter for the City of Robbinsdale, who immediately attended to the victim, administering CPR. Shortly thereafter, you, also an employee of Super Valu, joined Mr. Olson in the administration of CPR until emergency units from Crystal and Robbinsdale arrived on the scene.

According to reports, the family of the victim feels he is alive today due to your and Mr. Olson's efforts.

As you are aware, each second of life saving effort counts in an emergency such as this. Your unselfish response to the situation played a major role in saving this citizen's life.

I wish to commend you for exemplary service and outstanding performance in the life-saving of a fellow citizen on April 28, 1990.

Sincerely,

Betty Herbes, Mayor  
City of Crystal

BH/DG/js

Betty Herbes  
Mayor

John G. Moravec  
Councilmember  
Section I

Pauline Langsdorf  
Councilmember  
Ward 1

E. Gary Joselyn  
Councilmember  
Ward 2

Jack Irving  
Councilmember  
Section II

Elmer Q. Carlson  
Councilmember  
Ward 3

Garry A. Grimes  
Councilmember  
Ward 4

Jerry Dulgar  
City Manager



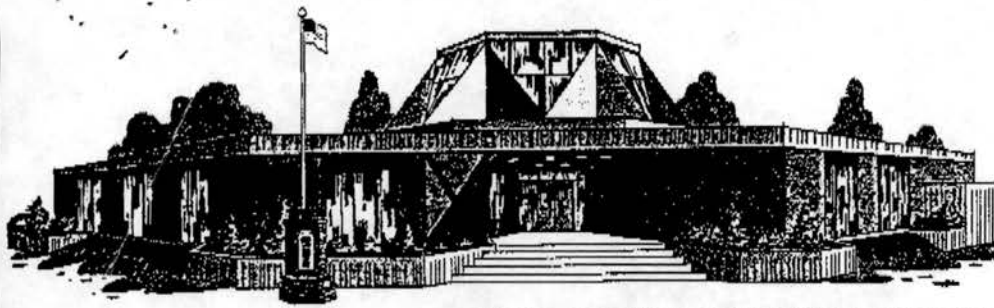
It was the quick thinking on Jill's part that helped save the life of Walter Tennesen.....It should have read....

On April 28, 1990, at approximately 1 p.m., a report came to you, Jill Lester, an employee of Crystal Super Valu, 4200 Douglas Drive, that there was a man down in the parking lot.

You told the manager to call 911 and get John Olson, another Super Valu employee and also a Robbinsdale fireman. You rushed outside and immediately attended the victim----there was no pulse and he was not breathing. You began administering CPR and were joined by John. Together you continued CPR until emergency units from Crystal and North ambulance arrived on the scene.

*Brought in  
by Jill's mother  
5-16-90.  
D.D.*

*Joan:  
Please redo for  
Mayor's signature*



# CITY OF ROBBINSDALE

4221 LAKE ROAD  
ROBBINSDALE, MINNESOTA 55422  
TELEPHONE: (612) 537-4534

## FACSIMILE TRANSMISSION FORM

DATE: 5-10-90

PLEASE DELIVER THE ACCOMPANYING TRANSMITTAL TO:

NAME: Darlene George

COMPANY: Crystal

FAX NUMBER: 537-3279

FROM: Bernie Teag

TOTAL NUMBER OF PAGES INCLUDING THIS LETTER: 3

SPECIAL INSTRUCTIONS: ① Memo to agenda packet;  
② Wording for plaque to be presented to Olson  
at 5/15 Council Mtg.

IF YOU DO NOT RECEIVE ALL THE PAGES. OR HAVE DIFFICULTY WITH  
RECEIVING. PLEASE CALL SENDER AT 537-4534.

THANK YOU.

CITY OF ROBBINSDALE  
4221 LAKE ROAD  
ROBBINSDALE, MN 55422

OUR FAX NUMBER IS: (612) 537-7344

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: WALTER R. FEHST, CITY MANAGER

DATE: MAY 10, 1990

SUBJECT: RECOGNITION OF JOHN OLSON, ROBBINSDALE VOLUNTEER FIRE FIGHTER, FOR EXEMPLARY PERFORMANCE

BACKGROUND

This recognition is of John Olson, a Robbinsdale Volunteer Fire Fighter who is an employee of the Super Valu in Crystal.

On Saturday, April 28, 1990, at approximately 1:00 p.m., John received a summons from his manager to come to the front of the store immediately. A trained fire fighter and life saver, John instinctively knew that the summons was an urgent, non-work related call. He was informed that there was a man in the parking lot who wasn't breathing. John immediately attended to the victim, administering CPR while awaiting the arrival of the paramedics who had been contacted. Shortly thereafter, he was assisted in the life saving effort by Jill Lester, a co-worker and a summer life guard at the Crystal swimming pool. Emergency paramedics arrived on the scene at 1:04 p.m.

According to Greg Bodin, also a Robbinsdale Volunteer Fire Fighter and a Chaplain at NMMC, the family of the victim feels that he is alive today due to John Olson's efforts.

John has been a fire fighter with the City since April 25, 1983, has served as a Lieutenant in that department and now shares the City's fire inspection responsibilities with Greg Bodin.

As most of us are aware, every second of life saving effort counts in emergencies such as this. We recognize that John's immediate, unselfish response to the situation certainly played a major role in saving a citizen's life on April 28, 1990.

Ms. Lester will be receiving a similar recognition from the City of Crystal and the City of Robbinsdale extends its commendations to Ms. Lester also.

RECOMMENDATION

Recognition of John Olson for exemplary service beyond the line of duty as a Robbinsdale Fire Fighter and as a fellow citizen.

  
WALTER R. FEHST, CITY MANAGER

WRF:BHL

COMMENDATION

TO

JOHN OLSON  
ROBBINSDALE VOLUNTEER FIRE FIGHTER

FOR OUTSTANDING PERFORMANCE IN THE LIFE SAVING  
OF A FELLOW CITIZEN ON APRIL 28, 1990.

PRESENTED BY THE ROBBINSDALE CITY COUNCIL, MAY 15, 1990

May 1, 1990

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BOARD OF REVIEW

Pursuant to due call and notice thereof, the City of Crystal Council convened as a Board of Review on May 1, 1990, at the City Hall, 4141 Douglas Drive, Crystal, Minnesota at 7:00 P.M. The Secretary of the Council called the roll and the following were present: Carlson, Moravec, Irving, Grimes, Herbes, Langsdorf, Joselyn. Also in attendance were the following staff members: Jerry Dulgar, City Manager; John Olson, Assistant City Manager; David Kennedy, City Attorney; William Barber, Building Inspector; Darlene George, City Clerk; Ken Bjorn, Assessor; Jerry Hedlund, Appraiser.

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

Larry Miller, Senior Appraiser, Hennepin County, was present to discuss the 1990 assessment rolls and answer questions from those present. Those residents heard were:

Brent Gisslen, 6427 - 41st Avenue North, PID 17-118-21-14-0011 and PID 17-118-21-14-0012

James Harter, 6412 - 41st Avenue North, regarding properties at 6427 - 41st Avenue North

Moved by Councilmember Joselyn and seconded by Councilmember Grimes to affirm the recommendation of the City Assessor regarding the Gisslen property at 6427 - 41st Avenue North.

By roll call and voting aye: Moravec, Irving, Grimes, Herbes, Langsdorf, Joselyn; voting no: Carlson.

Motion Carried.

Donald Noonan, 4145 Quail Avenue North, regarding the following properties:

5324 Hanson Court, PID 09-118-21-22-0001

5332 Hanson Court, PID 09-118-21-22-0002

5340 Hanson Court, PID 09-118-21-22-0003

5241 Hanson Court, PID 09-118-21-22-0009

4031-33 Adair Avenue North, PID 16-118-21-32-0046

Thomas Javes, 3116 Louisiana Avenue North, appeared to appeal previous years' values.

Moved by Councilmember Moravec and seconded by Councilmember Irving to affirm the assessment rolls as presented by the City Assessor. Councilmember Carlson absent during action.

Motion Carried.

Moved by Councilmember Irving and seconded by Councilmember Langsdorf to adjourn the meeting of the Board of Review.

Motion Carried.



May 1, 1990

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The Board of Review adjourned at 7:45 p.m.

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Mayor

ATTEST:

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City Clerk

May 1, 1990

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Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on May 1, 1990 at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present: Carlson, Moravec, Irving, Grimes, Herbes, Langsdorf, Joselyn. Also in attendance were the following staff members: Jerry Dulgar, City Manager; John Olson, Assistant City Manager; David Kennedy, City Attorney; William Monk, Public Works Director; William Barber, Building Inspector; Darlene George, City Clerk; Julie Jones, Redevelopment Coordinator.

The Mayor read a Proclamation regarding Pause for the Pledge of Allegiance to the Flag on June 14, 1990.

The Mayor read a Proclamation for Annual Buddy Poppy sale which will be held on May 11 and 12, 1990.

The City Council considered the minutes of the Regular City Council meeting of April 17, 1990.

Moved by Councilmember Langsdorf and seconded by Councilmember Grimes to approve the minutes of the Regular City Council meeting of April 17, 1990.

Motion Carried.

The City Council considered the following Consent Agenda:

1. Consideration of a solicitor's permit for Charles Knaeble VFW Post #494 to sell buddy poppies on May 11 and 12, 1990.
2. Consideration of a Charitable Gambling license renewal for VFW Post #494, 5222 - 56th Avenue North.
3. Consideration of a One-Day Off-Site Lawful Gambling application from Crystal Lions Club at John T. Irving Fire Station on May 19, 1990.
4. Consideration of a One-Day Off-Site Gambling license for Robbinsdale Lions Club at Becker Park on July 4, 1990.
5. Consideration of a One-Day Off-Site Gambling license for V.F.W. Post #494 at Becker Park on July 28, 1990.
6. Consideration of an itinerant food establishment license for The Bank North at their 7000 - 56th Avenue North and Douglas Drive and 42nd Avenue locations, for an open house from April 30 through May 4, 1990.

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

Motion Carried.

May 1, 1990

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The City Council considered the following Public Hearings:

1. It being 8:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes declared this was the date and time as advertised for a public hearing at which time the City Council will consider the 1990 Sealcoat Program. The Mayor asked those present to voice their opinion or to ask questions concerning this matter. Those present and heard were: Maurice Balke, 4124 Jersey Avenue North (spoke for neighbors Watt and Gacek); James Goering, 4032 Idaho Avenue North; Lorraine Bedman, 7025 - 46th Avenue North; Harold Traen, 7012 - 45th Place; Hugh Munns, 6611 Markwood Drive; Neal Robinson, 6627 - 46th Avenue North.

The Mayor closed the Public Hearing.

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

RESOLUTION NO. 90-24

RESOLUTION AUTHORIZING  
IMPROVEMENT PROJECT #90-1 SEAL COAT

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

2. It being 8:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes declared this was the date and time as advertised for a public hearing at which time the City Council will consider rezoning property at 6918 - 56th Avenue North from B-3 (Auto-Oriented Commercial) District to B-4 (Community Commercial) District, and will sit as a Board of Adjustments and Appeals to consider a variance request to vary the off street parking requirements as requested by Semper Holdings, Inc. The Mayor asked those present to voice their opinion or to ask questions concerning this matter. Those present and heard were: Kathy Vekich, Semper Holding; Bill Fish, owner of Gold Eagle, 6924 - 56th Avenue North; Carl Baumann, 5640 West Broadway.

The Mayor called a recess at 8:55 p.m. and the meeting was reconvened at 9:00 p.m.

The Mayor closed the Public Hearing.

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

May 1, 1990

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ORDINANCE NO. 90-

AN ORDINANCE RELATING TO ZONING:  
CHANGING THE USE CLASSIFICATION  
OF CERTAIN LAND

and further, that the second and final reading be held on May 15, 1990.

Motion Carried.

- B. Moved by Councilmember Joselyn and seconded by Councilmember Langsdorf to grant as recommended by and based on the findings of fact of the Planning Commission the authorization pursuant to Section 515.55 of the Crystal City Code to vary or modify the strict application of Section 515.09, Subdivision 8 t) and Subdivision 8 aa) to grant a variance of 27 off street parking spaces of the required 90 parking spaces at 6918 - 56th Avenue North, as requested in application #90-8.

By roll call and voting aye: Carlson, Moravec, Irving, Langsdorf, Joselyn; voting no: Grimes, Herbes.

Motion Carried.

3. It being 8:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes declared this was the date and time as advertised for a public hearing at which time the City Council will sit as a Board of Adjustments and Appeals to consider a variance request to expand a non-conforming use and to vary the side street side yard setback requirements to allow an addition to the existing motor fuel station at 5359 West Broadway as requested by Superamerica. The Mayor asked those present to voice their opinion or to ask questions concerning this matter. Those present and heard were: Bud Kaupp, Superamerica.

The Mayor closed the Public Hearing.

Moved by Councilmember Carlson and seconded by Councilmember Joselyn to grant the conditional use.

Motion Carried.

Moved by Councilmember Carlson and seconded by Councilmember Langsdorf to grant a variance for the side street, side yard setback.

No Action Taken.

Moved by Councilmember Moravec and seconded by Councilmember Irving to reconsider item #3 on the agenda.

Motion Carried.

Moved by Councilmember Carlson and seconded by Councilmember Joselyn to grant as recommended by and based on the findings of fact of the Planning Commission the authorization pursuant



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to Section 515.55 of the Crystal City Code to vary or modify the strict application of Section 515.05, Subdivision 2) to expand a non-conforming use, said non-conformity being the lot is 10,600 square feet in lieu of the required 22,500 square feet, and to grant a variance of 4' in the required 22' side street sideyard setback (Section 515.13 Subdivision 3 b) 2) to permit a 8' x 28' addition to the existing motor fuel station at 5359 West Broadway, as requested in applications #90-11, and #90-12 of SuperAmerica.

Motion Carried.

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

1. The City Council considered the issuance of a building permit for an 8,580 sq. ft. retail space located at 6918 - 56th Avenue North.

Moved by Councilmember Irving and seconded by Councilmember Langsdorf to approve as recommended by the Planning Commission authorization to issue a building permit for an 8,580 sq. ft. retail space located at 6918 - 56th Avenue North, subject to standard procedure.

By roll call and voting aye: Carlson, Moravec, Irving, Langsdorf, Joselyn; voting no: Grimes, Herbes.

Motion Carried.

2. The City Council considered conditional use permits to allow a motor fuel station in a B-3 (Auto-Oriented Commercial) District and to allow retail sales of food items in a B-3 District at 5359 West Broadway.

Moved by Councilmember Carlson and seconded by Councilmember Joselyn to approve as recommended by and based on the findings of fact of the Planning Commission conditional use permits #90-09 and #90-10 to allow a motor fuel station in a B-3 (Auto-Oriented Commercial) District (Section 515.35, Subd. 4c) and to allow retail sales of food items in a B-3 District (Section 515.35, Subd. 4f) at 5359 West Broadway.

Motion Carried.

3. The City Council considered a building permit for an 8' x 28' addition to the existing motor fuel station at 5359 West Broadway.

Moved by Councilmember Irving and seconded by Councilmember Grimes to approve authorization to issue a building permit for an 8' x 28' addition to the existing motor fuel station at 5359 West Broadway, subject to standard procedure, with the condition that the trailer be removed from the property.

Motion Carried.



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4. The City Council considered the application for appointment to the Northwest Hennepin Human Services Council's Advisory Commission from Renae J. Bowman, 6332 Corvallis Avenue North.

Moved by Councilmember Irving and seconded by Councilmember Langsdorf to recommend to the Northwest Hennepin Human Services Council the appointment of Renae J. Bowman, 6332 Corvallis Avenue North, as a representative of Crystal on the Northwest Hennepin Human Services Council's Advisory Commission.

Motion Carried.

5. The City Council considered a request from Hennepin Technical College to be exempt from permit fees for construction of two homes at 3426-32 Welcome Avenue North.

Moved by Councilmember Grimes and seconded by Councilmember Irving to grant authorization to exempt the Hennepin Technical College from payment of permit fees for construction of two homes for the City of Crystal at 3426-32 Welcome Avenue North.

Motion Carried.

6. The City Council considered a Resolution in Support of Assessment of Risk of Contamination of the Upper Mississippi River.

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

RESOLUTION NO. 90-25

RESOLUTION SUPPORTING ASSESSMENT OF  
RISK OF CONTAMINATION OF THE  
UPPER MISSISSIPPI RIVER

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

7. The City Council considered First Reading of an Ordinance Relating to Intoxicating Liquor License Bonds.

Moved by Councilmember Joselyn and seconded by Councilmember Irving to adopt the following ordinance:

ORDINANCE NO. 90-

AN ORDINANCE RELATING TO INTOXICATING  
LIQUOR LICENSES: AMENDING CRYSTAL CITY CODE,  
SUBSECTION 1200.07 BY ADDING A SUBDIVISION:  
REPEALING CRYSTAL CITY CODE, SUBSECTION 1200.07,  
SUBDIVISIONS 3, 4, AND 5, AND ORDINANCE #90-12

May 1, 1990

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and further, that the second and final reading be held on May 15, 1990.

Motion Carried.

8. The City Council considered the 1990 Labor Agreement between the City of Crystal and the MN Teamsters Public and Law Enforcement Employees Union Local No. 320 (Communication Clerks/Dispatch) for January 1, 1990 to December 31, 1990.

Moved by Councilmember Langsdorf and seconded by Councilmember Irving to approve the 1990 Labor Agreement between the City of Crystal and the MN Teamsters Public and Law Enforcement Employees Union Local No. 320 (Communication Clerks/Dispatch) for January 1, 1990 to December 31, 1990.

Motion Carried.

9. The City Council considered an amendment to the On-Sale Liquor license of Steve O's, 4900 West Broadway, to include an outside cafe.

Moved by Councilmember Carlson and seconded by Councilmember Joselyn to approve an amendment to the 1989-90 On-Sale Liquor license of Steve O's, 4900 West Broadway, to include an outside cafe from May 20, 1990 through June 30, 1990.

Motion Carried.

10. The City Council considered a Resolution To Authorize Joint Project with the City of New Hope for Drainage Improvements in Yunkers Park with Allocation of Funds.

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

RESOLUTION NO. 90-26

RESOLUTION AUTHORIZING A JOINT PROJECT  
WITH THE CITY OF NEW HOPE FOR DRAINAGE  
IMPROVEMENTS IN YUNKERS PARK WITH  
ALLOCATION OF FUNDS

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

11. The City Council considered a Resolution to Authorize Joint Project with the City of New Hope for Sumter Avenue Barricade at 30th Avenue with Allocation of Funds.

Moved by Councilmember Carlson and seconded by Councilmember Grimes to continue until May 15, 1990 the discussion of a resolution to Authorize Joint Project with the City of New Hope for Sumter Avenue Barricade at 30th Avenue with

May 1, 1990

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allocation of funds.

Motion Carried.

