



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

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## COUNCIL AGENDA

February 5, 1991

Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on February 5, 1991, at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

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

Councilmembers

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

*Joan:  
 Put in alphabetical  
 order for future  
 agendas.*

Staff

P Dulgar  
P Norris  
P Kennedy  
P Monk  
P Barber  
P George

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

*Recessed 7:15 to reconvene the EDA mtg. Reconvened at 7:18 p.m.*

The Mayor acknowledged the attendance of Boy Scout Troop #289.

*Karen O'Reilly*  
~~Terry Peterson~~ of the Crystal Merchants Association for the Crystal Shopping Center appeared before the City Council to make a presentation to the Police Department for their efforts in the Vested Interest Policing Program.

The Mayor read a proclamation proclaiming Volunteers of America Week, March 3-10, 1991 in the City of Crystal.

1. The City Council considered the minutes of the Regular City Council Meeting of January 15, 1991.

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

to) the minutes of the Regular City Council Meeting of January 15, 1991.

Motion Carried.

1. Consideration of an itinerant food establishment license at Elk's Club, 5410 Lakeland Ave. N., for a benefit fund raiser by Boy Scout Troop #530 on January 24, 1991.
2. Consideration of an itinerant food establishment license at Norwest Bank, 6225 - 42nd Avenue North, for February 4 through February 8, 1991.
3. Consideration of a 1-day temporary On-Sale Liquor License on April 5, 1991 with waiver of the fee, as requested by Knights of Columbus #3656, 4947 West Broadway for their Annual Cadillac Dinner.
4. Consideration of the First Reading of an Ordinance amending Ordinance #90-22 relating to the City Charter (to correct a typo in the date).
5. Consideration of the letter of resignation from the Park & Recreation Advisory Commission of Rollie Smothers.

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

Motion Carried.

#### REGULAR AGENDA

1. The City Council considered an application for appointment to the Advisory Board of the N.W. Hennepin Human Services Council from Marty Gates, 5108 - 48th Avenue North.

Moved by Councilmember J and seconded by Councilmember L to recommend the appointment of Marty Gates, 5108 - 48th Avenue North, for appointment to the Advisory Board of the N.W. Hennepin Human Services Council as a Crystal representative on the Board.

Motion Carried.

- 2.. The City Council continued consideration of a variance request for a free-standing sign for Walgreens at 6918 - 56th Avenue North as requested by Semper Holding. *Cathy Vekich*

Moved by Councilmember H and seconded by Councilmember G to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) authorization to grant a variance of 11 ft. to the required 21 ft. setback to allow a free standing sign to be installed at 6918 - 56th Avenue North advertising businesses at 6918 - 56th Avenue North and 6924 - 56th Avenue North as requested by Semper Holding, and further, <sup>that it is agreed</sup> that a free standing sign will not be permitted at 6924 - 56th Avenue North for the duration of the combined signage *by the current property owner and its successors.*

Motion Carried.

*Aye: C, M, I, G, H No: L, J*

3. The City Council considered a request to rezone property at 3431 Douglas Drive from R-3 (Medium Density Residential) District to R-4 (High Density Residential) District, to issue a building permit, and to consider a site improvement agreement as requested by Kenneth Ernst. *Kenneth Ernst appeared and was heard.*

- A. Moved by Councilmember J and seconded by Councilmember L to adopt the following ordinance: **(5 votes needed for approval)**

ORDINANCE NO. 91-

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

and further, that the second and final reading be held on February 19, 1991.

Motion Carried.

- B. Moved by Councilmember C and seconded by Councilmember I to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) authorization to issue a building permit to relocate a 7 unit building to 3431 Douglas Drive, subject to standard procedure.

Motion Carried.

- C. Moved by Councilmember C and seconded by Councilmember L to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) site improvement agreement as a prerequisite to the approval of the building permit for property located at 3431 Douglas Drive, as recommended by the Public Works Director.

Motion Carried.

*Recess 8:10 p.m. - Reconvened 8:18 p.m.*



4. The City Council considered a resolution establishing a municipal procurement policy for food service containers.

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. 91-5

RESOLUTION ESTABLISHING A MUNICIPAL  
PROCUREMENT POLICY FOR  
FOOD SERVICE CONTAINERS

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

Motion carried, resolution declared adopted.

5. The City Council considered a resolution authorizing Minnesota Communities Program Application Commitment Agreement.

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

RESOLUTION NO. 91-6

RESOLUTION AUTHORIZING MINNESOTA  
COMMUNITIES PROGRAM  
APPLICATION COMMITMENT AGREEMENT

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

Motion carried, resolution declared adopted.

6. The City Council considered the First Reading of a Personnel Ordinance, Employee Review Committee, and Personnel Rules and Regulations.

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

ORDINANCE NO. 91-

AN ORDINANCE RELATING TO  
PERSONNEL ADMINISTRATION:  
RULES & REGULATIONS: AMENDING  
CRYSTAL CITY CODE BY ADDING SECTIONS:  
AMENDING CRYSTAL CITY CODE, SUBSECTION 315.07,  
SUBDIVISION 8: REPEALING CRYSTAL CITY CODE,  
SECTION 310

and further, that the second and final reading be held on February 19, 1991.

Motion Carried.

7. The City Council continued consideration of the Second Reading of an Ordinance Relating to Salaries of Members of the City Council.

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

ORDINANCE NO. 91-2

AN ORDINANCE RELATING TO SALARIES  
OF MEMBERS OF THE CITY COUNCIL:  
REPEALING CRYSTAL CITY CODE, SUBSECTION 210.09,  
SUBDIVISION 1, CLAUSES (c) AND (d) AND  
SUBSECTION 210.09, SUBDIVISION 2,  
CLAUSES (c) AND (d)

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

Motion Carried.

8. The City Council considered a salary increase for firefighters and fire officers.

Moved by Councilmember G and seconded by Councilmember I to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) a 4 percent increase in pay to firefighters and fire officers retroactive to January 1, 1991.

Motion Carried.

9. The City Council continued consideration of approval of a contract with Workplace Environments, Inc. for the next phase of City Hall Renovation Project.

Moved by Councilmember M and seconded by Councilmember J to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) entering into a contract with Workplace Environments, Inc. to develop a detailed plan for the expansion and remodeling of the City's present offices, not to exceed \$33,000 and further that the Mayor and City Manager be authorized to sign such an agreement.

Motion Carried.

10. The City Council considered the First Reading of an Ordinance relating to the terms of Advisory Commission members.

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

ORDINANCE NO. 91-

AN ORDINANCE RELATING TO ADVISORY COMMISSIONS:

TERMS: AMENDING CRYSTAL CITY CODE,  
SUBSECTION 305.49 BY  
ADDING A SUBDIVISION

and further, that the second and final reading be held on February 19, 1991.

*Motion Failed for lack of a second.*  
**Motion Carried.**

- The consensus of the City Council was to refer back to staff to redraft as directed by Council for a first reading.*  
11. The City Council considered a change in the meeting date/time of the regular City Council meeting of May 21, 1991. *(take out language referring to term limitations)*

Moved by Councilmember H and seconded by Councilmember L to meet at \_\_\_\_\_ p.m. on \_\_\_\_\_, 1991, for the second regular City Council meeting of May 1991. *that the regularly scheduled City Council meeting of May 21, 1991 begin at 8pm rather than 7pm due to the School Board Election.* **Motion Carried.**

12. The City Council considered a resolution approving use of charitable gambling funds for vertical blinds at Crystal Community Center.

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. 91-7

RESOLUTION APPROVING EXPENDITURE OF  
CHARITABLE GAMBLING FUNDS FOR  
CUSTOM VERTICAL BLINDS FOR THE  
CRYSTAL AND MINNESOTA ROOMS AT THE  
CRYSTAL COMMUNITY CENTER

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

Motion carried, resolution declared adopted.

13. The City Council considered the First Reading of an Ordinance establishing a storm water utility and related resolution on fee schedule.

- A. Moved by Councilmember I and seconded by Councilmember L to adopt the following ordinance:

ORDINANCE NO. 91-

AN ORDINANCE RELATING TO STORM SEWER SYSTEM:  
AMENDING CRYSTAL CITY CODE BY ADDING  
SECTION 725

and further, that the second and final reading be held on February 19, 1991.

Aye: C, M, I, L, J, H  
No: G

Motion Carried.

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

## RESOLUTION NO. 91-8

RESOLUTION ESTABLISHING BASIC RATE FOR  
IMPROVING, MAINTAINING AND OPERATING  
THE STORM SEWER SYSTEM OF THE CITY OF CRYSTAL

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

Motion carried, resolution declared adopted.

14. The City Council considered a resolution for contract with Honeywell for the Crystal Community Center security system.

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

## RESOLUTION NO. 91-9

RESOLUTION APPROVING  
EXPENDITURE OF CHARITABLE GAMBLING  
FUNDS FOR SECURITY SYSTEM AT  
CRYSTAL COMMUNITY CENTER

By roll call and voting aye: C, H, I, J, L,  
M, -; voting no: -, -, -, -; absent, not  
voting: -, -, -; Abstain: G

Motion carried, resolution declared adopted.

15. The City Council considered the approval of intersection plan at Wilshire Avenue/County Road 81 for submission to Hennepin County.

Moved by Councilmember H and seconded by Councilmember L to (approve) (deny) (continue until \_\_\_\_\_ the discussion of) the approval of County Road 81/Wilshire Boulevard intersection study with referral to Hennepin County for consideration of an improvement project.

Motion Carried.

Concept 2A

*The Mayor  
City Council called a recess at 9:35 p.m. to cover Item #8 on the EDA Agenda regarding Wilshire Av/cty Rd 81 intersection plan to allow Council action on this item. Resumed at 10:07 p.m.*



16. The City Council considered the First Reading of an Ordinance relating to law enforcement on Twin Lakes.

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

ORDINANCE NO. 91-

AN ORDINANCE RELATING TO LAW  
ENFORCEMENT: TWIN LAKES:  
AMENDING CRYSTAL CITY CODE,  
SECTION 960 BY ADDING A SUBSECTION

and further, that the second and final reading be held on February 19, 1991.

Motion Carried.

17. The City Council discussed the City Council per diem expenses.

*J/L to direct staff to draft an ordinance amendment eliminating ~~per~~ City Council per diem expenses (Section 210.09, Subd. 4).*

*Motion Carried*

*Staff - Make Changes in Personnel Rules & Regulations*

18. The City Council discussed a City flag design.

*No action taken*

19. The City Council discussed the purchase of brief cases for Councilmembers for agenda packets.

*No action taken*

20. The City Council considered a report and recommendation from the Personnel Committee to review City Manager's salary for 1991.

*M/I to approve the Personnel Committee (Councilmembers Langsdorf, Carlson and Jaselyn) recommendation of a 4% increase in <sup>the City Manager's</sup> salary for 1991 and the identical benefit package received in 1990, retroactive to January 1, 1991.*

*Aye: C, I, J, L, M*

*No: G, H*

*Motion Carried*

## Open Forum

## Informal Discussion and Announcements

1. Public forum summary.

Mayor ~~E.~~ - Planning Commission informational meeting regarding Housing Maintenance Code, February 13, 1991, at 7 p.m., Community Room, Crystal City Hall.

attorney - Hartinger Foundation lawful gambling report.

1. \* The City Council discussed 4-year City Council Terms to be consistent with State and National elections. ~~Staff~~ Staff was directed to refer this item to the Charter Commission.

2. M/L to conduct <sup>attendance</sup> roll call and vote roll call of the City Council alphabetically, rotating names as each roll call vote is taken.  
Aye: M, I, L, J, G  
No: C, H  
Motion Carried

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

Motion Carried.

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

Aye: M, I, L, J

No: G

Abstain: C, H

Motion Carried.

Meeting adjourned at 10:58 p.m.

APPLICATIONS FOR LICENSE  
FEBRUARY 5, 1991

FOOD ESTABLISHMENT - Restaurant (\$275.00 w/o QA Plan

Tony's Submarine Sandwiches, Inc., 5358 West Broadway

FOOD ESTABLISHMENT - Restaurant (exempt)

Volunteers of America at Congregate Dining, 4800  
Douglas Drive.

PERISHABLE FOOD VEHICLE - \$33.00

Good Treat, Minneapolis, MN (2 trucks)

VENDING - Nonperishable (\$10.00)

U-Serve-It, Inc. at Aero Sales, Crystal Airport

FOOD ESTABLISHMENT - Itinerant (\$30.00 1st day + \$12.00  
ea. addnl day)

Norwest Bank, 6225 42nd Ave. February 4-8, 1991,  
Welcome MN Federal clients.

Norwest Bank, 7000 56th Avenue North, March 1 & 2, 91.

FOOD ESTABLISHMENT - Itinerant (exempt)

Metro MN Boy's Volley Ball Booster Club at Crystal  
Community Center, February 10, 1991.

Boy Scout Troop #530 at Elk Lodge, 5410 Lakeland North,  
January 24, 1991, benefit fundraiser, on special agenda

LAUNDROMAT - \$30.25 per year

Emerald Cleaners, 6016 - 42nd Ave. N.

GASOLINE STATION - \$50.00 station + \$7.25 ea. hose conn.

Aero Sales & Supply Company, Crystal Airport

PERMIT FOR WINE & BEER IN PARK OR RELATED FACILITY:

Mark McAlpin, 4824 Florida Ave. No., Crystal on  
February 9, 1991 for a Anniversary Party at the  
Crystal Community Center (5-11 P.M.)

Kenneth P. Johnson, 12415 - 47th Ave. N., Plymouth, MN  
on March 2, 1991 for a wedding reception at the  
Crystal Community Center (6-12 P.M.)

APPLICATIONS FOR LICENSE  
February 5, 1990

GAS FITTER'S LICENSE - \$30.25

Sun Mechanical & Electric Co., 221 Lawn Terrace, Golden Valley, MN  
55416

GAS FITTER'S LICENSE - \$30.25 - Renewals

Kleve Heating & Air Conditioning, 13075 Pioneer Trail, Eden Prairie, MN  
55344

Bowler Company, 511 E. Lake St., Minneapolis, MN 55408

Bell-Air Heating, 850 W. 106th St., #22, Bloomington, MN 55420

Precise Heating, 15059 91st Ave. N., Maple Grove, MN 55369

Sedgwick Heating & Air Conditioning, 8910 Wentworth Ave. S.,  
Minneapolis, MN 55420

Don Weld Plumbing, 400 Cottonwood Lane, Plymouth, MN 55441

Flare Heating, 9303 Plymouth Ave. N., Golden Valley, MN 55427

Quality Air, Inc., 7907 5th St. NE., Spring Lake Park, MN 55432

Comfort Mechanical, 4721 33rd Ave. N., Golden Valley, MN 55422

Northeast Sheet Metal, 4347 Central Ave. NE, Columbia Heights, MN  
55421

PLUMBER'S LICENSE - \$30.25

PLUMBER'S LICENSE - \$30.25 - Renewals

Gadtke Plumbing, 3510 Kilmer Lane, Plymouth, MN 55441

Bowler Company, 511 E. Lake St., Minneapolis, MN 55408

Minnesota Mechanical Inc., 509 Front St., St. Paul, MN 55117

Don Weld Plumbing, 400 Cottonwood Lane, Plymouth, MN 55441

Tom Montzko Plumbing & Heating, 5720 W. 35 1/2 St., Minneapolis, MN  
55416

Andresen Plumbing, 5600 Wilshire Blvd., Crystal, MN 55429

Lindman Plumbing, 6224 Noble Ave. N. Brooklyn Center, MN 55429

Gavic & Sons Plumbing, 3536 Madison Pl. NE., Minneapolis, MN 55418

SIGN HANGER'S LICENSE - \$66.00

SIGN LICENSE RENEWALS

Colvin Insurance Agency, 6522 56th Ave. N.	15.00
McLaughlin Tax Service, 3419 Vera Cruz Ave. N.	34.50
Uniformly Perfect, 3401 Vera Cruz Ave. N.	15.00
Northwest Family Physicians, 5502 West Broadway	30.00
Tom Thumb #125, 2708 Douglas Dr. N.	15.00
National Advertising, 6048 Lakeland Ave. N.	31.50
Dentists, 3534 Douglas Dr. N.	15.00
United Liquors, 3530 Douglas Dr. N.	30.00
Lens Crafters, 143 Willow Bend	45.00
Douglas Drive Auto Sales, 3201 Douglas Dr. N.	30.00
Twin City Vacuum, 3517 Vera Cruz Ave. N.	30.00
Lamplighter Barber Shop, 2746 Douglas Dr. N.	15.00

Subway, 5557 West Broadway	45.00
Panto-Gravers, Inc., 5515-25 34th Ave. N.	15.00
Hennepin Insurance Agency, 5618 56th Ave. N.	15.00
Crystal Skyways, Crystal Airport	30.00
Premier Motors, 6048 Lakeland Ave. N.	15.00
All Pro Sports, 6418 56th Ave. N.	15.00
Belt Line Pet Hospital, 3443 Vera Cruz Ave. N.	15.00
Norling Motors, 5548 Lakeland Ave. N.	30.00
Wiltec Industries, 5247 Hanson Ct.	15.00
Graphco Securities, 5620 West Broadway	30.00
G. Lewis Jewelers, 5510 West Broadway, Suite F	15.00
Duke's Body Shop, 5170 West Broadway	96.10
General Nutrition Inc., 223 Willow Bend	15.00
Eunice's Beauty Shoppe, 3536 Douglas Dr. N.	15.00
Perkins, 5420 West Broadway	30.78
Tennant Company, 7394 32nd Ave. N.	15.00
Jack's Superette, 7200 56th Ave. N.	30.00
County Seat, 345 Willow Bend	15.00
Minneapolis Drafting School, 5702 West Broadway	15.00
Crystal Square Office Building, 7000 56th Ave. N.	30.00
Crystal Square II, 5701 Kentucky Ave. N.	15.00
Fournier Accessory Furniture, 7301 32nd Ave. N.	15.00
PBM Associates at Park Place, 5430 Douglas Dr. N.	30.00
Crystal Care Center, 3245 Vera Cruz Ave. N.	15.00
Crystal Eye Clinic, 5200 Douglas Dr. N.	45.00
Crystal Vacuums, 6410 56th Ave. N.	15.00
Douglas Terrace Apartments, 3330 Douglas Dr. N.	15.00
Vision World, 5540 West Broadway	15.00
Winnetka Village Development Co., 7700-10-20 36th Ave. N.	30.00
Just Write Office Equipment, 5353 West Broadway	15.00
Fannie May Candy Shops, 5524 West Broadway	15.00
TL Systems, 5253 Lakeland Ave. N.	30.00
Motor Parts, 5140 West Broadway	60.00
Krystal Kourts, 5950 West Broadway	15.00
Rockford Road Hennepin County Library, 6401 42nd Ave. N.	Exempt
Institute for Athletic Medicine, 5502 West Broadway	15.00
Proex Photo Finishing, 5514 West Broadway	15.00
Melford Olson Honey Company, 5201 Douglas Dr. N.	30.00
52 Hi Restaurant, 5640 West Broadway	30.00
Dr. John Gosche, 6209 42nd Ave. N.	30.00
Tim's Tree Service, 5612 Corvallis Ave. N.	15.00
Fantasia Together, 2756 Douglas Dr. N.	30.00
Mona's for Big & Tall Men, 5580 West Broadway	30.00
Crystal Bouquet, 5564 West Broadway	15.00
Ground Round, 6830 56th Ave. N.	62.34
Lanick & Liljegren, 3268 Winpark Dr.	15.00
Pier 1 Imports, 5590 West Broadway	45.00
Northside Appliance, 6522 56th Ave. N.	15.00
Carpet King, Inc., 5445 Lakeland Ave. N.	41.70
Lou Ann Terrace, 7201 36th Ave. N.	15.00
Sun Health-Sun Shoppe, 127 Willow Bend	15.00
Dress Barn, 139 Willow Bend	30.00
Bob's Dairy Store, 4800 Idaho Ave. N.	30.00
Dumarks Garage, 5240 West Broadway	60.00



West Metro Chiropractic, 2756 Douglas Dr. N.	15.00
Tri Town Auto Supply, 3539 Douglas Dr. N.	30.00
Auto Parts Pro of Crystal, 5401 West Broadway	30.00
Skip's Auto Repair, 5343 Lakeland Ave. N.	15.00
Burger King, 3526 Lilac Dr. N.	45.00
MGM Liquor Warehouse, 355 Willow Bend	30.00
Rapid Oil Change, 5602 Lakeland Ave. N.	60.00
Muffler Clinic of Crystal, 5531 Lakeland Ave. N.	30.00
Jim Martin Insurance Agency, 6308 34th Ave. N.	30.00
Rapid Heating, 5514 34th Ave. N.	15.00
Maxwell Aircraft Service, Inc., 5417 36th Ave. N.	61.50
Charles Q. Hillstrom, 3333 Vera Cruz Ave. N.	21.70
Tri Way Realty, 3315 Vera Cruz Ave. N.	15.30
Office Terrace, 3307 Vera Cruz Ave. N.	49.50
Temp's Litho, 3542 Douglas Dr. N.	30.00
Payless Shoes, 331 Willow Bend	15.00
Pro-Air Aviation, Crystal Airport, Lot 22	30.00
Noble Snyder Drug, 4713 36th Ave. N.	75.00
CBF by Pierre, 5222 Hanson Court	15.00
Iron Horse, 5630 Lakeland Ave. N.	60.00
Wash Me, 5160 West Broadway	15.00
Embers, 5756 Lakeland Ave. N.	35.00
Hit or Miss, 133 Willow Bend	45.00
Foot Clinic, 2748 Douglas Dr. N.	15.00
Harold Herman Furniture, 3159 Vera Cruz Ave. N.	53.50
Campion Associates, 6402 56th Ave. N.	15.00
Bill's Economy Glass, 5353 Lakeland Ave. N.	15.00
Jonathon Dental, 313 Willow Bend	15.00
Wally's Barber Shop, 5434 Douglas Dr. N., Suite 3	15.00
Crystal Gallery, 5510-5594 West Broadway	87.42

Included with Council Packet of 2-5-91:

Proclamation - Volunteers of America Week (3-10-91).  
Minutes of Council mtg. of 1-15-91.  
Application for benefit fundraiser - Boy Scout #530.  
Letter from K of C dated 1-14-90 re: 1-day liquor license; application.  
Application for itinerant food license from Norwest Bank.  
Letter from City Attorney dated 1-31-91 re: ordinance amending Ord. No. 90-22 (charter amendment); copy of ordinance.  
Letter from Rollie Smothers resigning from P & R Advisory Comm. dated 1-10-91.  
Application for appointment to the N.W.H.H.S.C. from Marty Gates, 5108 - 48th Ave. No.  
Memo from Bldg. Inspector dated 1-19-91 re: Walgreen's 6918 - 56th Ave. N.  
Memo from Bldg. Inspector dated 1-19-91 re: rezoning 3431 Douglas Drive.  
Site Agreement for 3431 Douglas Drive.  
Memo from Recycling Coordinator dated 1-30-91 re: purchase of paper drinking cups; resolution establishing a municipal procurement policy for food service containers.  
Memo from Comm. Dev. Coordinator dated 1-29-91 re: MN Communities Program Application - Commitment Agreement.  
Letter from City Attorney dated 1-31-91 re: Personnel Ordinance; ordinance; Personnel Rules & Regulations; Letter to Mayor & Council from Charter Commission; ordinance relating to City government; amending Sections 2.02 and 6.02, Subd. 3 of the City Charter and adding Sections to the Charter.  
Ordinance relating to salaries of members of the City Council.  
Memo from Fire Chief dated 1-15-91 re: Firefighter's salaries for 1991..  
Memo from City Engineer dated 1-4-91 re: City Hall Space Needs.  
Letter from City Attorney dated 1-14-91 re: ordinance relating to Advisory Commissions; ordinance.

Memo from City Clerk dated 1-30-91 re: May 21, 1991 meeting date/time.

Memo from Park & Rec. Director dated 1-28-91 re: Custom Vertical Blinds for the Crystal & Minnesota Rooms at Community Center (gambling fund).

Memo from City Engineer dated 1-24-91 re: Storm Water Utility.

Memo from City Engineer dated 1-24-91 re: Community Center Security System; resolution.

Memo from City Engineer dated 1-24-91 re: Wilshire Blvd./CR81 Intersection Study.

Letter from City Attorney dated 1-29-91 re: ordinance authorizing enforcement of rules on Twin Lakes; ordinance.

Memo from Miles Johnson dated 1-28-91 re: Council Per Diem.

Info re: custom made banners, pennants & flags.

Letter from Lakeville City Administrator dated 5-29-91 re: brief cases.

City of Crystal Public Forum Summaries re: comp. plan.

Copy of letter to Church of All Saints from MN Dept. of Gaming dated 1-25-91 re: License expiration - Paddock Bar.

Letter from NSP dated 1-29-91 re: increase in rates.

Park & Rec. Advisory Commission Agenda for 2-6-91.

Park & Rec. flyer re: February 1991.

Minutes of the Envir. Quality Comm. of 12-13-90.

Crystal Planning Comm. Minutes of 1-14-91.

Letter to Legislators from Governor dated 1-18-91 re: Metro Council seats.

Letter from Twin West dated 1-24-91 re: March Coffee Breaks.

Action Needed Memo from the January 15 Council Mtg.

Thank you note from George Irving Family.

Letter from Janice Scofield dated 1-30-91 re: info. mtg. of Planning Comm. 2-13-91 re: Maint. Code.

Memo from City Mgr. dated 1-8-91 re: Possible Cost Saving Initiatives.

Letter from City Attorney's Office dated 2-4-91 re: 5231 Douglas Drive No.

Memo from City Clerk dated 2-5-91 re: Coffee Fund.

Memorandum

DATE: February 1, 1991  
TO: Mayor and Council  
FROM: Jerry Dulgar, City Manager  
SUBJECT: Preliminary Agenda for the February 5, 1991 Council Meeting

Regular Agenda:

Item 2: Consideration of variance request for a free-standing sign for Walgreens at 6918 - 56th Avenue North. Walgreens has been requested to be in attendance at the meeting to explain their request to the Council.

Item 4: Consideration of a resolution establishing a municipal procurement policy for food service containers. Enclosed please find information from Julie Jones relative to our purchase of cups. I think there's a lot of validity in what Julie says in that we should reconsider earlier action to use only paper cups. This also might apply to other food containers, either in City Hall or the Community Center, so I think there is significance to this recommendation.

Item 6: Consideration of the First Reading of a Personnel Ordinance, Employee Review Committee, and Personnel Rules and Regulations. Nancy has had a committee working on this for several months and she has had numerous meetings with other employees allowing for any input that people wanted to make. At the last minute we did have some people request that this be delayed. However, that very group had two people that were involved in the whole formation of the policies. I think we should go ahead with it as Dave advised. We need to do that immediately and let them react to the rules as they want. These rules are subject to change at anytime and if they can bring things to us that should be changed, the rules can be changed at anytime.

Item 8: Consideration of a salary increase for firefighters and fire officers. The recommended increases are in line with other City employees' increases. While they are in line with the other increases, I think going with annual increases of this kind is a philosophical change from the past with the fire people. I will discuss that briefly with the Council at the meeting.

Item 9: Continued consideration of approving contract with Workplace Environments, Inc. for the next phase of City Hall Renovation Project. Attached please find memo and information from Bill Monk relative to this. I would recommend that we go ahead and approve the contract with Workplace Environments. This will take three to four months for them to complete this work.



By then we should know what we need to do and what our financial situation is.

Item 10: Consideration of the First Reading of an Ordinance relating to the terms of Advisory Commission members. This is an ordinance that is prepared by the City Attorney on the recommendation of the Planning Commission. I really don't see this as solving our question. I think it will only solve the question until we have two people that want to stay on a commission. I think there might be better ways of resolving the problem or if it is a problem maybe we shouldn't be changing this at all. I think new people, new ideas on these commissions is good from time-to-time.

Item 11: Consideration of a change in the meeting date/time for the regular City Council meeting of May 21, 1991. We were recently informed that the School Board would be having an election on our Council Meeting night of May 21st. We can meet starting at 8 o'clock and we would recommend that we just delay the meeting for an hour and meet at 8 o'clock that evening.

Item 12: Consideration of a resolution approving use of charitable gambling revenue for vertical blinds at Crystal Community Center. Please recall that sometime back we asked for authorization to seek proposals for blinds for the Minnesota Room. Jeanne does a good job of explaining the needs for the blinds and the process of getting the quotes. I would recommend that we go ahead and authorize the use of the money so we can get the blinds installed and make the room more comfortable for all of those who use it.

Item 13: Consideration of First Reading of an Ordinance establishing a storm water utility and related resolution on fee schedule. This is something that has been authorized in recent years by the Legislature for cities. More and more cities have found that they cannot keep up with the EPA, Watershed and other regulations relative to storm water improvements through the general fund. The Legislature has authorized storm water to be considered as a utility just like water and sewer, and for there to be monthly charges for it so that the cities will have funding to take care of water quality pollution, flooding, and these kinds of problems. I would recommend that we go ahead with the ordinance and get the utility established so we can take care of problems that we have around the City and other problems that we are going to have.