Open Forum:

Hugh Munns, 6611 Markwood Drive, appeared and voiced environmental concerns: why yard waste cannot be burned in Hennepin County burner; what happens to heavy plastic barriers used on construction sites; suggested electric light rail system.

Moved by Councilmember Irving and seconded by Councilmember Langsdorf to approve the list of license applications as submitted by the City Clerk to the City Council, with the addition of a tree trimmer's license for Brad's Tree Service, 10349 Fillmore Place, Blaine, MN 55303 a list of which is on file in the office of the City Clerk, and further, that such list be incorporated into and made a part of this motion as though set forth in full herein.

Motion Carried.

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

Motion Carried.

Meeting adjourned at 10:20 p.m.

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Mayor

ATTEST:

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City Clerk

# APPLICATION FOR LICENSE

4141 Douglas Drive, Crystal, Minnesota 55422

HONORABLE CITY COUNCIL  
CRYSTAL, MINNESOTA

GENTLEMEN:

I Roland L. Smothers for  
WE Crystal Lion's Club  
6315 - 55th Avenue North #215  
Crystal, MN 55428

Fee, \$ 13.25/day  
Seasonal  
New .....Renewal.....  
Telephone.....

enclose the sum of Request Waiver of Fee .....DOLLARS  
to the City of Crystal as required by the Ordinances of said City and have complied with all the  
requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, I

Crystal Lion's Club

.....hereby make application to

operate a 3.2 beer stand at the Fireman's Open House (John T. Irving  
Fire Station).

for the period May 19, 1990 .....subject to all  
conditions and provisions of said Ordinance.

City Use Only

Roland L. Smothers Lion Club of Crystal  
Signature of Applicant



# ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

5-8-90

PRODUCER

HADTRATH & ASSOCIATES INC.  
199 COON RAPIDS BLVD, SUITE 110  
COON RAPIDS, MN 55433  
(612) 784-9574

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

## COMPANIES AFFORDING COVERAGE

CODE

SUB-CODE

INSURED

CRYSTAL LIONS CLUB  
Pres. Wilfred Scheiller  
4614 Zane Ave No  
Crystal, Mn 55422

COMPANY LETTER **A** UNITED STATES FIDELITY & GUARANTY

COMPANY LETTER **B**

COMPANY LETTER **C**

COMPANY LETTER **D**

COMPANY LETTER **E**

## COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS
	GENERAL LIABILITY				GENERAL AGGREGATE \$
	COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE \$
	CLAIMS MADE OCCUR.				PERSONAL & ADVERTISING INJURY \$
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE \$
					FIRE DAMAGE (Any one fire) \$
					MEDICAL EXPENSE (Any one person) \$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	ANY AUTO				BODILY INJURY (Per person) \$
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	SCHEDULED AUTOS				PROPERTY DAMAGE \$
	HIRED AUTOS				
	NON-OWNED AUTOS				
	GARAGE LIABILITY				
	EXCESS LIABILITY				EACH OCCURRENCE \$ AGGREGATE \$
	OTHER THAN UMBRELLA FORM				
	WORKER'S COMPENSATION				STATUTORY \$ (EACH ACCIDENT)
	AND				\$ (DISEASE-POLICY LIMIT)
	EMPLOYERS' LIABILITY				\$ (DISEASE-EACH EMPLOYEE)
	OTHER				
A	LIQUOR LIABILITY	LLC 12040980600	10-1-89	10-1-90	\$500,000. Aggregate Limit \$500,000. Each Common Cause Limit

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

## CERTIFICATE HOLDER

CITY OF CRYSTAL  
CITY HALL  
4141 DOUGLAS DRIVE NO  
CRYSTAL, MN 55422

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Dale V. Hadtrath*



City of Crystal

Memorandum

DATE: May 9, 1990

TO: Jerry Dulgar, City Manager

FROM: Gene Hackett, Park and Recreation Assistant Director *G*

SUBJECT: Request to Serve Wine at Community Center Function

The Crystal Park and Recreation Department is hosting the May 17 meeting of the Women In Leisure Services organization. Women in Leisure Services is a national organization representing women in the Park and Recreation field. The meeting is scheduled for the Crystal Community Center. Crystal is proud to host this meeting and showcase our new facility. I expect about 50 people to attend this event.

The May meeting is the annual business meeting, installation of officers and includes a dinner. A social hour will precede the catered dinner. As part of the social hour, I would like to request to serve wine. As per Community Center guidelines adopted by the Council, permission to serve beer and/or wine must be granted by the city. I would appreciate a reply prior to May 17 as the planning committee would need time to purchase needed supplies.

Thank you for your consideration.

cc: Nancy Deno Gohman

Permit No. \_\_\_\_\_

CITY OF CRYSTAL  
APPLICATION FOR SPECIAL PERMIT  
FOR

USE, CONSUMPTION, AND DISPLAY OF LIQUOR AND BEER IN A  
CRYSTAL PARK OR RELATED FACILITY IN THE PARK

Applicant: Crystal Park & Rec. Telephone: 537-8421 ..  
Address: 4800 Douglas Drive  
Crystal, MN

Are you a Business Partnership, Club, Corporation or Non-Profit Association?

☒ Yes (requires certificate of insurance showing current liability insurance naming the City as an additional insured party). Covered under City of Crystal Insurance through LMCIT  
☐ No

Purpose of Social Event: Host- ANNUAL meeting of Women in Leisure Services

Park in which event will be held: Community Center

Nature of the Activity Proposed: Annual business meeting to include dinner & wine

Date of Activity: MAY 17, 1990

Hours of Use (not to exceed 12 hours): From: 5 P.M. To 10 P.M.

Maximum Number of Persons Expected to Attend: 50

**LIABILITY:** The applicant waives any and all claims of any nature against the City and its officers, employees, and agents arising out of the permitted activity. If applicant is a business partnership, club, corporation or non-profit association, this application must be accompanied by a certificate of insurance showing current liability insurance naming the City as an additional insured party under the insurance policy.

**SPECIAL CONDITIONS:** (City Code, Subsection 815.13, Subd. 8) "The use, consumption and display and presence of liquor and beer in parks and related park facilities is a matter of special concern to the City as such activity relates to the peace and good order of the City. For that reason the issuance of a special permit under this subsection is determined to be a matter within the sole discretion of the City Council, and its determination to issue or not to issue a special permit is final. The Council may impose additional conditions in the granting of a special permit."

Page 2

Special Permit

Use, Consumption, and Display of Liquor  
and Beer In a Crystal Park or Related Facility  
In The Park

I acknowledge that the Liability Clause and Special Conditions have been..  
read and are understood by me and that I agree not to challenge or in any  
way contest the determination of the City Council with regard to the  
issuance of this special permit.

---

Applicant: please print

---

Applicant signature

---

Date

815.07. Enforcement. This Section shall be enforced by the City Manager. It is unlawful for any person to disobey an order given pursuant to this Section. The Manager may prepare and publicize further regulations not inconsistent with this Section for conduct within parks.

815.09. Park Closing. The Chief of Police may close any public park, parkway, beach or drive, and for such period as deemed necessary, in order to protect or restore order or terminate or prevent breaches of the peace and order of the City. No person having been informed of such an order closing any such area shall remain in the area longer than is necessary to leave the closed area.

815.11. Other Regulations. All other provisions of the City Code governing conduct in public places within the City apply to parks.

815.13. Liquor and Beer in Parks. Subdivision 1. General Rule. Except as otherwise permitted by this subsection, the use, consumption, display, and presence of intoxicating liquor (liquor) and non-intoxicating liquor (beer) as those terms are defined in Chapter XII of this Code, is prohibited in parks and related facilities including vehicle parking facilities immediately adjoining a park and the Crystal Community Center. (Amended, Ord. No. 90-8, Sec. 1)

Subd. 2. Special Permits. The Council may on the recommendation of the City Manager issue a special permit for the use, consumption, and display of liquor and beer in a park or a related facility in the park.

Subd. 3. Eligible Persons. A special permit may be issued to persons in connection with a social event conducted by a family, an employee group, a club, or a charitable, religious or other non-profit organization solely for the enjoyment of the persons invited to the event by the applicant for the permit. A special permit will not be issued to a person holding a license to sell liquor or beer except as provided in Subsection 1200.39 of this Code.

Subd. 4. Duration. The special permit allows the presence of liquor and beer in the park or related facility only during the time specified in the permit which time may not exceed 12 consecutive hours in one calendar day.

Subd. 5. Rules and Regulations. The City Manager is directed to prepare further regulations for the conduct in parks of a person issued a special permit under this subsection.

Subd. 6. Application. The application for a special permit is prepared by the City Clerk. The application must specify the purpose of the social event, the nature of the activity proposed, the hours during which it is to be conducted, the maximum number of persons expected to attend, and such other information as the Clerk reasonably requests. The application must be accompanied by a bond or other undertaking in form and substance satisfactory to the City Manager and City Attorney, holding the City and its officers, employees, and agents from liability of any kind arising out of the permitted activity. If the applicant is a business partnership, club, corporation or non-profit association the application must be accompanied by a certificate of insurance showing current liability insurance naming the City as an additional insured party under the insurance policy.



Subd. 7. Fee. There is no fee for a special permit issued under this subsection.

Subd. 8. Special Condition. The use, consumption, display and presence of liquor and beer in parks and related park facilities is a matter of special concern to the City as such activity relates to the peace and good order of the City. For that reason the issuance of a special permit under this subsection is determined to be a matter within the sole discretion of the City Council, and its determination to issue or not to issue a special permit is final. The Council may impose additional conditions in the granting of a special permit. The application for the special permit must be accompanied by (i) a copy of this subsection, (ii) an acknowledgement by the applicant that the subsection has been read and is understood by the applicant, and (iii) that applicant agrees not to challenge or in any way contest the determination of the City Council with regard to the issuance of the special permit. (Added, Ord. No. 89-2, Sec. 1)



**CITY OF CRYSTAL  
POLICE DEPARTMENT  
MEMORANDUM**

DATE: May 10, 1990

TO: Darlene George

FROM: Chief James F. Mossey

SUBJECT: Robbinsdale Lions Gambling  
License Renewal

Per your request we have conducted an investigation into whether the Robbinsdale Lions Gambling License at Burlings Tally Ho should be renewed. These are the results of that investigation.

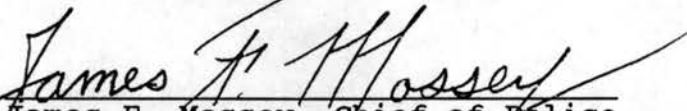
On 03/23/90, Case No. 90002170, there was an allegation of theft from the pulltabs. This allegation was turned over to the State Gambling Enforcement. Since that time the Robbinsdale Lions have retained a new Gambling Manager and have been audited and have retained an accountant. The new Gambling Manager is a Jerome Peter Omernik, DOB 06/25/36. Mr. Omernik has been checked and is clear on all checks we can make.

The Secretary of State's Office shows Robbinsdale Lions as a non-profit corporation incorporated 09/24/57. The Attorney General's Consumer Division have no reports on the Robbinsdale Lions. The Attorney General's Charities Division does not have it registered. The Minnesota Charities Review Board does not report for fraternal organizations.

We contacted the Gaming Commission and at this point there is no license renewal in progress and they have no information on a loss of receipts. We spoke to a Mike Cummings of the Department of Revenue. He advised us that there had been a complaint registered about possible violation of the tip boards for taping the cards. That violation would be for altered or repaired cards which can't be in use and defective cards should not be offered for sale. Mr. Cummings advised us that he did not feel that the card they were using met the criteria for a tip board but he further stated that at this point and time they were not in violation.

Lastly, we spoke to Norm Pint of Gambling Enforcement and he advised us that there was a great variance in the records for the Robbinsdale Lions that they showed poor bookkeeping and they could not find where the money had gone, however Mr. Pint advised us that these are not sufficient reasons for not re-licensing them at this point.

The information we have received from the people we have contacted would show no reason, at this point, not to renew the gambling license for the Robbinsdale Lions based on the criteria established above by the Gambling Enforcement Department of State Government.



James F. Mossey, Chief of Police

JFM:dsl

May 1, 1990

TO: James Mossey, Police Chief  
FROM: Darlene George, City Clerk *Darlene*  
RE: Gambling License Renewal  
Robbinsdale Lions Club  
Burlings Tally Ho Restaurant

Attached is a gambling license renewal application as referenced above. Please complete an investigation and return to me for placement on a Council agenda for consideration.

If you have any questions, give me a call.



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

Receipt # 50287

For Board Use Only

Paid Amt: \_\_\_\_\_

Check No. \_\_\_\_\_

Date: \_\_\_\_\_

### GAMBLING LICENSE RENEWAL APPLICATION

LICENSE NUMBER: 8-01893-002	/ EFF. DATE: 07/27/89	/ AMOUNT OF FEE: \$125.00												
1. Applicant—Legal Name of Organization LIONS CLUB ROBBINSDALE	2. Street Address 36th Ave N & France Am Legion Post 251													
3. City, State, Zip Robbinsdale, MN 55422	4. County Hennepin	5. Business Phone (612) 588-2788												
6. Name of Chief Executive Officer Don Miller		7. Business Phone (612) 537-5880												
8. Name of Treasurer or Person Who Accounts for Revenues Ron Eagles		9. Business Phone (612) 533-0880												
10. Name of Gambling Manager Jeffrey Carlson	11. Bond Number CCP2787511	12. Business Phone (612) 425-4466 537-6741												
13. Name of Establishment Where Gambling Will Take Place Burlings Tally Ho Restaur Crystal	14. County Hennepin	15. No. of Active Members 26												
16. Lessor Name Norman Burling		17. Monthly Rent: \$600												
18. If Bingo will be conducted with this license, please specify days and times of Bingo.														
<table border="1"><thead><tr><th>Days</th><th>Times</th><th>Days</th><th>Times</th><th>Days</th><th>Times</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></tbody></table>			Days	Times	Days	Times	Days	Times						
Days	Times	Days	Times	Days	Times									
19. Has license ever been: <input type="checkbox"/> Revoked Date: _____ <input type="checkbox"/> Suspended Date: _____ <input type="checkbox"/> Denied Date: _____														
20. Have internal controls been submitted previously? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy)														
21. Has current lease been filed with the board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy)														
22. Has current sketch been filed with the board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 Robbinsdale Lion	Signature (Chief Executive Officer) Don Miller	Date 3/3/89	Title President
-------------------------------------------------------------	---------------------------------------------------	----------------	--------------------

#### 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	Title:
Date Received (this date begins 60 day period) 4-4-90	
Name of Person Delivering Application to Local Governing Body: Don Miller	Township Name



## Lawful Gambling Lease Agreement

### Premises Information

Name of legal premises owner (lessor)	Address	City/Zip Code	Phone
Norm Burling	5216 West Broadway	Crystal, MN. 535-1411	

NONE			
Name of sublessor (if any)	Address	City/Zip Code	Phone

Tally Ho Resturant	5216 West Broadway	Crystal, Minn 55422
Name and address of leased premises	Address	City/Zip Code

Robbinsdale Lions B-01893-002  
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 \$ 1,000.00

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

## Premises Description

The area leased within the premises is 8 feet by 8 feet, for a total of 64 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 July 27 1990, and will end at 12:00 a.m. on July 27 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)

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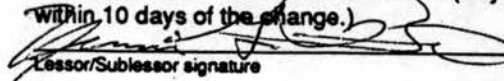
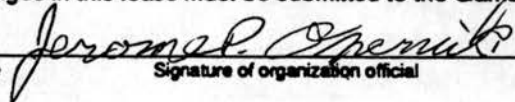
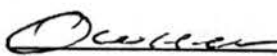
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This lease is the total and only agreement between the lessor/sublessor and the organization conducting lawful gambling activities. There is no other agreement and no other consideration required between the parties as to the lawful gambling and other 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	 Signature of organization official	4/29/90 Date
 Title	GAMBLING CHAIR Title	

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



**CITY OF CRYSTAL**  
**POLICE DEPARTMENT**  
**MEMORANDUM**

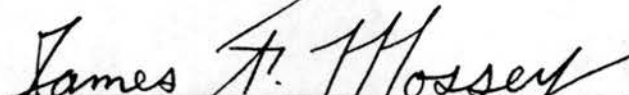
DATE: May 4, 1990  
TO: Darlene George  
FROM: Chief James F. Mossey  
SUBJECT: Solicitor's Permit  
Teens Against Drugs

The subject applying for the permit, Omar Anis Ibrahim, DOB 06/19/61, is clear on all checks that we could run. Teens Against Drugs is registered with the Secretary of States Office as a non-profit corporation. They were registered on 12/22/89. The Attorney General's Charities Division have no record on the Teens Against Drugs. The Attorney General's Consumer Division have no complaints against them. Minnesota Charities Review advised us that this agency has no financial accountability and they are not a registered charity.

On 05/03/90 we contacted Ken Ziegler, Minneapolis Business License Inspector, and asked him about Teens Against Drugs. Minneapolis has refused them a solicitor's license until they have had their books open for one year. Ziegler was asked about John Benner who is the signer on the check we have received. Ziegler advised us that Benner has been involved in two other organizations, Junior Careers and Institute for Career Development and there may have been problems with those companies.

Delbert Corey of the Minnesota Department of Labor Standards stated that there was a complaint on Benner in 1987 about violation of child labor laws. He was ordered to comply with those laws and stated he would at that time. The last person we contacted was a Jody Wahl at the Attorney General's Office and she advised us that Teens Against Drugs are not in compliance with state statute 309.52 and they are not registered with the Attorney General's Office to solicit.

Due to the fact that they are not in compliance with state statute or registered to solicit, I would recommend turning down the solicitor's permit for this organization.

  
James F. Mossey, Chief of Police

JFM:dsl

Memorandum

DATE: May 1, 1990  
TO: Jim Mossey, Police Chief  
FROM: Darlene George, City Clerk *Darlene*  
SUBJECT: Solicitor's Permit Application  
Teens Against Drugs, Incorporated

Attached is an application for a solicitor's permit for Teens Against Drugs, Inc. along with a list of canvassers to be used in the area.

Please complete the necessary investigation and return to me for placement on a Council Agenda for consideration.

If you have any questions, give me a call.

DG/js



Received 5-1-90  
D.L.

DARLENE George  
City of Crystal.

Our organization is a non-profit one dedicated to helping teenagers to stay away from drugs and gangs. It does that by providing teenagers with part time jobs after school to teach them responsibility and good work habits they also get to go on trips and activities such as valley fair, Wisconsin Dells, Apple River and other activities.

The teenagers feel good about themselves and are proud to be a part of the organization.

if you have any questions, feel free to call me at 825-5234

Sincerely  
Omar IBRAHIM  
c/o Teens Against Drugs.