Item 14: Consideration of approving resolution for contract with Honeywell for Crystal Community Center security system. As you'll recall, we approved a contract for the security system sometime back. That contractor refused to perform on the contract as he had bid and Bill has solicited more bids and reconsidered the other bids. He is recommending that we award to Honeywell. I would concur with his recommendation.

Item 15: Consideration of approving intersection plan at Wilshire Avenue/County Road 81 for submission to Hennepin County. You have a copy of the report with your EDA packet. You'll note

that it has been revised to take into consideration some of the loss of land by the one property owner.

Item 16: Consideration of the First Reading of an Ordinance relating to law enforcement on Twin Lakes. This ordinance in addition to our Joint Powers Agreement will help us to patrol the lakes as the residents are requesting. This will allow our Community Service Officers and Reserves to help with that work and that is the only way we can adequately do it. We don't really have enough people to do it otherwise. I'd recommend that we approve the ordinance.

Item 17: Discussion of Council per diem expense. You have a copy of the memo from Miles Johnson. This seems to be a continuing problem that we have every month with items being turned in for per diem that don't meet the Council's or the ordinance's requirements. Miles and I feel uncomfortable with the staff having to police the Council all of the time in what they get paid per diems for. It seems to me that it is fairly clear and I don't know why we continue to have items turned in that don't meet the ordinance.

Item 18: Discussion of a City Flag design. The Mayor requested that this item be on the Agenda for discussion. She'll have to explain it to the Council.

Item 19: Discussion regarding the purchase of brief cases for Councilmembers for agenda packets. Again the Mayor asked that this item be on the agenda and she'll explain it to you.

#### Informal Discussion and Announcements

Item 1: Public forum summary. Bill wanted to give you the information that we had neglected to give you earlier on the summary of the forums.

Item 2: Planning Commission informational meeting regarding Housing Maintenance Code, February 13, 1991, at 7 p.m., Community Room, Crystal City Hall. Councilmember Joselyn asked about where the Housing Maintenance Code was at at the last meeting. The Planning Commission is holding another meeting. They already have held several meetings and unfortunately I get the idea that they are out trying to drum up opposition to it. They have scheduled and published notice of this meeting.

Have a nice weekend. See you next Tuesday.

js



COUNCIL AGENDA - SUMMARY

COUNCIL MEETING OF  
February 5, 1991

Call to order

Roll call

Pledge of Allegiance to the Flag

- ✓ Acknowledgement of Boy Scout Troop #289.
- ✓ Presentation to the Police Department from Crystal Merchants Association for the Crystal Shopping Center pertaining to the Vested Interest Program (VIP). *Terry Peterson*
- ✓ Proclamation of Volunteers of America Week, March 3-10, 1991.
- ✓ Approval of the minutes of the regular meeting of January 15, 1991.

**Consent Agenda**

- ✓ 1. Consideration of an itinerant food establishment license at Elk's Club, 5410 Lakeland Ave. N., for a benefit fund raiser by Boy Scout Troop #530 on January 24, 1991.
- ✓ 2. Consideration of an itinerant food establishment license at Norwest Bank, 6225 - 42nd Avenue North, for February 4 through February 8, 1991.
- \* 3. Consideration of a 1-day temporary On-Sale Liquor License on April 5, 1991 with waiver of the fee, *for their annual Cadillac dinner* as requested by Knights of Columbus #3656, 4947 West Broadway, *for*
- ✓ 4. Consideration of the First Reading of an Ordinance amending Ordinance #90-22 relating to the City Charter (to correct a typo in the date).
- ✓ 5. Consideration of the letter of resignation from the Park & Recreation Advisory Commission of Rollie Smothers.

**Regular Agenda Items**

- ✓ 1. Consideration of an application for appointment to the Advisory Board of the N.W. Hennepin Human Services Council from Marty Gates.

- ✓ 2. Continued consideration of variance request for a free-standing sign for Walgreens at 6918 - 56th Avenue North.
- ✓ 3. Consideration of a request to (a) rezone property from R-3 to R-4, (b) consider building permit, and (c) consider site improvement agreement at 3431 Douglas Drive as requested by Kenneth Ernst.
- ✓ 4. Consideration of a resolution establishing a municipal procurement policy for food service containers.
- ✓ 5. Consideration of a resolution authorizing Minnesota Communities Program Application Commitment Agreement.
- ✓ 6. Consideration of the First Reading of a Personnel Ordinance, Employee Review Committee, and Personnel Rules and Regulations.
- ✓ 7. Continued consideration of the Second Reading of an Ordinance Relating to Salaries of Members of the City Council.
- ✓ 8. Consideration of a salary increase for firefighters and fire officers.
- ✓ 9. Continued consideration of approving contract with Workplace Environments, Inc. for the next phase of City Hall Renovation Project.
- ✓ 10. Consideration of the First Reading of an Ordinance relating to the terms of Advisory Commission members.
- ✓ 11. Consideration of a change in the meeting date/time of the regular City Council meeting of May 21, 1991.
- ✓ 12. Consideration of a resolution approving use of charitable gambling revenue for vertical blinds at Crystal Community Center.
- ✓ 13. Consideration of First Reading of an Ordinance establishing a storm water utility and related resolution on fee schedule.
- ✓ 14. Consideration of approving resolution for contract with Honeywell for Crystal Community Center security system. X

- ✓ 15. Consideration of approving intersection plan at Wilshire Avenue/County Road 81 for submission to Hennepin County.
- ✓ 16. Consideration of the First Reading of an Ordinance relating to law enforcement on Twin Lakes.
- ✓ 17. Discussion of Council per diem expenses.
- ✓ 18. Discussion of a City Flag design.
- ✓ 19. Discussion regarding the purchase of brief cases for Councilmembers for agenda packets.

*20. Consideration of City Manager's salary for 1991.*  
**Open Forum**

**Informal Discussion and Announcements**

- ✓ 1. Public forum summary.
- ✓ 2. Planning Commission informational meeting regarding Housing Maintenance Code, February 13, 1991, at 7 p.m., Community Room, Crystal City Hall.

**Licenses**

**Adjournment**

APPLICATIONS FOR LICENSE  
FEBRUARY 5, 1991

FOOD ESTABLISHMENT - Restaurant (\$275.00 w/o QA Plan

Tony's Submarine Sandwiches, Inc., 5358 West Broadway

FOOD ESTABLISHMENT - Restaurant (exempt)

Volunteers of America at Congregate Dining, 4800  
Douglas Drive.

PERISHABLE FOOD VEHICLE - \$33.00

Good Treat, Minneapolis, MN (2 trucks)

VENDING - Nonperishable (\$10.00)

U-Serve-It, Inc. at Aero Sales, Crystal Airport

FOOD ESTABLISHMENT - Itinerant (\$30.00 1st day + \$12.00  
ea. addnl day)

Norwest Bank, 6225 42nd Ave. February 4-8, 1991,  
Welcome MN Federal clients.

Norwest Bank, 7000 56th Avenue North, March 1 & 2, 91.

FOOD ESTABLISHMENT - Itinerant (exempt)

Metro MN Boy's Volley Ball Booster Club at Crystal  
Community Center, February 10, 1991.

Boy Scout Troop #530 at Elk Lodge, 5410 Lakeland North,  
January 24, 1991, benefit fundraiser, on special agenda

LAUNDROMAT - \$30.25 per year

Emerald Cleaners, 6016 - 42nd Ave. N.

GASOLINE STATION - \$50.00 station + \$7.25 ea. hose conn.

Aero Sales & Supply Company, Crystal Airport

PERMIT FOR WINE & BEER IN PARK OR RELATED FACILITY:

Mark McAlpin, 4824 Florida Ave. No., Crystal on  
February 9, 1991 for a Anniversary Party at the  
Crystal Community Center (5-11 P.M.)

Kenneth P. Johnson, 12415 - 47th Ave. N., Plymouth, MN  
on March 2, 1991 for a wedding reception at the  
Crystal Community Center (6-12 P.M.)



APPLICATIONS FOR LICENSE  
February 5, 1990

GAS FITTER'S LICENSE - \$30.25

Sun Mechanical & Electric Co., 221 Lawn Terrace, Golden Valley, MN 55416

GAS FITTER'S LICENSE - \$30.25 - Renewals

Kleve Heating & Air Conditioning, 13075 Pioneer Trail, Eden Prairie, MN 55344

Bowler Company, 511 E. Lake St., Minneapolis, MN 55408

Bell-Air Heating, 850 W. 106th St., #22, Bloomington, MN 55420

Precise Heating, 15059 91st Ave. N., Maple Grove, MN 55369

Sedgwick Heating & Air Conditioning, 8910 Wentworth Ave. S., Minneapolis, MN 55420

Don Weld Plumbing, 400 Cottonwood Lane, Plymouth, MN 55441

Flare Heating, 9303 Plymouth Ave. N., Golden Valley, MN 55427

Quality Air, Inc., 7907 5th St. NE., Spring Lake Park, MN 55432

Comfort Mechanical, 4721 33rd Ave. N., Golden Valley, MN 55422

Northeast Sheet Metal, 4347 Central Ave. NE, Columbia Heights, MN 55421

PLUMBER'S LICENSE - \$30.25

PLUMBER'S LICENSE - \$30.25 - Renewals

Gadtke Plumbing, 3510 Kilmer Lane, Plymouth, MN 55441

Bowler Company, 511 E. Lake St., Minneapolis, MN 55408

Minnesota Mechanical Inc., 509 Front St., St. Paul, MN 55117

Don Weld Plumbing, 400 Cottonwood Lane, Plymouth, MN 55441

Tom Montzko Plumbing & Heating, 5720 W. 35 ½ St., Minneapolis, MN 55416

Andresen Plumbing, 5600 Wilshire Blvd., Crystal, MN 55429

Lindman Plumbing, 6224 Noble Ave. N. Brooklyn Center, MN 55429

Gavic & Sons Plumbing, 3536 Madison Pl. NE., Minneapolis, MN 55418

SIGN HANGER'S LICENSE - \$66.00

SIGN LICENSE RENEWALS

Colvin Insurance Agency, 6522 56th Ave. N.	15.00
McLaughlin Tax Service, 3419 Vera Cruz Ave. N.	34.50
Uniformly Perfect, 3401 Vera Cruz Ave. N.	15.00
Northwest Family Physicians, 5502 West Broadway	30.00
Tom Thumb #125, 2708 Douglas Dr. N.	15.00
National Advertising, 6048 Lakeland Ave. N.	31.50
Dentists, 3534 Douglas Dr. N.	15.00
United Liquors, 3530 Douglas Dr. N.	30.00
Lens Crafters, 143 Willow Bend	45.00
Douglas Drive Auto Sales, 3201 Douglas Dr. N.	30.00
Twin City Vacuum, 3517 Vera Cruz Ave. N.	30.00
Lamplighter Barber Shop, 2746 Douglas Dr. N.	15.00

Subway, 5557 West Broadway	45.00
Panto-Gravers, Inc., 5515-25 34th Ave. N.	15.00
Hennepin Insurance Agency, 5618 56th Ave. N.	15.00
Crystal Skyways, Crystal Airport	30.00
Premier Motors, 6048 Lakeland Ave. N.	15.00
All Pro Sports, 6418 56th Ave. N.	15.00
Belt Line Pet Hospital, 3443 Vera Cruz Ave. N.	15.00
Norling Motors, 5548 Lakeland Ave. N.	30.00
Wiltec Industries, 5247 Hanson Ct.	15.00
Graphco Securities, 5620 West Broadway	30.00
G. Lewis Jewelers, 5510 West Broadway, Suite F	15.00
Duke's Body Shop, 5170 West Broadway	96.10
General Nutrition Inc., 223 Willow Bend	15.00
Eunice's Beauty Shoppe, 3536 Douglas Dr. N.	15.00
Perkins, 5420 West Broadway	30.78
Tennant Company, 7394 32nd Ave. N.	15.00
Jack's Superette, 7200 56th Ave. N.	30.00
County Seat, 345 Willow Bend	15.00
Minneapolis Drafting School, 5702 West Broadway	15.00
Crystal Square Office Building, 7000 56th Ave. N.	30.00
Crystal Square II, 5701 Kentucky Ave. N.	15.00
Fournier Accessory Furniture, 7301 32nd Ave. N.	15.00
PBM Associates at Park Place, 5430 Douglas Dr. N.	30.00
Crystal Care Center, 3245 Vera Cruz Ave. N.	15.00
Crystal Eye Clinic, 5200 Douglas Dr. N.	45.00
Crystal Vacuums, 6410 56th Ave. N.	15.00
Douglas Terrace Apartments, 3330 Douglas Dr. N.	15.00
Vision World, 5540 West Broadway	15.00
Winnetka Village Development Co., 7700-10-20 36th Ave. N.	30.00
Just Write Office Equipment, 5353 West Broadway	15.00
Fannie May Candy Shops, 5524 West Broadway	15.00
TL Systems, 5253 Lakeland Ave. N.	30.00
Motor Parts, 5140 West Broadway	60.00
Krystal Kourts, 5950 West Broadway	15.00
Rockford Road Hennepin County Library, 6401 42nd Ave. N.	Exempt
Institute for Athletic Medicine, 5502 West Broadway	15.00
Proex Photo Finishing, 5514 West Broadway	15.00
Melford Olson Honey Company, 5201 Douglas Dr. N.	30.00
52 Hi Restaurant, 5640 West Broadway	30.00
Dr. John Gosche, 6209 42nd Ave. N.	30.00
Tim's Tree Service, 5612 Corvallis Ave. N.	15.00
Fantasia Together, 2756 Douglas Dr. N.	30.00
Mona's for Big & Tall Men, 5580 West Broadway	30.00
Crystal Bouquet, 5564 West Broadway	15.00
Ground Round, 6830 56th Ave. N.	62.34
Lanick & Liljegren, 3268 Winpark Dr.	15.00
Pier 1 Imports, 5590 West Broadway	45.00
Northside Appliance, 6522 56th Ave. N.	15.00
Carpet King, Inc., 5445 Lakeland Ave. N.	41.70
Lou Ann Terrace, 7201 36th Ave. N.	15.00
Sun Health-Sun Shoppe, 127 Willow Bend	15.00
Dress Barn, 139 Willow Bend	30.00
Bob's Dairy Store, 4800 Idaho Ave. N.	30.00
Dumarks Garage, 5240 West Broadway	60.00



West Metro Chiropractic, 2756 Douglas Dr. N.	15.00
Tri Town Auto Supply, 3539 Douglas Dr. N.	30.00
Auto Parts Pro of Crystal, 5401 West Broadway	30.00
Skip's Auto Repair, 5343 Lakeland Ave. N.	15.00
Burger King, 3526 Lilac Dr. N.	45.00
MGM Liquor Warehouse, 355 Willow Bend	30.00
Rapid Oil Change, 5602 Lakeland Ave. N.	60.00
Muffler Clinic of Crystal, 5531 Lakeland Ave. N.	30.00
Jim Martin Insurance Agency, 6308 34th Ave. N.	30.00
Rapid Heating, 5514 34th Ave. N.	15.00
Maxwell Aircraft Service, Inc., 5417 36th Ave. N.	61.50
Charles Q. Hillstrom, 3333 Vera Cruz Ave. N.	21.70
Tri Way Realty, 3315 Vera Cruz Ave. N.	15.30
Office Terrace, 3307 Vera Cruz Ave. N.	49.50
Temp's Litho, 3542 Douglas Dr. N.	30.00
Payless Shoes, 331 Willow Bend	15.00
Pro-Air Aviation, Crystal Airport, Lot 22	30.00
Noble Snyder Drug, 4713 36th Ave. N.	75.00
CBF by Pierre, 5222 Hanson Court	15.00
Iron Horse, 5630 Lakeland Ave. N.	60.00
Wash Me, 5160 West Broadway	15.00
Embers, 5756 Lakeland Ave. N.	35.00
Hit or Miss, 133 Willow Bend	45.00
Foot Clinic, 2748 Douglas Dr. N.	15.00
Harold Herman Furniture, 3159 Vera Cruz Ave. N.	53.50
Campion Associates, 6402 56th Ave. N.	15.00
Bill's Economy Glass, 5353 Lakeland Ave. N.	15.00
Jonathon Dental, 313 Willow Bend	15.00
Wally's Barber Shop, 5434 Douglas Dr. N., Suite 3	15.00
Crystal Gallery, 5510-5594 West Broadway	87.42

Hand-delivered 2-5-91  
D.H.

Dear Mayor Herbes,

Thank you so much for allowing us to attend the City of Crystal Council meeting. Boy Scout Troop 289 is based in Crystal however, we also have Scouts from Robbinsdale, Plymouth, New Hope, Golden Valley, and Minneapolis. The Troop is sponsored by the Robbinsdale Lions Club.

Boy Scouting is much more than camping and learning about the outdoors. Scouting is interested in the development of young boys into becoming good citizens. One of the merit badges we are working on now is Citizenship in the Community, and the reason we are here tonight. We have spent the last three weeks learning about the operations of our cities as well as studying the city budget. Attending a council meeting is also one of the requirements. This badge helps the Scouts understand local government, when the schools place more of an emphasis on National and State issues.

Troop 289 is also involved with community affairs by participating in the adopt a highway program, sponsored by the D.O.T. Three times each year the troop picks up garbage along a two mile stretch of Hwy.169. This section of highway is identified as Boy Scout Troop 289 Crystal Minnesota. Even though we draw boys from a large area we like to call Crystal Home.

Thanks again for us to be able to attend the Council Meeting, and to see how city government works.

Sincerely Toop 289 Kal Elfering Scoutmaster.

January 15, 1991

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Pursuant to due call and notice thereof, the Regular meeting of the Crystal City Council was held on January 15, 1991 at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present: Moravec, Irving, Grimes, Herbes, Langsdorf, Joselyn; absent: Carlson. Also in attendance were the following staff members: Jerry Dulgar, City Manager; Nancy Gohman, Assistant Manager; Dave Kennedy, City Attorney; William Monk, Public Works Director; Bill Barber, Building Inspector; Darlene George, City Clerk.

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

The Mayor acknowledged a contribution from Doyles Bowling Lanes (Minnesota State Bowling Proprietors Association) in the amount of \$1,300 to be used for youth activities in the Park & Recreation Department.

The City Council considered the minutes of the Regular City Council meeting of January 2, 1991.

Moved by Councilmember Joselyn and seconded by Councilmember Irving to approve the minutes of the Regular City Council Meeting of January 2, 1991.

Motion Carried.

The City Council considered the following Public Hearing:

1. It being 7:00 p.m., or as soon thereafter as the matter may be heard, Mayor Herbes declared this was the date and time as advertised for a public hearing at which time the City Council will consider proposed improvements to 36th Avenue between Welcome Avenue and Louisiana Avenue. The Mayor asked those present to voice their opinions or to ask questions concerning this matter. Those present and heard were: Pete Carlson of Rieke, Carroll, Muller Associates, Inc. (RCM); Tom Shiek, 6000-02 - 36th Avenue North; Bonnie Menshek, 5607 - 36th Avenue North; Gail Stanius, 5711 - 36th Avenue North; Reuben Lundquist, 3548 Jersey Avenue North; Adrian Rygg, 4120 Brunswick Avenue North; Dan Newman, 6003 - 36th Avenue North; and Barry Kline, 5905 - 36th Avenue North.

The Mayor closed the Public Hearing.

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. 91-2

January 15, 1991

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RESOLUTION RELATING TO PUBLIC  
IMPROVEMENTS: ORDERING THE  
CONSTRUCTION OF IMPROVEMENT PROJECT  
91-1 (36TH AVENUE NORTH)

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

The Mayor called a recess at 8:30 p.m. and the meeting was reconvened at 8:40 p.m.

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

1. The City Council considered a variance to expand a non-conforming sign (non-conforming in size) at 5400 West Broadway (McDonalds) as requested by Al Sterner of Attracta Signs. Al Sterner, Attracta Signs, appeared and was heard.

Moved by Councilmember Moravec and seconded by Councilmember Irving to approve authorization to grant a variance to expand a non-conforming sign, said non-conformity being the existing sign (198.4 sq. ft.) does not meet the required setback of 24 feet from the property line, and to grant a variance of 21 ft. 2 inches in the required 28 ft. setback for a proposed 248 sq. ft. sign at 5400 West Broadway (McDonalds) as requested by Al Sterner of Attracta Signs.

Motion Carried.

2. The City Council considered a variance to the setback requirements for a free-standing sign at 6918 - 56th Avenue North (Walgreens) as requested by Semper Holding.

Moved by Councilmember Irving and seconded by Councilmember Grimes to continue until February 5, 1991 the discussion of authorization to grant a variance of 11 ft. to the required 21 ft. setback to allow a free standing sign to be installed at 6918 - 56th Avenue North advertising businesses at 6918 - 56th Avenue North and 6924 - 56th Avenue North as requested by Semper Holding, and further that a free standing sign will not be permitted at 6924 - 56th Avenue North for the duration of the combined signage.

Motion Carried.

3. Fred Hoisington of Hoisington Group, Inc. appeared before the Council to discuss the amendment to a contract with Hoisington Group, Inc. to include Image Concepts as part of the Comprehensive Plan. Also appearing was Harold Skjelbostad who spoke relative to Image Concepts.

Moved by Councilmember Irving and seconded by Councilmember Joselyn to approve an amendment to the existing contract with Hoisington Group, Inc. for the Comprehensive Plan to include



January 15, 1991

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the Image Concepts, an Additional Plan Text, at a cost of \$8,500, thus, amending the total contract price from \$44,500 to \$53,000.

Motion Carried.

4. The City Council considered the Second Reading of an Ordinance Relating to Salaries of Members of the City Council.

Moved by Councilmember Joselyn and seconded by Councilmember Langsdorf to continue consideration of the Second Reading of an Ordinance Relating to Salaries to Members of the City Council to the February 5, 1991 City Council meeting and direct staff to redraft the ordinance to be consistent with the action taken by the City Council (to exclude from the 1991 Budget the 5 percent increase in Council salaries scheduled to go into effect January 1, 1991) at its meeting of December 18, 1990.

Motion Carried.

5. The City Council considered a contract with Workplace Environments, Inc. for the next phase of City Hall Renovation Project.

Moved by Councilmember Irving and seconded by Councilmember Grimes to continue until February 5, 1991 the discussion of entering into a contract with Workplace Environments, Inc. to develop a detailed plan for the expansion and remodeling of the City's present offices so action may be taken with a full Council in attendance.

Motion Carried.

6. The City Council considered approval of the final payment to Donlar Construction Company for the Crystal Community Center.

Moved by Councilmember Joselyn and seconded by Councilmember Irving to approve the final payment in the amount of \$1,985 for the construction of the Crystal Community Center as recommended by the Public Works Director.

Motion Carried.

7. The City Council considered a resolution amending the original Joint Powers Agreement authorizing membership of the City in Pets Under Police Security (PUPS) and appointing a Director and Alternate Director to be on the PUPS Board of Directors.

- A. 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. 91-3

RESOLUTION RELATING TO ANIMAL  
CONTROL: AMENDING RESOLUTION NO. 90-54



January 15, 1991

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AUTHORIZING MEMBERSHIP OF  
THE CITY IN PETS UNDER  
POLICE SECURITY (PUPS)

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

- B. Moved by Councilmember Langsdorf and seconded by Councilmember Irving to appoint City Manager Jerry Dulgar as Director and Police Chief James Mossey as Alternate Director on the Pets Under Police Security (PUPS) Board of Directors.

Motion Carried.

8. The City Council considered a recommendation from the Economic Development Authority Advisory Commission to remove Anthony Brace, 4169 Adair Avenue North, from the Commission due to excessive absences.

Moved by Councilmember Joselyn and seconded by Councilmember Grimes to approve a recommendation from the Economic Development Authority Advisory Commission to remove Anthony Brace, 4169 Adair Avenue North, from the Commission due to excessive absences.

Motion Carried.

9. The City Council continued the consideration of the designation of an official newspaper for the City of Crystal for the year 1991.

Moved by Councilmember Langsdorf and seconded by Councilmember Moravec to designate Crystal/Robbinsdale Post News as the official newspaper for the City of Crystal for the year 1991.

Motion Carried.

10. The City Council considered a resolution approving Joint Power Agreement with Robbinsdale and Brooklyn Center for Enforcement of Ordinances on Twin Lake.

Moved by Councilmember Joselyn and seconded by Councilmember Moravec to adopt the following resolution, the reading of which was dispensed with by unanimous consent, with Police Chief Mossey being appointed the Representative on the Board of Directors:

RESOLUTION NO. 91-4

RESOLUTION RELATING TO LAW  
ENFORCEMENT: AUTHORIZING MEMBERSHIP OF  
THE CITY IN THE TWIN LAKES JOINT  
POWERS ORGANIZATION

January 15, 1991

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

11. The City Council considered the 1991 Contract with Union Local #49 (Heavy Equipment Operator, Mechanic, Light Equipment Operator, Sewer/Water Maintenance Worker and Parkkeeper) and the City of Crystal.

Moved by Councilmember Irving and seconded by Councilmember Joselyn to approve the 1991 Contract with Union Local #49 (Heavy Equipment Operator, Mechanic, Light Equipment Operator, Sewer/Water Maintenance Worker and Parkkeeper) and the City of Crystal as recommended by the Assistant Manager.

Motion Carried.

12. The City Council considered the 1991 salaries and insurance for non-organized employees of the City of Crystal.

Moved by Councilmember Irving and seconded by Councilmember Langsdorf to approve staff's recommendation of a 4 percent increase for the 1991 salaries and an increase in the City's health and life insurance contribution of \$25, from \$220 to \$245, for non-organized employees of the City of Crystal, retroactive to January 1, 1991.

Motion Carried.

Moved by Councilmember Moravec and seconded by Councilmember Langsdorf to approve the list of license applications as submitted by the City Clerk to the City Council, a list of which is on file in the office of the City Clerk, and further, that such list be incorporated into and made a part of this motion as though set forth in full herein.

Motion Carried.

The Mayor called a five minute recess at 10:00 p.m. and advised the audience and television viewers that at 10:05 p.m. the City Council would go into Executive Session to discuss the lawsuit with Veit & Company, Incorporated regarding a contract for work performed on Memory Lane Pond.

The Executive Session was closed and the Regular Council Meeting reconvened at 10:55 p.m.

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

Motion Carried.

Meeting adjourned at 10:58 p.m.

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Mayor

January 15, 1991

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ATTEST:

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City Clerk

1-22-91  
E. Thonander

# APPLICATION FOR LICENSE

4141 Douglas Drive, Crystal, Minnesota 55422

HONORABLE CITY COUNCIL  
CRYSTAL, MINNESOTA

GENTLEMEN:

I WE Boy Scouts #530  
(Elks) 5410 Lakeland Ave N  
Crystal, MN

Fee, \$ EXEMPT

New ..... Renewal .....

Telephone .....

enclose the sum of EXEMPT ..... 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

Boy Scout Troop #530 ..... hereby make application to

Benefit fundraiser at the Elks Lodge

for the period January 24, 1991 through January 24, 1991 subject to all  
conditions and provisions of said Ordinance.

City Use Only

Ed Thonander  
PRINT SIGNER'S NAME

Ed Thonander

Signature of Applicant

OK  
JW  
1-22-91

## CRYSTAL, BROOKLYN CENTER HEALTH DEPARTMENT

4141 Douglas Drive, Crystal, Minnesota 537-8421

THIS FORM IS TO BE COMPLETED AND TURNED IN WITH LICENSE APPLICATION

1. NAME OF EVENT:

Location:

Date:

Time:

Organization:

2. PERSON IN CHARGE OF FOOD HANDLING:

Name:

Address:

Daytime Phone:

Home:

Business:

3. MENU

- a. Please be explicit regarding menu (i.e. if soup is being served, state what kind).
- b. Include all items you will be serving, including condiments and beverages.

FOOD:PURCHASED FROM:COMMERCIALLY PREPARED:YESNO

- a. Beef. Frenzels.
- b. Cole Slaw Monarch-SySCO.
- c. Potatoes cub
- d. May cub.
- e. Carrots. Monarch SySCO.
- f. Cake. made by members.
- g.

<u>YES</u>	<u>NO</u>
X	
X	
X	
X	
	X

4. FOOD STORAGE:

Be explicit regarding type of storage (i.e. walk-in cooler, refrigerated truck or home-type refrigerator).

Comm. Refrig.

5. EQUIPMENT:

State hot holding devices used, such as steam tables, roasters and other equipment such as slicers and grinders.

Roasters - chaffing Dish.

The Person in charge of the event is responsible for proper food handling, good hygienic practices of workers and should contact the Health Department for reviewal of proper food handling procedures prior to the event.

If there are any questions, please call 537-8421.



# **HOT ROAST BEEF SANDWICH**

**w/Potato, Gravy, Vegetable,  
~~Salad Bar~~, and Dessert**

HELP SUPPORT 15-YEAR OLD PAUL ORVIS

TO ATTEND THE WORLD BOY SCOUT JAMBOREE

ONLY \$4.50 PER PLATE (\$3.50 KIDS)

Crystal Elks Lodge #44 at 5410 Lakeland Avenue North

533-8360

**January 24, 1991**

**6:00-8:00 pm**

**Enter To Win 1 Of 5 Door Prizes!**

# APPLICATION FOR LICENSE

4141 Douglas Drive, Crystal, Minnesota 55422

1-17-91

Receipt given

HONORABLE CITY COUNCIL  
CRYSTAL, MINNESOTA

COUNCILMEMBERS:

FE Norwest Bank  
Cathy Rusch  
6225 Douglas Drive  
Crystal, MN 55422

Fee, \$ 30.00 1st day + \$12.00  
each addnl day  
New Itinerant  
Renewal  
Telephone 536-5839

enclose the sum of SEVENTY EIGHT AND 00/100 DOLLARS  
to the City of Crystal as required by the Ordinances of said City and have complied with all the  
requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, I

Norwest Bank, Cathy Rusch hereby make application to  
operate an Itinerant Food Establishment at 6225 Douglas Drive

for the period Feburuary 4, 1991 through February 8, 1991 subject to all  
conditions and provisions of said Ordinance.

City Use Only

Catherine M. Rusch  
Print Name of Applicant

Catherine M. Rusch  
Signature of Applicant

CRYSTAL, BROOKLYN CENTER HEALTH DEPARTMENT

4141 Douglas Drive, Crystal, Minnesota 537-8421

THIS FORM IS TO BE COMPLETED AND TURNED IN WITH LICENSE APPLICATION

1. NAME OF EVENT: To Welcome First Minnesota to Northwest Bank  
Location: 10225 Douglas & 42nd City: Crystal  
Date: February 4-8  
Time: M-Th 9:00-5:00 F-9:00-6:00  
Organization: Northwest

2. PERSON IN CHARGE OF FOOD HANDLING:

Name: Patricia Busch  
Address: 10225 42nd Ave North  
Daytime Phone: Home: \_\_\_\_\_ Business: 536-5889

3. MENU

- a. Please be explicit regarding menu (i.e. if soup is being served, state what kind).  
 b. Include all items you will be serving, including condiments and beverages.

FOOD:

PURCHASED FROM:

COMMERCIALY PREPARED:

		YES	NO
a.	<u>Coffee</u>	<u>X</u>	
b.	<u>Cake</u>	<u>X</u>	
c.			
d.			
e.			
f.			
g.			

4. FOOD STORAGE:

Be explicit regarding type of storage (i.e. walk-in cooler, refrigerated truck or home-type refrigerator).

N/A

5. EQUIPMENT:

State hot holding devices used, such as steam tables, roasters and other equipment such as slicers and grinders.

N/A

The Person in charge of the event is responsible for proper food handling, good hygienic practices of workers and should contact the Health Department for reviewal of proper food handling procedures prior to the event.

If there are any questions, please call 537-8421.



# Knights of Columbus

FATHER WILLIAM BLUM COUNCIL, No. 3656

4947 West Broadway

Crystal, Minnesota 55429

January 14, 1991

City Clerk  
City of Crystal  
4141 Douglas Drive North  
Crystal, MN 55422

Dear Madam:

This organization is requesting that you place on the agenda our request for a 1-day liquor license as detailed in the enclosed application--the occasion is the annual Cadillac dinner.

We are also requesting that you waive any fees involved.

Thank you.

Sincerely yours,

KNIGHTS OF COLUMBUS

By Richard Risvold,  
Manager

:Enc.

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



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

## TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <u>Knights of Columbus #3656</u>		DATE ORGANIZED <u>1963</u>	NO. OF MEMBERS <u>1710</u>	TAX EXEMPT NUMBER <u>501 (c) (8)</u>	
STREET ADDRESS <u>4947 West Broadway,</u>		CITY <u>Crystal</u>		STATE <u>MN</u>	ZIP CODE <u>55429</u>
NAME OF PERSON MAKING APPLICATION <u>Richard Risvold</u>		BUSINESS PHONE <u>(612) 537-1492</u>		HOME PHONE <u>(612) 537-2084</u>	
DATES LIQUOR WILL BE SOLD? (1 TO 3 DAYS) <u>1-day -- April 5, 1991</u>		DOES ORGANIZATION HAVE A CHARTER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		GENERAL PURPOSE OF ORGANIZATION <u>Fraternal Organization</u>	
ORGANIZATION OFFICER'S NAME <u>Donald Churilla, Grand Knight</u>		ADDRESS <u>5620 - 42nd Ave. N., Robbinsdale, MN 55422</u>			
ORGANIZATION OFFICER'S NAME <u>Raymond Flannery, Deputy Grand Knight</u>		ADDRESS <u>5925 Hampshire Ave. N., Mpls, MN 55428</u>			
ORGANIZATION OFFICER'S NAME <u>Stephen Schugg, Chancellor</u>		ADDRESS <u>15136 - 74th Ave. N., Maple Grove, MN 55369</u>			

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

Knights of Columbus hall -- 4947 West Broadway, Crystal, MN 55429

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

NoWill the applicant carry liquor liability insurance? If so, the carrier's name and amount of coverage.  
(Note: Insurance is not mandatory)Tower Insurance Co. -- 100,000.00 -- 300/000.00

## APPROVAL

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

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



**HOLMES & GRAVEN**  
**CHARTERED**

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

**DAVID J. KENNEDY**  
Attorney at Law

Direct Dial (612) 337-9232

January 31, 1991

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

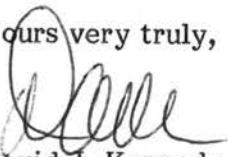
Re: Ordinance - Amending Ord. No. 90-22

Dear Jerry:

Enclosed find an ordinance correcting a typographical error in Ordinance No. 90-22, the charter amendment eliminating the Civil Service Commission.

I don't think the wrong date causes any problems, but I do want to be sure that the records on this charter change are correct.

Yours very truly,



David J. Kennedy

DJK:caw

Enclosure

cc: Jack Irving

ORDINANCE NO. 91-\_\_\_\_\_

AN ORDINANCE RELATING TO CITY GOVERNMENT:  
AMENDING ORDINANCE NO. 90-22

THE CITY OF CRYSTAL ORDAINS:

Section 1. Ordinance 90-22, duly adopted by the City Council, was intended by the Council to be effective on February 1, 1991.

Sec. 2. A typographical error in Ordinance 90-22 provides that the ordinance is effective on February 1, 1990.

Sec. 3. Ordinance No. 90-22 is amended by changing the effective date from February 1, 1990 to February 1, 1991.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

Rollie Smothers  
6315-55th Ave. North Apt. 215  
Crystal, Mn. 55428

January 10, 1991

Honorable Betty Herbes  
Council Members  
City of Crystal  
4141 Douglas Drive  
Crystal, Mn. 55422

Dear Mayor Herbes and Council Members:

Please accept my resignation from the Crystal Park and Recreation  
Advisory Commission.

I find it impossible to commit the time necessary to serve on this  
active and extremely important commission.

I would like to thank you for the opportunity to serve the community.

Sincerely, *Rollie Smothers*

Rollie Smothers

CITY OF CRYSTAL

APPLICATION FOR APPOINTMENT TO THE

*Northwest Hennepin Human Services Advisory*  
COMMISSION

Name MARTHA (MARY) GATES Address 5108-48<sup>th</sup> Ave No Crystal 55429  
Zip #

Phone (home) 612/533-8917 (Office) 612/297-3465

Resident of Crystal Since (year) 1958

Occupation Community Organizer Employer State of Minn.

Education: (please indicate highest grade completed or highest degree and major course of study) B.S. Univ. of Minn. & graduate work Social Work & Community Organization

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

Crystal Civil Service Commission

Crystal Park & Recreation Commission

Ad. Directors Northwest Branch American Red Cross

Founder & former director of area service agency

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

I have been an active member of Northwest area community since 1958 & have worked to establish & coordinate networks of social service for this area. I feel strongly about the needs that are present in this area & feel I have skills & knowledge to share

Date Submitted: 1/21/91, 19 91

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

APPLICATION FOR APPOINTMENT TO THE:

NORTHWEST HENNEPIN HUMAN SERVICES COUNCIL'S ADVISORY COMMISSION

NAME: MARTHA (MARTY) GATES DATE: 1/21/91

ADDRESS: 5108 - 48<sup>th</sup> Ave No. Crystal, Mn

HOME TELEPHONE: 612/533-8917 ZIP CODE: 55429

WORK TELEPHONE: 612/297-3465

I HAVE BEEN A RESIDENT OF THIS CITY FOR 33 YEARS.

I UNDERSTAND THE IMPORTANCE OF REGULAR ADVISORY COMMISSION MEETING ATTENDANCE AND PARTICIPATION. I FEEL I HAVE THE TIME AVAILABLE TO BE AN ACTIVE PARTICIPANT:

YES: X NO: \_\_\_\_\_

PLEASE LIST PAST OR PRESENT CIVIC OR VOLUNTEER ORGANIZATION MEMBERSHIPS, PARTICULARLY THOSE WHICH MAY BE RELEVANT TO THE APPOINTMENT YOU ARE SEEKING:

Civil Service Commission - City Crystal

Crystal Park & Recreation Commission

PLEASE, BRIEFLY, DESCRIBE OTHER QUALIFICATIONS, EXPERIENCE, EDUCATION, OR SPECIAL INTERESTS WHICH YOU WOULD LIKE THE CITY COUNCIL TO CONSIDER FOR THE APPOINTMENT YOU ARE SEEKING:

Founder & director for 12 years of area social service agency & worked toward development of coord. of area services

PLEASE LIST ANY PARTICULAR HUMAN SERVICE ISSUES, NEEDS, OR PROBLEMS THAT YOU FEEL STRONGLY ABOUT:

Homeless, Child Care & emergency service needs

BRIEFLY, WHY DO YOU WANT TO SERVE ON THE NWHHSC ADVISORY COMMISSION?

I feel I have skills & knowledge that could add to goals of the Advisory Commission


IF I AM APPOINTED, I AGREE TO AUTHORIZE THE SHARING OF THE INFORMATION ON THIS SHEET WITH THE NORTHWEST HENNEPIN HUMAN SERVICES COUNCIL.

YES: X NO: \_\_\_\_\_

SIGNATURE: Marty Gates

SUBMIT TO: CITY HALL



DATE: January 29, 1991  
TO: Jerry Dulgar, City Manager  
FROM: Bill Barber, Building Inspector   
SUBJECT: 6918 56th Ave. N.  
Walgreen's  
Plan Case #91-3

Semper Holding is requesting a variance to the City Sign Ordinance to allow a free standing sign to be located within 10 feet of the property line in lieu of the required 21 foot setback.

The sign being proposed will be advertising both Walgreen's and Gold Eagle Laundry. By doing this, the laundromat sign existing would need to be removed but this in turn does reduce the number of free standing signs along Bass Lake Road. I might suggest that if this request is granted, that it be stipulated that no free standing sign be permitted on 6924 56th Ave. N. as long as it advertises on the sign at 6918 56th Ave. N.

The sign as proposed should not create a problem with visibility on the corner since there is at least 14 feet clear below. This meets the code relative to the visibility triangle.

We have several other signs in the area which have been granted setback/size variances. Should you have any questions, the owner should be there as well as I on Tuesday night.

At the Council meeting on January 15 the Council continued action until the February 5 meeting. The Council asked that we look at other alternatives relative to location of the proposed sign. To move the sign back into the sidewalk area would put the sign approximately 40 feet from the property line. If the sign were to be moved back to meet the 21 foot setback, this would put the sign in the middle of the parking lot. This would eliminate the additional parking which has already been granted a variance.

kk



164 S.F. SIGN FACE

MAX. HEIGHT = 31'-0"  
REQ'D SETBACK = 21'-0"  
FROM PROPERTY LINE.

128'±0'

**Tone Indicates Existing  
Concrete and Bituminous**

**Pylon Sign See Sheet A5.1**

Existing Structure  
to be Removed

**Existing Siderweld:**

156,852

**64 Parking Stalls Provided**  
**Bituminous Surface Parking Area**

## 22-10 BUILDING SETBACK:

5'-of Utility Easement

**Existing Curb Cut  
To be Removed**

56th Ave. North (Bass Lake Road)


## Relocated Curly Cut

**For Grading & Drainage  
See C0.2**

For Utilities See C0.3

DATE: January 29, 1991

TO: Jerry Dulgar, City Manager

FROM: Bill Barber, Building Inspector 

SUBJECT: Request to Rezone 3431 Douglas Dr. N. from R-3 to R-4 and Authorization to Issue Building Permit for Same

Kenneth Ernst is ~~requesting rezoning~~ of the above noted property to allow for a 7 unit apartment building. The property is ~~currently zoned R-3~~, which allows up to four units. R-4 would allow any number of units provided it complies with the density requirements of the Zoning Ordinance.

This property has approximately 33,682 square feet which would allow 11 plus units based on lot area per unit. Mr. Ernst is only proposing 7 units. As you can see by the site plan, he is proposing an 8 stall garage with a trash container enclosure attached, in addition to 8 parking spaces. The Zoning Ordinance requires two spaces per unit, one of which must be enclosed.

~~The apartment building is a structure which will be moved in. This building was originally located in Golden Valley. I have inspected the building structurally and found it to be in very good condition. The State Building Code also requires that any building moved into a jurisdiction shall comply with the provisions of the Code as for new buildings. Based on that, all building, plumbing, mechanical, electrical and energy requirements must be complied with.~~

As you can see by the site plan, the back portion of the lot will be left undisturbed. There is a hill in the back with a number of trees which will remain, the parking lot will be hard surfaced with required perimeter curbing along the driveway and around the parking lot. Drainage is proposed to flow out to Douglas Dr.

Mr. Ernst is also ~~requesting approval~~ for a building permit so that he can proceed with getting the foundation and lower units in so that he can set the structure on the site.

Mr. Ernst will have pictures of the building before it was moved so that you can see what the building will look like once completed.

~~Mr. Ernst will be present~~ to answer any questions you may have at the meeting.

#### UPDATE FROM PLANNING COMMISSION

On January 14, 1991 the Planning Commission held the public hearing to consider the rezoning request. There were four different property owners that were present and heard. Their concerns were:

1. How if any would this change the drainage along the back.
2. That as few trees as possible be removed for construction.
3. How would this affect any wildlife.

The Planning Commission recommendation was to rezone from R-3 to R-4 on a 5-3 vote with two members absent. Their findings of fact were:

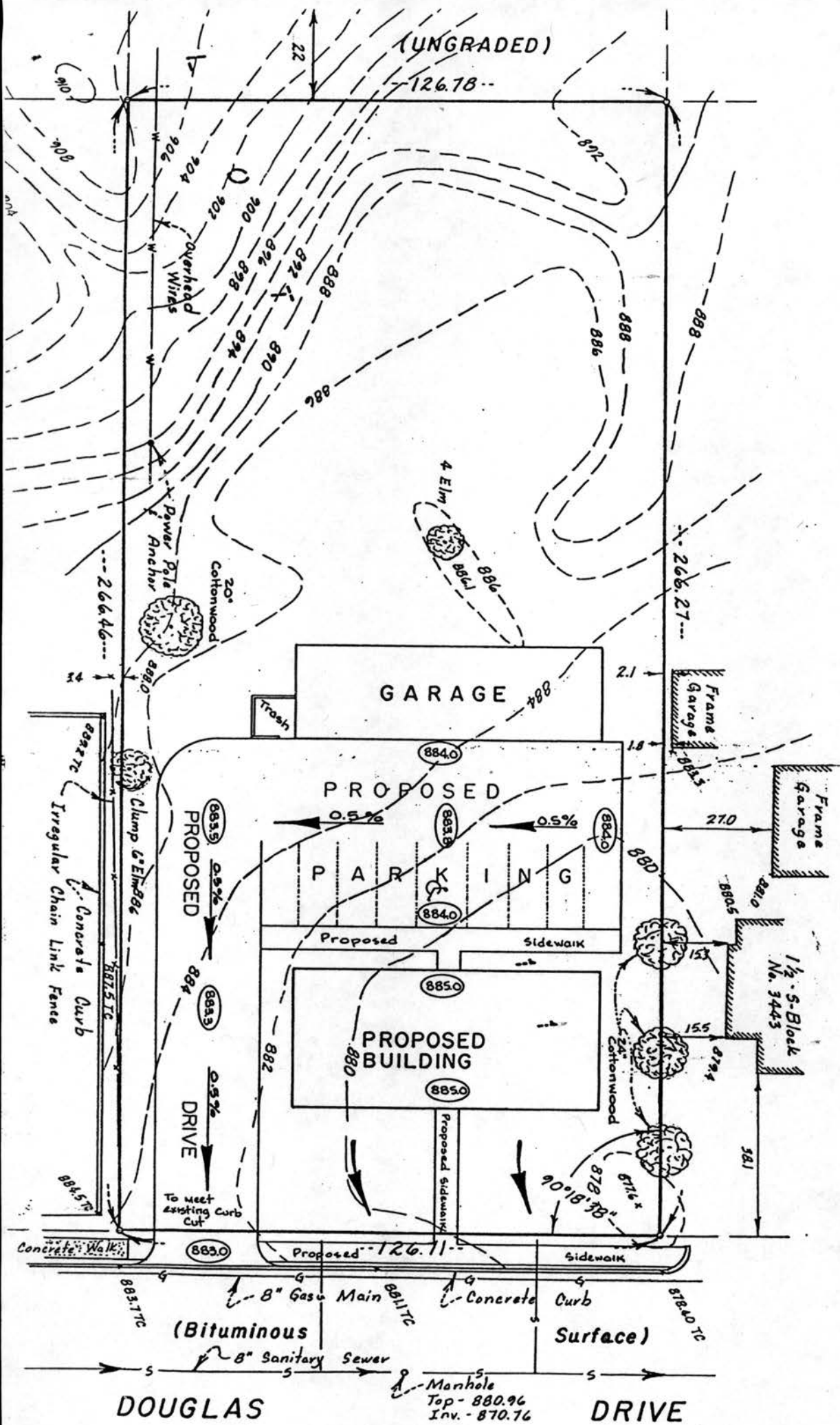
1. Good use of the property
2. Smaller development than previously proposed which allows the back of the site to stay as a natural area.
3. The natural area between the apartment building and the single family homes creates a buffer.

The recommendation of the Planning Commission also was to approve the building permit which was on a 5-3 vote with two members absent.

Mr. Ernst did ask if the Planning Commission would have a problem if he were to reverse the layout putting the driveway on the north side of the lot. This would allow the use of the natural slope of the lot to be used for drainage thus eliminating the need for as much fill on the north side to get drainage to flow to the south. They did not have a problem with that proposal. I did check with the City Engineer regarding this proposal and he felt that it would not be a problem.

kk





Land

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 \_\_\_\_\_, 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 located at 3431 Douglas Drive.

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

- Close 1 driveway opening in curb and repair street adjacent Acquire Hennepin County permit for same.
- Construct 1 curb opening at driveway and repair street adjacent. Acquire Hennepin County permit for same.
- Construct concrete driveway apron across boulevard.
- Construct V6 cast-in-place or B-612 concrete barrier curb around bituminous parking area.
- Construct parking area, access aisles and drives with a minimum of 6" Class 5 base and 2" bituminous surface.
- Stripe parking stalls with white paint.
- Erect handicap parking stall sign(s) as required by Code.
- Construct storm sewer and appurtenances to collect and dispose of all surface water on the site.
- Construct pedestrian sidewalk to building.
- Erect stop sign at exits from parking area.
- Designate and sign fire lanes.
- Note how area lighting if proposed will conform to Section 515.07, Subd. 10, of the Crystal City Code.
- Landscape all open and disturbed areas.
- Provide all lot irons in place and to grade at the time of final acceptance.

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

That construction work be completed prior to issuance of the occupancy permit but not later than 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 \$19,000 to insure the faithful performance of the above construction work and requirements, said surety to be in the form and manner as prescribed by law.

IN WITNESS WHEREOF we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

SEAL

ATTEST:

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

CITY OF CRYSTAL

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY MANAGER

IN THE PRESENCE OF:

\_\_\_\_\_  
SECOND PARTY

\_\_\_\_\_  
SECOND PARTY

DATE: January 30, 1991  
TO: Jerry Dulgar, City Manager  
FROM: Julie Jones, Recycling Coordinator  
SUBJECT: Purchase of Paper Drinking Cups

It has recently been brought to my attention by the Finance Director that the City Council's policy to cease the purchase of styrofoam containers has created a substantial cost increase for the City. Paper cups with a handle (a handle is needed for hot drinking materials) cost the City six times more than the previously used styrofoam cups. Since you have asked all staff members to make recommendations on how the City can reduce costs, I feel this is one of the purchase options we should re-evaluate.

My other concern regarding the ban on styrofoam cups and containers at City Hall evolves from the fact that all information I have been able to obtain regarding the foam versus paper cup issue points toward the reality that styrofoam (polystyrene) is actually a more environmentally-sound alternative than paper products. I have attached excerpts of information received from representatives of both the plastics and paper industry.

For many years polystyrene products have been noted as a material hazardous to the environment since the material is not biodegradable and in the past was manufactured with chlorofluorocarbons (CFCs) carbons. However, foam cups have not been manufactured with CFCs for many years. It is true that foam cups are not biodegradable, but paper cups with a wax or plastic coating (necessary to retain liquid) are not biodegradable either. Biodegradability is really no longer an issue, anyway, since almost all of our area's waste is incinerated.

I, therefore, investigated the by-products of incineration for both materials. Studies show that less harmful emissions result from the incineration of styrofoam than the emissions of paper products.

The energy necessary to manufacture each product, as well as, the hazardous by-products of the manufacture process for each material are an important aspect to consider when determining the most ecologically-sound alternative. All reports that I received showed that the manufacturing of foam cups requires less non-renewable resources than the paper alternative. The production of paper cups also requires the use of many more chemicals than the foam cup production process. These chemicals typically end up in the water waste stream.



The main reason why I feel that polystyrene containers are superior to the paper alternative is that local efforts are now in place to recycle the polystyrene material. All experts in the paper industry, whom I have spoke to, indicate that it is unlikely that paper food containers will ever be recyclable. This is due to the fact that once the products are contaminated with food or coated with a sealant, such as wax or plastic, they cannot be recycled into new paper products under today's technology. Composting of paper products is being tested currently, however, composting tends to be an expensive waste reduction alternative.

Therefore, I am recommending that the Crystal City Council strongly consider reversing their policy on the purchase of styrofoam cups and containers. It is extremely important that the City Council take an educated stance on this issue, since the City will be setting an example for the rest of the community. I will be drafting a Resolution, which may be considered at the February 5 Council meeting designed to supercede Resolution 90-31 (attached).

kk



**REASONS WHY POLYSTYRENE MAY BE A MORE ENVIRONMENTALLY  
SOUND ALTERNATIVE THAN PAPER:**

1. Paper contaminated with food cannot be recycled.
2. Polystyrene foam consumes 30% less energy than its paper equivalent.
3. Polystyrene foam results in 46% fewer atmospheric emissions than its paper equivalent.
4. Polystyrene foam results in 42% less waterborne wastes.
5. Plastic, pound for pound, can hold more liquid than same amount of glass.
6. Only .27% of MSW (by volume) is polystyrene food packaging.
7. Only 1% of crude oil is being used to make plastics.
8. Foam cups are now 100% CFC-free.
9. Polystyrene is now being recycled through various pilot projects in the state and is a likely candidate for new plastics added to residential curbside programs in the near future.

Also paper cups cost four times more than styrofoam cups.

JJ:jt

# IMPORTANT FACTS CONCERNING THE ENVIRONMENTAL IMPACT OF FOAM CUPS

## FOAM CUPS ARE CFC FREE

**FACT** Dart foam cups are not now and never have been manufactured with chlorofluorocarbons (CFCs).

## RECYCLING

**FACT** Polystyrene foam is now being recycled in several parts of the country (e.g. Leominster, Massachusetts, Portland, Oregon). In addition, major polystyrene manufacturers recently announced a plan to form the National Polystyrene Recycling Company (NPRC) with a goal to recycle 25% of all disposable polystyrene products (e.g. foam cups) by 1995, more than the current rate of paper and glass recycling. NPRC will establish five regional recycling facilities over the next year. Dart has already expressed an interest in operating one of the regional facilities.

**FACT** Paper cups are neither made of recycled content nor themselves recycled.

## ENERGY USAGE

**FACT** Despite their manufacture from petro-chemicals, foam cups require less non-renewable resources in their manufacture than do paper cups.

## LANDFILL DISPOSAL

**FACT** Polystyrene foam foodservice products constitute approximately 1/1000 of 1% (.0025) by weight of municipal solid waste.

**FACT** When buried in a landfill, foam cups are as stable and harmless as rocks, concrete and other inert fill. When stabilization is maintained, the surface of a landfill can later be utilized for real estate construction or park development for the surrounding community.

**FACT** Paper cups are coated with wax, polyethylene or other non-biodegradable material and are therefore, essentially no more degradable than foam cups.

**FACT** Degradable materials, not inert foams, frequently lead to dangerous methane gas release and ground water contamination.

## WASTE-TO-ENERGY INCINERATION

**FACT** Foam cups are composed only of carbon and hydrogen and provide a clean burning fuel for municipal waste-to-energy incinerators. When properly incinerated, they do not pollute our water or air or produce toxic emissions.

**FACT** Polystyrene foam actually speeds the reduction of wet garbage and other solid wastes in municipal waste-to-energy incinerators. The energy generated by the incineration of polystyrene foam cups and other solid wastes provides heat and light for neighboring communities.



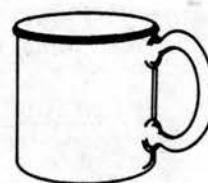
**DART CONTAINER CORPORATION**

MASON, MICHIGAN 48854

FOR INFORMATION CALL (517) 676 3800 • 800-248-5960



# WHICH CUP SCORES BEST WITH OUR ENVIRONMENT?



ENVIRONMENTAL IMPACT		FOAM PLASTIC	CHINA/GLASS	PAPER
ENERGY CONSERVATION <sup>1</sup>	✓	<b>VERY HIGH:</b> Needs relatively little energy to make	<b>POOR:</b> Needs high energy to run kilns and wash for reuse	<b>POOR:</b> Requires high energy to run mills
WATER CONSERVATION <sup>2</sup>	✓	<b>EXCELLENT:</b> Little required	<b>POOR:</b> Needs large quantities to make and wash	<b>POOR:</b> Requires large quantities to make
WASTE-TO-ENERGY CONVERSION <sup>3</sup>	✓	<b>EXCELLENT</b>	<b>NONE</b>	<b>POOR</b>
RECYCLABILITY <sup>4</sup>	✓	<b>TOTAL</b>	<b>PARTIAL</b>	<b>PARTIAL</b>
LANDFILL CONTAMINANTS <sup>5</sup>	✓	<b>NONE:</b> Inert	✓ <b>NONE:</b> Inert	Can contribute to methane gas and leachates
AIR POLLUTANTS WHEN PROPERLY INCINERATED <sup>6</sup>	✓	<b>NONE</b>	✓ <b>NONE:</b> Doesn't burn	✓ <b>VIRTUALLY NONE</b>
IMPACT ON OZONE LAYER	✓	<b>POSITIVE:</b> Contains no CFCs	✓ <b>POSITIVE:</b> Contains no CFCs	✓ <b>POSITIVE:</b> Contains no CFCs
RELATIVE POCKETBOOK IMPACT (PRICE) <sup>7</sup>	✓	<b>LOW</b>	<b>HIGH</b>	<b>HIGH</b>

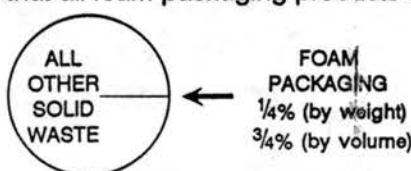
# ENVIRONMENTAL FACTS

- 1** ENERGY CONSERVATION: An energy study indicates that paper cups use 36% more energy in their manufacture than do foam cups...energy taken from non-renewable petroleum and coal resources.
- 2** WATER CONSERVATION: In foam cup production, a relatively small amount of water is required and most of it is retained in the system for reuse. Further, a restaurant that uses disposables rather than china or glass saves 71 gallons of water for every 100 customers it serves.
- 3** WASTE-TO-ENERGY: In waste-to-energy incineration, really a form of recycling, polystyrene foam cups lead the way. They are a vast resource of available heat. Look at these BTUs per pound figures.