CITY OF CRYSTAL  
4141 DOUGLAS DRIVE  
CRYSTAL, MINNESOTA 55422

PERMIT # \_\_\_\_\_  
DATE \_\_\_\_\_

Receipt # 50759

RELIGIOUS AND CHARITABLE ORGANIZATIONS  
PERMIT APPLICATIONS

ORGANIZATION'S NAME Teens Against Drugs Inc.  
ORGANIZATION'S ADDRESS 65 22nd Ave N.E. MPIS, MN  
APPLICANT'S NAME OMAR A. IBRAHIM PHONE NO. 825-5234  
APPLICANT'S ADDRESS 6420 N. Douglas Dr #301 Brooklyn Park, MN 55429  
<sup>mailing</sup> ADDRESS P.O. Box 8754 MPIS, MN 55408  
~~LOCAL~~ ADDRESS \_\_\_\_\_  
NAMES AND ADDRESSES OF OFFICERS AND DIRECTORS OF THE ORGANIZATION:  
Jeff Fairholm 2205 W.E. California St.  
MPIS, MN 55418

SOLICITATION IS TO BE CARRIED ON (Date) April, 90 April, 90  
(From) (To)

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

IF THE ANSWER IS YES, WHAT IS THE AMOUNT THEREOF? 1.10 PER BOX of CANDY  
IF PERMIT IS ISSUED, YOUR ORGANIZATION, ASSOCIATION OR CORPORATION SHALL FURNISH  
ALL OF ITS MEMBERS, AGENTS OR REPRESENTATIVES CONDUCTING SOLICITATION CREDENTIALS  
IN WRITING STATING THE NAME OF THE ORGANIZATION, NAME OF AGENT AND PURPOSE OF  
SOLICITATION.

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

SIGN THE FOLLOWING STATEMENT:

I AFFIRM THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

APPROVED: \_\_\_\_\_

Omar Ibrahim  
SIGNATURE OF APPLICANT

CITY CLERK \_\_\_\_\_

OMAR A. IBRAHIM  
PRINT NAME OF APPLICANT

DATE \_\_\_\_\_

4-27-90  
DATE

POLICE DEPT. \_\_\_\_\_

DATE \_\_\_\_\_

CITY OF CRYSTAL  
4141 DOUGLAS DRIVE  
CRYSTAL, MINNESOTA 55422

PERMIT # \_\_\_\_\_

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

AUTHORIZATION AND RELEASE

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

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

Dated this 30 day of April, 1990

*Omar Ibrahim*  
Signature of Applicant

PLEASE PRINT:

OMAR ANIS IBRAHIM  
First Middle Last Name

6420 N. Douglas Dr. #301  
Address

B.P., MN 55429  
City, State, Zip Code

6045 LYNDALE Ave S.  
Previous Address

MPIS, MN 55424  
City, State, Zip Code

[REDACTED]  
Date of Birth

Teens Against Drugs  
Name of Organization Associated With

State of Minnesota

**SECRETARY OF STATE**

CERTIFICATE OF INCORPORATION

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: Articles of Incorporation, duly signed and acknowledged under oath, have been filed on this date in the Office of the Secretary of State, for the incorporation of the following corporation, under and in accordance with the provisions of the chapter of Minnesota Statutes listed below.

This corporation is now legally organized under the laws of Minnesota.

Corporate Name: TEENS AGAINST DRUGS INC

Corporate Charter Number: 1E-254

Chapter Formed Under: 317A

This certificate has been issued on 12/22/1989.



*Joan Anderson Grove*  
Secretary of State.



TE-254



State of Minnesota  
Office of the Secretary of State

ARTICLES OF INCORPORATION  
Chapter 317A

► See instructions on reverse  
side for completing this  
form.

4076

The undersigned incorporators, who are natural persons 18 years of age or older, in order to form a corporate entity under Minnesota Statutes, Chapter 317A, adopt the following articles of incorporation:

## ARTICLE I

The name of the corporation is:

Corporation Name

TEENS AGAINST DRUGS INC

## ARTICLE II

The registered office of this corporation is located at:

Street Address (You may not list a P.O. Box)	City, State, Zip	County
65 - 22ND AVENUE NE Suite 122	Minneapolis MN 55418	Hennepin

## ARTICLE III

We, the undersigned incorporators certify that we are authorized to execute these articles and further certify that we understand that by signing these articles, we are subject to the penalties of perjury as set forth in section 609.48 as if we had signed these articles under oath.

The names and addresses of the incorporators are (Note: Only one incorporator is required under Section 317A.105):

Name	Address (may not be a post office box)	Incorporator's Signature (All incorporators must sign the articles)
JEFFERY Douglas FAIRHOLM	2510 Polk St NE. mpls. mn 55418	

OVER

387205



## INSTRUCTIONS

1. Type or print with dark black ink.
2. Total filing fee as required by Minnesota Statutes, Section 317A.011, 317A.151.  
  
Filing Fee - \$35.00  
  
Incorporation Fee - \$35.00
3. Make check for the total filing fee (\$70.00) payable to the Secretary of State.
4. Mail or bring completed form to:

Secretary of State  
Business Services Division  
180 State Office Building  
St. Paul, MN 55155  
(612) 296-2803

NOTE: This form is intended merely as a guide in the formation of a Minnesota nonprofit corporation under Minnesota Statutes Chapter 317A and is not intended to cover all situations anticipated by that Statute. If this form does not meet the specific needs and requirements of the corporation that is being formed, the incorporators should draft their own articles specifically listing the modifications or denials of each provision to which they wish to be subject or from which they wish to be exempt.

FOR USE ONLY BY SECRETARY OF STATE

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

DEC 22 1989

*Joan Anderson*  
Secretary of State

## List of teenagers .

- ① BRIAN LABROÏ Tel # 822-0252  
3400 So 10<sup>th</sup> Ave. mpls, MN 55407
- ② JEROME LABROÏ Tel # 822-0252  
3400 So 10<sup>th</sup> Ave mpls, MN 55407
- ③ Robert + HALL Tel # 871-8458  
2640 Blaisdale mpls, MN 55407
- ④ Mathew Montgomery Tel # 724-0541  
3246 18<sup>th</sup> Ave So mpls, MN 55407
- ⑤ Terry Farrow Tel # 724-9505  
3149 18<sup>th</sup> Ave So. mpls, MN 55407
- ⑥ Gizwa Anderson Tel # 822-1115  
3328 Clinton So mpls, MN 55408
- ⑦ Jermi Deason Tel # 822-4438  
3041 Bryant So. mpls, MN 55408



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: 8-00397-002		/ EFF. DATE: 06/01/89		/ AMOUNT OF FEE: \$125.00	
1. Applicant—Legal Name of Organization CYSTIC FIBROSIS FOUNDATION MINN-CHAPT-MINNEAPOLIS			2. Street Address 430 Oak Grove # 810		
3. City, State, Zip Minneapolis, MN 55403-			4. County Hennepin		5. Business Phone ( 612 ) 871-0462
6. Name of Chief Executive Officer <del>Sharon Chaus</del> Joseph Marinelli					7. Business Phone ( 612 ) 871-0462
8. Name of Treasurer or Person Who Accounts for Revenues Brent Blackey					9. Business Phone ( 612 ) 334-4511
10. Name of Gambling Manager Bob Malby			11. Bond Number 80351275 I <del>023102717</del> Federal Ins. Comp.		12. Business Phone 870- ( 612 ) <del>070-2861</del> 2961
13. Name of Establishment Where Gambling Will Take Place Nicklows Crystal			14. County Hennepin		15. No. of Active Members 3600
16. Lessor Name Nicklows					17. Monthly Rent: <del>1000</del> 2200
18. If Bingo will be conducted with this license, please specify days and times of Bingo.					
Days		Times		Days Times	
19. Has license ever been: <input type="checkbox"/> Revoked Date: _____ <input type="checkbox"/> Suspended Date: _____ <input type="checkbox"/> Denied Date: _____					
20. Have internal controls been submitted previously? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy)					
21. Has current lease been filed with the board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach copy)					
22. Has current sketch been filed with the board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 Cystic Fibrosis Foundation	Signature (Chief Executive Officer) <i>[Signature]</i>	Date 3/15/90	Title Director, Field Mgmt.
-----------------------------------------------------------------------	-----------------------------------------------------------	-----------------	--------------------------------

## ACKNOWLEDGEMENT OF NOTICE BY LOCAL GOVERNING BODY

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

24. City/County Name (Local Governing Body) City of Crystal	Township: If site is located within a township, please complete items 24 and 25:
Signature of Person Receiving Application: <i>[Signature]</i>	25. Signature of Person Receiving Application
Title City Clerk	Title:
Date Received (this date begins 60 day period) 3-28-90	
Name of Person Delivering Application to Local Governing Body: <i>[Signature]</i>	Township Name

## Lawful Gambling Lease Agreement

### Premises Information

Name of legal premises owner (lessor)	Address	City/Zip Code	Phone
Anthony Nicklow	1150 Heritage Lane	Orono, MN	612/529-7751
Name of sublessor (if any)	Address	City/Zip Code	Phone
		55391	
Name and address of leased premises	Address	City/Zip Code	
Nicklow's	3516 N. Lilac Dr.	Crystal, MN 55422	612/529-7751
Name of organization leasing the premises (lessee)	License Number, if known		
Cystic Fibrosis Foundation	00397-002		

### 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.**

**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.

(See note page 2)

Rent to be paid per bingo occasion      \$

Rent to be paid per month \$

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

### Premises Description

The area leased within the premises is 6 feet by 6 feet, for a total of 36 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 March 1 19 90, and will end at 12:00 a.m. on Feb 28 19 91, 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)

The Rental for the leased premises is as follows:

a) Six hundred dollars (\$600) to be paid from the lessee's gaming account; and (b) ~~\$1600~~ <sup>CTP</sup> One thousand six hundred to be paid from the lessee's general fund. If any provision of this lease shall be deemed contrary to law or regulations, such provision shall be modified to render same not contrary to law and such provision as so modified shall constitute a part of this lease.

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

Title

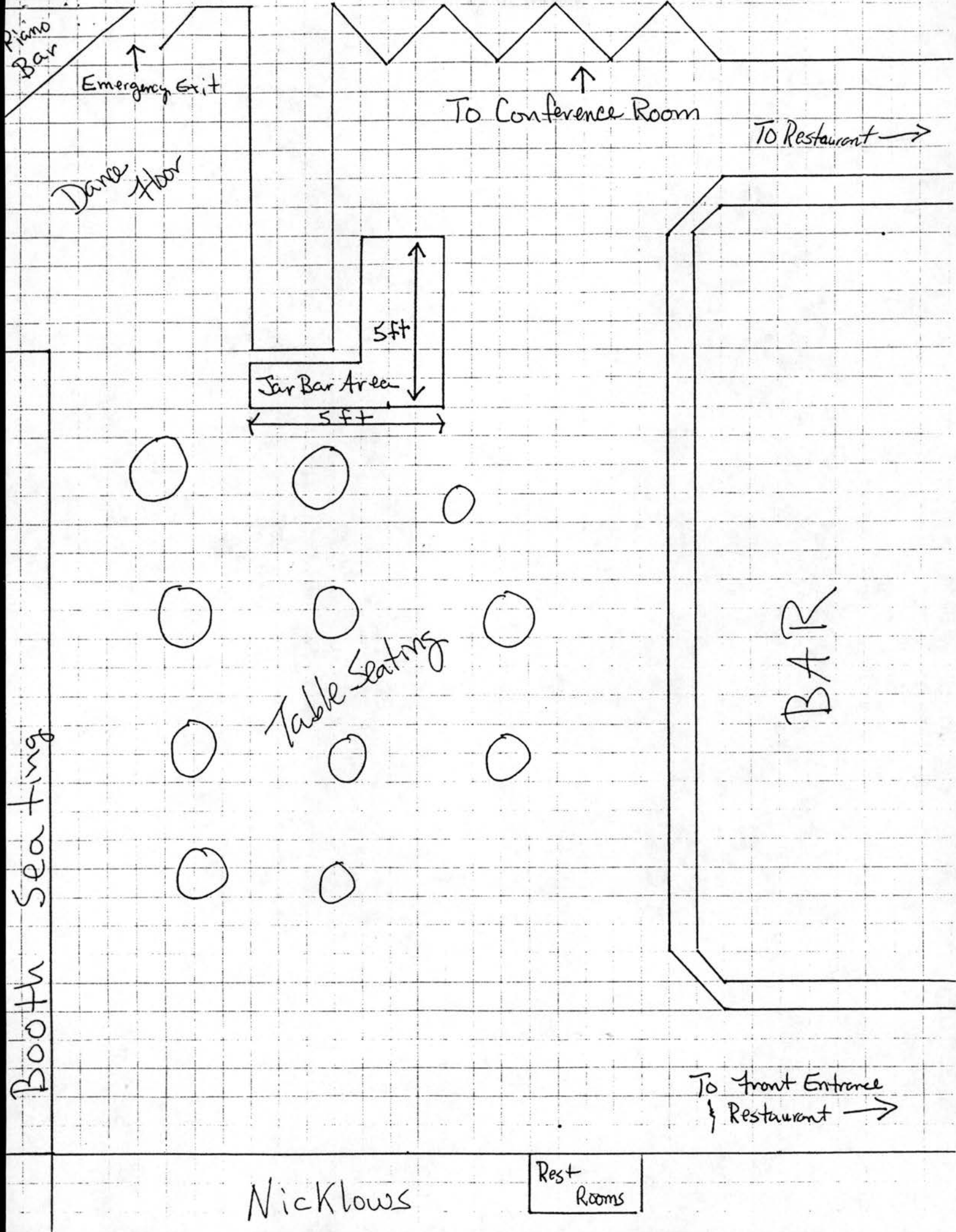
Title

**JAMES L. DONOHUE**  
**EXECUTIVE VICE PRESIDENT**  
**FINANCE AND ADMINISTRATION**

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





April 2, 1990

Mr. Robert Dresing  
President  
Cystic Fibrosis Foundation  
6931 Arlington Road  
Bethesda, Maryland 20814

Dear Mr. Dresing:

In your letter of February 22, 1990 you requested the City Council of the City of Crystal, Minnesota, to consider the Foundation's request that it be exempt from the City's requirement that 10% of net profits derived from charitable gambling in the City be contributed to the City for lawful purposes as defined by state law and City ordinance. The Foundation's position, as we understand it, is that by funding research grants to the University of Minnesota, the Foundation has met the 10% requirements of the ordinance since the benefit of that research inures directly or indirectly to the citizens of Crystal.

The City Council, at its March 27th meeting, considered your request with care, and although the Council found the work of the Foundation commendable, it did not find that the funding you have described constitutes expenditures in the City within the meaning of the City ordinance. The Council by formal action directed me to so inform you and to request that contributions due and owing be paid promptly.

Yours very truly,

Jerry Dulgar  
City Manager

cc: David J. Kennedy, City Attorney  
Thomas F. Dougherty

kg

**HOLMES & GRAVEN**

**CHARTERED**

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

**DAVID J. KENNEDY**

Attorney at Law

Direct Dial (612) 337-9232

May 7, 1990

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

Re: Cystic Fibrosis

Dear Jerry:

Enclosed is a letter I received from Tom Dougherty, the attorney for Cystic Fibrosis Foundation (CFF) raising some arguments about the validity of Crystal's ordinance requiring 10% contributions to the City. In summary the letter seems to indicate that CFF is willing to make future contributions but is unwilling to make payment of the amounts previously due.

I do not agree with the positions taken by Mr. Dougherty. I believe our ordinance was and is valid and that the sums in question which the City has formally requested are due and owing from CFF. I'm enclosing a summary of the Rice Street VFW case, cited in the letter. I think the case clearly validates our ordinance.

You should note, however, that the Rice Street VFW case holds that the required contributions are not a tax and that the proper enforcement mechanism is permit revocation (in effect, the City's failure to approve the state license). CFF's permit has been approved by the Council conditioned upon its payment of sums due, and approval or rejection by the City is due May 25. Unless the Council wishes to take some other action I think it would be appropriate for the Council to clearly indicate at its meeting on May 14<sup>5</sup> that the required payments have not been made and that for that reason the state license is not approved. I can prepare the necessary resolution.

I do want to point out, also, that if the City's demand for payment includes any sums resulting from CFF's activities prior to February 11, 1988, the effective date of our ordinance, the demand should be adjusted to eliminate those amounts. I understand that the demand has already been adjusted to reflect the return of the 3% tax repealed by Ordinance No. 89-21, but by its terms that ordinance permits return of the tax only to an organization that is in compliance with the 10% contribution section of the City Code.

Yours very truly,



David J. Kennedy

DJK:caw

cc: Tom Dougherty

# Lommen, Nelson, Cole & Stageberg, P.A.

ATTORNEYS AT LAW

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HENRY H. FEIKEMA  
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INCLUDING THE PRACTICE OF:  
SMITH, JUSTER, FEIKEMA, MALMON & HASKVITZ, CHARTERED

WRITER'S DIRECT DIAL NUMBER:

336-9334

April 18, 1990

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JOHN P. LOMMEN (1927-1988)

David J. Kennedy, Esq.  
Holmes & Graven  
470 Pillsbury Center  
Minneapolis, MN 55402

RE: Cystic Fibrosis Foundation Charitable Gambling

Dear Dave:

As you are aware, on April 2, 1990, Terry Dulgar, City Manager of the City of Crystal ("Crystal"), informed the Cystic Fibrosis Foundation ("CFF") of the Crystal City Council's decision not to grant CFF an exemption from technical compliance with Crystal City Code Section 1100.19, Subd. 8 ("Subdivision 8"). Accordingly, Crystal renewed its request of December 4, 1989, that CFF promptly pay the 10% net profit contribution amounts from its lawful gambling operation totalling \$26,937.21 allegedly due and owing pursuant to Subdivision 8 for the period of of January 1988 to September 1989. This letter constitutes CFF's reply to the renewed payment request.

It is our view that: (i) the amount is uncollectible because prior to July 1, 1989, Subdivision 8 was an unauthorized tax on local gambling in violation of Minn. Stat., Section 349.212, Subd. 5 ("Section 349.212"); (ii) the amount is uncollectible because Crystal has failed to comply with Minn. Stat., Section 349.213 ("Section 349.213"); and (iii) the amount contains uncollectible retroactive contributions. These points will be addressed in order.



David J. Kennedy, Esq.  
April 18, 1990  
Page -2-

1. Prior to July 1, 1989, Subdivision 8 was an Unauthorized Tax in Violation of Section 349.212. Enacted in July 1987, Section 349.212, imposes a 3% of gross receipts tax limitation on all local lawful gambling. Nonetheless, on March 10, 1988, Crystal enacted Subdivision 8 which imposed the disputed 10%-of-net-profit contribution requirement on local lawful gambling. However, the Minnesota legislature did not carve out the 10% contribution exception to Section 349.213 until at least July 1, 1989. See Laws 1989, c. 335, art. 1, section 220. Accordingly, prior to July 1989, Subdivision 8 was an unauthorized tax on local lawful gambling in violation of Section 349.212. Therefore, CFF is not obligated to pay to Crystal any 10% contributions assessed prior to July 1, 1989. CFF can be alleged to owe Crystal, at most, only \$4,561.33 for the months of July, August and September, 1989.

2. Crystal has Failed to Comply with Section 349.213. Crystal cannot collect the identified remaining amount, (i.e., \$4,561.33). Section 349.213 requires Crystal to create a specific fund administered and regulated for the sole purpose of collecting the 10% contributions. Crystal failed to create the specific fund pursuant to Section 349.213. Accordingly, Crystal is without authority to collect, even to assess, the 10% contribution pursuant to Subdivision 8 unless and until it complies fully with Section 349.213. Crystal's prior practice of commingling the lawful gambling contribution with general city revenue does not satisfy its statutory obligation under Section 349.213.

It is our position that the Crystal City Council expressly recognized the merit of this argument by its recent action to amend Subdivision 8 in order to create the necessary separate fund. This action was undertaken in direct response to CFF's prior discussions with Crystal concerning the statutory requirements. Accordingly, because Crystal thus far has failed to comply with Section 349.213, its attempt to collect the remaining disputed amount constitutes an impermissible tax on local lawful gambling in violation of Section 349.212.

Of course, in the cooperative spirit which has characterized CFF throughout our discussions on this matter, CFF will pay all 10% contributions to Crystal as they become due following the creation of the statutorily required fund. Please keep me informed of the disposition and/or effective date of the proposed amendment.

3. Notwithstanding the foregoing, Crystal may not collect contributions for the period of January 1, 1988 through March 9, 1988. Even if you reject the two preceding arguments, Crystal



Lommen, Nelson, Cole & Stageberg, P.A.

David J. Kennedy, Esq.

April 18, 1990

Page -3-

may not collect the full disputed amount from CFF. Subdivision 8 became effective on March 10, 1988. Pursuant to the recent Minnesota Court of Appeals' decision in Rice Street V.F.W., Post No. 3877 v. The City of St. Paul, Court File No. Cl-89-1685, March 11, 1990, Crystal may not collect any 10% contribution for any period prior to that effective date. Nonetheless, Crystal seeks to collect such contributions from CFF for the period of January 1, 1988 through March 9, 1988, totalling \$4,281.95. CFF has no obligation to pay this amount.

Dave, please contact me after you have reviewed this letter so that we may resolve this matter. We appreciate the courtesies you and the Crystal City Council have extended.

Yours very truly,

LOMMEN, NELSON, COLE & STAGEBERG, P.A.

By *Thomas F. Dougherty*  
Thomas F. Dougherty

TFD:kh

# Court decisions

Chuck Bichler

## Some gambling profits can go to city fund

A VFW post has been licensed to conduct charitable gambling in St. Paul since July 1986. A St. Paul ordinance effective August 26, 1986, required organizations conducting charitable gambling to pay 20 percent of the net profits to a special fund. The city used the fund for the benefit of youth organizations in St. Paul.

On June 1, 1987, an amendment to the charitable gambling statutes became effective, prohibiting cities from requiring organizations to contribute over 10 percent of net profits to specific purposes. The city apparently adjusted its enforcement and amended its ordinance effective April 26, 1988, to reflect the 10 percent cap.

On March 4, 1988, the city sent a letter to the VFW demanding 20 percent of net profits from charitable gambling through July 1987, and 10 percent of net profits from August to the date of the letter. The letter threatened license revocation for failure to comply. On July 13, 1988, the city sent another letter to the VFW demanding the payment of \$32,389 for the period from August of 1986 to May of 1988.

The VFW brought action. The trial court held that the ordinance was invalid. The city appealed.

**July 1986 to June 1, 1987.** In July of 1986, the statute on local regulation of gambling provided that a city had the "authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction." By statute,

the retail sale of pull-tabs was exempt from all local taxes and license fees. An amendment effective July 1, 1987, for the first time authorized cities to impose a limited tax on charitable gambling.

Thus, before June 1, 1987 cities could adopt stricter regulations of charitable gambling, but could not tax gambling. The critical question, stated the court, is whether the city action was taxation or regulation.

The court noted that a required contribution to a fund that the city operates for public purposes is clearly within the general definition of a tax. However, because of the unique nature of charitable gambling revenue, the court found the ordinance did not impose a tax. The ordinance merely dictates the charitable purpose to which a percentage of the net profits must go. Thus, the ordinance is a "more stringent regulation," and is not a tax.

Failure to pay taxes generally results in liability for the amount owed plus interest and penalties. Failure to obey licensing regulations, on the other hand, generally results in monetary fines and license restrictions. The city was in the position of asserting its ordinance is not a tax, while attempting to enforce it as if it were. The city may impose sanctions for violations of regulatory provisions, including license revocation, however the sanctions may not amount to a tax on charitable gambling proceeds.

The court ruled that the city ordinance was valid prior to June 1, 1987,

but the city could not enforce the ordinance by demanding the VFW to pay revenue to the city fund if it previously spent the revenue lawfully. To the extent the VFW did not spend the revenue, the city is entitled to payment.

**June 1, 1987 to July 1, 1989.** An amendment effective June 1, 1987 to charitable gambling statutes stated that a city could not "require an organization to make specific expenditures of more than ten percent from its net profits derived from lawful gambling . . . A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within the city or county . . ." The issue is therefore whether the ordinance required an "expenditure to the city."

The first part of the amendment authorized expenditures directly to charitable groups the city specified. The second part appears to prevent the city from specifying itself as the charitable recipient of 10 percent of net profits. The court concluded that payments to a fund the city operates does not defeat the legislative intent, as long as no part of the fund goes to the city. Therefore the court held that the June 1, 1987 amendment did not invalidate the ordinance.

**July 1, 1989 on.** Amendments to charitable gambling which took effect July 1, 1989 state that "an ordinance requirement that such organizations



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**MEMORANDUM**

**TO:** Dave Kennedy, Crystal City Attorney  
**FROM:** Jessie Hart, Assistant Finance Director  
**DATE:** May 11, 1990  
**SUBJECT:** Cystic Fibrosis Charitable Contributions

Attached are the schedules for the Cystic Fibrosis Foundation on their gambling activity within the City of Crystal. These schedules breakdown, by month, the net profit of the site(s) located within the City as well as donations made within the City and what dollar amount is due to the City based on Section 1100.9, Subd. 8 of the Charitable Gambling Ordinance.

I have indicated, in pencil, on the statement for the period ended September 30, 1988, the dollar amount due when we take off January, February and half of March 1988. This is being done due to the fact that the 10% contribution requirement in Section 1100.9, Subd. 8 in the ordinance was not published until February 11, 1988 and did not take effect until March 11, 1988. (Prior to this date the requirement was 25 cents on each dollar.)

The new total due for the two periods in question would be \$21,067.83, which would bring them into compliance with the City ordinance and make them eligible for their license renewal in the City.

If you have any questions or if I can provide additional information, please give me a call at 537-8421, ext 112.

CYSTIC FIBROSIS FOUNDATION MINNESOTA CHAPTER  
GAMBLING ACTIVITY - January 1, through September 30, 1988

MONTH	YEAR	(A) NET PROFIT	(B) DONATIONS MADE IN CITY	(C) 10% OF NET PROFIT	REQUIRED CONTRIBUTION TO CITY
January	1988	26,341.97	0.00 *	2,634.20	2,634.20
February	1988	15,382.81	0.00 *	1,538.28	1,538.28
March	1988	33,938.00	0.00 *	3,393.80	3,393.80
April	1988	20,101.67	0.00 *	2,010.16	2,010.16
May	1988	19,628.88	0.00 *	1,962.89	1,962.89
June	1988	31,261.96	0.00 *	3,126.20	3,126.20
July	1988	20,546.77	0.00	2,054.68	2,054.68
August	1988	26,206.40	0.00 *	2,620.64	2,620.64
September	1988	20,903.31	0.00 *	2,090.33	2,090.33
Total Year-To-Date		214,311.77	0.00	21,431.18	21,431.18

Direct Contributions Paid to the City thru 9/30/88 9,024.75  
Contributions Due the City (Refund Due Organization) 12,406.43

- (A) Line 35 or 36, Schedule A  
(B) Donations Made in City, Schedule C  
(C) TOTAL (A) x 10%

\* No Schedule C Attached

Total Due 12,406.43  
Less: Jan 1988 } at 10%  
Feb 1988 } rate  
Mar 1988 (1/2) }  
6,537.05  
Plus: Jan 1988 } at 25%  
Feb 1988 } rate  
Mar 1988 (1/2) }  
4,242.25

\*\* 21,210.49 This what would be due for this period if we force the issue of the 25% in place prior to the 10%.



CYSTIC FIBROSIS FOUNDATION MINNESOTA CHAPTER  
GAMBLING ACTIVITY - October 1, 1988 to September 30, 1989

MONTH	YEAR	(A) NET PROFIT	(B) DONATIONS MADE IN CITY	(C) 10% OF NET PROFIT	REQUIRED CONTRIBUTION TO CITY
October	1988	37,294.22	0.00 *	3,729.42	3,729.42
November	1988	29,086.92	0.00 *	2,908.69	2,908.69
December	1988	19,908.40	0.00 *	1,990.84	1,990.84
January	1989	24,518.22	0.00 *	2,451.82	2,451.82
February	1989	17,822.04	0.00 *	1,782.20	1,782.20
March	1989	33,087.36	0.00 *	3,308.74	3,308.74
April	1989	24,093.52	0.00 *	2,409.35	2,409.35
May	1989	30,128.70	0.00 *	3,012.87	3,012.87
June	1989	22,802.67	0.00 *	2,280.27	2,280.27
July	1989	15,723.35	0.00 *	1,572.34	1,572.34
August	1989	16,460.63	0.00 *	1,646.06	1,646.06
September	1989	13,429.38	0.00 *	1,342.94	1,342.94
Total Year-To-Date		284,355.41	0.00	28,435.54	28,435.54
Direct Contributions Paid to the City thru 9/30/89					13,904.76
Contributions Due the City (Refund Due Organization)					14,530.78

(A) Line 36, Schedule A  
(B) Donations Made in City, Schedule C  
(C) TOTAL (A) x 10%

\* No Schedule C Attached



CYSTIC FIBROSIS FOUNDATION MINNESOTA CHAPTER  
GAMBLING ACTIVITY - October 1, 1989 to September 30, 1990

MONTH	YEAR	(A) NET PROFIT	(B) DONATIONS MADE IN CITY	(C) 10% OF NET PROFIT	REQUIRED CONTRIBUTION TO CITY
October	1989	26,312.90	0.00 *	2,631.29	2,631.29
November	1989	21,235.26	0.00 *	2,123.53	2,123.53
December	1989	23,319.65	0.00 *	2,331.97	2,331.97
January	1990	26,187.91	0.00 *	2,618.79	2,618.79
February	1990	31,501.41	0.00 *	3,150.14	3,150.14
March	1990	33,836.80	0.00 *	3,383.68	3,383.68
April	1990		0.00	0.00	
May	1990		0.00	0.00	
June	1990		0.00	0.00	
July	1990		0.00	0.00	
August	1990		0.00	0.00	
September	1990		0.00	0.00	
Total Year-To-Date		162,393.93	0.00	16,239.39	16,239.40
Direct Contributions Paid to the City thru 3/31/90					13,998.61
Contributions Due the City (Refund Due Organization)					** 2,240.79

- (A) Line 36, Schedule A  
(B) Donations Made in City, Schedule C  
(C) TOTAL (A) x 10%

\* No Schedule C Attached

\*\* Any balance due of this period is not due and payable until the end of the period.



Minnesota Chapter  
Loring Park Office Building  
430 Oak Grove  
Suite B-10  
Minneapolis, MN 55403  
612/871-0462

May 1, 1990

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

Dear Darlene:

In response to our phone conversation this morning I am writing you to clarify the laws governing rental payments to lessors of charitable gambling sites. It is with much embarrassment that I must admit my comments before your city council were in error.

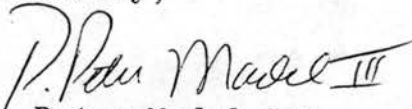
While it is currently legal to supplement rent by making payments out of an organization's general fund, this is a practice that will be not allowed as of August 1, 1990. At your council meeting I made the statment that this was an issue being addressed soley by the rules committee of the Lawful Gambling Control Board: this was not correct. Unknown to me at the time, a provision existed in the recently passed gambling bill which prohibits such payments effective August 1, 1990.

Rest assured that the Cystic Fibrosis Foundation has always and will always operate within the guidelines of the law. Effective August 1, we will begin paying Nicklows the legal limit of \$600 per month.

Please extend my apologies to the council for my incorrect statement. I pride myself on being knowledgable in my field, but in this instance I obviously was wrong.

Feel free to give me a call if you have any further questions.

Sincerely,

  
R. Peter Madel III  
Associate Gaming Manager

Lommen, Nelson, Cole & Stageberg, P.A.

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WRITER'S DIRECT DIAL NUMBER:

336-9334

May 14, 1990

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JOHN P. LOMMEN (1927-1988)

Jerry Dulgar  
City Manager  
City of Crystal  
4141 Douglas Drive North  
Crystal, MN 55422

RE: Cystic Fibrosis Foundation

Dear Mr. Dulgar:

As you know, this law firm represents the Cystic Fibrosis Foundation ("CFF") with regard to the City of Crystal's ("Crystal") request of December 4, 1989, that CFF pay Crystal the sum of \$26,937.21, representing a 10% contribution of net lawful gambling profits pursuant to Crystal City Code Section 1100.19, Subd. 8 ("Subdivision 8"), for the period of January 1, 1988, through September 30, 1990. Under separate letters from Robert K. Dresing, President of CFF, and from me, CFF expressed its opposition to paying such contributions.

By letter dated May 7, 1990, David Kennedy, Crystal City Attorney, indicated his disagreement with CFF's position, except that Subdivision 8 cannot be applied retroactively pursuant to Rice Street V.F.W. v. City of St. Paul. Mr. Kennedy recommended that unless CFF pays the requested amount, less any portion attributable to the retroactive application of Subdivision 8, the Crystal City Council should not approve CFF's lawful gambling license.

CFF still disagrees with the position of Crystal regarding the propriety of collecting the subject 10% contributions. However, CFF desires to resolve this matter amicably in the cooperative spirit which has characterized its relationship with Crystal throughout our communications.

Lommen, Nelson, Cole & Stageberg, P.A.

Jerry Dulgar, City of Crystal  
May 14, 1990  
Page -2-

Accordingly, please find enclosed CFF's check No. 105079 payable to City of Crystal in the amount of \$21,067.83, representing full payment of the 10% contributions, \$26,937.21, less the uncollectible retroactive amount for the period of January 1, 1988, through March 11, 1988, the effective date of Subdivision 8. I trust that this satisfactorily resolves the amounts in issue.

Please note that this payment is consistent with Mr. Kennedy's letter to you of May 7, 1990, except that Mr. Kennedy incorrectly identified February 11, 1988, as the effective date of Subdivision 8. In fact, February 11 was the date of enactment, not the effective date.

By reason of the enclosed payment, CFF respectfully requests that Crystal finalize its approval of CFF's lawful gambling license.

Thank you for your attention to this matter. CFF will continue to comply fully with all applicable lawful gambling statutes and regulations. Please contact me if you have any questions concerning the foregoing.

Yours very truly,

LOMMEN, NELSON, COLE & STAGEBERG, P.A.

By *Thomas F. Dougherty*  
Thomas F. Dougherty

TFD:kh  
Enclosure

cc: David J. Kennedy, Esq.  
Jeffrey S. Kerr, Esq.  
CFF Corporate Counsel  
Ronald Swain, President  
CFF Minnesota Chapter  
Diana Lade, Executive Director  
CFF Minnesota Chapter  
Robert Malby, Gaming Manager  
CFF Minnesota Chapter



**Cystic  
Fibrosis  
Foundation**

6931 Arlington Rd., Bethesda, MD 20814

**Equitable**

Equitable Bank  
of Delaware, N. A.  
Dover, Delaware

No. 105079

62-18/311

CHECK DATE	CHECK NO.
05-11-90	105079

CHECK AMOUNT
\$ 21067.83

\*TWENTY ONE THOUSAND SIXTY SEVEN AND 83/100\*

PAY TO  
ORDER  
OF:

CITY OF CRYSTAL  
4141 DOUGLAS DRIVE NORTH  
CRYSTAL, MN. 55422-1696

Robert Deale  
TWO SIGNATURES REQUIRED  
\$10,000.00 OR OVER




DATE: May 9, 1990  
TO: Jerry Dulgar, City Manager  
FROM: Bill Monk, City Engineer  
SUBJECT: Site Improvements at 5241 Hanson Court

In July of 1988, Beaver Machine relocated its business from 5249 to 5241 Hanson Court. Building modifications were performed at that time which required site improvements consistent with City policy. Originally, storm sewer and concrete were proposed in the rear parking area; however, this work was deleted by the Council given the possibility of future alley construction. Additionally, the proposed fence relocation could not be completed as the fence was installed and is maintained by Dumarks which abuts this property to the west.

The parking related improvements have been completed. The owner is at this time requesting the boulevard curbing be deleted from the improvement agreement. This curbing was intended as a means to prohibit parking on the boulevard. This practice is a problem with several of the businesses along Hanson Court in that the area between the street curb and the buildings is completely hard-surfaced with bituminous material. As I recall, sodding of the boulevard area was discussed previously but not pursued because of maintenance.

While I do not view this issue as critical to the operation of business, it does impact vehicular traffic in terms of sight distance and the proximity to access drives. For that reason I cannot recommend this item be dismissed without some resolution of the boulevard parking issue.

The owner, Jim Haberle, will be in attendance on Tuesday night to discuss this matter.



WM:jrs

Encls

EXHIBIT "A"

A G R E E M E N T

THIS AGREEMENT made by and between the City of Crystal, a municipal corporation in the State of Minnesota, hereinafter called the City, the first party, and Jasmic, Inc., hereinafter called the second party,

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

WHEREAS, as a prerequisite to the approval of said permit, the City Council requires the construction of certain improvements for the orderly development of property known as Jasmic, 5241 Hanson Court.

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

- Construct V6 (minimum section) cast-in-place concrete barrier curb.
- Stripe parking stalls with white paint.
- Erect 1 handicap parking stall sign.
- Relocate portion of existing chain-link fence.

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

That construction work be completed prior to issuance of the occupancy permit but not later than one year from issuance of building permit.

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

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

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

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

That surety be deposited with the City in the amount of \$1,950 to insure the faithful performance of the above construction work and requirements, said surety to be in the form and manner as prescribed by law.

IN WITNESS WHEREOF we have hereunto set our hands this 20 day of July, 1988.