<u>MATERIAL</u>	<u>BTUs OF HEAT PER LB.</u>
Polystyrene	17,800
Coal	9,600
Paper	7,500

- 4** RECYCLABILITY: Virtually all internally generated foam cup scrap is recycled. Further, the industry is spending \$16 million building five major facilities to recycle used foam foodservice items into such varied products as insulation board, toys and office equipment. As most paper cups are plastic coated, recycling, if possible at all, will require more complex and expensive technologies due to the need to separate the paper and plastic.
- 5** LANDFILL CONTAMINANTS: Foam cups do not biodegrade in a landfill. They are inert. Biodegradable materials, like paper, may break down and form leachates which contaminate ground water supplies. Contrary to general perception, more landfills have been closed due to concern over contamination than because they were filled to capacity. Plastic is helping with this problem too. Municipalities now require plastic liners for new landfill sites to prevent degrading pollutants from entering the water table. It is also interesting to note the miniscule amount that all foam packaging products adds to our solid waste stream.

THE MUNICIPAL  
SOLID WASTE STREAM



- 6** AIR POLLUTANTS: In addition to yielding great heat energy, the proper incineration of foam cups helps burn other wastes and does not pollute the air . . . leaving only a speck of ash.

INCINERATION LOAD  
100 lbs. foam cups  
100 lbs. mixed refuse

REMAINING ASH  
Less than 1/4% oz.  
25 lbs.

- 7** PRICE: Foam cups are significantly less expensive than paper. Paper coffee cups, for example, are approximately double the price of foam. Glass and other permanent ware containers are also more expensive due to their higher initial price and the high cost of repeated washings.

Want more information? Write: Environmental Affairs,  
Dart Container Corporation, Mason, Michigan 48854





## The Editor

## Re: Campus Hot Drink Containers

Recently, when I used the take-out convenience to obtain soup from the University Centre cafeteria, it was served in a paper cup, rather than the foamed polystyrene cup that was previously used. Initially open-minded about the change, I returned to the Elliott Building, and retrieved the soup from my cloth lunchbag to find that the capped paper cup had leaked. Also the walls of the container were so weak and soggy by this time, from the now only warm contents, that it nearly collapsed when lifted out of the bag. So during lunch I reflected on the environmental impetus that probably prompted the change.

A call to Food Services confirmed that, yes, it was environmental concerns that had stimulated the change. In performance, the foamed polystyrene coffee and soup containers had already appeared to be ranked well above paper in this application. What were their relative environmental merits in fact? The following table summarizes the available information.

Environmental/Utility Scorecard, Hot Drink Containers

Property	PolyfoamS(a) Cup	PaperS(b) Cup
Weight, per cup	1.5g	10.1g
Raw materials, per cup:		
Wood, g	nil	30
petroleum fraction(s), g	3	3-4
other chemicals, mg	45	1000
Utilities, per tonne material:		
power, kWh	30	980
cooling water, mS(3)	54	50
Water effluent per tonne:		
volume, mS(3)	0.5	50-190
suspended solids, kg	nil	35-60
B.O.D., kg	trace	30-50
organochlorines, kg	nil	5-7
Air emissions per tonne:		
chlorine, kg	nil	0.5
chlorine dioxide, kg	nil	0.2
reduced sulfides, kg	nil	2
particulates, kg	trace	5-15
chlorofluorocarbons (CFC's)	nilS(c)	nil
pentane, kg	50 (slow)S(d)	nil
Stiffness:	high	low
Structural integrity:	high	poor, esp. when wet
Leak control:	good	poor
Heat retention:	high	low
Trace contaminants:	styrene, low risk	dioxins, furans possible



Recycle potential:		
to primary user	easy, washable	possibly, soaking destroys
after use	highS(e)	low, hot melt adhesive difficulties
Ultimate disposal:		
Incineration	clean	clean
Heat recovery, MJ/kg	40	20
To landfill, g	1.5g	10.1g
Biodegradable	no, essentially inert	yes, BOD contrib. to leachate
Cost	x	2.5x

#### Footnotes to table:

- a. Moulded polystyrene beads. Information derived from Kirk-Othmer Encyclopedia of Chemical Technology, 1982; Encyclopedia of Polymer Science and Engineering, 1989; and cited references.
- b. From fully bleached kraft pulp. Information from B.C. pulp mill contacts and derived from Neil McCubbin, The Basic Technology of the Pulp and Paper Industry and Its Environmental Practices, Environment Canada, 1983, and cited references.
- c. J.E. Guillet, cited by J. Krieger, Chem. and Engin. News, 68(5), 28, Jan. 29, 1990.
- d. Anon. Modern Plastics, 66, 97, July 1, 1989.
- e. Examples of recycle details: Anon., Hydroc. Proc, 68(8), 23, Aug. 1989; Fergusson, Chem. and Ind. (London), 725, Sept. 4, 1976; Scott, Chem. in Brit., 9(6), 267, June 1973.

Thus, the paper cup not only consumes about 3 times its final weight of raw wood, but also as much or more petroleum (for steam raising) and 21 times as much mass of additional chemicals as required by a polystyrene foam cup. Two hundred times as much power and six times the cooling water are required, and 300 times the volume of waste water is produced for each paper cup. No wonder that the paper cup costs 2 1/2 times as much!

The chlorofluorocarbon (CFC) blowing agent formerly used by some moulders of foamable polystyrene beads has been of concern for its effect on the ozone layer. But since the agreement on the Montreal Protocol on CFC's by western nations in May 1987, blow moulders who had used CFC's have switched to pentane or iso-butane, both environmentally-benign blowing agents. Even loss of these can be partially controlled.

Polystyrene foam is not biodegradable. But to switch to paper cups from the polyfoam for this reason is a bit like throwing away a shovel and returning to use of a stick to dig with because it is biodegradable, paying 2 1/2 times as much to do so. There is, however, no technical barrier to recycling of the polyfoam cup, whereas the hot melt adhesive used to bond the paper cup makes recycling of this difficult.

The ideal solution in an ideal world is, of course, to carry one's own cup. Fridge-O-Seal or Tupperware types made of polyethylene or polypropylene weigh 30-40g, the same as 20-25 polystyrene foam cups. So any more than 25 use cycles of one of these would put the user ahead of the single use variety in terms of resource costs and waste disposal volume. A ceramic cup, 150-180g, or mug, 300-360g, which may be aesthetically preferred use considerably more resources to fabricate, but over sufficient use cycles would still be environmentally benign. But to carry one's own is not always convenient. And if broken, they would contribute 100-200 times as much non-biodegradable material to landfill as a polyfoam cup.

**M.B. Hocking**  
**Department of Chemistry**



RESOLUTION NO. 91 - \_\_\_\_\_

A RESOLUTION ESTABLISHING A MUNICIPAL PROCUREMENT  
POLICY FOR FOOD SERVICE CONTAINERS

WHEREAS, the Crystal City Council has demonstrated it's concern regarding the state of the environment by supporting the initiation of several solid waste reduction programs, including recycling drop-off's, curbside recycling service to homeowners, yardwaste drop-offs, and a paper procurement policy; and

WHEREAS, it is the goal of the City to promote an environmental awareness in the community through the establishment of an environmentally-sound policies and by setting an example for the entire community to follow; and

WHEREAS, recent changes in the plastics recycling field have made recyclability of polystyrene a reality; and

WHEREAS, recent reports reviewed by the City Council indicate that paper food service products are of greater hazard to the environment than comparable polystyrene products;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Crystal, Minnesota, reverses it's previous policy to cease the purchase of styrofoam (polystyrene) cups and containers by allowing the purchase and use of polystyrene materials; and

BE IT FURTHER RESOLVED, that the City staff be directed to continue a search for the most environmentally-sound alternatives in food service container procurement.

Adopted by the Crystal City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Mayor

ATTEST:

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

RESOLUTION NO. 90-3F

RESOLUTION TO CEASE THE PURCHASE OF  
STYRO-FOAM CUPS AND CONTAINERS

WHEREAS, the policy of the City will be to purchase recycled paper containing at least 50 percent recycled fiber whenever the cost of recycled paper does not exceed 25 percent more than the cost of virgin stock, and

WHEREAS, recycled content paper will be used in all convenience copiers throughout City offices, and

WHEREAS, styro-foam creates a major ecological problem,

NOW THEREFORE BE IT RESOLVED that the City of Crystal cease purchasing styro-foam cups and containers when other more ecologically prudent options exist.

Adopted by the Crystal City Council this fifteenth day of May, 1990.

Betty Herbes  
Mayor

ATTEST:

Darlene George  
City Clerk

DATE: January 29, 1991  
TO: Jerry Dulgar, Executive Director  
FROM: Julie Jones, Community Development Coordinator  
SUBJECT: Minnesota Communities Program Application -  
Commitment Agreement

Crystal's request for \$160,000 in funding for the second phase of our Minnesota Communities Program has been approved. Mortgage funds at a 7.95% rate have been reserved and will be offered to first time homebuyers of two new homes being constructed by Hennepin Technical College on Welcome Ave. N. The next step in proceeding with the program is for the City to approve the Minnesota Communities Program Application - Commitment Agreement (attached).

The Commitment Agreement is identical to the one approved by the City Council during the first phase of the Minnesota Communities Program when two new homes were constructed and sold on Adair Ave. N.

Since the City applied for funding in the name of the City of Crystal, the Commitment Agreement has been written between the City of Crystal and the Minnesota Housing Finance Agency. Of course, the EDA will be overseeing the program. The necessary paperwork involved in having the Commitment Agreement in the name of the Crystal EDA will be very cumbersome and time consuming. Therefore, I am recommending that the City Council authorize execution of the Commitment Agreement, directing the EDA to administer the program. The Agreement should also be reviewed by the EDA members at their next meeting.

kk

RESOLUTION NO. 91 - \_\_\_\_\_

**A RESOLUTION AUTHORIZING MINNESOTA COMMUNITIES  
PROGRAM APPLICATION - COMMITMENT AGREEMENT**

WHEREAS, the City of Crystal's request for \$160,000 in Minnesota Communities Program (MCP) funding has been approved by the Minnesota Housing Finance Agency (MHFA); and

WHEREAS, the City is proceeding on schedule with the completion of two new homes at 3426 and 3432 Welcome Ave. N. as the second phase of the MCP; and

WHEREAS, the City agrees to follow the MCP Procedural Guidelines developed by the MHFA;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Crystal, Minnesota, authorizes execution of the MCP Application - Commitment Agreement by the City Manager;

AND BE IT FURTHER RESOLVED that the Crystal Economic Development Authority be directed to oversee the administration of the second phase of the MCP.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1991

\_\_\_\_\_  
Mayor

Attest:

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



For communities utilizing a lender selling loans directly to MHFA

**MINNESOTA HOUSING FINANCE AGENCY  
PROGRAM APPLICATION-COMMITMENT AGREEMENT  
MINNESOTA COMMUNITIES PROGRAM  
SET-ASIDE POOL**

**THIS APPLICATION AND AGREEMENT** is made and entered into by and between the City of Crystal (hereinafter referred to as the "Community"), with its office at, 4141 Douglas Drive, Crystal, MN 55422, and the Minnesota Housing Finance Agency (hereinafter referred to as the "MHFA"), with its office at 400 Sibley Street - Suite 300, St. Paul, Minnesota 55101-1998.

**WITNESSETH:**

**WHEREAS**, MHFA, under the provisions of Chapter 462A of Minnesota Statutes, is authorized to enter into commitments for the purchase of mortgage notes and mortgages (hereinafter collectively referred to as the "Mortgages") for residential housing to be occupied by persons and families meeting MHFA's loan eligibility requirements; and

**WHEREAS**, Community has requested and received a set-aside of funds from the MHFA Minnesota Communities Program Set-Aside Pool (hereinafter referred to as the "Program"); and

**WHEREAS**, Community wishes to obtain a commitment by MHFA to purchase Mortgages which are originated by a lender, to be designated by Community, which has an unexpired contract with the MHFA under the MHFA Minnesota Mortgage Program (hereinafter referred to as the "Lender"); and

**WHEREAS**, Mortgages to be purchased by the MHFA pursuant to the commitment requested by the Community must only be for residences located within a geographic area to be established and designated by the Community, and on property specifically authorized and approved by the Community; and

**WHEREAS**, the MHFA is willing to issue a commitment wherein it will agree to purchase Mortgages which are made by the Lender and are in accordance with the terms and conditions of this Agreement, the Program, and the specific MHFA Minnesota Mortgage Program Procedural Manual designated by the MHFA in writing and as modified by the conditions specified in Exhibit A attached hereto (hereinafter referred to as the "Procedural Manual"), the provisions of which are hereby incorporated by reference into this Agreement as if set forth in full herein and a copy of which has been provided to the Community and will be supplied to the Lender; and

**WHEREAS**, Community acknowledges that MHFA has reserved the right to reduce the commitment amount requested hereinbelow, and may do so by indicating such reduction at the place provided hereinbelow; and

**WHEREAS**, Community further acknowledges that the MHFA has additionally reserved the right to reduce the amount of the commitment approved and issued by the MHFA (hereinafter referred to as the "Commitment Amount"), subsequent to its approval of this application, by so indicating such to the Community in writing; and

**WHEREAS**, MHFA is willing to issue a commitment under this Agreement, after it has been fully executed by all of the parties hereto (the fully executed document is hereinafter referred to as the "Program Commitment Agreement"), to purchase Mortgages originated by the Lender in accordance with the terms set forth hereinbelow, the provisions of the Program and Procedural Manual, and the terms of any agreement entered into between the MHFA and the Lender.

**NOW, THEREFORE**, in consideration of the covenants hereinafter contained and the mutual benefits to be derived therefrom, the parties hereto do hereby agree as follows:

1. **Community Requirements.** All Mortgages submitted to the MHFA for purchase under the Program must comply with all of the requirements of the Program, the requirements and provisions contained in the Procedural Manual and the Program Commitment Agreement; and, in addition, must satisfy and comply with the provisions and conditions contained and specified in the Minnesota Housing Finance Agency Minnesota Communities Program Request for Proposal (hereinafter referred to as the "Communities RFP"), in the form finally accepted by the MHFA and attached hereto as Exhibit C and incorporated herein by reference. The Community agrees to supply the Lender with a certificate (hereinafter referred to as the "Eligibility Certificate") for each transaction evidenced by a Mortgage which meets the requirements contained in the Communities RFP.

Community further specifically agrees that the MHFA is under no obligation of any type or manner to purchase any Mortgages which do not comply with the terms and conditions contained and specified in the Communities RFP or for which the Community has failed to issue an Eligibility Certificate, but which are otherwise eligible Mortgages pursuant to the Program and Procedural Manual.

2. **Commitment and Commitment Amount.** Community hereby applies for a commitment by MHFA to purchase Mortgages which meet the requirements of and are made in accordance with the provisions of the Program Commitment Agreement, the Program, and the Procedural Manual, in the aggregate principal amount set forth hereinbelow. All Mortgages to be purchased by the MHFA pursuant to the Program Commitment Agreement shall be only for property which and borrowers who satisfy the provisions of the Program Commitment Agreement, the Program and the Procedural Manual. Community acknowledges that the commitment herein applied for shall be effective only upon the approval thereof by MHFA at the place provided for hereinbelow and the delivery of a copy of the same by MHFA to Community, which approved application shall constitute the Program Commitment Agreement. This application is further subject to any reduction in the requested dollar amount which may be set forth hereinbelow by MHFA prior to delivery by it to Community of an approved copy of the Program Commitment Agreement.

It is a condition of the Program Commitment Agreement that MHFA shall have the additional right, upon written notice to Community, to reduce the Commitment Amount at any time after the delivery of the Program Commitment Agreement.

3. **Variance in Commitment Amount.** A variance of \$15,000.00 in the total principal amount of Mortgages purchased under the Program Commitment Agreement, above or below the Commitment Amount, shall be deemed by the MHFA to constitute compliance with the Program Commitment Agreement.

4. **Commencement and Commitment Term.** Upon the execution and delivery of the Program Commitment Agreement by MHFA to Community, Community shall select and designate the Lender, and shall have Lender enter into and execute a Seller Application-Commitment Agreement in substantially the same form as set forth in Exhibit B attached hereto. The entire amount of Mortgages to be closed and delivered to MHFA for purchase under the Program Commitment Agreement shall be reserved, pursuant to the procedure specified in the Procedural Manual, within the five (5) month time period (hereinafter referred to as the "Commitment Term") which commences upon the date set forth and specified hereinbelow by the MHFA.

Any portion of the Commitment Amount not reserved for the purchase of qualifying Mortgages as of the end of the Commitment Term shall be cancelled and returned to the MHFA for redistribution under the Program. In addition, any portion of the Commitment Amount reserved for Mortgages which are not delivered to the MHFA for purchase within the time period delineated in the Procedural Manual for such purchase shall be cancelled and returned to the MHFA for redistribution under the Program.

5. **Commitment Fees.** No commitment fee or charge of any type shall be payable by either the Community or the Lender for the commitment by the MHFA to purchase qualifying Mortgages.

6. **Purchase Price.** The purchase price of each Mortgage to be purchased by MHFA hereunder shall be as set forth in the Procedural Manual.

7. **Mortgage Terms.** The interest rate for all Mortgages shall be set from time to time by the MHFA by way of a written statement to the Community and the Lender; provided, however, any change in interest rate shall only apply to Mortgages for which an individual commitment is issued after the Community and Lender have received such notification of interest rate change. Mortgages shall meet all requirements of the Program, and those set forth in the Program Commitment Agreement, the Procedural Manual and the Seller Application-Commitment Agreement.

8. **Area Limitation.** Community hereby specifically agrees that the MHFA shall, pursuant to the Program Commitment Agreement, be required to purchase only those Mortgages which are for residences located within a geographic area to be established and designated by the Community and which are located on property specifically authorized and approved by the Community for inclusion in the Program.

9. **Warranties.** Community hereby warrants to MHFA that, upon approval and delivery of the Program Commitment Agreement by MHFA and the subsequent purchase by and delivery of Mortgages to MHFA pursuant thereto, all such Mortgages will have been made in compliance with, and will be in full compliance with, the terms and conditions contained in the Program Commitment Agreement, the Program, and the Procedural Manual, and all warranties set forth in the Procedural Manual are adopted and made by Community and shall be applicable to each such Mortgage.

10. **Servicing.** The servicing of Mortgages shall be the sole responsibility of MHFA, or of those servicing institutions which MHFA may designate in its sole option and discretion.

11. **Remedies.** Time is of the essence hereof. In the event that Community defaults in the observance or performance of any covenant or condition in the Program Commitment Agreement or Procedural Manual, or in the event that any warranty made by Community with respect to any Mortgage is found to be untrue, then MHFA shall be entitled to all remedies at law or in equity including, but not limited to: (i) the right to rescind acceptance of the Program Commitment Agreement, (ii) the right to seek equitable relief by way of injunction (mandatory or prohibitory) to prevent the breach or threatened breach of any of the provisions of the Program Commitment Agreement, or to enforce the performance thereof, (iii) the right to seek damages, including consequential damages, arising by virtue of MHFA's sale of its debt securities in reliance on Community's observance and performance of the provisions of the Program Commitment Agreement, and (iv) the right to terminate the Program Commitment Agreement, and upon such termination Community shall have no further rights pursuant hereto, provided, however, that such termination shall not diminish MHFA's rights specified in the Program Commitment

Agreement and in the Procedural Manual. All such remedies shall be cumulative, and the exercise by MHFA of any one or more of them shall not in anyway alter or diminish MHFA's right to any other remedy provided herein or by law.

12. **Contract Documents.** All Mortgage transactions between Community and MHFA pursuant to the Program Commitment Agreement are on a contractual basis. The contract in each instance consisting of the Program Commitment Agreement and the provisions and requirements contained in the Procedural Manual, with all amendments and supplements thereto in any form in effect as of the date of MHFA's acceptance of the Program Commitment Agreement.

13. **Assignment.** Neither this Program Application-Commitment Agreement, the Program Commitment Agreement, nor any interest therein is assignable or transferable by the Community, or by operation of law, without the prior written consent of the MHFA.

14. **Paragraph Captions and Program Headings.** The captions and headings of the paragraphs of this Agreement are for convenience only, and shall not be used to interpret or define the provisions thereof.

15. **Applicable Law.** The Program Commitment Agreement is made and entered into in the State of Minnesota and all questions relating to the validity, construction, performance and enforcement hereof shall be governed by the laws of the State of Minnesota.

16. **Agreement Conditional Upon MHFA Approval.** The Program Commitment Agreement shall be a binding obligation of MHFA upon its execution by the MHFA and delivery of a copy of the same to Community. In the event that this Program Application-Commitment Agreement is not, for any reason, so executed and delivered by MHFA on or before the 12th day of January, 1991, it shall be null and void and of no force or effect.

(THE REMAINING PORTION OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.)



IN WITNESS WHEREOF, Community has set its hand this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**COMMUNITY**

By: \_\_\_\_\_  
(Signature of Authorized Officer)

\_\_\_\_\_  
(Printed or Typewritten Name of  
Authorized Officer)

REQUESTED COMMITMENT AMOUNT    \$ 160,000.00

REQUESTED COMMITMENT TERM:    Community requests that the Commitment Term start on the 14th  
day of January, 1991, and terminate five (5) months therefrom.

**MHFA APPROVAL**

MHFA hereby accepts the above Program Application-Commitment Agreement and grants a commitment in the amount of \$ \_\_\_\_\_ for the term commencing on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, and terminating five (5) months therefrom.

**MINNESOTA HOUSING FINANCE AGENCY**

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

Its: \_\_\_\_\_

Signed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**SUMMARY**

(To be completed by MHFA)

Community's requested commitment amount    \$ \_\_\_\_\_

Commitment Amount granted by MHFA    \$ \_\_\_\_\_

Commitment Term for a five (5) month period commencing on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**DAVID J. KENNEDY**

Attorney at Law

Direct Dial (612) 337-9232

**HOLMES & GRAVEN**

**CHARTERED**

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

January 31, 1991

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

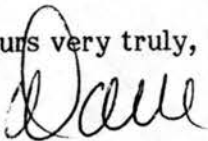
Re: Personnel Ordinance

Dear Jerry:

Enclosed find a draft ordinance adopting the personnel merit system and establishing the employee review board. These changes carry out the changes made to the charter by Ordinance No. 90-22. I'm also enclosing a copy of the Charter Commission's report to refresh the Council's memory on this program.

We have been working with Nancy on the text of the rules and regulations themselves which will be handled as an appendix to the code. She and I will be able to answer questions on the proposed rules Tuesday night. You'll probably have to start thinking of some names for membership on the Review Board.

Yours very truly,



David J. Kennedy

DJK:caw

Enclosure



ORDINANCE NO. 91-\_\_\_\_\_

AN ORDINANCE RELATING TO PERSONNEL  
ADMINISTRATION: RULES AND REGULATIONS:  
AMENDING CRYSTAL CITY CODE BY ADDING SECTIONS:  
AMENDING CRYSTAL CITY CODE, SUBSECTION 315.07,  
SUBDIVISION 8: REPEALING CRYSTAL  
CITY CODE, SECTION 310.

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code is amended by adding a section to read as follows:

"Section 311 - Personnel Administration

311.01. Background: Findings: Charter Amendment. Ordinance No. 90-22, adopted by the City Council pursuant to Minnesota Statutes, Section 410.12, Subdivision 7, abolished the City's Civil Service Commission and required the establishment of the Employee Review Board whose powers and duties are set forth in Section 312.

311.03. Policy: Intent. It was the intention of the Charter Commission in recommending Ordinance No. 90-22 and of the Council in enacting that ordinance that personnel administration in the City be governed by a comprehensive set of personnel rules and regulations covering the selection, supervision, discipline, pay classification, benefits and other matters relating to the working conditions of City employees.

311.05. Rules and Regulations. The City Manager has developed a set of personnel rules and regulations to carry out the intent expressed in Subdivision 2. The Council has reviewed those rules and regulations and found that the rules and regulations embody an efficient, uniform, and comprehensive system of personnel administration for the City.

311.07. Rules Adopted. The rules and regulations as proposed by the City Manager are adopted by the Council and are set forth in Appendix V. Appendix V may be amended by the Council by resolution from time to time."

Sec. 2. Crystal City Code is amended by adding a section to read as follows:

"Section 312 - Employee Review Board

312.01. Board Established. The Employee Review Board is established. The Board has the powers and duties set out in this section. The Board is established pursuant to Sections 2.02 and 6.07 of the Charter.

312.03. Definitions. Subdivision 1. For purposes of this Section the terms defined in this Subsection have the meanings given them.

Subd. 2. "Appendix V" means the rules and regulations adopted by Section 311 of this code.

Subd. 3. "Board" means the Employee Review Board.

Subd. 4. "Grievance" means a dispute or disagreement as to the interpretation or application of any term or terms of Appendix V.

Subd. 5. "Employee" means a City employee other than the City Manager, the Assistant City Manager, or a department head: the term does not include an employee who is a member of a certified appropriate bargaining unit that has entered into a collective bargaining agreement with an employee organization pursuant to Minnesota Statutes, Chapter 179A.

312.05. Board: Membership. Subdivision 1. Appointment. The Board consists of three regular members and two alternate members. Members are appointed by the Council from a list of names recommended by the City Manager.

Subd. 2. Terms. Members of the Board serve for a term of three years and until their respective successors are appointed and qualify for office. Of the regular members initially appointed one is appointed for a term of one year, one is appointed for a term of two years, and one is appointed for a term of three years. Alternate members are appointed for three year terms. The term of a member expires on December 31 of the final year of a term. Vacancies on the Board are filled for the unexpired term in the same manner as original appointments are made. Members may be appointed for consecutive terms.

Subd. 3. Qualifications. Members of the Board must be residents of the City. In making appointment the Manager and the Council must give consideration to persons who are knowledgeable and experienced in the field of dispute resolution including arbitration and mediation. An officer or employee of the City may not be appointed to the Board or serve on the Board. A person who has been an elected or appointed officer or employee of the City may not be appointed to the Board until one year has elapsed since termination of that service or employment.

312.07. Organization: Meetings. The Board must adopt by-laws governing the conduct of its meetings, specifying its officers, and setting its meeting schedule. The by-laws of the Board are not effective until approved by the City Council.

312.09. Staffing: Financing. The City Manager must provide appropriate staff support including legal assistance to the Board from existing City personnel. Members of the Board serve without compensation but may be reimbursed for actual and necessary expenses in accordance with normal City policy regarding such reimbursement for other boards and commissions of the City.

312.11. Grievances: Procedures. Subdivision 1. Submission. An employee may submit a grievance to the Board subject to the provisions of this Subsection.

Subd. 2. Exhaustion of Remedies. An employee may not submit a grievance to the Board until the steps of the grievance procedure established by Appendix V have been completed and within ten days of that completion. The grievance procedure provided in Appendix V is complete on the date that the City Manager gives written notice of the Manager's final determination of the grievance. The Board must provide in its by-laws for the form and details of a grievance submission.

Subd. 3. Review: Discretion. The Board must promptly review the grievance submission. The Board may decline to review a grievance. The Board's decision not to review a grievance is final.

Subd. 4. Hearing. If the Board decides to review a grievance it may conduct hearings on the matter in the manner set forth in its by-laws. The by-laws must provide for written notice of its hearings to the City Manager and the employee. The City Manager must supply the Board with a record of compliance with the grievance procedure set forth in Appendix V, together with such other information reasonably requested by the Board. The employee submitting the grievance must supply the Board with such information as reasonably requested by the Board. The employee may be represented by counsel at a hearing. If the Manager's final determination of the grievance is not confirmed by the Board, the reasonable costs, including attorney's fees, incurred by the employee in the proceedings must be paid by the City. If the Manager's final determination of the grievance is confirmed by the Board the employee's costs, including attorney's fees, will not be paid by the City.

Subd. 5. Decisions. Upon completion of hearings on a grievance the Board must issue a written order stating its decision, the reasons for the decision, and the findings on which the decision is based. The order may confirm the decision of the City Manager or modify it in any respect. The Board must send a copy of the order to the employee and to the City Manager. The decision of the Board is final.

312.13. Information: Publication. The City Manager is directed to take appropriate steps to fully inform employees of the existence and functions of the Board. A notice describing the Board and its functions must be continually posted in conspicuous places in the workplace. A notice describing the existence and functions of the Board must be published once in the official newspaper within 60 days after the effective date of this section."

Sec. 3. Crystal City Code, Subsection 315.07, Subdivision 8, is amended to read:

"Subd. 8. Civil Service Personnel Status of Fire Department Members Personnel. No Part time volunteer member members of the Department ~~is~~ are not covered by the provisions of the Civil Service Code Appendix V. If the City Council and the Commission ~~establish~~ establishes full-time non-volunteer positions within the Department, such positions are subject to the provisions of Section ~~310~~ 311 of this Code relating to Civil Service personnel. The appointees to full-time non-volunteer positions are under the direction and supervision of the Fire Chief, whether the Chief be a volunteer part-time fireman or a Civil Service full-time fireman. A department employee in the classified service is subject to the provisions of the constitution and the by-laws adopted by the department and approved by the City Council, except insofar as such constitution and by-laws conflict with the provisions of the Rules of the Personnel Board, Section 310 of this Code Section 311 and Appendix V, or with any directive of the City Manager.