SEAL

ATTEST:

Barlene George  
CITY CLERK

CITY OF CRYSTAL

[Signature]  
MAYOR

[Signature]  
CITY MANAGER

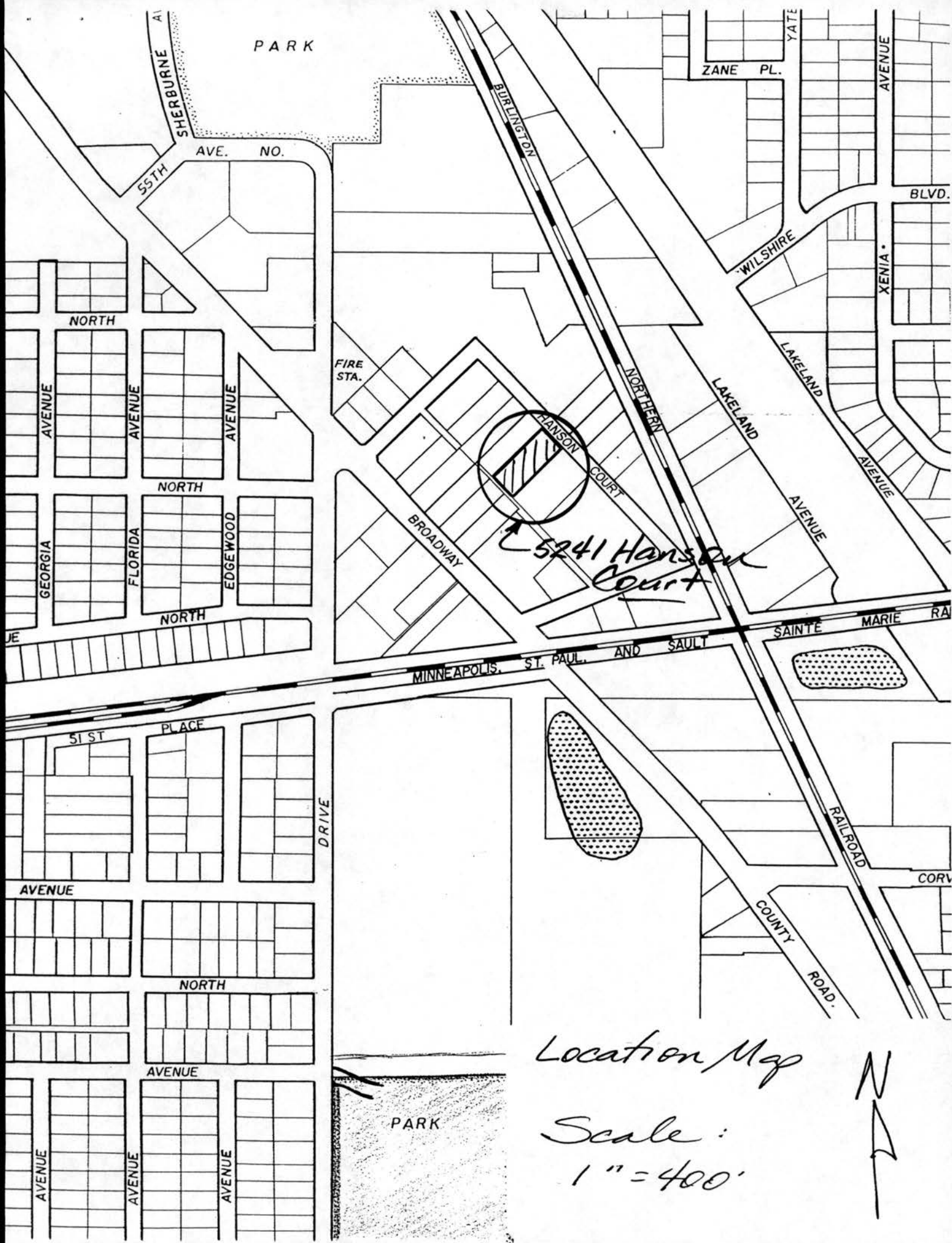
IN THE PRESENCE OF:

[Signature]

[Signature]  
SECOND PARTY

[Signature]  
SECOND PARTY



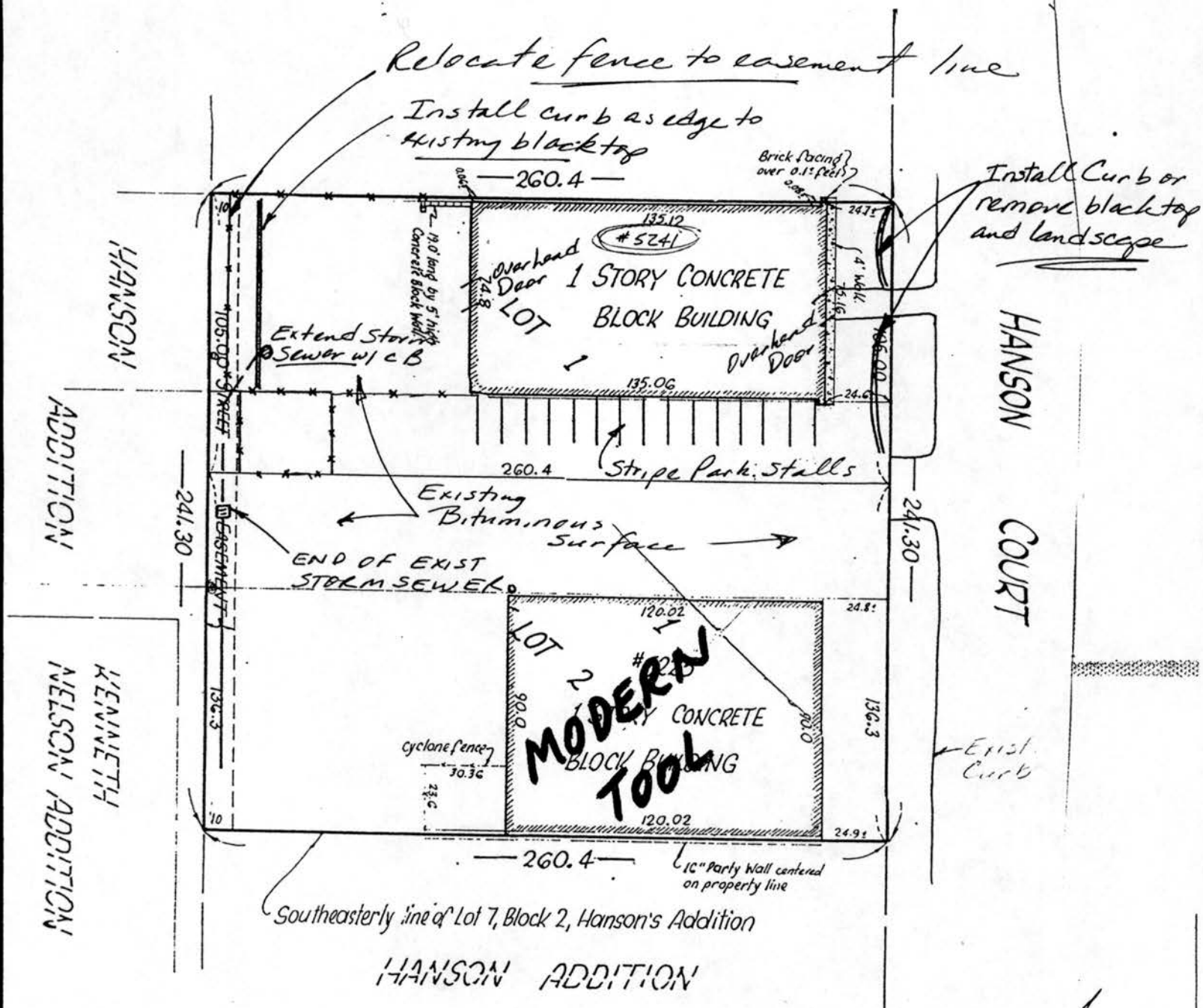


Location Map

Scale:  
1" = 400'







Tom Haberk

Mike Miller 537-2490

Memorandum

DATE: May 8, 1990  
TO: Jerry Dulgar, City Manager  
FROM: Darlene George, City Clerk *Darlene*  
SUBJECT: City of Crystal Mission Statement

On February 6, 1990 the City Council discussed a City of Crystal Mission Statement. At that time the Council suggested changes and directed staff to finalize. I checked clerks' indexing and computer discs and it appears this has not been accomplished.

I have made changes as suggested by the Council but my understanding was that if Council had any further changes they were to get them to staff. Due to the lapse of time since it was considered by the Council, I suggest that we place it on the agenda of May 15 for discussion and if Council approves it, I will proceed to have a more professional copy done on our desktop publishing unit for display in City buildings. I would also recommend a copy be placed in the City of Crystal newsletter.

DG/js

*OK*  
*LD*  
*5-8-90*

## City of Crystal Mission Statement

Crystal City Government pledges to promote and improve the quality of life for all of Crystal citizens by providing the means for growth and stability within the community. This mission can be best accomplished by:

- (1) providing municipal services in an efficient, cost-effective and innovative manner;
- (2) informing all residents of City services and activities;
- (3) being responsive to the needs of the community;
- (4) exercising compassion and respect for each individual;
- (5) maintaining the highest ethical standards in all City business; and
- (6) create an environment in which employees can grow to the maximum of their abilities.

MEMORANDUM

TO: Jerry Dulgar, City Manager  
FROM: Miles Johnson, Finance Director/Treasurer  
DATE: May 8, 1990  
SUBJECT: Revealise IRS #125/129 Flexible Benefit Plan

We have received the final draft of the amended **Employee Flexible Benefit Plan** for the City of Crystal employees. I recommend the adoption of the revised plan so a copy can be sent to all participating employees.

The attached resolution has been prepared by Dave Kennedy for the next council meeting.

*D. Arlene*

*next agenda*

*DD*



## RESOLUTION NO. 90-\_\_\_\_\_

RESOLUTION RELATING TO THE CITY OF CRYSTAL  
FLEXIBLE BENEFIT ACCOUNT PLAN ADOPTING  
AMENDED AND RESTATED PLAN

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

1. The City has adopted and administers an Employee Flexible Benefit Account Plan.
2. The City staff has prepared an Amended and Restated Employee Flexible Benefit Account Plan, effective as of January 1, 1990 (Amended and Restated Plan).
3. The Amended and Restated Plan has been reviewed by this Council and is now on file with the Clerk.
4. The Amended and Restated Plan is approved. The City Manager is authorized and directed to take the necessary actions to effectively administer the Amended and Restated Plan.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

CR205-15

City of Crystal  
Memorandum

TO: Jerry Dulgar  
City Manager

FROM: Miles D. Johnson  
City Treasurer

SUBJECT: City of Crystal Flexible Benefit Plan

The following is a resume of major changes which mandated an amendment to our master plan which are covered in this amendment.

A. Medical Reimbursement Plan

1. Specify the 12 months in the plan year.
2. Specify who can participate.
3. Participant who fails to file an elective to participate in the following plan year.d
4. Procedure and proof of payment requirement on reimbursement of medical expenses.
5. Maximum dollar amount of reimbursement and at what time during the plan year could I receive this reimbursement?

B. Dependent Care Reimbursement Plan Procedure

1. Who is a qualifying dependent?
2. Requirement of information to be furnished by the provider of dependent care.
3. Maximum reimbursement amount per year.
4. Could tax credit benefit you more than dependent care reimbursement?
5. What type of dependent care expenses qualify?

ORDINANCE NO. 90-

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

THE CITY OF CRYSTAL ORDAINS:

Section 1. The zoning district classification of the following described land is hereby changed as follows:

Description of Land:

P.I.D. #05-118-21-42-0033 located at 6918-56th Ave. N.  
Lot 2, Block 1 Crystal State Bank

Present Classification:

B-3, Auto-Oriented Commercial

New Classification:

B-4, Community Commercial

Section 2. The Zoning Administrator is authorized and directed to make the appropriate changes in the Zoning District map on file in the office of the City Clerk in accordance with Crystal City Code, Appendix I, Section 515.17, Subdivision 2.

Sec. 3. This ordinance is effective in accordance with Subsection 110.11 of the City Code.

First Reading: May 1, 1990.

Passed by the City Council: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(Published in the Crystal-Robbinsdale Post News

\_\_\_\_\_, 1990)

ORDINANCE NO. 90 - \_\_\_\_\_

AN ORDINANCE RELATING TO INTOXICATING  
LIQUOR LICENSES: AMENDING CRYSTAL CITY CODE,  
SUBSECTION 1200.07 BY ADDING A SUBDIVISION:  
REPEALING CRYSTAL CITY CODE, SUBSECTION  
1200.07, SUBDIVISIONS 3, 4 AND 5,  
AND ORDINANCE NO. 90-12.

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Subsection 1200.07 is amended by adding a Subdivision to read:

Subd. 6. Financial Responsibility. Prior to the issuance of a license the applicant must file with the City Clerk satisfactory evidence of adequate financial responsibility in the amount of the insurance coverages and subject to the conditions specified in Minnesota Statutes, Section 340A.409. The City must be named as an additional insured on the insurance policies. Operation of a business licensed under this section without having in effect, and having evidence on file with the City of, the financial responsibility required by this subdivision is grounds for revocation or suspension of the license.

Sec. 2. Crystal City Code, Subsection 1200.07, Subdivisions 3, 4 and 5 are repealed. Ordinance No. 90-12 is repealed.

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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

ORD14:CR205-7



M E M O R A N D U M

DATE: May 9, 1990

TO: Jerry Dulgar, City Manager

FROM: John Olson, Asst. City Manager/  
Community Development Director

RE: The Selection of a Planning Consultant  
for Updating the Comprehensive Plan

After receiving seven proposals and interviewing four planning consultants, I am recommending the selection of The Hoisington Group, Inc., to update the City Comprehensive Plan.

This recommendation is based on the discussion of a four member staff selection committee comprised of The Public Works Director, The City Manager, The Redevelopment Coordinator and myself. We reviewed the seven proposals and selected four firms to be interviewed.

Two of the firms had submitted the lowest cost proposals and the other two firms were in the midrange cost, but were considered to present better proposals.

The staff was looking for a plan which can be used as an action plan for future development in the City and provide guidelines for planning decisions. We anticipate this document to be used, not only by the City Council, but also by the Planning Commission in their decisions. The firm selected had to not only provide us with background information, interpretation of that information, but also specific planning goals and the methods to achieve those goals.

The Hoisington proposal includes three firms which would provide us with background information. The general Hoisington group of planners, Dorton, Poquette Associates, to provide the demographic information and LSA Design, Inc. to provide some image concepts about the City.

The Selection Committee felt that it is time for the City to decide what its future is to be, what direction it wishes to go and then proceed to go that direction. Therefore, a full and comprehensive study of the City must be undertaken and the City must be willing to spend the money to accomplish this study.

We must be in a position to coordinate the activities of all City departments and commissions towards one goal. At this time, there is no coordinated department planning for looking into the future. This plan is proposed to do that.

Consultant Selection  
May 9, 1990

Page 2

The City is facing numerous challenges in terms of housing, redevelopment of commercial areas, the prevention of slum and blight, upgrading of streets and other public facilities and the focusing of City programs to meet the needs of the changing population. Such challenges require a multi-faceted comprehensive plan. These are the reasons why we selected Hoisington to update the City's plan.

Their proposal includes the basic planning services necessary to accomplish a basic document, but in addition, provides us with demographic materials, action steps, an attitudinal survey, City image concepts and neighborhood plans.

I recommend that the City Council hire The Hoisington Group at a fee not to exceed \$60,000 for an update of the Crystal Comprehensive Plan.

JAO:jt

M E M O R A N D U M

DATE: May 10, 1990

TO: John Olson, Community Development Director

FROM: Julie Jones, Community Development Coordinator

RE: Community Energy Council Program Agreement

Even though the City of Crystal currently has an Agreement in place between NSP, West Hennepin Human Services (WHHS), and the City, NSP is requiring that the Agreement be updated to reflect changes in funding reimbursements to WHHS. Those changes are reflected in paragraphs 4, 5, and 6 of the Agreement. These funding reimbursement changes do not delete the City's State Grant funds since these are payments made directly by NSP.

The only significant change to the Program Agreement is that participants in the Energy Audit Program are no longer required to pay \$10.00 for the audit. The audit is now free to all participants. This is certainly a positive change for the program.

I recommend that the City Council approve the revised Agreement so that this program may continue through the end of the year as scheduled. As with the previously signed Agreement, this Agreement may continue past the end of the year providing funds are still available to support the program.

JJ:jt

RESOLUTION 90 \_\_\_\_\_

RESOLUTION AUTHORIZING COMMUNITY ENERGY COUNCIL PROGRAM AGREEMENT

WHEREAS, the City of Crystal entered into a Community Energy Council Program Agreement with West Hennepin Human Services and Northern States Power Company on October 1, 1988; and

WHEREAS, Northern States Power Company requires that the agreement be updated to reflect changes in funding reimbursement; and

WHEREAS, the City of Crystal, West Hennepin Human Services, and Northern States Power Company wish to continue the program agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Crystal approves the Community Energy Council Program Agreement to become effective May 1, 1990, and authorizes the Mayor to sign the Agreement on behalf of the City.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST BEFORE: \_\_\_\_\_



## Community Energy Council Program Agreement

This AGREEMENT, effective as of the 1<sup>st</sup> day of May, 90, is between Northern States Power Company (NSP), a Minnesota Corporation, the City of Crystal (the "City") a Municipal Corporation, and West Hennepin Human Services (WHHS), an agency of local government.

WITNESSETH:

WHEREAS, the Minnesota Public Utilities Commission ("MPUC") ordered NSP to implement a conservation improvement program which included providing assistance to conduct the Home Energy Check-Up (HEC) for NSP residential customers, and

WHEREAS, the City has established a Community Energy Council (CEC) whose responsibilities included conducting the Home Energy Check-up (HEC) for NSP residential customers.

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

1. Publicity: The WHHS shall develop a program to stimulate interest and publicize the availability of the HEC in order to sign up households for the service. Promotions will be done with advertising, mailings and other direct communications. Upon request by the City or the WHHS, NSP will assist with publicity by providing mailing labels and offering advertising assistance at the option of NSP.

2. Selection of Participants: Any NSP residential customer qualifies for the HEC. The WHHS is responsible for encouraging senior citizens, handicapped persons, low income individuals and renters to receive a HEC.

3. Customer Release Form: The WHHS will obtain signed authorization from each participant in the HEC allowing NSP to release consumption data to the auditor. This release form, a sample of which is attached hereto and incorporated herein by reference as "Attachment A", shall be signed by each such participant prior to the release of the consumption data.

4. Audits: NSP shall reimburse the WHHS \$95 for each approved HEC completed through July 1, 1990 by a WHHS auditor. NSP shall reimburse the WHHS \$90 for each approved HEC completed from July 1 through December 31, 1990 by a WHHS auditor.

5. Auditor Training: NSP shall pay the tuition for the local training for up to two auditors, not to exceed a total of \$700, who will perform audits for a City sponsored CEC.

6. Energy Conservation Materials: As part of the reimbursement for each HEC, NSP shall require the WHHS to provide between \$20-\$25 worth of energy conservation materials for each home receiving the HEC, with \$5 of energy conservation materials specifically directed to electric conservation. A WHHS AUDITOR WILL IDENTIFY AND DEMONSTRATE THE INSTALLATION OF THE MATERIALS TO THE PARTICIPANTS, ANSWER QUESTIONS AND PROVIDE SPECIAL ASSISTANCE TO SENIOR CITIZENS, HANDICAPPED PERSONS, LOW INCOME INDIVIDUALS AND RENTERS.