Sec. 4. Crystal City Code, Section 310, is repealed.

Sec. 5. This ordinance is effective in accordance with Crystal City Code, Subsection 110.11.

---

Mayor

Attest:



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

ADMINISTRATIVE OFFICE

CHARTER COMMISSION

Mayor Herbes and  
Members of the City Council  
4141 Douglas Drive North  
Crystal, Minnesota 55422

Dear Mayor Herbes and Councilmembers:

For the past year the Crystal Charter Commission has been studying the role of the Crystal Civil Service Commission in the personnel administration system of the City. The Commission has heard testimony from the Civil Service Commission (Art Cunningham and Marty Gates) and City staff on the matter and has reviewed the practice in other cities.

The consensus of the Commission and the Civil Service Commission members is that the City would be better served by a personnel merit system set up by ordinance combined with an independent review board to deal with non-union employee grievances after normal grievance procedures had been exhausted. This can be accomplished by a charter amendment and the enactment of the necessary ordinances establishing the merit system and the Employee Review Board.

The Commission recommends the adoption of the Charter Amendment Ordinance and submits the draft Employee Review Board Ordinance for your consideration recognizing that its final content is a matter of Council judgment. I should point out, too, that if the transition from Civil Service to Merit System is to take place a comprehensive Merit System Ordinance covering all matters of personnel administration must be adopted. The Charter Commission would be pleased to participate in the preparation of that ordinance in any way the Council wishes.

I. General Comments.

In general, the Commission proposes (i) amendment of the City Charter by deleting all references to the Civil Service Commission, (ii) abolishing the Civil Service Commission, (iii) requiring the establishment of an Employee Review Board by ordinance, and (iv) the adoption by the City Council of an ordinance establishing the Board and prescribing its membership and power and duties. The proposal also contemplates that the City would by ordinance adopt a comprehensive personnel merit system governing all matters of personnel administration including hiring, position classification, discipline, grievance procedures and benefits.



The sole function of the Employee Review Board would be to provide an independent review of non-union employee grievances that had proceeded through the complete grievance procedure set up by the merit system ordinance. The Board's review would be discretionary, but if undertaken the Board's order either confirming the City Manager's final disposition of the grievance or modifying it would be final.

Also present Section 310 of the Crystal City Code relating to Civil Service would be repealed.

The timing of the entire transaction would be as follows:

1. Charter Commission submits proposed amendment to City Council with recommendations for adoption by ordinance together with recommendation for makeup of Employee Review Board in the form of an ordinance.
2. If Council concurs, Council sets public hearing on Charter amendment ordinance (two week's published notice).
3. Public hearing and adoption of Charter amendment ordinance.
4. First reading of Personnel ordinance.
5. First reading of Employee Review Board ordinance.
6. If no referendum requested on Charter amendment ordinance within 60 days of publication, ordinance becomes effective 90 days after publication.
7. Charter amendment, Personnel ordinance and Employee Review Board ordinance all become effective on the same day (i.e., 90 days after publication of Charter amendment ordinance).

## II. Comments on Charter Amendment. (Exhibit I)

The Charter amendment (i) removes the references to the Civil Service Commission in Sections 2.02 and 6.02, Subdivision 3, (ii) abolishes the Civil Service Commission, and (iii) adds a section to the Charter requiring the Council to establish an employee review board by ordinance. The Charter would merely require the board's creation, specify its function (i.e., to hear and rule on non-union employee grievances after exhaustion of normal grievance procedures), and specify the appointment procedure for board members. Everything else is left to Council ordinance.

The Civil Service Commission was established pursuant to state law and can be abolished by Charter amendment. Minnesota Statutes, Section 44.16, Subdivision 2.



### III. Comments on Employee Review Board Ordinance. (Exhibit II)

312.01. Name. The Commission considered a wide variety of names, but the "Employee Review Board" seemed most accurately to reflect its function.

312.02. The reference to Section 2.02 of the Charter is significant. The Charter provides that there be no independent boards and commissions except "... to perform quasi-judicial functions". The new Board would be exercising such functions.

#### 312.03. Definitions.

Subd. 3. "Grievance" is defined in the same way as in the law, Minnesota Statutes, 179A.21, Subdivision 1 and in most labor contracts. (The reference to Section \_\_\_\_\_ is to the appropriate section in the Personnel Merit System Ordinance to be adopted.) It is probably best to leave the term this general because (i) it is a term of art in labor relations having widely understood meaning and, (ii) the only grievances that will reach the Board are those that have been determined to be appropriate under the Personnel Merit System Ordinance.

Subd. 4. "Employee" is defined to exclude the Manager, Assistant Manager and department heads, typically treated as supervisory personnel not covered by grievance procedure provisions in contract or ordinance.

#### 312.05. Board Make-up.

Subdivision 1. The draft calls for three regular members and two alternate members of a five member board before the Charter Commission. The Manager recommends names to the Council for appointment.

Subd. 2. Appointments of regular members are for three year staggered terms. There is no limitation on reappointment. Terms are for calendar years. The alternate members are designed to cover the situation where a member may have a disqualifying interest. The by-laws of the Board should contain procedures for allowing members to voluntarily excuse themselves or for parties to raise the issue of a disqualifying interest (e.g. family relationship, business association, etc.)

Subd. 3. (i) The draft requires the Manager and the Council to try to appoint someone with dispute resolution experience. All current City officers and employees and those having left City service within one year are excluded.

312.07. The by-laws of such a Board are most important since they will in effect be the rules under which it operates, and a legally sufficient record is essential. The Council approves by-laws of all other boards and commissions.

312.09. The staff support should be a minimal expense. A tape recorded record of a hearing should be adequate. The risk of having to bear the expense of the procedure if a decision is adverse should deter both the City and the employee from incurring unnecessary expense. There will be some legal costs, since it is advisable to have an attorney present at hearings to insure a proper record.

312.11. The procedure of this section is self-explanatory. It should be noted that:

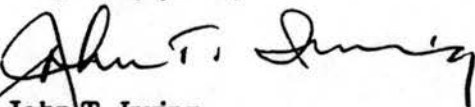
- a) The Board may decline to review a grievance. If after review of the grievance procedure followed under the Personnel ordinance the Board is convinced that the employee received full and fair treatment there seems to be no reason for further review.
- b) The board either confirms the City Manager's disposition of the matter or modifies it in whole or in part.
- c) The decision of the Board is final.

There was discussion in the Commission about appeal of the order to the District Court, but it is doubtful that such jurisdiction can be conferred either by Charter or ordinance. Judicial review is probably possible under a number of theories, but it should be kept in mind that courts would (absent some constitutional issue) review the Board's decision under a procedure called "certiorari" which in simple terms is a review of the record only to see if some basic right of the employee or the employer had been violated. A court would not substitute its judgment for the administrative body and at most would send the matter back for rehearing. Thus, it is probably not necessary to say anything in the ordinance about the matter. In any event, after both a grievance procedure under the ordinance and independent review by the Board it seems highly unlikely that either the City or the employee could successfully contend that the matter had not been given a full and fair hearing and review.

312.13. These publication requirements were suggested by the Civil Service Commission.

We hope that the Council will give favorable consideration to our recommendations. I hope you will contact me if you have any questions.

Very truly yours,



John T. Irving  
Chair

cc: David J. Kennedy

CR205-5

(DJK - 4/20/90)

EXHIBIT I

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

AN ORDINANCE RELATING TO CITY GOVERNMENT:  
AMENDING SECTIONS 2.02 AND 6.02,  
SUBDIVISION 3 OF THE CITY CHARTER AND  
ADDING SECTIONS TO THE CITY CHARTER

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Charter, Section 2.02 is amended to read as follows:

Section 2.02. Boards and Commissions. There are no separate administrative boards or commissions except the civil service commission, if a civil service commission exists pursuant to law; and boards and commissions established for the administration of a municipal function jointly with another political subdivision. The council performs the duties and exercises the powers of administrative boards or commissions. The council may by ordinance boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city or to perform quasi-judicial functions.

Sec. 2. Crystal City Charter, Section 6.02, Subd. 3, is amended to read:

Subd. 3. The manager appoints on the basis of merit and fitness and subject to applicable civil service regulations, if any; officers and employees of the city except the city attorney who is appointed and removed by the city council. The manager may remove or suspend, subject to applicable civil service regulations, if any; officers and employees without the consent of the council.

Sec. 3. The Crystal City Charter is amended by adding a section to read:

Sec. 6.07. Review Board. The city council must by ordinance establish a review board to hear and rule on non-organized employee grievances as defined by the ordinance after normal grievance procedures have been completed. The membership, terms, qualifications, powers, duties and procedures of the review board must be fixed by the ordinance. Members of the board are recommended by the manager and appointed by the city council.

Sec. 4. The Crystal City Charter is amended by adding a section to read:

Sec. 12.08. Civil Service Commission. The Crystal Civil Service Commission is abolished effective \_\_\_\_\_, 1990.

Sec. 5. This ordinance is effective on \_\_\_\_\_, 1990.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk  
CR205-5

Memorandum

DATE: January 30, 1991  
TO: Jerry Dulgar, City Manager *Nancy*  
FROM: Nancy Gohman, Assistant Manager  
SUBJECT: City of Crystal Personnel Rules & Regulations

In order to complete the process of switching from a Civil Service type system to a Personnel Ordinance, all personnel rules and regulations had to be drafted for the City of Crystal. In order to do so, an 11 member committee made up of staff from various departments in the city worked together to develop the personnel rules and regulations.

The committee which consisted of 2 members of the police department, 1 from finance, 1 from park & rec, 1 building maintenance, 1 park maintenance, 1 engineering, 1 fire, 1 community development, 1 public works, and myself met weekly for 2 months to review and draft the attached rules and regulations.

Dave Kennedy, City Attorney, gave us a sample of rules and regulations to use as a model for the City of Crystal rules and regulations. The committee worked long and hard on a weekly basis to redefine the rules to reflect our current personnel practices.

After the committee finished reviewing the personnel rules and regulations, I had the rules rewritten and hung on all employees' bulletin boards for their review and asked staff for their comments and concerns. These rules and regulations have also been reviewed by a select committee from finance, yourself, and several key department heads. Also, supervisors and department heads were given the opportunity to attend a question and answer session regarding these rules and regulations on January 31, just prior to our regular staff meeting.

After all the hard work put into this document by the staff committee, staffs' questions and answers in general, and supervisors' comments, it appears that we have a good solid start on a personnel rules & regulations document for the City of Crystal. Dave Kennedy, City Attorney, and myself will be available at the February 5 Regular City Council Meeting to answer questions regarding these personnel rules and regulations as well as the Personnel Ordinance in general.

**CITY OF CRYSTAL**

**PERSONNEL RULES AND REGULATIONS**



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## **SECTION 1**

### **PURPOSE, ADOPTION & ADMINISTRATION**

#### **1.1 PURPOSE**

The purpose of these Rules and Regulations is to provide a uniform, comprehensive and efficient system of personnel administration for the City of Crystal based upon merit and fitness for the position.

#### **1.2 ADOPTION**

These Rules and Regulations were prepared and recommended by the City Manager and approved by the City Council on \_\_\_\_\_, 1991.

#### **1.3 AMENDMENT**

The City Council may amend these Rules and Regulations by resolution.

#### **1.4 ADMINISTRATION**

These Rules and Regulations are administered by the City Manager, who is directly accountable to the City Council. The Manager is directed to develop and provide the necessary forms, procedures and instruction for the implementation of these Rules and Regulations.

Copies of these Rules and Regulations are available to all employees and interested union representatives. Printed copies of these Rules and Regulations will be on file in the City Clerk's Office and will be available for public review upon request.

#### **1.5 SAVINGS CLAUSE**

If a personnel regulation is held invalid by judicial or legislative action, the remainder of these Rules and Regulations will not be affected.

#### **1.6 DEPARTMENT RULES**

In accordance with these Rules and Regulations, each department head may establish departmental rules of procedure that do not conflict with these regulations to cover unique circumstances. Departmental rules must be approved by the City Manager prior to implementation.



### **1.7 APPLICATION**

All offices, jobs and positions in City service now existing or hereafter established are subject to these rules and regulations except the following:

1. Elected officers;
2. The City Manager;
3. Volunteer firefighters;
4. The City Attorney;
5. Positions held by students in training;
6. Members of appointed commissions and committees;
7. Persons engaged under contract to supply expert, professional, technical, or any other services;
8. Positions otherwise excluded by these Rules and Regulations or by law.

### **1.8 UNCLASSIFIED POSITIONS**

The City Manager may create positions referred to as unclassified positions, for which the sections of these rules pertaining to appointment and separation do not apply. Subject to applicable law, appointment for such positions is made by the City Manager; termination is at the will of the City Manager. To be considered unclassified, positions must meet the following criteria:

1. The person occupying the position serves on the management team of the City Manager.
2. The duties of the position involves significant discretion and substantial involvement in the development, interpretation, and implementation of City or departmental policy.

Individuals who had acquired regular status before being appointed to an unclassified position will revert back to their regular status if the appointment is revoked.

### **1.9 AT-WILL EMPLOYMENT**

All City employees are hired on an at-will basis which means that either the employee or the City may terminate employment at any time for any reason or no reason.

### **1.10 EMPLOYMENT GUIDELINES**

These rules and regulations are guidelines for the City and its employees regarding City employment. They do not constitute an employment contract. The City reserves the right to change any personnel policy at any time at its discretion.

#### **1.11 LABOR AGREEMENTS**

With respect to employees whose positions are included in a collective bargaining unit, provisions of the applicable collective bargaining agreements negotiated pursuant to the Public Employment Labor Relations Act, M.S. 179A01-179A.25, supersede these rules and regulations on any subject area covered by both the collective bargaining agreement and these rules and regulations. The City Manager is a signatory to any collective bargaining agreement applicable to employees covered by these rules and regulations and, thereby, will certify that the agreement is in conformance with merit principles.

#### **1.12 MANAGEMENT RIGHTS**

The City, through the City Manager, retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules, and to perform any inherent managerial function not specifically limited by current collective bargaining agreements, these regulations, and City Council resolutions.

## SECTION 2

### DEFINITIONS

Unless otherwise indicated, the following words and terms have meanings indicated below:

**Appointment** - a regular assignment to a paid position in the City service.

**City Council** - the elected members appointed to serve on the City Council of the City of Crystal.

**Days** - unless otherwise indicated, this means working days.

**Demotion** - a change of an employee's status from a position in one job class to a position in another job class with less responsible duties and a lower salary range.

**Department Head** - those appointed officials who are responsible for management of a department as determined by law or the City Manager.

**Disabled Retired Employee** - an individual, whose more recent employment was with the City, who through regular disability is no longer able to work and is receiving P.E.R.A., combination Social Security/P.E.R.A. or other City retirement benefits pursuant to a vested retirement.

**Elected Official** - members of the City Council.

**Eligible** - the status of any person whose name is on the reinstatement, promotion or original entrance list for a given job class.

**Eligible List** - the first three candidates on the eligible register to be certified for a given job or class of jobs.

**Eligible Register** - the list of any persons who are eligible to be considered for a given job or class of jobs.

**Employee** - a person holding a paid position in the City service.

**Employee Review Board** - the board established by Crystal City Code, Section 312 to review grievances.

**Exempt Employee** - employees specifically exempt from the overtime compensation provisions of applicable FLSA (Fair Labor Standards Act) legislation as defined and limited by administrative rules and regulations; these employees generally have as their primary duty management, administration, or work of a professional nature.

**FLSA** - Fair Labor Standards Act which is a federal law regarding minimum wage, overtime compensation, classifying positions as exempt or non-exempt.

**Grievance** - a dispute or disagreement as to the interpretation of these Rules and Regulations.

**Immediate Family** - The immediate family of an employee is husband, wife, children, parents, grandparents, sisters, brothers and grandchildren.

**Job Class** - one or more positions, sufficiently similar in the duties performed; responsibility; degree of supervision exercised or required; minimum requirements of training, experience, or skill; which may or may not have the same job title and such other characteristics that the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

**Job Classification** - the grouping of positions into classes with regard to duties and responsibilities.

**Job Classification Plan** - a system of classes with a description of the class and pay range assignment for each class.

**Layoff** - a separation of regular or probationary employees necessitated by lack of work, lack of funds, the abolition of a position, organization change, or any other management reason.

**Military Leave** - the leave of absence granted by State law to employees entering active duty in the armed forces of the United States.

**Non-Exempt** - employees who are entitled to a minimum wage and overtime compensation pursuant to applicable fair labor standards legislation (FLSA).

**Overtime** - all hours actually worked in excess of 40 by a non-exempt employee in a work week consisting of seven consecutive days (168 hours).

**Position** - a group of current duties and responsibilities requiring the full-time or part-time employment of one person.

### Position Status

- A. Regular - refers to employment as a regular employee of the City. These employees may work varying numbers of hours per week but they are regularly scheduled for a set number of hours per week. The work they perform is of an on-going nature.
1. Regular Full-Time - an employee in a classified position who works a 40-hour work week and was hired for a service duration in excess of six months and has successfully completed the probationary period.
  2. Regular Part-Time - an employee in a classified position who works less than the 40-hour work week and was hired for a service duration in excess of six months and has successfully completed the probationary period. Regular part-time employee who work less than 20 hours are not eligible for benefits.
- B. Non-Regular - refers to the following classes: temporary, substitute, and student. Non-regular employees are not eligible for City employee benefits except those mandated by law.
1. Temporary Full-Time - an employee who works a 40-hour work week whose employment is limited by duration of a specific project or task; temporary employees serve at the will of the City Manager and may not be appointed for a period to exceed six consecutive months in any calendar year.
  2. Temporary Part-Time - an employee who works less than the 40-hour work week whose employment is limited by duration of the specific project or task; temporary employees serve at the will of the City Manager and may not be appointed for a period to exceed six consecutive months in any calendar year.
  3. Substitute - refers to employment which is solely to replace an absent member of the regular work force (who is on leave) and which terminates upon the absent member's return.
  4. Student - an individual who is enrolled full-time in a public, non-profit, or private educational institution or who has indicated an intention to continue as a full-time student following temporary employment; the work schedule of the student will be developed by the City Manager



based on the needs of the department and the student's class schedule; the student may work on a part-time or full-time basis or both without a limitation on the length of employment; the Director must review and determine the appropriateness of this employment status for positions; the appointment does not provide permanent/regular status.

**Probationary Employee** - an employee who is serving a probationary period in a position to or from which the employee was appointed, promoted, transferred, demoted, reclassified or reinstated.

**Probationary Period** - a six-month working trial period during which an employee is required to demonstrate fitness for the position to which appointed.

**Promotion** - a change of an employee from a position of one job class to a position of another job class with more responsible duties and a higher salary range.

**Reclassification** - a change in classification of an individual position by raising it to a higher job class, reducing to a lower job class, or moving it to another job class at the same level on the basis of significant changes in kind, difficulty or responsibility of the work performed in such a position.

**Re-employment List** - a list of former regular employees who have been separated from City service in accordance with these rules and regulations subject to recall.

**Reinstatement** - appointment of a former employee who had regular or probationary status to the job class to which the employee was assigned prior to layoff or separation or to a job class of comparable level.

**Resignation** - a voluntary separation from City service by the employee.

**Retired Employee** - an individual whose most recent employment was with the City and who is receiving P.E.R.A., combination Social Security/P.E.R.A. or other City retirement benefits pursuant to a vested retirement plan.

**Salary Range** - a division of the salary schedule to which classes of positions are assigned; the range of salary from minimum to maximum is the range which a class of positions will be paid.

**Seniority** - the length of regular service for the City based on an employee's most recent date of employment. Seniority

is counted each calendar day without interruption except upon separation from the City service.

**Separation** - an action of employees who leave the City service by reason of death, dismissal, lay-off, resignation, or retirement.

**Severance Pay** - paid out of accrued benefits to regular employees leaving City service in good standing.

**Sick Leave** - the number of hours that are available to be used in the event of illness or disability only after satisfactory completion of probationary period.

**Sick Pay** - payment to City employees because of personal or family illness.

**Start Date** - the date a person begins employment in a regular position. The most recent date of hire in a regular position is used for determination of eligibility for vacation, sick leave and seniority purposes.

**Supervisory Employee** - an employee having explicit authority from the employer to appoint, transfer, suspend, promote, terminate, to assign, reward or discipline; to recommend, direct or adjust grievances of other employees; or to effectively recommend such actions. The exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment.

**Suspend** - to temporarily relieve an employee from duties of employment. The suspension may be accompanied by a written notice of intent to dismiss.

**Transfer** - a change of an employee from one position to another position of the same job class.

**Unauthorized Leave** (absence without leave) - any absence of an employee from duty that is not authorized by a specific grant of leave of absence under the provisions of these rules and regulations is an absence without leave; such absence is without pay and may be grounds for disciplinary action; an employee absent without leave for three consecutive work days is deemed to have voluntarily resigned.

**Veteran** - a person defined as a veteran by Minnesota Statutes, Section 197.447.

**Veteran's Preference** - the preference granted to veterans by Minnesota Statutes, Sections 43A.11 and 197.481.

**Work Week** - a period of seven consecutive days (168 hours) generally beginning at 12:01 a.m. each Monday.

## **SECTION 3**

### **RECRUITMENT/EMPLOYMENT**

#### **3.1 POSITION OPENING AUTHORIZATION**

Department heads will notify the City Manager and make recommendations when a replacement vacancy exists in a department or when there is a desire to fill a newly created position. The City Manager will review the request and recommendations and advise the department head on the proper course of action. The City Manager is the final authority in the filling of all positions.

#### **3.2 RECRUITMENT**

The recruitment of applicants for employment with the City shall take place at the direction of the City Manager.

Promotion of employees from within the City organization will be encouraged. Notice of openings in regular full and part-time positions shall be posted on City bulletin boards.

A notice of position opening must include the description of the responsibilities and duties of the position, qualifications necessary to fill the position, and the beginning salary range.

#### **3.3 EXAMINATION PROCESS**

The examination process may consist of one or any combination of the following methods: ability tests, achievement tests, performance tests, ratings of experience and training, oral exams, written exams, evaluation of daily work performance, physical agility tests or work samples. A physical examination, psychological evaluation or background check may also be required as provided by law.

The City Manager will provide for, formulate and hold competitive examinations as required to determine the qualifications of persons seeking employment in positions governed by these rules.

Appointments to regular full-time or regular part-time positions are made through one of the following processes, subject to the recall of employees from the re-employment list:

##### **1. Open-Competitive Examination**

Competitive examinations for original appointment to a position in the City are open to all applicants who are citizens of the United States, who are eligible and have applied for citizenship, or who meet all of the

requirements for employment as defined by laws or U.S. Bureau of Immigration regulations; and who meet qualifications or standards prescribed by the City Manager, relating to the abilities of candidates to perform the duties of the position.

## **2. Promotional Examination**

Promotional examinations are open to all regular or probationary employees who meet the qualifications for the positions. Employees holding non-regular positions may not apply for a promotional appointment.

### **3.4 ELIGIBLE REGISTER**

The City Manager may create and maintain a list of eligible candidates for each position opening based upon successfully passing the open competitive or promotional examinations for each position. The City Manager shall determine the period of time an eligible register is to remain in effect. The eligible register will not remain in effect for more than two years.

When an eligible register exists for any class and the City Manager deems it necessary to establish another such register for the same class, the existing register may be cancelled.

The names on the eligible register are from both a list of eligible candidates and the re-employment list.

### **3.5 APPOINTMENT FROM ELIGIBLE LIST**

Appointment may be made by reinstatement, transfer, or demotion; or promotion or open competitive eligible lists as provided in these rules and regulations. The first three candidates on the eligible register will be certified to the eligible list. The City Manager may certify additional names and respective scores.

If more than one vacancy is to be filled by referral from an eligible register, the names of three additional eligible candidates for each vacancy may be certified.

When the number of names available for filling any vacancy is fewer than three, the appointing authority may decline certification for that vacancy.

### **3.6 REMOVAL OF NAMES FROM ELIGIBLE REGISTER**

The City Manager may remove the names of an eligible applicant from an eligible register if for any reason the applicant does not meet the requirements of the position.



A disqualified applicant must be promptly notified of such action. An applicant who is not admitted to an examination because of failure to meet the preliminary requirements must be notified by letter to the last-known address.

### **3.7 RE-EMPLOYMENT LIST**

Except in the case of a resignation, retirement or death, an employee who has been laid-off may be placed on the re-employment list.

Names remain on the re-employment list for one year unless extended by the City Manager for a period not to exceed one additional year.

Employees who have separated from City employment to serve in an elective or appointive capacity in a government unit retain their reinstatement rights.

Names will be placed on the re-employment list for any class in the following order:

1. employees who have been laid off because of lack of work or funds in inverse order of the layoff
2. employees who have been laid off because of an inability to return to work due to medical problems in inverse order of their layoff

### **3.8 REMOVAL OF NAMES FROM RE-EMPLOYMENT LIST**

The City Manager may remove the names of separated employees from the re-employment list prior to the expiration of one year if the separated employees do not, for any reason, meet the requirements of the position.

### **3.9 NOTIFICATION OF APPOINTMENT**

The City Manager will notify the candidate selected for appointment in writing. The notification must include the employment starting date and salary.

The department head must provide the newly appointed employee with a current position description to indicate those duties and responsibilities for which the employee is accountable.

### **3.10 PROBATIONARY PERIOD**

The probationary period applies to all regular appointees or employees to City Service as well as promotions. The probationary period is an extension of the examination process and must be utilized by supervisors and department heads for closely observing the employee's work and for



rejecting an employee whose performance does not meet the required work standards.

A person appointed, promoted, transferred, demoted, reclassified or reinstated to a regular position must successfully complete a probationary period beginning the date of the new appointment.

The probationary period begins immediately upon appointment and continues for six working months unless recommended for earlier certification by the department head in writing to the City Manager and such certification is approved.

Time served in temporary positions is not considered part of the probationary period.

### **3.11 PROBATIONARY PERIOD - EVALUATION OF PERFORMANCE**

The employee's supervisor must prepare a probationary performance evaluation report along with a final written recommendation to the City Manager prior to the completion of the probationary period.

The department head must determine if the probationary employee's conduct or job performance is such that the employee is eligible for regular status. The department head must recommend to the City Manager in writing if the employee has successfully completed the probationary period.

### **3.12 DISMISSAL DURING THE PROBATIONARY PERIOD**

A department head may recommend to the City Manager dismissal of a probationary employee at any time during the probationary period for any reason. The employee so terminated must be notified in writing of the determination.

A regular employee dismissed during the probationary period from a position to which the employee had been promoted, transferred, or reclassified may be reinstated to a position in the class from which the employee was promoted, transferred, or reclassified unless discharged from the City service as provided in these Rules and Regulations.

### **3.13 BENEFITS DURING PROBATIONARY PERIOD**

Sick leave and vacation earned will accrue during the initial probationary period but may not be used until successful completion of probation. In rare cases, the department head may recommend to the City Manager to approve the use of sick and vacation leave during probation.

Promoted employees who serve a probationary period are eligible to use their sick and vacation leave accrued.

If the probationary employee voluntarily leaves in good standing before completing the probationary period, they are eligible to receive earned vacation.

### **3.14 EMPLOYMENT OF RELATIVES**

The City will not employ two members of the same immediate family under any one of the following circumstances:

1. Where one employee will supervise another member of their family.
2. Where one employee will be responsible for auditing the work of another member of their family.
3. Where confidentiality of the City would be compromised.
4. Where a conflict of interest (as defined in Section 10.4 of these rules and regulations) would arise from such employment.

### **3.15 DECLARATION OF POLICY OF AFFIRMATIVE ACTION**

The City acknowledges that equal opportunity for all persons is a fundamental human value. Consequently, it is the policy of the City to provide equal opportunity in employment and personnel management for all persons; to provide access to, admission to, full utilization and benefit of training and promotional opportunities without discrimination because of race, color, creed, religion, national origin, sex, age, marital status, public assistance status, handicap or disability; and to otherwise promote full realization of human rights within the City to the extent permitted by law. To implement this policy the City requires that every person making application for, currently employed by, or applying for future vacancies in the employ of the City be considered on the basis of individual ability and merit, without discrimination or favor. In furtherance of this policy the City establishes an Affirmative Action Plan providing for and assuring fair and equitable treatment in all phases of public employment, including selection, compensation, benefits, training opportunities, promotions, transfers, layoffs and other terms, conditions and privileges of employment. The concept of this affirmative action policy is consistent and fundamental to the maintenance of effective equal opportunity and shall be implemented as an integral part of the City's personnel system.

The affirmative action officer will manage the Equal Employment Opportunity/Affirmative Action Program. Employees or applicants for employment who believe they have been discriminated against should contact the affirmative action officer at (612)537-8421. Employees and applicants

are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Minnesota Human Rights Act.

## SECTION 4

### EMPLOYEE COMPENSATION

#### 4.1 CLASSIFICATION PLAN

The City Manager must develop and maintain a classification plan so all positions substantially similar with respect to the type, difficulty, and responsibility of work are included in the same class and that the same salary range may be applied to all positions in a class.