7. Literature: NSP will provide information publications for the WHHS to offer to program participants.

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

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

10. Reporting Requirements: Each month, the WHHS shall submit an invoice to the NSP Regional Office Representative, in accordance with Section 15 of this Agreement, along with a list of participant names, addresses, account numbers and the number of renter and low income participants (hereafter called the Audit Summary) and a copy of the Audit signed by the customer. The NSP Regional Office will enter the data and forward the invoice to the NSP General Office for reimbursement to the WHHS. The audits, invoice and Audit Summary should be numbered consecutively from program start to finish for each calendar year.

The WHHS is responsible for recording the number of renters and low income individuals, a sample of which is attached hereto and incorporated herein by reference as "Attachment B", on each invoice.

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

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

11. Reimbursement Procedure: If audit expenses satisfy the criteria stated herein, NSP shall send a check to the WHHS within 30 days after receipt of the itemized statement.

12. Goodwill: The City agrees that each employee, independent contractor, or other person performing any duties required of the City under this agreement shall be instructed to refrain from taking any action that will damage or injure the

reputation or goodwill of NSP. Should an event occur that violates this provision, the City and NSP will mutually agree as to the appropriate measures to be taken.

13. Idemnity: The City shall defend and hold NSP harmless against any claim, loss, judgment or liability, whether based on contract or tort liability, arising out of the performance or failure to perform under this Agreement, or any claimed defect in supplies or materials provided. This section shall survive the completion of, or termination of, this Agreement or any breach thereof.

13a The WHHS shall defend and hold NSP and the City harmless against any claim, loss, judgement or liability, whether based on contract or tort liability, arising out of the performance or failure to perform under this Agreement, or any claimed defect in supplies or materials provided. This section shall survive the completion of, or termination of this Agreement or any breach thereof.

WHHS shall have the following insurance: (1) Comprehensive General Liability Insurance policy (including owned and hired vehicles) with a \$600,000.00 combined single limit policy which includes protection against personal injury and property damage; (2) Comprehensive Automobile Liability Insurance policy (including owned and hired vehicles) with a \$600,000.00 combined single limit policy which includes protection against personal injury and property damage; (3) Workers' Compensation Insurance in accordance with Minnesota laws; and (4) In such insurance policy shall name NSP as an additional insured. A certificate of insurance shall be forwarded to NSP. This section shall survive the completion of, or termination of this Agreement or any breach thereof.

14. Term: The term of this Agreement shall commence may 1, '90 and shall continue through December 31, 1990 and then shall continue for successive periods of one year, provided, however, that either party may, for its sole convenience, terminate this Agreement upon thirty days written notice to the other party. In the event that NSP terminates this contract, the City and the WHHS shall be entitled to recover for all services performed prior to receipt of a notice for termination, but no amount shall be allowed on unperformed services.

15. All information should be sent by United States mail, postage thereon prepaid.

The WHHS shall direct information to the appropriate NSP representative as discussed in the Reporting Requirements section. The correct addresses and telephone numbers are as follows:

General Office Coordinator

Scott Getty (612) 330-6361

Northern States Power Company  
414 Nicollet Mall  
Minneapolis, MN 55401

Regional Representative

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

WHHS

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

Notices from NSP to Crystal to be sent to:

(3rd Party)

Julie Jones  
City of Crystal  
4141 Douglas Dr.  
Crystal, MN 55422

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

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

NORTHERN STATES POWER COMPANY

By: \_\_\_\_\_


Title: \_\_\_\_\_

THE CITY OF \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

3RD PARTY West Hennepin Human Services

By: 

Title: Executive Director





**west hennepin human services planning board**

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

**920-5533**

**CUSTOMER RELEASE FORM  
HOME ENERGY CHECKUP PROGRAM**

I HEREBY AUTHORIZE NORTHERN STATES POWER TO RELEASE MY ELECTRIC CONSUMPTION DATA TO WEST HENNEPIN HUMAN SERVICES PLANNING BOARD FOR THE PURPOSE OF DEVELOPING RECOMMENDATIONS FOR ENERGY SAVINGS I MAY ACHIEVE BY IMPLEMENTING RECOMMENDED ELECTRIC CONSERVATION MEASURES.

---

(SIGNATURE)

---

(ADDRESS)

---

(CITY/STATE/ZIP)



HOME ENERGY CHECK-UP DEMOGRAPHIC INFORMATION  
FOR THE MONTH OF MARCH

CITY	NUMBER OF HOUSEHOLDS WHO OWN	NUMBER ABOVE 185%	NUMBER BELOW 185%	NUMBER OF ELDERLY	NUMBER OF DISABLED	NUMBER OF SINGLE PARENTS
BROOKLYN CENTER	4	4	0	1	0	0
CRYSTAL	37	33	4	10	3	1
GOLDEN VALLEY	1	1	0	0	0	0
MINNETONKA	66*	59	5	18	1	5
PLYMOUTH	2	2	0	0	0	0
ROBBINSDALE	2	1	1	0	0	0
SHOREWOOD	1*	0	0	0	0	0
ST LOUIS PARK	5*	3	1	1	0	0
MONTHLY TOTAL FOR HOUSEHOLDS THAT OWN	118	103	11	30	4	6

CITY	NUMBER OF HOUSEHOLDS WHO RENT	NUMBER ABOVE 185%	NUMBER BELOW 185%	NUMBER OF ELDERLY	NUMBER OF DISABLED	NUMBER OF SINGLE PARENTS
MINNETONKA	2	1	1	0	1	0
MONTHLY TOTAL FOR HOUSEHOLDS THAT RENT	2	1	1	0	1	0
MONTHLY TOTALS:	120	104	12	30	5	6

\* WHERE WE WERE UNABLE TO OBTAIN ALL DATA

M E M O R A N D U M .

DATE: May 3, 1990  
TO: HRG Board Members  
FROM: Julie Jones, Recycling Coordinator  
SUBJECT: Establishment of City Paper Procurement Policies

There is one item that was on the May 3rd HRG agenda which needs to be handled by June 1, 1990. This item is establishment of the City Paper Procurement Policies. Hennepin County Resolution #89-12-962 dictates that Cities must establish Paper Procurement Policies similar to the County Policy by June 1, 1990, in order to continue receiving County recycling funding reimbursement.

I have drafted the attached Paper Procurement Policy for each of the three HRG cities. The policy is based on the County Paper Procurement Policy but is somewhat more specific than the County policy. I have also added a paragraph to the end of the policy stating that the cities will pursue purchase of other types of recycled materials. This could be applied in the purchase of park equipment, street equipment, etc. Many new products made from recyclable plastic are now available at competitive prices, which should be pursued.

Please place this resolution as an item on your next Council agenda as it needs to be approved by June 1, 1990, to meet the County requirements.

JJ:jt  
Encl.

RESOLUTION 90 -

WHEREAS, the Crystal City Council wishes to promote recycling through the purchasing and use of recycled materials, which is important to the creation of markets for recycled materials; and

WHEREAS, the Crystal City Council wishes to complete the recycling loop wherever possible in City operations; and

WHEREAS, paper is the single largest component of the Cities' office waste produced in daily operations;

THEREFORE, BE IT RESOLVED, that the following paper procurement policy be adopted by the City Council of the City of Crystal and used by all City departments no later than June 1, 1990:

1. The policy of the City will be to purchase recycled paper containing at least 50% recycled fiber whenever the cost of recycled paper does not exceed 25% more than the cost of virgin stock.
2. Recycled content paper will be used in all convenience copiers throughout City offices.
3. All paper used in computer printers will be recycled paper, including form-fed and laser printers.
4. All one-time-use-only paper (such as memo paper, note pads, telephone message pads, and notebook paper) will be recycled paper.
5. All stationery and business cards will be printed on recycled paper.
6. All professional printing ordered by any department will be requested on recycled paper stock of at least 50% recycled content.
7. The use of minimum impact paper (paper made without deinking and bleaching throughout a process which uses less water and chemicals) will be applied when possible.
8. Any new service contracts for convenience copiers should require the capability of handling two-sided copying on recycled paper.
9. Any new duplicating machines purchased or leased by the City must be capable of handling recycled paper.

BE IT FURTHER RESOLVED, that City staff members are hereby directed to pursue other opportunities to buy recycled materials other than paper products where possible in City operations, including but not limited to, recycled plastics and rubber.

DATE: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

JJ:jt  
5-3-90

DATE: May 10, 1990  
TO: Jerry Dulgar, City Manager  
FROM: Bill Monk, City Engineer  
SUBJECT: Consultant Proposals for 36th Avenue  
Reconstruction Project

Consultant proposals for the 36th Avenue Reconstruction Project were requested from four area engineering firms. All four firms are known to possess the capabilities to handle this type and size project based on their experience with other clients in the public sector. In an effort to ensure consistency, general information to all the firms regarding the scope of Crystal's project was provided during a single meeting with the Engineering Department.

Copies of the consultant proposals for 36th Avenue are attached. You will find that the four documents are all very similar in that the basic format for this type of proposal is rather standard. While all four firms are well represented, the proposal from Rieke Carroll Muller Associates, Inc. (RCM) is especially noteworthy in its outline of the Project Approach starting on page 4. The identification of the issues and how those issues would be addressed in the feasibility, design and construction phases is quite comprehensive.

In terms of cost, three of the four firms outline the same approach based on a percentage of project costs. The costs range from 14 to 16 percent of the final construction cost. One firm is more detailed in its cost data but in so doing is committing to a specific design (staff's proposal) which at this time needs further study.

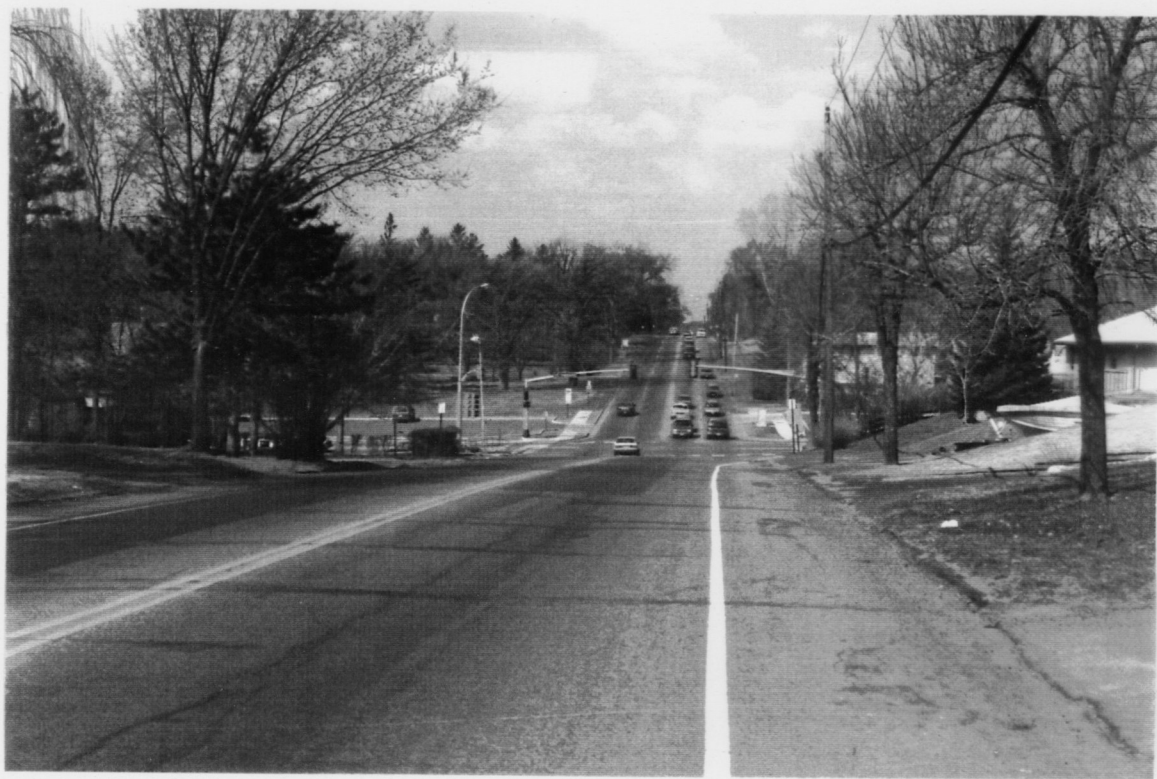
Based on my past dealings with RCM on similar projects and the proposal they have submitted on this project, I recommend RCM be designated as engineer for the 36th Avenue Reconstruction Project. Further, that staff be authorized to prepare the necessary contract for consideration on a future agenda.

At this time I am also recommending the Council reaffirm its action of March 13, 1990, authorizing preparation of the feasibility study. This action is requested only so the authorization can be put in the form of a resolution.

  
WM:jrs

Encls





PROPOSAL



FEASIBILITY STUDY

RECONSTRUCT/IMPROVE 36TH AVENUE NORTH  
BETWEEN WELCOME AND LOUISIANA AVENUES

Architects  
Engineers  
Planners

MAY 1990



HOWARD NEEDLES TAMMEN & BERGENDOFF  
ARCHITECTS ENGINEERS PLANNERS

6700 France  
Avenue South  
Suite 260  
Minneapolis, Minnesota  
55435  
(612) 920-4666

April 26, 1990

Mr. William Monk, P.E.  
City Engineer  
City of Crystal  
4141 Douglas Drive North  
Crystal, Minnesota 55422-1696

RE: Proposal for Feasibility Study to Reconstruct/Improve 36th Avenue North  
between Welcome and Louisiana Avenues

Dear Bill:

HNTB is pleased to be considered to assist the City of Crystal complete the above referenced project. We have enjoyed our past associations with you and we look forward to the opportunity for them to continue throughout the successful completion of your project.

We believe there are several key criteria that make HNTB uniquely qualified to assist the City of Crystal. Among these are our:

- **Proven Record of Success in Completing Similar Type Projects** -- HNTB is currently completing, or has completed, roadway and municipal engineering services for such metro area cities as Chanhassen, Shakopee, Fridley, St. Paul, Minneapolis, Eden Prairie, Maplewood, Bloomington and Chaska. HNTB has the required in-house capabilities, experience, and resources within our Edina office to successfully complete your project.
- **Demonstrated Abilities in Upgrading Roadways in Fully Developed Areas** -- HNTB employees have successfully completed numerous roadway upgrade projects in fully developed areas with significant right-of-way constraints. These include projects for St. Paul, Shakopee, Duluth, Plymouth and St. Louis Park.
- **Demonstrated Employee Capabilities** -- HNTB employees understand the technical and non-technical requirements that lead to a successfully completed Chapter 429 project. In addition, we have a thorough understanding of MSAS funding constraints and Mn/DOT design criteria. Our capabilities and experience will allow HNTB to assist the City of Crystal to complete your project in a high quality, cost-conscious and expeditious manner.
- **Responsiveness to Crystal Needs** -- HNTB is proud of the fact that over 90 percent of the annual business within our Edina office is derived from existing clients. We believe this shows the premium we place on responsiveness to client needs and overall client satisfaction.

**Partners** Charles T. Hennigan PE, Daniel J. Spigel PE, John L. Cotton PE, Francis X. Hall PE, Robert S. Come PE, Donald A. Dupies PE, William Love FAIA, Robert D. Miller PE, James L. Tuttle, Jr. PE, Hugh E. Schall PE, Cary C. Goodman AIA, Gordon H. Slaney, Jr. PE, Harvey K. Hammond, Jr. PE, Stephen G. Goddard PE, John W. Wight, Jr. PE, Richard D. Beckman PE, Richard L. Farnan AIA, Douglas E. Prescott, PE

**Associates** Kendall T. Lincoln CPA, Roberts W. Smith PE, Harry D. Bertossa PE, Ralph E. Robison PE, Stanley I. Mast PE, Robert W. Anzie PE, Walter Shenko PE, James O. Russell PE, Ross L. Jensen AIA, Frank T. Lamm PE, H. Jerome Butler PE, Blaise M. Carriere PE, Michael P. Ingardia PE, Bernard L. Prince PE, Stephen B. Quinn PE, Saul A. Jacobs PE, Ewing H. Miller FAIA, Douglas C. Myhre PE, Carl J. Melles PE, Daniel F. Becker PE, Donald P. Keuth PE, Ronald L. Hantje PE, Robert W. Luscombe PE, Thomas L. Williams AIA, Dennis E. Conklin PE, John E. Kupke PE, Rodney P. Pello PE, Steven M. Reiss AIA, Robert A. Leick PE, Glenn D. Sadulsky PE, Benjamin A. Whisler PE, Roger S. Austin PE, John D. Brothers PE, Charles L. O'Reilly, Jr. PE, Robert M. Sloan PE, Douglas A. Boyd AIA, Raymond J. McCabe PE, Thomas A. Skinner PE, Paul A. Yarossi PE

**Offices** Alexandria, VA, Atlanta, GA, Baton Rouge, LA, Boston, MA, Charleston, WV, Chicago, IL, Cleveland, OH, Concord, CA, Dallas, TX, Denver, CO, Fairfield, NJ, Hartford, CT, Houston, TX, Indianapolis, IN, Irvine, CA, Kansas City, MO, Louisville, KY, Lexington, MA, Los Angeles, CA, Miami, FL, Milwaukee, WI, Minneapolis, MN, New York, NY, Orlando, FL, Overland Park, KS, Philadelphia, PA, Phoenix, AZ, Raleigh, NC, Seattle, WA, Tampa, FL, Tulsa, OK, Wilmington, DE

Mr. William Monk, P.E.

April 26, 1990

Page 2

- **Abilities to Work Within an Atmosphere of Citizen Participation** -- HNTB employees have extensive experience in developing and implementing public information programs related to public improvement projects. For example, HNTB is directing a sophisticated public information program related to the projected 10-year St. Paul combined street reconstruction and sewer separation program.
- **Acknowledged Stormwater Analysis Experience** -- For example, a significant portion of St. Paul's combined street reconstruction and sewer separation program includes the minimization of effects of stormwater discharges to St. Paul lakes and streams. HNTB is also experienced in working with Corps of Engineers design requirements. Our stormwater analysis experience will assist us in helping maintain the character of Bassett Creek.
- **Desire and Commitment to Serve Crystal** -- HNTB is sincerely interested in being selected to assist the City of Crystal. Several HNTB employees live within Crystal. As a result, this is more than just a project to us. Our project team has the desire and commitment to implement the best project possible for Crystal.
- **Emphasis on Quality** -- Quality services have been HNTB's top priority during its full 75-year history. This is summarized in our mission statement of "quality work, on time, within budget and to the Client's satisfaction" for every project.

Our proposal is arranged in the following order: HNTB qualifications; related project experience; key personnel; project approach/schedule and fee; and references.

HNTB looks forward to a long-term association with the City of Crystal. Please call Chet Harrison or me if you have any questions about us. Thank you again for considering HNTB.

Sincerely,

HOWARD NEEDLES TAMMEN & BERGENDOFF

  
Dale A. Tranter

DAT/dhs

Enclosures

Prop7/Crystal.Ltr



**HNTB** Urban  
Streets and  
Local Roads





**HNTB**

*The urban environment creates a special set of challenges for the transportation engineer. Right-of-way and public acceptance are key issues, as are drainage and utilities and a design that minimizes traffic disruption. HNTB meets these and other design challenges for urban streets in major cities across the country.*

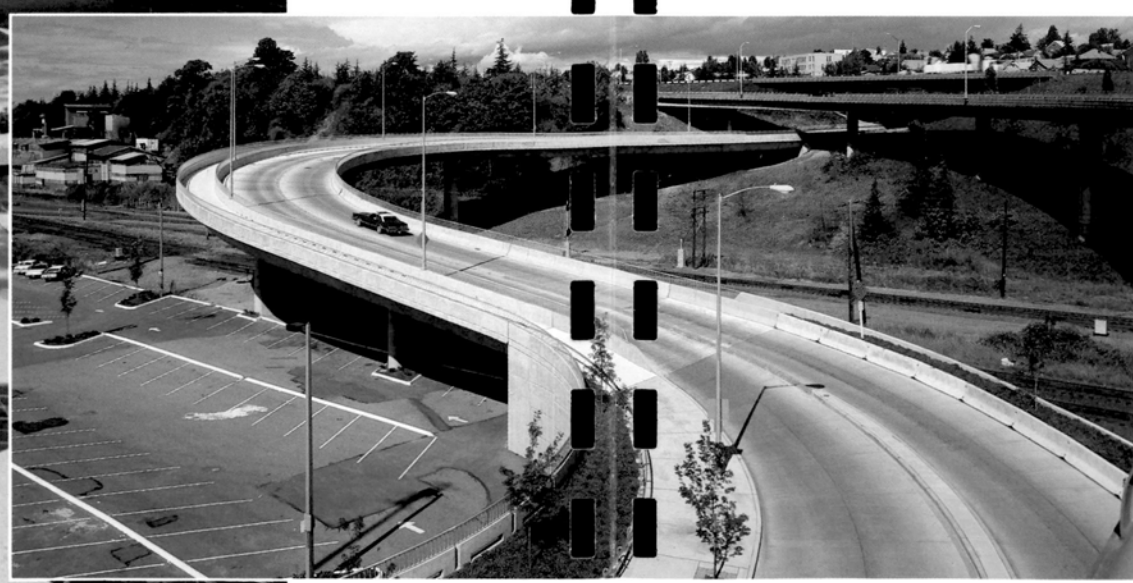
*Whether the project is a new road or rehabilitation of an existing one, HNTB assists clients in defining a corridor and street design that is compatible with the community's residential and commercial character. Streets blend with neighborhoods without ad-*



*verse effects, widened streets are developed to match existing properties, and adequate drainage is designed.*

*Street designs evolve from careful analysis. HNTB studies such factors as traffic loads, pedestrian and parking requirements, transit facilities, signalization, signage,*

HNTB assists clients in developing an urban corridor and street design that is compatible with their community's residential and commercial character.



*lighting, streetscape and noise abatement.*

**A**nd HNTB designs respond to public concerns. HNTB has led the industry in the development of community involvement programs, providing the individualized attention to community groups and property owners that helps a project run smoothly from inception to completion.

**W**hether the project is an arterial or collector street, an intersection improvement, or a major interchange development, HNTB designs can be depended on to be completed in a timely and economic manner, fully meeting the client's objectives.



HNTB has led the industry in the development of community involvement programs.





**HNTB**  
**MUNICIPAL**  
**DESIGN SERVICES**



## MUNICIPAL DESIGN SERVICES

*Today's complex urban environment requires that municipalities deal with an increasing array of issues in keeping their physical facilities in optimum condition. HNTB offers a wide range of professional services in engineering, architecture and planning to meet the diverse needs of counties, cities and towns across the country.*

Our municipal clients benefit from the proximity of a local HNTB office and the experience and specialized expertise available from our nationwide network of offices.

### Highway and Bridge Engineering/Transportation Planning.

The firm has been involved in the design of major arteries, residential streets and street improvements. Traffic studies, signing and signalization, curb and sidewalk design, and safety evaluation are among the many services HNTB can provide. And, as a major designer of new and replacement bridges, HNTB also offers bridge inspection and rehabilitation services.

### Environmental Engineering.

HNTB environmental services in storm drainage, sanitary sewer and wastewater treatment facility design as well as waterworks design, environmental studies and monitoring have proven valuable to many municipalities. HNTB also offers services in solid waste management and air and noise studies. The firm is experienced in flood control, flood damage assessment and stream and river basin studies, and flood insurance studies.

### Architecture and Planning.

A leader in architectural design, HNTB has been involved in facilities of all types for cities: parking structures, police facilities, court buildings, city administration buildings, maintenance and service facilities and utilities headquarters buildings. HNTB can provide complete mechanical and electrical engineering as well as specialized services in roof inspection

and rehabilitation. HNTB also offers complete interior design services and landscape architecture for buildings and parks.

Planning services include resource planning, socio-economic studies, historic structure evaluation and district nomination, comprehensive plans, environmental assessments and impact statements and comprehensive urban design services. Whether establishing annexation policies, performing site selection and land use planning, or recommending community development strategy, we offer the necessary expertise.

### Transit Planning and Airports.

Transit system development influences urban growth patterns. HNTB conducts comprehensive transit studies and can assist in the planning and design of bus and rail systems. Airport design and management services are provided by HNTB to some of the nation's busiest airports as well as small facilities all across the country.



COVER:  
Streetscape, Sturgeon Bay, Wisconsin



1. Industrial Airport, Johnson County, Kansas
2. Los Angeles Police Headquarters Building, California
3. Gulf Gate Wastewater Treatment Plant, Sarasota, Florida
4. Service Facility, Tempe, Arizona
5. Sewer Construction, Evansville, Indiana
6. Bellevue Transit Center, Bellevue, Washington
7. Bike Path and Roadway Improvements, Sanibel Island, Florida
8. Award-Winning Short Span Bridge, Kansas City, Missouri
9. Street Widening and Signalization, Boise, Idaho
10. Parking Garage, Fond Du Lac, Wisconsin

**HNTB**

Introduction



## INTRODUCTION

### HOWARD NEEDLES TAMMEN & BERGENDOFF

HNTB is a partnership offering a wide range of consulting services to both public and private clients. Established in 1914, the firm has grown in size and capabilities and currently employs more than 2,100 professional, technical and support personnel located in 32 major cities throughout the United States, including over 50 in Edina. In recent years, the construction cost of projects designed by the firm has exceeded \$1 billion per year.

HNTB has extensive engineering, architectural, planning, management, design and construction experience gained through the study and development of substantial public works projects throughout Minnesota and the United States. HNTB employs a multi-discipline team approach to solve today's complex engineering problems. Its professional philosophy and practice are firmly committed to the concept of total design which entails, even for the smallest project, the coordination and integration of many diverse and specialized skills. Project management and design teams are specifically organized to fulfill each client's requirements. Availability of a full complement of professionals and technicians within a single consulting firm facilitates the decision-making process, reduces costs, eliminates duplication of effort, and produces unified results in a minimum of time.

HNTB has been privileged to serve clients in many categories and has demonstrated the capability to meet Crystal's engineering requirements. HNTB has been providing engineering services to a variety of clients for 75 years. Many clients have been continuously served for a major portion of that time. We believe continuity of service is dependent upon our ability to provide quality service to our clients within budget and on schedule.

The Edina office of HNTB was opened in 1965 to serve HNTB's growing client base in Minnesota. It is locally managed to help clients solve their highly individualized local problems. Clients benefit not only from the local, personalized services of the Edina office but also, when unique problems arise, from the broad range of experience and highly specialized skills of the total HNTB organization.

HNTB's Edina office has a 25-year record of well-received performance in the delivery of successful projects. During the past 15 years, it has been an active participant in and directed many project teams involving multi-discipline efforts. HNTB employees have completed municipal engineering projects for such local metro area communities as Shakopee, Chanhassen, Bloomington, Minneapolis, St. Paul, Fridley, Chaska, Maplewood, Eden Prairie and St. Louis Park. HNTB is excited about the possibility of serving Crystal.

**HNTB**

Experience

## **RELATED PROJECT EXPERIENCE**

HNTB has successfully completed many roadway upgrade projects in fully developed areas. 36th Avenue North includes significant right-of-way constraints, stormwater considerations, traffic projection issues, tree removal concerns, utility relocations and maintenance of traffic requirements. Roadway renovation and upgrade projects usually seem to generate a high degree of concern and interest from local citizens, especially those whose residences are negatively impacted by widening and those commercial businesses whose customer access during construction will be impacted. The enclosed two pictures of 36th Avenue North illustrate these problems.

HNTB experience in dealing with these very real concerns will prove beneficial to the City of Crystal throughout the completion of this project. Short descriptions of relevant project experience follow:

### **St. Paul Street Reconstruction and Sewer Separation Projects St. Paul**

- Maryland Avenue/Dale Street -- Design of approximately 2.5 miles of new storm sewer, detention pond siting study/design, paving for about 2.3 miles of streets, and conversion of existing combined sewers into storm sewers. The project includes a sophisticated public information program. The siting of the storm water detention pond will include a study of possible treatment methods to mitigate the impact of non-direct storm water discharges to Loeb Lake and the Willow Reserve Bird Sanctuary and Wildlife Area. The project evaluated options for CSAH and MSAS designations and funding.
- Jackson Street/Magnolia Avenue -- Designed 1.7 miles of new storm sewer, storm water detention pond, conversion of existing combined sewer into sanitary sewer, and paving for 1.8 miles of streets; including evaluation of two alternate alignments, open-cut vs. jacking of a major street crossing (Maryland Avenue); coordination of railroad relocation; and coordination of water and gas main relocations and other utilities. The project included a sophisticated public information program.
- Fairview Avenue/Montreal Avenue -- Designed 3.0 miles of new storm sewer, conversion of existing combined sewers into sanitary sewers, including minor reconstruction and rehabilitation, replacement and installation of new curb and gutter, and paving of 1.0 miles of streets. The project included a sophisticated public information program and evaluated options for CSAH and MSAS designations and funding.









**Mesaba Avenue (MSAS) Upgrade  
Duluth**

- Feasibility study and design of approximately 6000 feet of urban 4-lane roadway, channelized turn lanes and 98 foot steel simple span bridge. Feasibility study and environmental assessment that considered land use compatibility, air and water quality, residential/commercial relocation impacts and traffic projections. Feasibility study portion of project included a significant citizen participation program.
- Final design of approximately 6000 feet of urban 4-lane roadway, channelized turn lanes, signal controlled intersection, signal controlled intersections, variable width median, sidewalks, water main relocation and storm/sanitary sewer improvements.

**10th Street (MSAS) Upgrade  
St. Cloud**

- Feasibility study and design of approximately 5600 feet of urban 4-lane street including water main relocation, sidewalks, variable turn lanes, signal controlled intersections and storm/sanitary sewer improvements. Feasibility portion of project included a significant citizen participation program.
- Project included extensive coordination with Mn/DOT.

**Maplewood Street and Utility Projects  
Maplewood**

- Beam Avenue (MSAS) -- Feasibility Study and design of 5,000 feet of urban divided four lane roadway including channelization, storm sewer, ponds, railroad shoofly and bridge, and sanitary sewer force main relocation. Full construction services were provided.
- Conway Avenue (MSAS) and McKnight Road (CSAH) -- Feasibility Study and design of 4,500 feet and 3,500 feet respectively, of urban roadway reconstruction with extensive channelization and signalization, storm sewer utilities, ornamental street lighting, landscaping and retaining walls to serve 3M headquarters. First successful hot mix asphalt recycling in Minnesota.
- Lydia Avenue (MSAS) and Woodlyn Avenue (MSAS) -- Feasibility Study and design of 4,000 feet of urban roadway, storm sewer, and utilities and provided full construction services. Services also provided to study and design storm sewer system, trunk storm sewer, and two detention ponds.

The Maplewood projects all included a public information program and extensive contacts with Ramsey County.

**Summit Avenue Upgrade  
Mankato**

- Feasibility Study and Design of approximately 3500 feet of 10 ton roadway, 2150 feet of watermain, 1100 feet of sanitary sewer and 600 feet of storm sewer. The project included coordination with Mn/DOT concerning traffic projections and intersection design.

**Ring Road Prairie Center Drive (MSAS) Design  
Eden Prairie**

- Feasibility study and Final Design of street, intersections and channelization, storm sewer outfall system, and special utility protection measures for 1.1 miles of major collector street.
- Provided full construction services.

**Shakopee Downtown Bypass (TH 169/101)  
Shakopee**

- Feasibility Study and final engineering design services for downtown bypass (four through-lanes, raised medians, channelized turn lanes), storm drainage system, and retaining wall design.
- Design of six blocks of urban utilities and roadway lighting
- Design of three interconnected traffic signal systems and traffic control signing.

**Marsh Point Development  
Minnetonka**

- Provided transportation planning and traffic engineering services for major 100 acre mixed use development proposed intersection of I-394 and Hennepin County Highway 73 across from Ridgedale Regional Shopping Center.
- Reviewed trip generation assignment and level of service analysis.

**Street Reconstruction, Rehabilitation and Pavement Management System  
New Richland**

- Reconstruction of Aspen Avenue (CSAH) including box culvert, new storm sewer, street widening and traffic maintenance during construction.
- Development of pavement management system by field classifications of city streets and implementation of staged rehabilitation program.

**I-394 Segment 3 Design  
Mn/DOT, Metro District, Golden Valley**

- Design of 1.4 miles of interstate highway, including two interchanges, six permanent bridges, construction staging, maintenance of traffic (through multi-lane bypasses and two temporary bridges), HOV facilities, 14,000 feet of retaining walls, noise barriers, storm and sanitary sewer relocations and frontage roads.
- Project included extensive public information programs with the cities of Minnetonka, Golden Valley, St. Louis Park and Plymouth.

**Cedar Avenue/I-494  
Bloomington**

- Design 2 miles of freeway and associated interchanges and utilities
- Geometric refinement of horizontal and vertical design
- Project included extensive coordination with Mn/DOT

**Richfield Transportation Plan  
Richfield**

- Prepared municipal transportation plan to be used as a policy framework for responding to proposed actions (highways, transit, developers) affecting the city.
- By sub area analysis, traffic standards were prepared to reflect maximum levels of traffic that satisfy the transportation policies and environmental considerations.

**Starwood Amphitheater Traffic Planning  
Shakopee**

- Analysis/evaluation of Starwood EAW, racetrack EIS, and city correspondence on local event traffic.
- Prepared findings for city staff/council.

**Nicollet Island Recreational Trails and Vehicular Traffic Plan  
Hennepin County/Minneapolis Park Board**

- Conceptual plan for siting three separate but interrelated transportation networks on Nicollet Island: bike trail, walking trail and perimeter roadway.
- Traffic study to determine best method to connect roadway system with Nicollet Island Access Roads. This portion of the study is related to HNTB's design of the Hennepin County Suspension Bridge spanning the Minnesota River.

**HNTB**

Personnel

## **HNTB** Biographical Data

### **CHESTER J. HARRISON, JR., P.E., R.L.S.** **PROJECT MANAGER**

#### **Education**

*Attended the University of Wisconsin-Madison and Milwaukee  
Received a Bachelor of Science Degree in Civil Engineering*

#### **Professional Registration**

*Professional Engineer: Minnesota, Wisconsin, Michigan, Florida  
Registered Land Surveyor: Wisconsin*

#### **Professional Affiliations**

*National Society of Professional Engineers  
American Public Works Association  
City Engineers Association of Minnesota*

#### **Responsibilities**

- *Senior Design Engineer*
- *Municipal Project Manager*

#### **Experience**

- *Project Manager, Maryland Avenue/Dale Street, St. Paul, Final Design for approximately 2.3 miles of street reconstruction, 2.5 miles of storm sewer and stormwater detention pond siting study and design.*
- *Project Engineer, Audubon Road (CSAH) Upgrade, Chanhassen, Minnesota*
  - *Feasibility Study and Design of approximately 5,300 feet of suburban roadway, 2,000 feet of watermain, 1,000 feet of sanitary sewer and traffic lighting.*

*As City Engineer at Plymouth, St. Louis Park, Shakopee, MN:*

- *General Responsibilities*
  - *Coordinate development plans between the City Council, Planning Commission and land developers.*
  - *Manage 5 to 14 technical staff persons.*
  - *Prepare the five year capital improvement program for transportation and public utilities on an annual basis.*
- *Specific Projects*
  - *Street reconstruction and utility evaluation for the City of St. Louis Park (annual budget \$2 Million).*
  - *Designed and managed reconstruction of State Aid Route-Louisiana Avenue from Minnetonka Boulevard to 33rd Street for the City of St. Louis Park.*
  - *Managed construction of the Louisiana Ave. Bridge over the Burlington Northern RR for the City of St. Louis Park.*
  - *Coordinate the design of State Trunk Highway 100 reconstruction from the Chicago Northwestern Railroad to Excelsior Boulevard for the City of St. Louis Park.*
  - *Coordinate design and construction of County Trunk Highway 6 for the City of Plymouth between Mn/DOT, Hennepin County and the design consultant engineer.*
  - *Coordinate design and construction of Revere Lane from State Trunk Highway 55 to 10th Avenue North for the City of Plymouth.*
  - *Managed development and implementation of an area wide storm sewer improvement for the City of Shakopee.*
  - *Vice Chairman and Commissioner for the Bassett Creek Watershed Management Organization.*



# **HNTB** Biographical Data

## **JAMES O. MURPHY, P.E.** **QUALITY CONTROL/QUALITY ASSURANCE**

### **Education**

*Bachelor of Mining Engineering, University of Minnesota*  
*Bachelor of Civil Engineering, University of Minnesota*

### **Professional Registration**

*Professional Engineer, State of Minnesota*  
*Professional Engineer, State of Wisconsin*

### **Professional Affiliations**

*American Society of Civil Engineers*  
*Minnesota Society of Engineers and Surveyors*

### **Responsibilities**

- *Office Engineer, Minneapolis Office*
- *Special Projects Manager*

### **Experience**

- Project Manager, Aspen Avenue (CSAH), New Richland, Minnesota -- Preliminary and Final Design for 3,000 feet of urban roadway rehabilitation including box culvert installation for creek crossing.
- Project Manager, Ring Road (MSAS), Eden Prairie, Minnesota -- Planning, Preliminary and Final Design for 4,000 feet of divided urban roadway including channelization and storm water outfall system.
- Project Manager, Beam Avenue (MSAS), Maplewood, Minnesota -- Planning, Preliminary and Final Design and Construction Services for 5,000 feet of urban divided four lane roadway construction including channelization, utilities, storm water detention ponding, railroad bridge, and park.
- Project Manager, Woodlyn Avenue and Lydia Avenue (MSAS), Maplewood, Minnesota -- Planning, Preliminary, Final Design and Construction Services for 4,000 feet of urban roadway construction including utilities.
- Project Manager, Conway Avenue (MSAS), Maplewood, Minnesota -- Planning, Preliminary and Final Design for 4,500 feet of urban roadway reconstruction including channelization, signalization, lighting, landscaping, utilities and asphalt recycling.
- Project Manager, McKnight Road (CSAH), Ramsey County, Minnesota -- Preliminary and final design for 3,500 feet of urban roadway reconstruction including channelization, signalization and utilities.
- Project Manager, TH 61 North Shore, Lake Superior, Minnesota -- Preliminary and Final Design for 5,700 feet of approach roadways and 850 foot mined tunnel.
- Quality Control Engineer, Rochester Stage 2A Flood Control Project, Rochester, Minnesota -- QA/QC of 3,100 feet of Zumbro River channel improvement including excavation, walls, rip-rap, landscaping, and pedestrian and highway bridges design.