The plan shall classify positions in accordance with federal and state laws for all positions. The City Manager will present the classification plan to the City Council for its approval. The effective date of the classification plan shall be the date of its approval by the City Council.

#### 4.2 RECLASSIFICATION

When the duties of a position change substantially, the department head may request or the City Manager may initiate a review of the duties of the positions. Based on the results of the review, the City Manager may reclassify the position.

#### 4.3 COMPENSATION PLAN

The City Manager must develop and maintain a compensation plan. The compensation plan will be presented to the City Council for its approval. The City Manager will review and recommend to the City Council changes in the compensation plan whenever conditions require or yearly.

The compensation plan must be kept on file in the City offices available for public review.

##### 1. Beginning Salary

New employees will normally be hired at the minimum of the appropriate salary range. An increase beyond the minimum of the appropriate salary range must be approved in advance by the City Manager based on data to support the salary.

##### 2. Rates of Pay upon Promotion, Demotion and Reclassification

###### a. Salary on Promotion

For a promotion, the employee's pay will be increased to a point within the salary range for the class of the new position as determined by the

City Manager. A promoted employee's rate of pay may not be above the maximum of the authorized salary range of the class to which the employee was promoted.

b. Salary on Demotion

For a voluntary or a disciplinary demotion, the employee's pay will be reduced to a point within the salary range for the class of the new position to be determined by the City Manager. A demoted employee's rate of pay may not remain above the maximum of the authorized salary range of the class to which the employee was demoted.

c. Salary on Reclassification to a Higher Range

An employee reclassified to a class in a higher salary range will receive a pay adjustment within the salary range of the class of position. A salary increase may not be granted that would place the employee's rate of pay above the maximum of the authorized salary range.

d. Salary on Reclassification to a Lower Range

An employee reclassified to a class in a lower salary range may not earn a rate of pay above the maximum of the authorized salary range of the class.

**4.4 PAY EQUITY**

In accordance with state law, the City has adopted an implementation plan to address the issue of pay equity for City employees.

**4.5 OVERTIME/COMPENSATORY TIME - FAIR LABOR STANDARDS ACT**

The Fair Labor Standards Act (FLSA) is federal law which sets minimum wage, overtime pay, equal pay, record keeping and child labor standards for all regular and temporary employees.

FLSA mandates that the City classify employees in regards to overtime/compensatory time as one of the following categories:

**4.6 FLSA EXEMPT EMPLOYEE**

Exempt employees are not paid for overtime over 40 hours unless otherwise provided by collective bargaining or contract agreement. Exempt employees are generally employees who are classified as professional,



administrative, executive and seasonal-recreational, under the FLSA exempt status.

#### **4.7 COMPENSATORY TIME/EXEMPT EMPLOYEES**

Exempt employees of the City of Crystal are eligible for straight hour for hour compensatory time to a maximum of 40 hours comp time accrual.

#### **4.8 FLSA NON-EXEMPT EMPLOYEES**

Overtime or compensatory time must be paid at a rate of one and one-half times the non-exempt (this includes full time, part time and temporary employees) employees regular rate of pay for each hour worked in a work week in excess of 40 hours per week.

#### **4.9 COMPENSATORY TIME/NON-EXEMPT EMPLOYEES**

FLSA non-exempt employees have the option of selecting compensatory time at the rate of one and one half times their regular rate of pay in lieu of overtime, to a maximum of 40 hours of comp time accrual.

#### **4.10 GENERAL RULES - OVERTIME/COMP TIME**

All overtime and comp time to be worked must be pre-approved by the department head prior to working overtime or comp time. Failure to obtain prior approval of overtime and comp time may result in discipline.

#### **4.11 TEMPORARY FILL-IN AT A HIGHER CLASSIFICATION**

From time to time employees may be asked to fill in temporarily at work in a higher classification. The assignment will be made by the department head with the approval of the City Manager.

If a temporary assignment extends beyond 30 working days, additional compensation at the higher classification will be provided. The duration of a temporary assignment may not exceed six months, unless authorized by the City Manager.

Employees assigned by their employer to temporarily perform the duties of a position classification which receives a lower wage shall continue to receive their regular wage for the duration of the assignment.

## **SECTION 5**

### **EMPLOYEE RECORDS**

#### **5.1 PERSONNEL FILES**

The official personnel file for each regular employee is in the Administration office with the exception of data regarding payroll, benefits, etc., which is maintained in the Finance Department.

The employee's personnel file's contents are proprietary to the City and the employee has the right to review the file. The employee may not exercise this right to review more often than once every six months unless a related conflict has come up or new information has been added to the file.

Data in the personnel file is covered under the Minnesota Data Practices Act (DPA). Personnel records may be reviewed by authorized City personnel only.

Releasing a personnel file to an unauthorized person or divulging information from a personnel file is a violation of state law and may be cause for disciplinary action.

#### **5.2 JOB DESCRIPTIONS**

The City Manager, with the assistance of the department heads, must establish and maintain a job description for each position which shall include:

- a job title
- FLSA status
- example of duties
- minimum qualifications
- desirable knowledge and skills

Job descriptions will be reviewed and revised as needed. The Director will maintain the official copy of each current job description for regular positions.

## **SECTION 6**

### **WORK SCHEDULES**

#### **6.1 HOURS OF WORK, MEALS AND BREAKS**

City offices will be open for business from 8:00 a.m. to 4:30 p.m. Monday through Friday. The hours of work will be set by the respective department head, with one uninterrupted meal period of no less than one-half hour per day. Meal periods are not paid, not included in the computation of overtime, nor included in the computation of a normal work shift or payroll period. Rest periods will be 15 minutes in each four hour period for FLSA non-exempt employees. Rest periods may not be accumulated or taken at the end or beginning of the employee's shift.

The normal workday for all employees except supervisory employees, department heads, part-time employees, essential employees, and other public safety employees is an eight hour day, not including a lunch or meal break.

Department heads and supervisory employees are required to put in the time necessary to perform their job at their established rate of pay.

Part-time employees must work according to the schedule set up by their supervisor.

Essential employees, as defined by law, and other public safety employees may be required to work a different schedule due to the specialized nature of their employment.

A work week consists of seven consecutive days (168 hours) generally beginning at 12:01 a.m. each Monday.

The regular work week for City employees is 40 hours; 80 hours constitutes a normal pay period.

All overtime/comp time must be approved by the department head or supervisor prior to working overtime or comp time.

The City Manager may change the working schedule of City employees as needed.

#### **6.2 INCLEMENT WEATHER**

City offices will be open for business on all business days except legal holidays, holidays established pursuant to contract with certified employee bargaining units, and emergency situations.

In the event of severe inclement weather, the City Manager may determine whether an emergency exists in which the public interest will be best served by closing the City office or offices. If a City office is closed due to a weather emergency, subject to the requirements of law, the following apply:

1. Employees are expected to listen to WCCO-AM radio for announcements of closings of City facilities and are not to report to work if their work site is not open. If notice of closing has not been broadcast by 7:00 a.m. of the workday or if your department head or supervisor has not contacted you, employees may assume that the City facilities will be open.
2. Those employees required by the Manager to work during severe weather due to the nature of their job responsibilities, such as essential employees, will be paid.

When the City office or offices have not been officially closed during inclement weather, the following policy applies:

1. Employees who, because of inclement weather, report to work after the start of their scheduled work shift may utilize accumulated compensatory time, earned vacation or leave without pay.

## **SECTION 7**

### **GENERAL BENEFITS**

#### **7.1 HEALTH COVERAGE**

Health coverage will be provided for regular full-time employees and regular part-time employees who work a regularly scheduled work week. A set dollar amount will be provided as the City's contribution toward single or family health coverage premiums. The City will review its contribution on a yearly basis.

#### **7.2 DENTAL BENEFITS**

Dental benefits will be provided for regular full-time employees. A set dollar amount will be provided as the City's contribution toward dental coverage. The City will review its contribution on a yearly basis.

Regular part-time employees may participate in the dental plan by paying for coverage if they so choose.

#### **7.3 LIFE INSURANCE**

Regular full-time employees and regular part-time employees will be provided with \$10,000 life insurance at no cost to the employee. Employees provided this benefit may purchase through payroll deduction additional term life insurance to supplement the insurance coverage provided by the City. Life insurance coverage paid by the City terminates at the end of the month of employee termination.

#### **7.4 P.E.R.A.**

Required Public Employees Retirement Account will be maintained for regular full and part-time employees or as regulations specify. For details see the PERA manual in the Finance Department.

#### **7.5 DEFERRED COMPENSATION PROGRAM**

The City provides employees the opportunity to participate in a Deferred Compensation Plan. This is a voluntary plan which allows employees to place a portion of their earnings into a pretax deferred investment program. Check with the Finance Department for more information.

#### **7.6 FLEXIBLE BENEFITS PLAN**

The City offers an optional plan in which a portion of the employee's salary can be set aside to cover estimated health care and day care costs. This contribution is taken from



gross wages and is reimbursable when proof of medical expenses are a minimum of \$50 for health care and 12 times per year for day care. The employee must expend all the money set aside in the flexible benefit plan or lose it. Proof of medical and day care expenses must be submitted.

#### **7.7 PAYROLL SAVINGS**

The City offers an optional payroll savings plan. Check with the Finance Department for more details.

#### **7.8 EMPLOYEE ASSISTANCE BENEFIT PROGRAM**

The City provides a program for regular employees and their families to participate in free access to independent, confidential and professional assessment and short term counseling services. An organization not affiliated with the City provides assistance with work-related problems, marital difficulties, family relationships, legal matters, financial concerns, alcohol and drug dependency and mental health matters. An employee may get help 24 hours a day, seven days a week. The service is free to employees and their family members.

#### **7.9 MILEAGE REIMBURSEMENT**

Personal automobile use for authorized trips, meetings, work etc., will be reimbursed at the rate consistent with IRS regulations. Mileage reimbursement requests must be made in writing and approved by the department head. Use of personal vehicle for work purposes must be preapproved by the department head.

#### **7.10 TUITION REFUND**

Regular full and part-time employees who have passed their initial hire probation may be eligible for reimbursement of tuition and required course fees for courses taken for credit through accredited educational institutions.

Tuition reimbursement may be approved for courses with the following criteria:

1. a college level course available for credit; and
2. course is taken on personal time; and
3. course is "work related"; and
4. grade of "C" or better or "satisfactory" is received upon completion; and
5. the training request receives approval by the City Manager.

Tuition reimbursement is 60 percent of books, tuition and required fees upon completion. To request educational reimbursement the employee must submit receipts and verification of grade along with course description to administration.

#### **7.11 WELLNESS**

The City reimburses employees a maximum of \$150 or yearly single health club membership fee, whichever is lower, once per calendar year. Employees must regularly participate in an exercise program at an approved health club in order to request reimbursement. Proof of payment of membership is required prior to reimbursement.

#### **7.12 MILITARY HEALTH BENEFITS**

Regular full and part-time employees who are called to active duty for military purposes will be allowed to continue under the current City health and life insurance coverage while on active duty. Health and life insurance benefits will continue to be consistent with the average City contribution for family coverage.

Coverage for such employees will be consistent with health and life insurance policy language and as policy allows. Employees who are eligible to be covered under this policy may opt not to participate.

Benefits for health and life insurance under this program will continue until the employee takes another job, elects not to continue the benefits, is laid off from the position, upon death, or upon non-payment of premiums if dependent coverage is requested.

## SECTION 8

### LEAVE BENEFITS

#### 8.1 HOLIDAYS - OFFICIAL HOLIDAYS OF THE CITY ARE:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday After Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25th
1 Personal Floating Holiday	(See description below)

When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday is a holiday for employees whose normal work schedule is Monday through Friday.

A non-exempt employee who works on a holiday will be compensated for hours worked at overtime. Regular part-time employees will be paid four hours for holidays. Employees may observe a religious holiday on days which do not fall on Sunday or a legal holiday. Observance of such a religious holiday must be taken off without pay except where the employee has accumulated vacation and in that case such religious holidays may be charged against such leave accumulations at the option of the employee.

Employees who are in collective bargaining must check their agreements and follow contract language holiday schedules.

#### 8.2 PERSONAL FLOATING HOLIDAY

Non-union employees and Local 49 (Maintenance) also have one eight hour personal floating holiday per year which is taken off as a lump sum at the employee's discretion, unless staff and Council agree otherwise to collectively arrange to take the floater on the same day. The personal holiday must be used within the calendar year or lose it.

The request for use of personal holiday follows the request for vacation (see Section 8.5).

For regular part-time employees, the personal floating holiday is four hours and must be used as a lump sum within the calendar year or lose it.

### 8.3. VACATION LEAVE - FULL-TIME REGULAR EMPLOYEES

#### 1. Vacation Schedule

The following vacation schedule is for all full-time regular City Employees:

0-5 years of completed service	12 days earned per year
Starting the 6th year through 10 years of completed service	17 days earned per year
Starting the 11th year and each additional year following	1 additional day earned per year not to exceed 24 days

(Years of service is based on each employee's anniversary of hire date.)

#### 2. Probationary Period

No accrued vacation may be taken during the first six-month probationary period for newly hired employees. Vacation begins accumulating during the six-month probationary period in accordance with date of hire.

#### 3. Minimum Yearly Vacation Use

Each full-time employee must expend a minimum of 80 hours of vacation each calendar year. Newly hired employees may request in writing to the Director to allow carrying over vacation from their first year.

#### 4. Vacation Accumulation

Vacation accumulation, including the current vacation earned from year to year, may not exceed a total accumulation equal to one and one-half times the number of hours the employee is currently earning in one year. The total number of vacation hours accrued may not exceed 240 hours.

### 8.4 VACATION LEAVE - PART-TIME REGULAR EMPLOYEES

#### 1. Vacation Schedule

Vacation accrual rate for regular part-time employees is half the accrual rate for regular full-time employees.

2. Probationary Period

Same as full-time regular employees.

3. Minimum Yearly Vacation Use

Each employee must expend a minimum of 40 hours of vacation each calendar year. Newly hired employees may request in writing to the City Manager to allow carrying over vacation from their first year.

4. Vacation Accumulation

Vacation accumulation, including the current vacation earned, from year to year may not exceed a total accumulation equal to one and one-half times the number of hours the employee is currently earning in one year. The total number of vacation hours accrued may not exceed 120 hours.

**8.5 VACATION REQUEST**

Employees may request to take earned vacation leave anytime after completion of the initial probationary period. Vacation requests should be submitted to the department head as soon as practical or a minimum of 48 hours prior to commencement of requested vacation leave. The City Manager makes all final vacation decisions.

**8.6 SICK LEAVE**

Sick leave may be taken only to the extent that it is earned. Sick leave is accumulated at 12 days per year for regular full-time employees; six days per year for regular part-time employees.

Employees may request to take earned sick leave anytime after successful completion of the probationary period.

Sick leave may be used for illness, injury, child birth, disability, outpatient or inpatient treatment for mental illness, employee assistance program, alcoholism or drug addiction or by necessity for medical or dental care. Sick leave may be used by the employee to care for the employee's spouse, children, or parents in case of illness. The City Manager may require a medical certificate as may be deemed necessary before approving the utilization of sick leave.

**8.7 SICK LEAVE REQUEST**

Employees must notify their immediate supervisor on the first day of sick leave and each day of sick leave request before the start of his or her shift unless otherwise



required by the supervisor. When possible, sick leave must be requested in advance.

#### **8.8 WORKERS COMPENSATION**

An employee who is temporarily disabled from work by an injury or illness sustained in the performance of the employee's work with the City may be eligible for Workers Compensation subject to the provisions of the State of Minnesota Workers Compensation Law.

An employee who becomes eligible to receive Workers Compensation will retain the total amount of the Workers Compensation check and may receive the difference between their Workers Compensation payment and the employee's regular gross salary through the use of accrued sick leave. The total of the Workers Compensation check and the accrued sick leave compensation may not exceed the employee's normal gross pay.

#### **8.9 OFFICIAL RECORD - SICK, VACATION AND COMPENSATORY**

The City's computerized payroll system is the official record for vacation, sick and compensatory balances.

#### **8.10 FUNERALS**

Earned sick leave may be taken in the event of a death in an employee's immediate family. The length of leave will be determined by the department head and the City Manager. The City Manager may grant funeral leave for other reasons.

#### **8.11 MILITARY LEAVE FOR TRAINING PURPOSES**

Employees who are members of any reserve component of the military forces of the United States or National Guard will be granted leave of absence with compensation not to exceed 15 working days per year when ordered to training or active service. The City must receive a copy of the orders from the proper authority directing the employee to report to duty. Military leave beyond 15 days for service or training will be without pay as provided by law.

#### **8.12 JURY DUTY**

Any regular or probationary employee who is required to serve as a juror or who is under subpoena as a witness in court on City matters, will be granted leave with pay while serving in such capacity. The employee must give any fees received for such service with the exception of mileage to the City. Temporary employees will be given leave without pay and may retain all fees received.

#### **8.13 ELECTION DAYS**

Employees who are entitled to vote in any statewide general election or at any election to fill a vacancy in the Office of Representative's in Congress, are entitled to be absent from work for the purpose of voting during morning hours of such election day without penalty of deduction from salary or wages on account of such absence. Department heads may require that a request for time off to vote should be made prior to election day and the supervisor may specify the time when an employee may be absent for voting purposes. Employees who are not eligible to vote or have no intention to vote must report for work at the regularly scheduled time.

#### **8.14 PARENTAL LEAVE FOR SCHOOL CONFERENCES**

Regular full-time and part-time employees may leave up to a total of 16 hours during any school year to attend conferences or school classroom activities related to the employee's child provided the conferences or classroom activities cannot be scheduled during non-work hours. To request parental leave for a school conference, you must fill out a vacation/sick request form and process it through the department head or supervisor. Any employee may request use of vacation time, compensatory time, or leave without pay to a maximum total of 16 hours during any school year.

#### **8.15 PERSONAL LEAVE**

Personal leave without compensation may be granted by the City Manager for up to six calendar months to an employee for any reasonable purpose and extended by the City Manager for any reasonable period. Employees must submit a written request for personal leave to the department head and, if approved, the department head must submit the request to the City Manager.

#### **8.16 PARENTING LEAVE**

Regular full-time and regular part-time employees who have worked for the City for at least six months and have successfully completed their probationary period are eligible for parenting leave up to a maximum of six months upon the birth or adoption of a child.

Eligible employees may request parental leave following the personal leave guidelines.

Eligible employees anticipating parenting leave must submit a written request to their supervisor before the anticipated birth or adoption of the child whenever possible. A parenting leave may not begin more than six weeks after the

birth or adoption of the child. If the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital. The employee is entitled to return to work at the same position and at the same rate of pay he or she was receiving before the leave began.

The employee should remain in the position held prior to delivery of the child and may return to the previous position at such time as the family situation permits or, in the case of a female employee, as the physician certifies.

#### **8.17 MEDICAL LEAVE OF ABSENCE**

A medical leave of absence may be granted upon exhaustion of accumulated sick leave to employees by the City Manager on the grounds of sickness or disability for a period not to exceed 12 months. Failure to return to work at the expiration of the medical leave may be considered a voluntary resignation. The leave is subject to certification by the attending medical authority or a medical authority designated by the City Manager. Returning employees may be required to submit certification from their physician of medical release.

#### **8.18 LIMITATION OF GRANTS OF LEAVE WITHOUT COMPENSATION**

Sick leave and vacation leave accruals will not accumulate during any leave of absence without compensation; accrued amounts of both sick leave and vacation leave will remain on the record at the inception of the leave of absence and shall continue upon the return of the employee. If the leave extends for more than 30 days, health and dental coverage and life insurance premiums must be paid in full by the employee during such leave or the coverage will lapse.

For leaves without compensation of 30 days or less, the City will continue its normal premium contribution or as policy allows.

#### **8.19 LEAVE EXTENSION REQUEST**

Failure on the part of the employee to request and receive authorization for an extension of leave within three working days of expiration of initial leave is a resignation.

#### **8.20 REINSTATEMENT FROM LEAVE OF ABSENCE**

1. An employee returning from leave must notify the employee's supervisor at least two weeks prior to the anticipated return date.

2. Upon return from a leave of absence, the employee will be assigned to the previously held position or a position in a comparable class except as herein provided.
3. An employee may be returned to employment at any time prior to the expiration of the leave by the action of the City Manager.
4. Employees returning from leave will retain all previously accrued benefits of employment and seniority.

## **SECTION 9**

### **SEPARATION FROM EMPLOYMENT**

Employees may be separated from the City service for (i) retirement, (ii) resignation, (iii) dismissal, (iv) staff reduction, (v) change of work, or (vi) lack of funds.

#### **9.1 RESIGNATION**

An employee may resign from City employment by presenting a resignation statement in writing to the City Manager.

To resign in good standing an employee must give the City Manager at least 14 calendar days' prior notice. The City Manager may waive the written notice and time frame when it is deemed to be in the best interest of the City.

An employee who is absent from work for a period of three working days or more without notifying the City Manager of the reasons for the absence and receiving permission to remain away from work is deemed to have voluntarily resigned. The same may apply when an employee fails to return to work within three working days of the expiration of authorized leave.

#### **9.2 RETIREMENT - MANDATORY**

Mandatory retirement is not required except as provided by law.

#### **9.3 DISMISSAL**

Employees may be dismissed for any reason or no reason.

The City retains the right to an immediate discharge of an employee.

#### **9.4 LAY-OFFS**

The City Manager may lay off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization. However, a regular employee may not be laid off while there are temporary or probationary employees serving in the same position for which the regular employee is qualified, eligible and available.

In the event it becomes necessary for the above reason to lay off regular employees in any department, employees must be given 14 days' notice, if practical.



#### **9.5 SEVERANCE PAY**

Employees terminating their employment with the City after December 31, 1982, with ten years or more of continuous service, except employees who are discharged for cause, will be paid 40% of the employee's accumulated sick leave to a maximum cap of 960 hours.

Employees who have accumulated more than 960 hours of sick leave as of January 1, 1991, will be capped at their existing amount, however, if such employee uses and falls below the existing amount, their cap will be adjusted to that maximum amount or 960 hours, whichever is greater. Once an employee originally capped at a higher rate falls below 960 hours, their maximum cap will be 960 hours.

Severance pay of a deceased employee must be paid to the designated P.E.R.A. beneficiary or the employee's estate.

#### **9.6 CONTINUATION OF BENEFITS UPON SEPARATION**

Federal law provides that employees who have separated from City service may continue on the City's group health, dental coverage plan and life insurance for up to eighteen months. Pursuant to applicable state or federal law requirements, changes in family status, eligibility for Medicare or death of a spouse may warrant continuing coverage up to 36 months. Continuing coverage premiums must be paid in full by the separated employee, their spouse or dependents or coverage will lapse. Employees subject to collective bargaining agreements will adhere to the provisions of the agreement relating to benefits.

The City will pay the employer's portion of the health and dental premiums in the current month of employee's termination.

#### **9.7 BENEFITS FOR CITY RETIREES**

All non-union employees and union employees, if union contract specifies, who retire after January 1, 1986, under a full, unreduced retirement benefit from the Public Employees Retirement Association, (per current PERA rules and regulations) and all present non-union retirees, who are currently members of the City group hospitalization insurance plan, who have retired under a full, unreduced retirement benefit from the Public Employees Retirement Association, have the option of retaining membership in the City's group hospitalization insurance plan for which the City will pay the single person premium until such time as the retiree is eligible for Medicare coverage, and further, if the retiree desires to continue family coverage, the

additional cost for family coverage be paid monthly by the retiree to the City.

## **SECTION 10**

### **DISCIPLINE**

#### **10.1 DISCIPLINARY ACTION**

Employees may be subject to disciplinary action for failing to fulfill their duties and responsibilities as City employees. Discipline could consist of an oral reprimand, a written reprimand, suspension, demotion or involuntary termination depending on the circumstances and severity of the situation.

#### **10.2 DISCIPLINE**

The City may use progressive discipline in some cases. However, the City reserves the right to take any disciplinary action it deems appropriate under the circumstances.

An employee who is suspended or suspended with intent to dismiss is relieved from duties effective the date stated in the notice or, if none is stated, at the conclusion of the employee's normal working day on the date the employee receives notice. The employee will be paid through the completion of the working day indicated above unless otherwise stated.

If the employee claims veteran's rights or other special circumstances where it is determined to be in the best interest of the City to maintain the employee on the payroll for a period following the notice of suspension, the department head with concurrence of the City Manager may authorize continued payment for a definite period.

The dismissal of an employee is considered a separation not in good standing.

#### **10.3 APPEAL**

Disciplinary action may be appealed through the normal grievance procedure.

#### **10.4 CONFLICT OF INTEREST**

A City official or employee, paid or unpaid, may not engage in any business or transaction or have a financial or other personal interest that would impair that person's independence of judgment or action in the performance of their official duties. An employee found by the City Manager to have a conflict of interest under this section will be subject to disciplinary action.

## **SECTION 11**

### **GRIEVANCE PROCEDURES**

#### **11.1 DEFINITION**

A grievance is a dispute or disagreement raised by an employee or group of employees against the City or the department head because of an interpretation or alleged violation of these rules and regulations.

#### **11.2 LIMITATIONS**

An employee who commences a grievance proceeding under the provisions of a bargaining agreement or the City's affirmative action plan is precluded from grieving the same issue a second time under these rules and regulations. Similarly, commencement of a grievance proceeding under these policies precludes the employee from grieving the same issue under a bargaining agreement or the City's affirmative action plan. The classification plan is excluded from this grievance procedure.

#### **11.3 PROCEDURE**

It is the policy of the City to address all grievances promptly and fairly. In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used:

#### **11.4 STEP I - GRIEVANCE**

An employee having a grievance must present the grievance in writing to the department head within 20 calendar days after the event causing the grievance.

The department head must investigate the grievance and give a written answer to the employee within 10 calendar days after receipt of the grievance.

#### **11.5 STEP II - GRIEVANCE**

A grievance not resolved in Step I and appealed to Step II must be in writing setting forth (i) the nature of the grievance, (ii) the facts on which it is based, (iii) the provision(s) of these rules and regulations allegedly violated, and (iv) the remedy requested by the grievant. The Step II grievance must be served on the City Manager within ten calendar days from the time of the department head's final answer. The City Manager must schedule a meeting between the aggrieved employee and the respective

department head to be held within 15 working days from the day of receipt of the Step II grievance.

The meeting will consist of a brief presentation by the grievant or representative, a response by or on behalf of the department head and rebuttal by the grievant. The Manager may ask questions of either party.

The Manager will review the matter and make a determination of the necessary action. The Manager's decision or action may be appealed in accordance with Crystal City Code, Section 312.

#### **11.6 APPEALS**

The Employee Review Board established by Crystal City Code Section 3.12 will review appeals.

#### **11.7 TIME LIMITS**

A grievance not presented within the time periods set forth above is waived. If a grievance is not appealed to the next step within the specified time limit, it is considered settled on the basis of the last answer. If the proper authority does not answer a grievance or appeal thereof within the specified time limits, the employee may treat the grievance as denied and may immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and authority involved in the step.



## **SECTION 12**

### **EMPLOYEE RELATIONS**

#### **12.1 SEXUAL HARASSMENT POLICY**

This sexual harassment policy applies to all officials and employees of the City including regular full-time and regular part-time employees, elected and appointed officials, temporary, seasonal and non-regular employees, employees covered or exempted from personnel rules or regulations, and independent contractors and consultants.

Sexual harassment is a form of sex discrimination prohibited by state and federal law. Employees have the right to a workplace free of sexual harassment.

The City will not tolerate sexual harassment of its employees by anyone--supervisors, other employees, officials or citizens. Persons harassing others will be promptly and firmly disciplined. All personnel must become familiar with policy and comply with it.

#### **12.2 DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or communication of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or public service;
2. Submission to or rejection of such conduct by an employee is used as the basis for an employment decisions such as promotion, assignment, demotion, discipline, or discharge;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### **12.3 EXAMPLES OF SEXUAL HARASSMENT**

Behavior that could be considered sexual harassment may include:

1. Verbal harassment (e.g., sexually-oriented comments, innuendoes or derogatory remarks);

2. Physical harassment (e.g., unwelcome touching, gestures, assault, impeding one's movement or other physical contact that an employee finds offensive);
3. Visual forms of harassment (e.g., derogatory posters, letters, poems, graffiti, cartoons or drawings); or
4. Requests for sexual favors or unwelcome sexual advances.

#### **12.4 REPORTING PROCEDURE**

Employees who believe they have experienced sexual harassment or who know of conduct they believe might constitute sexual harassment toward an employee, are required to report it to their supervisor or department head, the Assistant Manager, or the City Manager. The supervisor or department head who receives the report should inform the Assistant Manager or the City Manager in confidence as soon as possible. If any employee directly receives an oral or written complaint from an alleged victim of sexual harassment, he or she must immediately forward the complaint to the Assistant Manager or the City Manager or direct the alleged victim to report the incident. Failure to forward a report of alleged sexual harassment to the appropriate person could result in disciplinary action against the person who neglected to make the report.