JOM(3)Crystal.Bio

## **HNTB** Biographical Data

**JEFF W. STEWART, P.E.**  
**PROJECT ENGINEER**

### **Education**

*Bachelor of Civil Engineering, University of Minnesota, 1979*

### **Professional Registration**

*Professional Engineer, State of Minnesota, 1984*

### **Professional Affiliations**

*American Society of Civil Engineers  
American Public Works Association*

### **Responsibilities**

- *Senior Transportation Engineer*
- *Project Manager*

### **Experience**

- Project Manager, Shakopee Downtown Bypass, Shakopee, Minnesota - Final design, construction plans and specifications for a six block street realignment and new bridge approaches.
- Design Engineer, Audubon Road (MSAS) Upgrade, Chanhassen, Minnesota -- Feasibility Study and design of approximately 5,300 feet of suburban roadway 2,000 feet of watermain, 1,000 feet of sanitary sewer and street lighting.
- Senior Engineer, Mesaba Avenue Reconstruction, Duluth Minnesota - Final design, construction plans and specifications for realignment and reconstruction of 1.2 miles of urban arterial street (M.S.A.S. 142 - Mesaba Avenue).
- Senior Engineer, Carlson Parkway/I-394 Interchange, Minnetonka, Minnesota - Final design, construction plans, specifications and construction administration for an urban freeway interchange with frontage roads.
- Project Engineer, Carlson Parkway/I-494 Interchange, Plymouth, Minnesota - Final design, construction plans, specifications and construction administration for an urban freeway interchange.
- Project Engineer, Tenth Street Reconstruction, St. Cloud, Minnesota - Final design, construction plans and specifications for reconstruction of an urban arterial street and bridge approaches (M.S.A.S. 101 - Tenth Street).

# **HNTB** Biographical Data

## **LAWRENCE N. DALLAM, P.E.** **TRAFFIC PLANNING**

### **Education**

*Bachelor of Science, Civil Engineering, University of Missouri*  
*Master of Science, Civil Engineering, University of Missouri*  
*Doctor of Philosophy, Civil Engineering, Oklahoma State University*

### **Professional Registration**

*Professional Engineer: Minnesota*

### **Professional Affiliation**

*Institute of Transportation Engineers (ITE)*  
*American Planning Association (APA)*

- *Chairman, Transportation Planning Division*

*Advanced Transit Association*

- *Member, Board of Directors*

*Transportation Research Board (TRB)*

- *Paratransit Committee; Education & Training Committee*

### **Responsibilities**

- *Head of Planning Department, Minneapolis Office*
- *Project Manager*
- *Principal Transportation Planner/Engineer*

### **Experience**

- *Project Manager -- TH 212 EIS, Twin Cities, Minnesota*
- *Project Manager -- Anoka Champlin Bridge project, Minnesota*
- *Project Manager -- Eastern Carver County Comprehensive Transportation Planning Study, Minnesota*
- *Principal Transportation Planner, Marsh Point Development, Minnetonka, Minnesota*
- *Principal Planner, City of Richfield Transportation Policy Plan, Minnesota*
- *Principal Engineer, Wright County/City of Buffalo Parking Study, Minnesota*
- *Director of Transportation Planning, Houston-Galveston Area Council, Texas*
- *Director of Transportation Planning, Twin Cities Metropolitan Council, Minnesota*
- *Project Manager, I-394 Location Study/DEIS, Minnesota*
- *Principal Transportation Planner, Transportation Plan for Eden Prairie Major Center, Minnesota*
- *Project Manager, Transportation Feasibility Study for 3M Center, Maplewood, Minnesota*

LNDCRYST.BIO

# **HNTB** Biographical Data

## **PAUL W. BLUM, P.E. UTILITIES ENGINEER**

### **Education**

*Bachelor of Civil Engineering, University of Minnesota*

### **Professional Registration**

*Professional Engineer, State of Minnesota*

### **Professional Affiliations**

*American Society of Civil Engineers*

### **Responsibilities**

- *Project Engineer, Municipal/Highways, Minneapolis Office*
- *Project Manager*

### **Experience**

- *Project Manager, Fairview/Montreal Combined Sewer Separation and Paving, St. Paul, Minnesota, 1989*
- *Project Manager, Jackson/Magnolia Combined Sewer Separation and Paving, St. Paul, Minnesota, 1987-1989*
- *Project Engineer (Roadways, Drainage & Utilities), Hennepin Avenue Bridge (S.P. 27-652-12), Minneapolis, Minnesota, 1980-1987*
- *Project Engineer (Roadways, Drainage & Utilities), I-394/Co. Road 18 (S.P. 2789-16), Hennepin County, Minnesota, 1984-1987*
- *Project Engineer (Roadways, Drainage & Utilities), 79th Street Bridge over I-35W (S.P. 107-385-07) Bloomington, Minnesota, 1980-1984*
- *Project Engineer (Roadways, Drainage & Utilities), 10th Street Bridge (S.P. 162-050-22), St. Cloud, Minnesota, 1981-1985*
- *Design Engineer I-35E/I-494 Interchange, Dakota County, Minnesota, 1979-1981*
- *Design Engineer, Conway Avenue, Maplewood, Minnesota, 1974-1976*
- *Design Engineer, Beam, Lydia & Woodlynn Avenues, Maplewood, Minnesota, 1974-1977*
- *Design Engineer, Eden Prairie Ring Road, Eden Prairie, Minnesota, 1973-1974*

# **HNTB** Biographical Data

**JON K. WILCZEK, P.E.**  
**CONSTRUCTION SERVICES**

## **Education**

*B.S. Civil Engineering, University of Minnesota, 1977*

## *Professional Registration*

*Professional Engineer, State of Minnesota*

## **Professional Affiliations**

*American Public Works Association*

*Water Pollution Control Federation*

## **Responsibilities**

- *Environmental Engineer*
- *Municipal Engineer*
- *Resident Engineer*

## **Experience**

- Resident Engineer, St. Paul Trout Brook Outlet Phase A
  - Sewer and Street Reconstruction
- Resident Engineer, St. Paul Trout Brook Outlet Phase B
  - Sewer and Street Reconstruction
- Design of Trout Brook Interceptor for MWCC
- Assisted in construction management for Trout Brook Interceptor
- Resident Engineer, St. Cloud 10th St. Bridge Project
- Design of Minnesota Turn Back of TH 152 (MSA) to St. Cloud, including geometrics, storm drain design and sanitary sewer and watermain modifications
- Design of several large storm water drain systems, (300 acres+) for MSA projects in St. Cloud
- Design of residential developments in St. Cloud, including sanitary sewer, watermain, storm drain, and street design



**HNTB**

Approach to  
the Project

## **PROJECT APPROACH**

This project will be completed in a manner to comply with Municipal State Aid requirements and Minnesota Statutes, Chapter 429. This will enable Crystal to request state and funding, and to subsequently levy special assessments to finance the improvements if so desired. Generally, your project will consist of the following major phases:

Phase I - Preparation of a Feasibility Study

Phase II - Engineering Design

Phase III - Preparation of Plans and Specifications

Phase IV - Advertisement and Evaluation of Construction Bids

Phase V - Construction Engineering and Inspection

Phase VI - Assessment Roll (If required)

No tasks will be initiated without prior written authorization by the City of Crystal.

### **PHASE I - Feasibility Report**

The feasibility report will include:

#### **COVER**

- Project Number
- Brief Project Description and Location
- Date
- Engineering Firm Preparing Report
- Professional Engineer's Certification

#### **REPORT**

- Project History
- Feasibility Report Initiation
  - Council initiation
  - Dates of City Council Action
- Previous Reports with Estimated Costs
- Previous Action
- Description of Construction Elements
  - Streets
  - Storm Sewer
  - Miscellaneous Elements
    - Alternates for Each Element
    - Details Unique to the Project
      - \* Constraints
      - \* Effects on Overall Systems
      - \* Alternatives
  - Watermain (by owner)
  - Sanitary Sewer (by owner)
    - Alternates for Each Element

Details Unique to the Project

- \* Constraints
- \* Effects on Overall Systems
- \* Alternatives
- Maintenance Impact
  - Unusual Maintenance Requirements
  - Operations and Maintenance Cost of Alternates
  - General Estimated Costs
  - Breakdown of Each Element
    - Storm sewer
    - Street repair
    - Street reconstruction
    - Sanitary repair
    - Watermain repair
- Right-of-Way and Easements
  - General Description and Possible Easements
  - Cost Estimates for Easements
- Financing
  - State Aid
  - Special Assessments
  - Effects on City Accounts
- Projected Timetable
  - MSA Variance
  - Public Hearing
  - Plans and Specifications
  - Advertising Requirements
  - Bid Receipt Date
  - Anticipated Construction Schedule
  - Anticipated Assessment Date
- Properties Affected
- Estimated Assessments
  - Rates
  - Maps and Drawings Showing Benefited Areas
  - Legal Descriptions of Benefited Area as Required by State Statute for Public Hearing Notice
  - Preparation of "Preliminary Assessment Roll"
  - Assessment Analysis for Typical Property
- Controversial Aspects
  - Assessment Rates
  - Variance required for State-Aid (48 feet wide)
  - Vertical curves
  - Driveway Access
  - Vehicle Speed
  - Parking Restrictions
  - Truck Traffic
- Conclusion
- Recommendations

Meeting (10 meetings including those with:)

- City Staff
- City Council
- Affected Residents

## **Phase II - Design**

The City will furnish the following Information/Services:

- Municipal utility as-builts
- Standard city specification
- Half-Section maps
- Plat maps
- Two-foot contour maps
- House elevations
- Property owner mailing list
- Standard easement forms
- List of utility companies
- Conduct Public and Assessment Hearings
- Prepare Assessment Rolls
- Mail information letters to residents concerning project status. HNTB will prepare letters.

HNTB will provide the following services:

- Design surveys, including providing coordinates for all lot corners, house fronts and existing topography
- Have utility companies field locate utilities and plot on plans
- Prepare easements for construction including filling out easement forms
- Prepare permit applications and attend State Aid meeting for permit.
- Meet with property owners for utility service locations.
- Coordinate soil borings - city will pay for borings.
- Information meeting with residents on construction plans and amend plans as needed, prior to Council approval.

## **Phase III - Plans & Specifications**

HNTB services will include:

- All topography plotted by use of coordinates
- Amendment of City standard specifications
- MSA standing specifications
- Special provisions for this project
- 25 copies of plans and specifications for bidding

**PHASE IV - Advertisement and Evaluation of Construction Bids**

During this phase, HNTB will assist the City by:

- Distributing Plans and Specifications
- Responding to contractor's/supplier's questions
- Providing bid tabulation
- Evaluating bids received
- Making recommendation for award of bid
- Present recommendations to City Council

**Phase V - Construction Phase**

If requested by Crystal, HNTB will assist the City by providing:

- Construction surveys
- Field inspection
- Complete construction coordination
- Respond to citizen needs
- Coordinate soil testing - testing paid by City
- Easement Negotiations with property owners
- Payment estimates and change orders
- Provide as-builts, including coordination of services, half size plans and microfilm
- MSA final report and request for acceptance

**Alternative Phase VI - Assessment Rolls**

If requested by Crystal, HNTB will assist the City by:

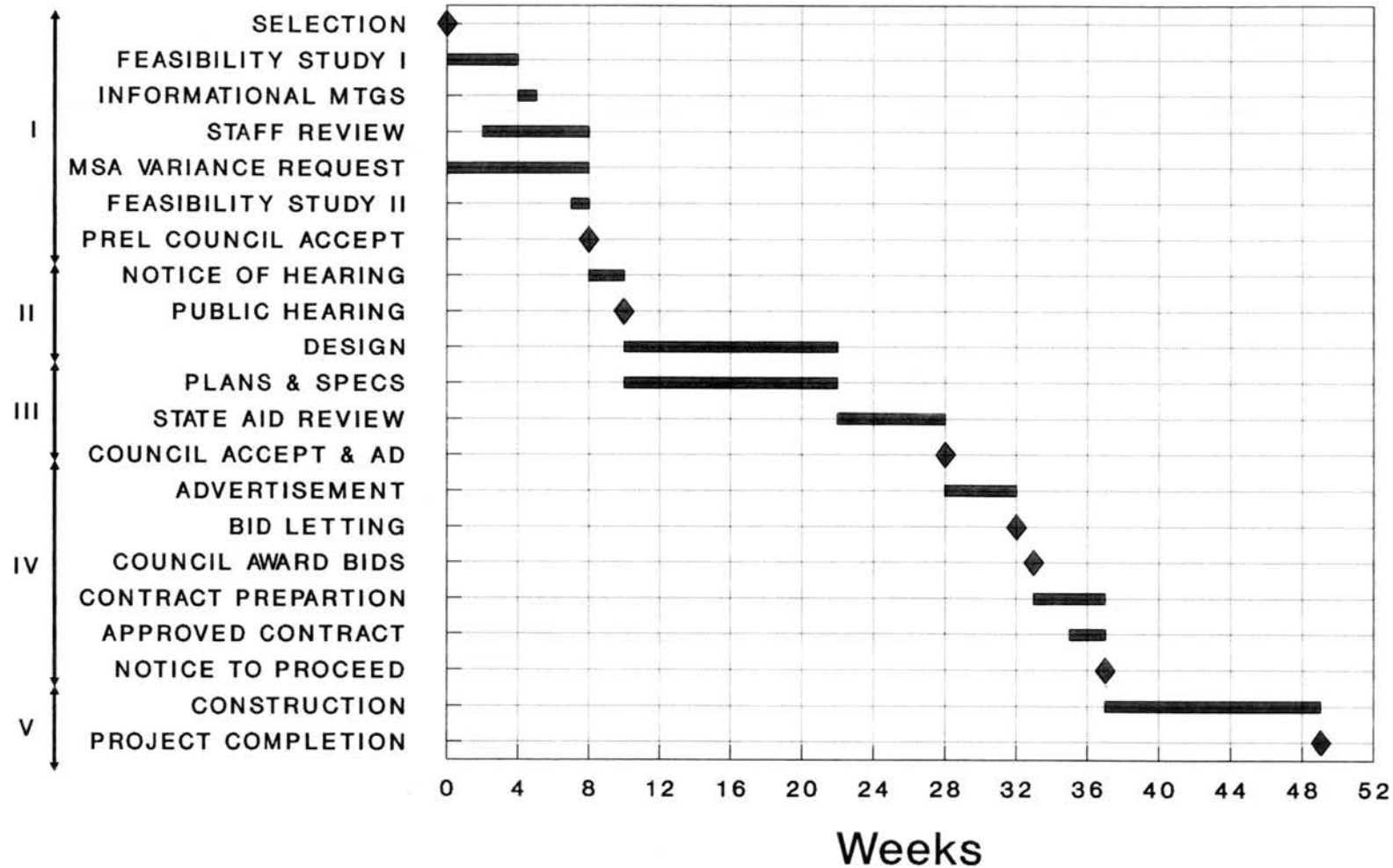
- Preparing Assessment Rolls
- Attending Assessment Hearing

Crystal.APP



# PROJECT SCHEDULE - 36TH STREET (MSA)

## Tasks



**ESTIMATED PROJECT FEE**

For purposes of this proposal the project fee is based on the \$700,000 Construction Cost as shown in your Request for Proposal. Engineering fees for each Phase, with the exception of Phase I, Feasibility Study, are identified as a percent of Construction Cost.

At this time it is not possible to accurately define the project scope for phases II-VI. Following completion of the Feasibility Study (Phase I), it will be possible for the City and HNTB to mutually negotiate the type of fee agreement (lump sum, hourly, not-to-exceed, etc.) and amount of fee associated with each phase when the exact scope of services is known. The ranges of engineering fees shown are consistent with other projects of this nature that we have completed. We believe this approach is fairest to both the City and HNTB. Please note that no project phase will be initiated without prior authorization by the City.

<u>PHASE</u>	<u>TASK</u>	<u>PERCENT</u>
I.	Feasibility Study	\$5,800*
II.	Engineering Design	4.0 - 5.2
III.	Preparation of Plans & Specs	2.5 - 3.5
IV.	Advertisement & Evaluation of Construction Bids	0.5 - 0.8
V.	Construction Engineering & Inspection	6.0 - 8.0
VI.	Assessment Rolls	0.3 - 0.5

\* Feasibility Study cost is based on reimbursement at standard hourly rates billed to the maximum estimated fee shown above.

**HNTB**

References

## REFERENCES

Mr. Don Ashworth\*  
City Manager  
City of Chanhassen  
Chanhassen, MN  
937-1900

Mr. David Hutton  
City Engineer  
City of Shakopee  
Shakopee, MN  
445-3650

Mr. Ken Saffert  
City Engineer  
City of Mankato  
Mankato, MN  
507-825-3161

Mr. John Flora  
Public Works Director  
City of Fridley  
Fridley, MN  
571-3450

Mr. Lee Gustafson\*\*  
City Engineer  
City of Robinsdale  
Robinsdale, MN  
537-4534

Mr. Leon Pearson  
Street Engineer  
City of St. Paul  
St. Paul, MN  
292-6277

Mr. David Sonnenberg  
City Engineer  
City of Minnetonka  
Minnetonka, MN  
933-2511

Mr. Chuck DeWolf  
Public Works Director  
City of Litchfield  
Litchfield, MN  
693-7201

Mr. Charles Honchell  
Public Works Director  
City of Bloomington  
Bloomington, MN  
881-5811

Mr. Lowell Odland\*\*  
Director of Public Works  
City of Golden Valley  
Golden Valley, MN  
593-8000

\* Mr. Ashworth is knowledgeable about HNTB's performance on roadway feasibility study and design projects completed for Chanhassen and Maplewood.

\*\* Mr. Gustafson and Mr. Odland are directly knowledgeable about Chet Harrison's experience prior to his joining HNTB. In addition, Mr. Odland has direct experience with HNTB.