#### **12.5 INVESTIGATION AND RECOMMENDATION**

Upon receiving any report alleging sexual harassment, the Assistant Manager or City Manager will conduct an investigation. To the extent possible, the allegations and investigation will be kept confidential. An alleged victim may have a staff person of the same gender present during all contacts with the Assistant Manager. The alleged victim and any witnesses may be asked to put their reports in writing.

If the facts are found to support the allegations, the harasser will be subject to disciplinary action up to and possibly including immediate termination depending on the circumstances and severity of the harassment. The Assistant Manager may report on the investigation and its results to the City Manager. The City will keep a complete record of the nature of the complaint, its investigation and its resolution.

Pending completion of the investigation, the designated personnel representative may take any appropriate action necessary to protect the alleged victim, other employees, or citizens.

Anyone who makes a false complaint of sexual harassment or anyone who gives false information during a sexual harassment investigation could also be subject to disciplinary action up to and possibly including immediate termination.

The City may also discipline any individual who retaliates against a person who testifies, assists or participates in any manner in a sexual harassment investigation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

#### **12.6 DRUG-FREE WORKPLACE POLICY**

The City recognizes the value of having a drug-free workplace and in conjunction with the Drug-Free Workplace Act of 1988 adopts the following policy:

1. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. For purposes of this section, the term "controlled substance" is defined as a controlled substance which appears in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).
2. A violation of this drug-free policy constitutes "just cause" for disciplinary action, up to and including immediate suspension or termination, or both.
3. As a condition of employment, employees will abide by the terms and conditions of this drug-free policy and will notify their department head of any criminal drug statute conviction for which a violation occurs in the workplace within five calendar days after such conviction.
4. The City will notify the contracting agency within ten calendar days after receiving actual notice of an above conviction.
5. Within 30 days of receiving notice from an employee of a drug related workplace conviction, the City may require an employee to satisfactorily participate in a drug abuse assistance or an appropriate rehabilitation program.
6. The City will establish a drug-free awareness program to inform employees about:
  - a. the dangers of drug abuse in the workplace;
  - b. the policy of maintaining a drug-free workplace;

- c. the availability of drug counseling, rehabilitation and employee assistance programs;
- d. the penalties that may be imposed upon employees for drug abuse violations.

Each situation will be evaluated on a case-by case basis depending upon the severity and circumstances.

The City will make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

#### **12.7 PROHIBITED POLITICAL ACTIVITY**

Political activity is permitted except as provided below:

1. A person may not in any manner during hours of employment use authority or official influence to compel an employee:
  - a. to apply for or become a member of any organization;
  - b. to make or promise to make a contribution to any candidacy or organization; or
  - c. to take part in any political activity.

An employee who violates these provisions and is found guilty of a violation under Minnesota Statutes Section 210A.081, will be automatically terminated.

2. In addition to being bound by the Prohibited Political Activities Rules of this section, an officer or employee whose principal employment is in connection with an activity financed in whole or in part by a Federal agency, may not:
  - a. use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
  - b. run for partisan elective office without first securing personal leave without compensation.

#### **12.8 SMOKING POLICY**

Smoking is prohibited in city buildings and vehicles unless otherwise designated.

#### **12.9 ACCEPTANCE OF GIFTS**

Employees may not accept gifts or other gratuities from the general public when such items have more than a nominal monetary value. Employees found to be in noncompliance with this policy will be subject to disciplinary action.

#### **12.10 EMPLOYEE SAFETY**

See Safety Manual and Department Manuals for policy.

#### **12.11 EMPLOYEE IDENTIFICATION CARD POLICY**

All Full-time and part-time regular employees are required to have a City employee identification card. Employee identification cards are available in the Administration office.

Upon termination with the City of Crystal, you must return your employee identification card to Administration office prior to issuance of your last payroll check.



## SECTION 13

### EMPLOYEE DEVELOPMENT

#### 13.1 PERFORMANCE APPRAISAL

The performance appraisal system is based on position descriptions and results-oriented performance standards. The performance appraisal is designed to encourage the employee to reach maximum potential and enhance services provided by the City.

Standards against which performance is to be measured must be specific, measurable, related to quality, quantity, timeliness of work and other reasonable performance criteria determined by the appropriate supervisor and City Manager. Department heads are responsible for the overall implementation of performance appraisals of employees within their departments.

The performance appraisal system must be implemented in a method that meets the following minimum requirements:

1. The performance appraisal system must include, at minimum, an annual performance evaluation and counseling between supervisors and their respective employees.
2. Performance appraisals must be made in writing and both the supervisor and employee will each receive a copy.
3. An official copy of all written performance appraisals will be kept on file in the Administration office in the employees personnel file.
4. Performance appraisals is based on position descriptions and results-oriented performance standards.
5. The supervisor and employee must annually review the employee's position description and performance standards for purposes of updating and maintaining current descriptions. Updated job descriptions must be forwarded to the Director for approval.

In addition to the yearly performance appraisals, employees will also be given additional evaluations under the following conditions:

1. Prior to the completion of the six month probationary period.
2. When an employee's performance is unsatisfactory.

3. When the department head feels it is in the best interest of the employee or City or as directed by the City Manager.

#### **13.2 RECORD OF PERFORMANCE APPRAISAL**

Performance appraisals must be recorded in writing in the form and manner described by the City Manager.

#### **13.3 PRIVACY OF PERFORMANCE EVALUATIONS**

Performance evaluations are private personnel data under the Minnesota Government Data Privacy Act.

#### **13.4 APPEALS OF PERFORMANCE EVALUATION**

If an employee wishes to appeal the immediate supervisor's written performance evaluation, the employee may do so by requesting a meeting with the department head. Such request for appeal to department head must be in writing and submitted within ten calendar days of the original performance evaluation.

The department head must review the performance evaluation appeal and give a written answer to the employee within ten calendar days after receipt of the written appeal. If the department head does not answer an appeal within the timeframe, the employee may treat the appeal as denied and appeal to the City Manager.

The results of the department head's review may be appealed by the employee to the City Manager within ten calendar days of receipt of the department head's response.

#### **13.5 IN-SERVICE TRAINING**

The City Manager may provide appropriate in-service training, as needed, for employees for the purpose of improving the quality of services rendered to the City and to assist employees to prepare themselves for advancement in City service. The City Manager will provide assistance to department heads in developing and conducting training to meet the specific needs of City departments.

#### **13.6 CONFERENCES OR WORKSHOPS**

Conferences and workshops are to be job related and used to develop the information and skills of City staff. Examples of training programs are workshops, University of Minnesota Extension courses, and sessions held at specialized service areas. These sessions may be attended upon approval of the City Manager.

The following criteria are to be used in selecting conferences or workshops to attend:

1. topic has application to employee's job; and
2. attendance will allow for making essential contacts or obtaining information important to the improved operations and functions of the department; and
3. information is needed to complete or meet changes in job responsibilities because of internal or statutory changes.

Cost incurred by an employee for an educational course requested by the City will be reimbursed in total.

## **SECTION 14**

### **SICK LEAVE DONATION PROGRAM**

The intent of the City Council is to allow for the transfer of sick time to another employee only under those health-related, catastrophic circumstances where an employee is incapacitated to the extent of being unable to work.

**Employees may transfer sick time to another employee under the following conditions:**

1. Regular full-time or part-time employees who wish to donate sick time may do so only if they have at least two years' (192 hours) of sick-time accumulated on record.
2. An employee may donate a minimum of one hour to a maximum of eight hours per donation request.
3. An employee who donates must read and sign a statement which states the employee understands the nature of the gift and that the donation/gift will be irrevocable and have no control over how the gift of sick time is used once donated.

**Regular full-time and part-time employees may request sick time donations under the following conditions:**

1. The employee must be a regular full-time or regular part-time employee of the City who has worked a minimum of one calendar year and has successfully completed probation.
2. The employee may request a maximum of 80 hours per year full-time, 40 hours per year part-time, donated sick time for use of illness or injury for themselves only. A sick time donation request is not extended to an employee to take care of members of their immediate family.
3. An employee who requests donation of sick time must first exhaust all vacation, sick and compensatory time recorded.
4. An employee is not eligible for sick time donation if the employee is eligible for Workers Compensation.
5. To ensure appropriate review of sick leave donation requests, an employee requesting sick leave donation must waive any data privacy rights regarding the information given, medical documentation, etc., regarding sick time requests.

6. Sick time donation requests must be made in writing to the City Manager. Requests must be accompanied by supporting medical data. The requests will then be reviewed by the City Manager.

General information regarding sick-time donation:

1. Sick leave donations will be calculated using time and not an equivalent cash amount.
2. Sick time donations are collected per occurrence and not banked.



## **SECTION 15**

### **LIGHT DUTY POLICY**

#### **15.1 PURPOSE**

The purpose of this policy is to establish guidelines for assignment of work to disabled employees who are medically unable to perform their work duties.

#### **15.2 POLICY**

Where appropriate, the department will assign disabled employees to light duty work. The City Manager or department head reserves the sole right to determine when light duty work will be assigned, this decision being based on the department's need for such work and the employee's capability of performing the work.

#### **15.3 PROCEDURE: APPLYING FOR LIGHT DUTY WORK**

1. When an employee is unable to perform the employee's job due to a disability, the employee will notify the City Manager or department head in writing as to the nature and extent of the disability and the reason why the employee is unable to perform the job duties. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, expected length of disability and any work restrictions related to the disability.
2. The City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of disability and work restrictions.
3. In deciding whether to assign light duty work to the employee, the City Manager or department head will consider whether there is work in the department which could be performed by the employee; whether there is a need for this work; and whether the employee is capable of performing the work.
4. The employee's assignment to light duty work will continue until the employee is able to return to the employee's usual duties or until the need for the light duty work ceases. The determination regarding the need for and availability of light duty work is in the sole discretion of the City Manager or department head. The circumstances of each disabled employee performing light duty work will be reviewed every 30 days.

## SECTION 16

### TRAVEL

#### 16.1 TRAVEL POLICY

To advance the training and professionalism of its staff and officials, the City authorizes attendance at certain schools, conferences and seminars. The purpose of this administrative regulation is to set forth the policies governing reimbursement for the expenses connected with those activities.

#### 16.2 TRAVEL GUIDELINES

The guidelines for travel of City employees and elected officials are the following:

1. Reimbursement of travel expenses are to refund actual and necessary costs incurred by City employees and officials while traveling as authorized representatives of the City of Crystal.
2. A properly verified, itemized expense claim must be submitted to the City Manager for approval within 45 days following the date of return from an authorized trip. Expense claims must be accompanied by receipts for the following:
  - a. transportation costs to and from destination via coach, tourist, or economy class transportation,
  - b. lodging costs not to exceed single occupancy rate,
  - c. conference or meeting registration fees,
  - d. any unusual items for which advance approval has been obtained from the City Manager.
3. The mode of transportation must be approved by the City Manager prior to an authorized trip. Personal automobile use for authorized trips will be reimbursed at the rate consistent with IRS regulations, or an amount equal to air travel tourist class, whichever is the lesser.
4. Reimbursement for meals while on authorized travel will be for actual expenditures with a maximum of \$34.00 per day for meals allowable plus a maximum of 15% gratuities.
5. Extra tickets, either meal or event tickets, must be prepaid by the employee/official when making

reservations. Requests for refunds on prior payments of personal scheduled events or meals must be handled by the employee/official.

6. Airfare for spouse or other family members must be prepaid at the time reservations are made.
7. Lodging expenses will not be reimbursed for meetings held in the Minneapolis/St. Paul metropolitan area unless prior approval is granted by the City Manager.
8. A Crystal elected official may not incur out-of-metro area expenses exceeding the amount approved as part of the budget process for the existing year without specific Council authorization. Any expenses exceeding the amount approved must be paid by the individual attending.
9. The employee/official charging meetings, group meals, lodging, rental or travel on the City charge card must provide a receipt or some form of official validation for those charges. Itemized statements are not provided with the monthly billing on a charge card.
10. Reimbursement for lodging is limited to the minimum number of nights required to conduct the assigned City business. If an employee or official chooses to arrive earlier or leave later, the additional expense related to this decision is a personal expense unless a savings to the City is accomplished and approved by the City Manager prior to departure.
11. Newly elected officials wishing to attend out-of-state conferences prior to being sworn into office will attend at the official's own expense.
12. Reimbursement will be made for parking at airport of departure or transportation to and from the airport, whichever is less.
13. Parking expenses at employee's or official's hotel for personal or rental vehicle will be allowed.
14. Personal phone calls from a hotel while attending a conference must be paid by the individual attending the conference.
15. Per diem expenses: Only meetings resulting from Council's appointment to an organization are allowed. City councilmember extra meeting per diem while attending a conference will not be covered if the City pays for attendance at the conference. If the City allows per diem in excess of IRS regulations, the

excess will be added to the IRS W-2 form as taxable income.

16. Elected officials are entitled to the per diem payments specified in Section 210 of the City Code.

ORDINANCE NO. 91-\_\_\_\_\_

AN ORDINANCE RELATING TO SALARIES OF  
MEMBERS OF THE CITY COUNCIL: REPEALING  
CRYSTAL CITY CODE, SUBSECTION 210.09,  
SUBDIVISION 1, CLAUSES (c) AND (d)  
AND SUBSECTION 210.091, SUBDIVISION 2,  
CLAUSES (c) AND (d)

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Subsection 210.09, Subdivision 1, Clause (c) is repealed.

Sec. 2. Crystal City Code, Subsection 210.09, Subdivision 2, Clause (c) is repealed.

Sec. 3. This ordinance is effective as of January 1, 1991, in accordance with Crystal City Code, Subsection 110.11.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk



City of Crystal

Memorandum

DATE: January 15, 1991  
TO: Jerry Dulgar, City Manager  
FROM: Kevin McGinty, Fire Chief *KW*  
SUBJECT: Firefighters' Salaries for 1991

As we discussed earlier, I would recommend an increase in pay to Firefighters and Fire Officers of 4 percent, equal to the increase for other City Employees. The following list shows the 1990 pay and the 1991 pay if approved:

<u>CATEGORIES</u>	<u>1990</u>	<u>1991</u>
Call Pay:		
Firefighters	\$7.25/hr.	\$7.55/hr.
Officers	\$7.75/hr.	\$8.05/hr.
Training, Schools, & Work Duties:	\$6.50/hr.	\$6.75/hr.
Stand-bys, Sleep-ins	\$22.50/shift	\$23.50/shift
Officer's Monthly Salaries:		
Chief Officers (3)	\$172.13/mo.	\$179.00/mo.
Assistant Training Officers (1)	\$106.07/mo.	\$110.31/mo.
Captains (4)	\$71.09/mo.	\$73.93/mo.

Also, as we discussed, I would like to tie Firefighter salary adjustments to any annual salary adjustments similar to other part-time City employees; thus, eliminating a more difficult catch-up system every few years.

If you have any questions or concerns, please don't hesitate to contact me. Thank you in advance for your consideration of this matter.

KJM:jls

DATE: January 4, 1991  
TO: Jerry Dulgar, City Manager  
FROM: William Monk, City Engineer  
SUBJECT: City Hall Space Needs

Consistent with our review of City Hall space needs at the Council work session of November 14, the 1991 Budget included an allocation within the PIR Fund for the initial phase of a renovation project. It is important to note that the City Hall upgrade project will be a lengthy process involving continual Council input/approvals along the way.

The first step in the project includes fine tuning the preliminary layout in terms of detail and scope. It was with this in mind that I requested the attached proposal from Workplace Environments. While many of the work items appear quite detailed, this work represents the next level of planning and preparation required prior to involvement of an architect.

Based on their work on the preliminary plan and their extensive background with municipal facilities, I recommend Crystal contract with Workplace Environments for services as outlined in the letter from Mr. Baxter dated 12/21/90. This detailed planning/layout work is scheduled to take 3 to 5 months with a cost not to exceed \$33,000.

While I am anxious to proceed with some form of City Hall renovation plan, there is no intent to rush the process. Budget restrictions/limitations will continue to be a primary consideration with this project.

  
WM:mb

Encl



**WORKPLACE ENVIRONMENTS, INC.**

VICKSBURG PLAZA • SUITE#15  
.1115 VICKSBURG LANE NORTH  
PLYMOUTH, MINNESOTA 55447  
(612) 476-0663 • FAX # (612) 476-0680

December 20, 1990/Revised December 21, 1990

Mr. William Monk  
Public Works Director  
CITY OF CRYSTAL  
4141 Douglas Drive North  
Crystal, MN 55422-1696

re: Proposal to develop our 1990 space study for the City of Crystal  
general offices

From our initial space study, we propose to develop our preliminary plan into a detailed plan with specifications for all interior non-structural requirements. This plan will be presented to the City of Crystal and to the architect of choice to implement the expansion and remodeling of the City's present offices.

We will begin by providing a needs assessment survey of all Crystal office employees via interviews to complete the development of their individual workstation requirements and all common area requirements. From these interviews, the following services will be incorporated to develop the construction and furniture specifications and plans:

- \* Field verification of as-built conditions of the building.
- \* Revise the base plan into a detailed  $\frac{1}{4}$ " core plan.
- \* Meet to program telephone electrical lighting and data requirements.
- \* Meet to review common area consideration and details.
- \* Provide the following plans:
  - non-structural building addition plans.
  - Reflective ceiling plans and switching plan.
  - Demolition plans
  - Color and finish selection plans.
  - Detailed furniture and workstation plans.
  - Plan refinement and revisions as necessary.
- \* Provide the following specifications:
  - Lighting
  - Colors and finishes
  - Furniture and workstation specifications
  - Flooring treatments
  - Window treatments
  - Presentation boards
  - Detail design and shop drawings (i.e. millwork, custom assemblies and special details).

December 20, 1990/Revised December 21, 1990  
CITY OF CRYSTAL  
Page 2

\* Meet with the City and architect for:

- Code review
- Mechanical coordination review
- Electrical coordination review
- Architectural coordination review
- Employee and management needs assessment review (includes revisions and changes.)
- Site inspections and verification

\* Coordination of additional consultants (i.e. acoustic, lighting, energy management).

\* Project administration (i.e. print-making, calls, conferences, travel time).

We understand this service includes all areas of the building as per our preliminary plan detailed.

We understand this service includes only basic recommendations for the Council Chambers, the Detention Area and the Garage.

We understand the entire building is to be planned at one time, though work may be done in stages. Our fees are based on completion of the work at one time. Project management, if requested, is additional.

Our services are billable at \$55.00 per hour for design and \$37.00 per hour for clerical with total cost not to exceed \$33,000.00. The work is expected to be completed over a three to five month period. Print charges are additional.

Sincerely,



William H. Baxter







**DAVID J. KENNEDY**

Attorney at Law

Direct Dial (612) 337-9232

**HOLMES & GRAVEN**

**CHARTERED**

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

January 14, 1991

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

Re: Ordinance relating to Advisory Commissions

Dear Jerry:

Enclosed find a draft ordinance for first reading dealing with terms of Advisory Commission members. The ordinance carries out the Planning Commission's recommendation of December 3rd.

Yours very truly,

  
David J. Kennedy

DJK:caw

Enclosure

ORDINANCE NO. 91-\_\_\_\_\_

AN ORDINANCE RELATING TO ADVISORY  
COMMISSIONS: TERMS: AMENDING CRYSTAL  
CITY CODE, SUBSECTION 305.49  
BY ADDING A SUBDIVISION

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Subsection 3, is amended by adding a subdivision to read as follows:

Subd. 4. Special Exception. The Council may waive the limitations of this subsection if it finds it in the best interests of the City to do so, but in no event may a commission have more than one member who has served for longer than four consecutive terms.

Sec. 2. This ordinance is effective in accordance with Crystal City Code, Subsection 110.11.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk



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

ADMINISTRATIVE OFFICE

FAX TRANSMITTAL FORM

DATE:

January 8, 1991

TO:

Dave Kennedy - *per our phone conversation. Also, are you preparing an ordinance splitting pawn shops & secondhand goods dealers?*

AT (FAX #):

337-9310

FROM:

Darlene George

AT (PHONE #):

537-8421

NUMBER OF PAGES (including this page):

3

\*\*\*\*\*

OUR FAX MACHINE PHONE NUMBER: (612) 537-3279

\*\*\*\*\*

IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL:


FAX OPERATOR:

Darlene George

AT PHONE NO.:

537-8421

EXTENSION 131

DATE: December 4, 1990  
TO: Jerry Dulgar, City Manager  
FROM: Bill Barber, Building Inspector   
SUBJECT: Memorandum from Planning Commission regarding  
terms of service

The Planning Commission members who were present Monday night signed the attached memorandum. They asked that I forward this to the Council for their consideration. The Planning Commission members also asked that the City Council consider this proposal for other commissions as well.

Their concern is that there may be times when commission members are not permitted to be reappointed which could leave a number of new members without experience.

This change would require an ordinance change should Council decide to proceed.

kk



MEMORANDUM TO MEMBERS OF CRYSTAL CITY COUNCIL:

We, the members of the Planning Commission, are requesting that the City Council consider the rigidity of the ordinance that prohibits the re-appointment of commission members after four terms.

Inasmuch as the commissions often demand expertise which takes several years to acquire, there may be occasions when a mandatory turnover of members would be detrimental to the best interests of our City.

Therefore, it is suggested that the Council invite applications whenever a vacancy exists or an appointment is due. At that time the merits of all candidates should be considered, and the attendance record of the incumbent commissioner should be noted. Re-appointments should never be considered a "right" but rather a "privilege" which has been earned.

It is also suggested that the Council consider the turnover which has taken place on the Commission during recent years to insure that the membership will not be forced to terminate needed experience.

We are not requesting the four-term limit be discarded, but we are asking that the Council amend the ordinance so that this provision may be waived by a majority vote of the Council when such action would be deemed to be beneficial for the City, but at no time would any commission be allowed to have more than one member with an extended term.

Bruce W. Smith  
David Anderson  
Rita Nystrom  
James Borden  
Paul M. Magnuson

John A. Elen  
Debra K. Gustafson  
Paul Christopher  
Gregory J. Tink

Dec. 3, 1990

J.E.

( JAN 08 '91 13:52 )

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	MODE	TIME	RESULTS	TOTAL PAGES	DEPT. CODE
JAN 08	13:51	612 337 9310	G3ST	01'50"	OK	03	

Memorandum

DATE: January 30, 1991  
TO: Jerry Dulgar, City Manager  
FROM: Darlene George, City Clerk *Darlene*  
SUBJECT: Change in Meeting Date/Time of the May 21, 1991  
City Council Meeting

Independent School District #281 will conduct a school board election on May 21, 1991, which is a regular meeting night for the City Council. State law prohibits public meetings between the hours of 6 p.m. and 8 p.m. The Council may either change the date of the meeting or begin the May 21 meeting at 8 p.m. rather than 7 p.m.

I recommend this be placed on the next Council Agenda so calendars may be marked accordingly in advance.

DG/js

DATE: January 28, 1991

MEMO TO: Jerry Dulgar, City Manager

FROM: Edward Brandeen, Park and Recreation Director *ECB*

SUBJECT: Custom Vertical Blinds for the Crystal and  
Minnesota Rooms at the Community Center

For your information, three companies were contacted to secure prices on the furnishing and installation of window coverings for the Minnesota Room at the Community Center. Prices were also secured for window treatments in the Crystal Room A. The companies and their proposals, which include materials, delivery and installation were:

Creative Interiors by Wendy \$4,367.50  
6900-83rd Avenue North  
Brooklyn Park, MN 55429  
Owner - Wendy Cierlik

Drapery Designers, Inc. \$2,418.00  
8298 Kingslee Rd.  
Minneapolis, MN 55438  
Owner - Zane Henreichs

JH Interiors, Inc. \$4,365.00  
4907 Excelsior Blvd.  
St. Louis Park, MN 55416  
Owner - Janice Hoonsbeen

Window coverings are necessary in the Minnesota Room because of the intense sunlight and heat coming into the room through the south windows making it difficult to regulate the heating and air conditioning system. Many times the temperature reaches 85 degrees or more in the room and the tables that are adjacent to the window area are not useable.

All three companies recommended a fabric vertical blind either light gray or ivory as a light color shows less fading from the sun. The verticals are flame retardant and scotchgraded and provide some sound absorption. The fabric sample is attached.

For maximum protection from the heat and sun in the Minnesota Room, a mylar window covering was also suggested. The feeling is with the intense sun the verticals will need to be replaced in 2-5 years, however, the track system will last for many years so we have the option of replacing the vanes only as needed.

I recommend accepting Drapery Designers proposal. This company works directly with a manufacturer in Fairmont, MN and has a local person that installs and repairs the blinds as needed. We also have the option of doing the project in two stages, which would increase the cost approximately \$200.

I understand the money for this project could be allocated from the Charitable Gambling Fund. I feel the addition of vertical blinds is essential for complete useage of both rooms because of the situation in the Minnesota Room and since several rental groups have choosen not to use the Crystal Room or have rearranged the chairs because of the mirror.



DATE: January 24, 1991  
TO: Jerry Dulgar, City Manager  
FROM: William Monk, City Engineer  
SUBJECT: Storm Water Utility

In recent years, Crystal has financed drainage related operational and improvement projects using revenue from the Infrastructure Fund, Sanitary Sewer Enterprise Fund, General Fund and property assessments. This unstructured approach has caused the City to scramble for funds to cover storm water work items on a somewhat regular basis. Further, this practice has often caused problems with tracking storm sewer related costs and establishing any type of capital improvement program. With this in mind, I am recommending Crystal consider establishment of a storm water utility consistent with provisions of MN State Statute.

As outlined in the attached engineering article, a storm water utility operates identical to our existing sewer and water funds. For storm sewer, fees are based on land use as it relates to impervious surface and property size. In reviewing a number of cities that already operate a storm water utility, a base rate of \$13.00 per acre is recommended as the initial fee. This rate translates to a \$2.25 quarterly charge per single family residential lot. The full fee schedule is outlined in the attachment to the enclosed resolution.

It is anticipated the fee structure as proposed will generate between \$100,000 to \$150,000 per year. In 1992, a storm water budget would be prepared detailing operational expenses as well as capital expenditures. Such utility funds would give Crystal a funding source to cover major expenditure items that will include preparation of a storm water management plan (mandated by the State), dredging of water holding ponds, numerous storm water system improvements and watershed management commission annual fees. Additionally, Crystal will be able to build a reserve to handle system expansions and anticipated regulations on water quality issues without relying on project assessments.

In this time of tight budgets, municipalities must look to cover operational and capital costs with a revenue source that is both equitable and related to the work item. Utility charges represent the fairest method of handling sanitary sewer, water and storm sewer expenditures. I recommend adoption of the attached storm water utility ordinance and related resolution on the fee schedule. If approved, an article will be placed in the newsletter outlining the program in anticipation of resident/business questions regarding this new utility fee.



WM:mb  
Encl

# Utility provides creative surface water financing

Paying for storm water (drainage) projects has become more complex with increasing demands on city general funds and court challenges to special assessments.

While traditional funding sources are becoming less viable, the costs related to water quality management and wetland protection continue to rise. With increasing frequency, municipalities are turning to a utility or user charge to finance water management projects. *The utility approach is gaining recognition as the most equitable way to finance surface water projects.*

## What is a utility?

A utility is a service charge based on a property's contribution of water to the drainage system. A surface water management utility is a method of financing water quantity and quality projects. The utility is based on the premise "users pay."

A quarterly fee is typically charged against all developed parcels within a city. The fee is based on how much rain runs off into streets, ditches, ponds and lakes rather than soaking into the ground.

This consistent and dependable revenue source provides the means to manage surface water drainage and water quality without increasing property taxes or using controversial assessments. The utility charge is not associated with property value or property taxes. All properties can be subject to the utility charge, including tax-exempt parcels and "city-owned" lands.

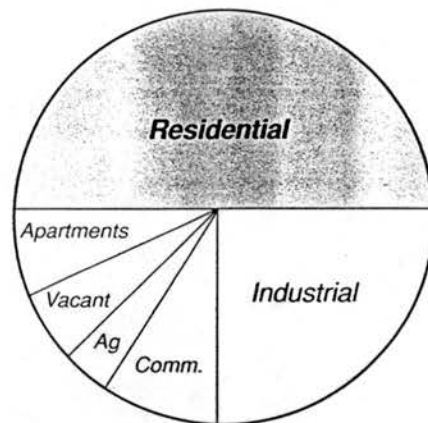
## What are the benefits?

The utility benefits the community by providing a dedicated fund for surface water management activities, including planning and inventories, capital expenditures, personnel and equipment, and administration of the utility. *The utility provides a continuous source of revenue for surface water management without competing with the general fund.*

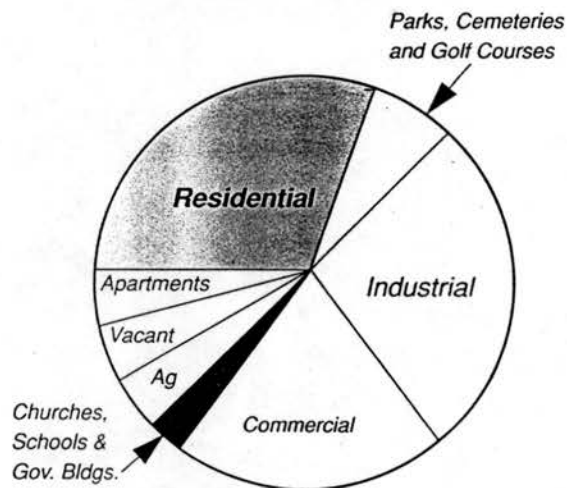
The benefits associated with surface water management include the following:

- Flood control
- Improved lake water quality
- Wetland protection
- Erosion and sediment control
- Enhanced recreational opportunities
- Drainage system maintenance
- Community education

Administration of the utility involves developing quarterly rates based on funding needs; determining the means of billing and collections, including software and



General Taxes



Utility Funding

equipment needs; determining responsible parties to monitor program implementation; and soliciting comments from legal and financial advisers.

## How is a utility established?

The legal basis for the utility should be an ordinance. The ordinance establishes the utility and outlines calculation of storm drainage fees; credit system and appeals; exemptions; fee payment; city policy; and supporting computations.

The utility concept will succeed if it has public understanding and support. *It is important to recognize that development adds to existing drainage problems.* The property owner on a hill has, by converting natural ground cover into streets, concrete and rooftops, increased storm water runoff. This increase contributes to the drainage problem of neighbors in low-lying areas. Because the property owner on the hill has contributed to the drainage problem, he or she should also contribute to the cost of correcting the problem.

*The pie charts demonstrate the difference a utility can make in generating revenue.*

Section 725 - Storm Sewer System

725.01. Storm Sewer System: Statutory Authority. Minnesota Statutes, Section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities ("charges"). By this section, the City elects to exercise such authority.

725.03. Findings and Determinations. In providing for such charges, the findings and determinations set out in this subsection are made.

(a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm sewer system ("the system"). This section is adopted in the further exercise of such authority and for the same purposes.

(b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.

(c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the City during a standard one-year rainfall event.

(d) Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practical methodology for making such charges.

725.05. Rates and Charges. Subdivision 1. Residential Equivalent Factor. Rates and charges for the use and availability of the system shall be determined through the use of a "Residential Equivalent Factor" ("REF"). For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard one-year rainfall event.



Subd. 2. Determination of REF's for Land Uses. The REF's for the following land uses within the City and the billing classifications for such land uses are as follows:

<u>Land Uses</u>	<u>REF</u>	<u>Classification</u>
Cemeteries	.25	1
Parks and Railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial and warehouse uses	5.00	7

Subd. 3. Other Land Uses. Other land uses not listed in the foregoing table shall be classified by the City Manager by assigning them to the classes most nearly like the listed uses, from the standpoint of probably hydrologic response. Appeals from the City Manager's determination of the proper classifications may be made to the City Council in the same manner as other appeals from administrative determinations.

725.07. Establishing Basic Rate. In determining charges, the Council shall from time to time, by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land shall then be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

725.09. Standard Acreage. For the purpose of simplifying and equalizing charges against property used for single-family and two-family residential purposes, each of such properties shall be considered to have an acreage of one-fifth acre.

725.11. Adjustments of Charges. The City Council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels.

Such adjustment shall be made only after receiving the recommendation of the City Manager and shall not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, however, such adjustment shall be accomplished by amending the REF table in Subsection 725.05, Subdivision 2.

725.13 Excluded Lands. No charge for system availability or service shall be made against land which is either (i) public street right-of-way or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

725.15. Supplying Information. The owner, occupant or person in charge of any premises shall supply the City with such information as the City may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this subsection.

725.17. Estimated Charges. If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in Subsection 725.15, the charge for such premises shall be estimated and billed in accordance with such estimate, based upon information then available to the City.

725.19. Billings and Collections. Bills for charges for the use and availability of the system shall be rendered by the finance department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills shall be rendered quarterly, shall be payable at the office of the City Finance Department and may be rendered in conjunction with billings for water or sanitary sewer service, or both.

725.21. Penalties and Remedies for Delinquency or Default in Paying Billings. Penalties and remedies for late payments or non-payment of billings shall be the same as those applicable to billings rendered for water and sanitary sewer service.

725.23. Use of Revenues. Revenues received from charges shall be placed in a separate storm sewer system account and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the system. Revenues from time to time received in excess of such costs may be used to finance improvements to and betterments of the system.



RESOLUTION NO. 91-

RESOLUTION ESTABLISHING BASIC RATE FOR IMPROVING,  
MAINTAINING AND OPERATING THE STORM SEWER SYSTEM  
OF THE CITY OF CRYSTAL

WHEREAS, the City of Crystal has by ordinance provided for the imposition of charges for the use and availability of storm use facilities within the City, and

WHEREAS, such ordinance provides for the establishment of a basic rate, from time to time, by resolution of the City Council, with such basic rate to be charged against one acre of land having a Residential Equivalent Factor of one (1).

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

The initial basic system rate to be charged against one acre of land having a Residential Equivalent Factor of one (1) is Thirteen Dollars (\$13.00).

Adopted by the Crystal City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Mayor

ATTEST:

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

STORM DRAINAGE UTILITY  
RATE STRUCTURE

CLASSI- FICATION	LAND USES	AVE. % IMPERVIOUS	RESIDENTIAL EQUIVALENT FACTOR	RATE/QTR
1	Cemeteries Golf Courses	4%	0.25	3.25/ac
2	Parks with Parking Facilities	15%	0.75	9.75/ac
3	Single Family and Duplex Residential	25%	1.00	13.00/ac or 2.25/lot
4	Public and Private Schools Community Center	30%	1.25	16.25/ac
5	Multiple Family Residential, Churches and Governmental Bldgs.	50%	2.50	32.50/ac
6	Commercial, Industrial Warehouse	85%	5.00	65.00/ac
7	Improved Vacant	Varies	As Assigned	

NOTE

\$13.00/acre basic charge

Use 7,500 SF lot size for 5.8/lots/acre computes \$2.25/lot/qtr.

DATE: January 24, 1991  
TO: Jerry Dulgar, City Manager  
FROM: William Monk, City Engineer  
SUBJECT: Community Center Security System

Back on December 10 the City Council awarded the contract for the Community Center security system to a firm at a relatively low bid. The reason for the low bid became apparent when the firm requested a substantial increase as the contract was being finalized. Negotiation after the fact is not an acceptable way to conduct business and the previous low bid was rejected.

To replace the rejected bidder, a proposal was sought from Honeywell Protection Services. This bid was compared to the previous two proposals as outlined on the attached resolution. Based on the results, I recommend Crystal contact with Honeywell Protection Services for installation and monitoring of a security system at the Community Center in an amount not to exceed \$6,570.

It should be noted that \$7,500 was originally budgeted in the lawful gambling fund to finance this project.



WM:mb

Encl.

RESOLUTION NO. 91-

RESOLUTION APPROVING EXPENDITURE  
OF CHARITABLE GAMBLING FUNDS FOR  
SECURITY SYSTEM AT CRYSTAL COMMUNITY CENTER

WHEREAS, an organization conducting lawful gambling in the City of Crystal must certify to the City that at least 20 percent of its net profits have been expended in the trade area of the City for the lawful purposes specified by the City, and

WHEREAS, the City of Crystal maintains a separate fund for the contribution of the 10 percent of net profits from lawful gambling within the City, and

WHEREAS, the City Attorney has determined that a security system for the Crystal Community Center is a lawful purpose under Minnesota Statutes, Section 349.12, Subdivision 11,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Crystal approve expenditure of funds from lawful gambling contributions, Fund #87, for the purpose of installation of a security system at the Crystal Community Center, 4800 Douglas Drive, Crystal, Minnesota.

Further, that based on the following quotations that Crystal contract with Honeywell Protection Services for the installation of said security system with five-year monitoring in an amount not to exceed \$6,570.

<u>Firm</u>	<u>Installation</u>	<u>(5 years) Monitoring</u>
Honeywell Protection Services	\$ 5,070.00	\$ 1,500.00
National Guardian	\$ 5,220.00	\$ 1,500.00
Silent Knight	\$ 5,666.00	\$ 1,500.00

Adopted by the City Council this 5th day of February, 1991.

\_\_\_\_\_  
Mayor

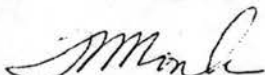
ATTEST:

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

DATE: January 24, 1991  
TO: Jerry Dulgar, City Manager  
FROM: William Monk, City Engineer  
SUBJECT: Wilshire Boulevard/CR81 Intersection Study

Consistent with the EDA's discussion at its last meeting, the attached intersection study by Westwood has been revised in regards to land use considerations along the west side frontage road. I will be prepared on Tuesday night to discuss the report with the EDA in detail.

At this point, the EDA and City Council should move towards approval of one of the intersection alternatives so the plan can be forwarded to Hennepin County for review and scheduling. Consistent with the Advisory Commission's findings, I recommend approval of Concept 2A which includes only a partial taking of the restaurant site and leaves Yates Avenue as a thru street to Wilshire Boulevard. Inclusion of the concept to mitigate the impact to the C. J. Frank property is also recommended.



WM:mb

Encl



**HOLMES & GRAVEN**

**CHARTERED**

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

**DAVID J. KENNEDY**

Attorney at Law

Direct Dial (612) 337-9232

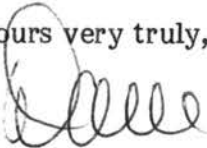
January 29, 1991

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

Enclosed for first reading is an ordinance authorizing enforcement of rules on Twin Lakes by non-sworn police personnel from Robbinsdale and Brooklyn Center.

The ordinance is required to make the Twin Lakes JPO Enforcement Program effective.

Yours very truly,



David J. Kennedy

DJK:caw

Enclosure

cc: Charlie LeFevere

ORDINANCE NO. 91-\_\_\_\_\_

AN ORDINANCE RELATING TO LAW ENFORCEMENT:  
TWIN LAKES: AMENDING CRYSTAL CITY  
CODE, SECTION 960 BY ADDING A SUBSECTION

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Section 960, is amended by adding a Subsection to read as follows:

"960.13. Twin Lakes. Subject to the direction of Chief of Police (i) persons authorized by this section to issue notices of violation and to issue citations in lieu of arrest and (ii) non-sworn personnel from the police departments of the cities of Brooklyn Center and Robbinsdale, may issue notices and citations in lieu of arrest in any part of the City lying in Twin Lakes, on islands in Twin Lakes, and on public lands adjacent to Twin Lakes for violations of applicable laws, ordinances or regulations."

Sec. 2. This ordinance is effective in accordance with Crystal City Code, Subsection 110.11.


\_\_\_\_\_  
Mayor

Attest:

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

City of Crystal  
Memorandum

TO: Jerry Dulgar  
FROM: Miles Johnson  
DATE: January 28, 1991  
SUBJECT: Council per Diem (\$35/Meeting)



I have reviewed the attached claim for December and feel several of these are not the intent of the City Code 210.09 Subd 4.

Should the EDA be a separate meeting and be paid?

Would you please discuss this with the Council especially the "at the direction of or pursuant to authorization by the City Council."

I would like to pay the Council and Mayor based on our City Code.

jm

Section 210 - Salaries of Elected Officials

- 210.01. Council Salaries. (Repealed, Ord. 82-1, Sec. 1).  
210.03. Council Salaries. (Repealed, Ord. 83-15, Sec. 2).  
210.05. Council Salaries. (Repealed, Ord. 86-1, Sec. 1).  
210.07. Council Salaries. (Repealed, Ord. 89-22, Sec. 2).  
210.09. Council Salaries. Subdivision 1. Mayor.

- (a) the salary of the Mayor is \$7,068 per annum until December 31, 1989;
- (b) commencing on January 1, 1990 the salary of the Mayor is \$7,421 per annum;
- (c) commencing on January 1, 1991 the salary of the Mayor is \$7,792 per annum;
- (d) commencing on January 1, 1992 the salary of the Mayor is \$8,181 per annum.

Subd. 2. Councilmembers.

- (a) the salary of each member of the Council is \$5,358 per annum until December 31, 1989;
- (b) commencing on January 1, 1990 the salary of each member of the Council is \$5,626 per annum;
- (c) commencing on January 1, 1991 the salary of each member of the Council is \$5,907 per annum;
- (d) commencing on January 1, 1992 the salary of each member of the Council is \$6,202 per annum.

Subd. 3. Monthly Payments. The salaries of the Mayor and Councilmembers are payable monthly.

Subd. 4. Per Diem. Subject to the provisions of this subdivision, the Mayor and each member of the Council are allowed as additional compensation the sum of \$35 as a per diem payment for each meeting, other than a regular or special Council meeting, attended by the Mayor or the member at the direction of or pursuant to authorization by the City Council. The per diem allowance may not be paid for the first four such meetings attended in any one calendar month, and is limited to a total per diem payment of \$70 per month. (Amended, Ord. No. 89-22, Sec. 1)

1-20-91

Date

Social Security # 474-46-8230

Mayor  
Councilperson Betty Herbes

Listed below are the meetings I attended during the month of Dec., 1990.

I am claiming 2 meetings for the month, at the per diem rate of \$35.00 per meeting.

<u>Date</u>	<u>Time</u>	<u>Function</u>
<u>12-10-90</u>	<u>8 a.m.</u>	<u>Lanuges Meeting</u>
<u>12-10-90</u>	<u>6 p.m.</u>	<u>EPA</u>
<u>12-10-90</u>	<u>7 p.m.</u>	<u>Council meeting</u>
<u>12-11-90</u>	<u>7:30 a.m.</u>	<u>Northen Mayors</u>
<u>12-14-90</u>	<u>6:30 p.m.</u>	<u>Christmas Party</u>
<u>12-15-90</u>	<u>1 p.m.</u>	<u>Childrens Christmas Party</u>
<u>12-17-90</u>	<u>1:30 p.m.</u>	<u>Seniors Christmas Party</u>
<u>12-18-90</u>	<u>1 p.m.</u>	<u>Mayors his</u>
<u>12-18-90</u>	<u>7 p.m.</u>	<u>Council meeting</u>
<u>12-21-90</u>	<u>8 a.m.</u>	<u>Lanuges meeting</u>
<u>          </u>	<u>          </u>	<u>          </u>

I understand that I cannot be reimbursed for more than two (2) meetings in any calendar month.

Signed Betty Herbes.





# CUSTOM MADE BANNERS PENNANTS FLAGS

FOR  
BUSINESS & INDUSTRY  
SCHOOL • CLUBS  
ORGANIZATIONS  
ADVERTISING  
DISPLAYS  
SHOWS



## INDOOR AND OUTDOOR CUSTOM NYLON APPLIED FLAGS

TYPICAL PRICES (submit sketch for firm quotation)

All flags are applied on 100% JETALON nylon fabric, single thickness, reading correctly on the front and reverse on the rear.

All flags are finished with canvas heading and brass grommets. Pole heading and fringe is available at additional cost.



SILHOUETTE

SIZE 3'x5' \$135.00  
4'x6' 185.00



SIMPLE DESIGN

\$185.00  
245.00



AVERAGE DESIGN

\$275.00  
350.00



COMPLEX DESIGN

\$365.00  
450.00

Mounting accessories for above: To match No. 35W U.S. outfit (3'x5' flag) \$94.10  
To match No. 46W U.S. outfit (4'x6' flag) \$99.05

Size	Silhouette	Simple	Average	Complex
2'x3'	\$ 85.00	150.00	215.00	300.00
3'x5'	125.00	185.00	275.00	365.00
4'x6'	175.00	245.00	350.00	450.00
5'x8'	225.00	320.00	475.00	600.00
6'x10'	285.00	420.00	600.00	800.00
8'x12'	395.00	600.00	850.00	1100.00
10'x15'	560.00	800.00	1100.00	1450.00
12'x18'	775.00	1100.00	1500.00	1900.00
15'x25'	995.00	1600.00	2300.00	2800.00

(submit sketch for firm quotation)

Sizes through 6x10 ft. are finished with strong canvas heading and brass grommets. Sizes of 8x12 ft. and larger are finished with rope heading and galvanized thimbles. Indoor and parade flags are finished with pole heading and 2" bullion fringe at additional cost.



Single Thickness

Double Thickness



Double sided flags.

(constructed from two pieces sewn back to back) will be charged for at 80% additional

## CUSTOM NYLON APPLIED IDENTIFICATION BANNERS

ECONOMY MACHINE  
AND TOOL CO.

For parades, conventions, and display use. Applied block letters on JETALON nylon reading correctly on one side with stitches showing on the rear. Price includes pole sleeve or heading with grommets on top for hanging. One color applied on one other color. Additional colors, logos, designs, fancy lettering, border, fringe, air vents, back lining, etc., are priced additional.

Size	Price	Letters
2 1/2'x6'	\$114.00	15
2 1/2'x8'	130.00	20
3'x6'	130.00	25
3'x8'	145.00	30
3'x10'	165.00	30



May 29, 1990

Ms. Betty Herbes, Mayor  
City of Crystal  
4141 Douglas Drive N.  
Crystal, MN 55422-1696

Dear Ms. Herbes:

Enclosed is the information you requested regarding the small luggage bags that we purchased for use by our City Council.

We purchased ten "Armadillo Bags" from Nelson Office Supply for \$17.99 each. (They normally are \$24.95 each, but with a purchase of 10, they gave us a discount.) Ours were purchased at the Burnsville Center store, but they do have locations at Ridgedale and Rosedale. A seamstress sewed one of our Lakeville logo patches on the front of each bag for \$1.00 each. We also ordered luggage tags from the James Office Supply catalog to attach to each bag and typed the Council member's names and addresses on them for easy identification and delivery.

Each Council member has two bags for their use. Their council packets are delivered in one bag and they return the other at this time. They always have one bag in their possession to use as a City brief case for any meetings or functions they are attending.

I hope this information will be of use to you and if I can be of any further assistance, please let me know.

Sincerely,

Robert A. Erickson  
City Administrator

RAE:ve

*Manilla*  
 $10" \times 15" = \$9.88 \text{ per } 100$   
 $2 \text{ packets per month} = 24$   
 $\times \frac{8}{192}$   
 $2 \text{ boxes at } \$9.88 = \$19.76$   
*per year*

*White Fibercraft 10x13*  
*expandable - \$43.16 per 100*  
*or \$86.32 per year.*

*12x17*  
*18 1/2 x 11 3/8*

*20-*

*25-*

*Betty*  
*18/00*  
*11 20*

City of Lakeville

20195 Holyoke Avenue West • P.O. Box 957 • Lakeville, MN 55044 • (612) 469-4431 • FAX 469-3815

*M343*  
*1057*  
*Betty*  
*838*  
*17.00*

To: Mayor and Councilmembers *ph*  
From: Pauline Langsdorf, Chair  
City Manager Salary Review Committee  
Re: Committee Recommendations For 1991 Salary of City Manager  
Date: February 5, 1991

The City Manager Salary Review Committee, consisting of Councilmembers Joselyn, Carlson, and Langsdorf, met to review the 1990 performance of Crystal City Manager, Jerry Dulgar. We took into consideration the 1990 Goals he submitted earlier this year.

Following committee discussion, Jerry Dulgar met with us to discuss our recommendations. This also provided him with an opportunity for input to the process.

We recognized several areas of significant accomplishment in 1990. The following is not intended to be an all inclusive list, but is what I recall from our discussion.

**Brief List of 1990 Accomplishments:**

- Community Center Completed and Operating Well
- Water Slide Built and Operational
- Recycling Program Operating Well
- Pet Impound Facility Site and Multi-City Pet Impound Program Developed
- Meeting Preparation Through Councilmembers Packets Is Well Done - Concise
- Meeting Format Is Improved Through Increased Use of Consent Agenda

**Challenge Areas For 1991:**

- Improve Internal Relations In The Police Department
- Attempt to Enhance Cooperation With Mayor

**SUMMARY**

We feel that Jerry Dulgar has performed extremely well in 1990 in the position of Crystal City Manager. Due to fiscal realities, we do not feel that we can grant him a significant raise for 1991. However, in no way do we want the increase recommended to indicate that we are less than satisfied with his performance in 1990.

**RECOMMENDATION**

We recommend that Jerry Dulgar be granted a 4% raise in 1991, and that his benefit package, including deferred compensation, remain the same as in 1990. The 1991 raise is to be retroactive to January 1, 1991.

**SUGGESTED TIMELINE FOR REVIEW OF 1991 GOALS AND OBJECTIVES AND  
SUBMITTAL OF 1992 GOALS AND OBJECTIVES**

The committee further recommends that in the near future, Jerry Dulgar draft 1991 Goals and Objectives for circulation to Councilmembers, and review by City Manager's Compensation Review Committee. A committee should convene in December 1991 to review the accomplishment during 1991. December 1991 would also be an appropriate time to look at goals and objectives for 1992.

Hoisington Group Inc.

**CRYSTAL COMPREHENSIVE PLAN UPDATE****SCHEDULE**

---

JUN 11 - JUL 1	Assemble Background Information (Staff)
JUN 11 - AUG 31	Base Maps Preparation, Land Use Inventory, Meet with other Agencies, Demographics Study, Assist with Survey Questions (Consultant)
JUN 25	Meet with Staff to Discuss Schedule
JUL 1 - AUG 12	Review Background Information/ Mapping/Analysis
JUL 10	Meet with EDA Advisory Commission
AUG 1 - OCT 18	Forecasting/Assumptions, Preparation for Public Forums (Consultant) Prepare Mailing Lists (Staff)
AUG 13	Meet with Planning Commission (Consultant)
SEP 14 - DEC 3	Community Survey (Decision Resources)
OCT 4	Mail Invitations/Prepare Press Releases (Staff)
OCT 8	Meet with Planning Commission (Re: Forums) (Consultant)
OCT 18 & 24	Conduct Public Forums (Consultant)
OCT 26 - NOV 7	Compile Community Goals (Consultant)
DEC 3 - JAN 23	Complete Demographics Study (post community survey)
DEC 3 - FEB 8	Policies/Concept Plan Preparation (Consultant)



\*\*\*\*\*

FEB 11	Meet with Planning Commission (Re: Goals, Policies, Concept Plan)
FEB 27	Review Policies and Concept Plan with Forum Participants (Forum 3)
FEB 28 - APR 8	Preparation of Draft Comprehensive Plan (Consultant)
APR 8	Meet with Planning Commission (Review Draft Plan)/Set Public Hearing Date
APR 17	Joint Planning Commission/City Council Workshop on Comprehensive Plan
MAY 13	Planning Commission Public Hearing
JUN 10	Planning Commission Plan Adoption
JUN 18	City Council Receipt/Acceptance/Forward to Metropolitan Council

Final desktop published plan will be prepared post Metro Council approval.

---

	6-7-90
Revised	6-26-90
Revised	8-7-90
Revised	9-28-90
Revised	1-18-91

## **CITY OF CRYSTAL**

### **PUBLIC FORUM SUMMARIES**

---

Public planning forums were conducted on October 18 and 24, 1990 to which 200 residents, businesspersons, decision makers and other interest group representatives were invited. A general public invitation was also extended to all who wished to attend. A total of 50 persons attended Forum I. Forty six persons attended Forum II.

Each session format consisted of a resource presentation, small group discussions and open forum. Written guides were prepared in advance to facilitate small group discussions.

The following includes a summary of each forum with a list of themes that seemed to stand out during the process. Also included is a first-cut at a list of Community Goals for review and comment by City Staff and the Planning Commission.

---

## SUMMARY

### PUBLIC FORUM I

---

#### 1. What kind of community is Crystal?

- Blue collar
- Bedroom community
- Stable/established
- Family
- Residential

#### What would you change?

- More seniors housing
- Upgrade housing stock/housing maintenance
- Merger/straighten boundaries
- More families with young children
- Improved public transit
- Improved community pride

#### 2. What are its strengths?

- Parks
- City services
- Good schools/school district
- Good transportation/access to central City
- Business community
- Good/affordable housing
- Low taxes

#### Weaknesses?

- Declining housing stock
- Lack of good public transportation
- No Junior or High School/closing elementary schools
- Aging streets/infrastructure
- Irregular boundaries
- Lack of identity

3. What is the City's present image or identity?

- Lacks an image
- Conservative
- Family
- Small town
- Blue collar
- Middle-income

Should it change? How?

- Better public relations
- More innovation
- Change boundaries
- Attract young families

4. Is growth good or bad? What kind of growth should be encouraged?

All groups supported growth but recognized that Crystal has little remaining vacant land.

- Upgrading housing and businesses
- Commercial and industrial growth
- Redevelop deteriorating areas
- Merger
- Seniors housing

5. What might current economic trends and minimal land availability mean to Crystal in terms of development and the delivery of public services?

- Light rail/easy commuting
- Merger/sharing of public services
- Redevelopment
- Buffering of airport (improving compatibility)
- Might effect public services
- Affordable public transit

6. Dealer's choice.

- Replant trees
- Merger/boundaries

## SUMMARY

### PUBLIC FORUM II

---

1. Given current housing and population trends, what development/service approaches does your group feel the City should employ to respond to future needs?
  - Public transit/transportation
  - Strong housing code
  - Senior Citizens services/housing
  - Programs to attract young families
  - Public financial assistance for home maintenance
2. What might an appropriate housing strategy be? New, multi-family, rehabilitation, redevelopment, seniors, reduction in housing?
  - Seniors housing/ownership
  - Housing inspection/maintenance
  - Limited multi-family
  - Public financial assistance for rehabilitation
3. How does your group feel the Comprehensive Plan should deal with the following:
  - a. The environment?
    - Recycling/composting
    - Wetland protection
    - Public transportation
    - Tree planting
  - b. Parks?
    - Maintain/upgrade present system
  - c. Criminal justice?
    - Neighborhood watch
    - Emphasize DARE program



d. Neighborhood conservation/housing quality?

(covered under housing strategy)

e. Economic development (tax base & jobs)/redevelopment?

- Upgrade commercial areas
- Redevelopment

4. What kind of community environment does your group wish to create in "Year 2000" for shopping, housing employment and community services?

(All comments included)

- Attractive
- Safe well maintained neighborhoods/community
- Convenient shopping
- Well maintained housing
- Create neighborhood feeling
- Improve community services elderly and low income
- Affordable public transit
- Greater focus on arts
- Small town atmosphere with same mix of uses
- More civic pride
- Crime free community
- Clean/friendly
- Increase property values
- Increased senior services to help remain in homes
- Very fit community, educated, motivated to keep improving housing stock
- Think tank
- Update commercial facades
- Better use of Thoreson Elementary facility
- Welcoming and inviting to diverse socioeconomic groups, ethnic backgrounds, educational backgrounds
- Maintain what we have
- We have enough shopping area
- Improve urban forest
- Encourage use of community businesses by Crystal residents
- Create attractions to lure others to northwest suburbs
- Updated community services
- Improved job opportunities

5. What things will be most important to realizing your group's 2000 vision?

(All comments included)

- Affordable/good transit
- Senior cottages or living arrangements
- Senior housing built near LRT station
- Civic pride
- Promoting community involvement
- Upgrade and maintain present facilities
- Pride in City
- Keep affordable
- More people involved
- Volunteerism
- Keep the City developing for needs of all its residents
- Money
- Constant vigil to spot problems and suggest solutions
- Flexibility
- Continue to review plan to take account of changes
- Steering committee to follow trends and think creatively about problem solving
- A renewed sense of community
- Leadership
- Citizen involvement
- Business community involvement

6. Additional comments and ideas?

- How can we periodically do futuring with a cross section of community?
- Form citizen committee for purpose of approaching other city governments for purposes of discussing consolidation.

Themes that stand out from both Forums:

1. LRT support/improved and affordable public transit
  2. Boundaries/merger
  3. Growth through redevelopment/rehabilitation
  4. Elderly housing/services
  5. Housing maintenance/code enforcement
  6. Better public relations/image/identity
  7. Attract young families
  8. Public participation/volunteerism
  9. Waste management
  10. Maintain present park system
  11. Upgrade commercial areas
-

## CITY OF CRYSTAL

### POSTULATED COMMUNITY GOALS

---

The following are the directions that forum participants appear to want to pursue for the future City of Crystal.

1. An enlightened, aware and involved citizenry which plays an active and continuing role in evaluating trends and participating in futures decision making.
2. An increasingly economical and efficient governance/public servicing capability based on intergovernmental cooperation, service sharing, municipal boundary adjustments and volunteerism.
3. Public services at approximately current levels but with increasing emphasis on senior citizens and housing maintenance programs.
4. A safe and healthy environment that is enhanced by the responsible management of wastes and the protection of natural resources (air quality, wetlands, surface waters and trees).
5. An identity that establishes Crystal as having a *sense of place* which is distinctively different from its surrounding neighboring cities.
6. An image that exudes stability and good housing values and portrays Crystal as a good place to live and raise a family.
7. The conservation and protection of stable neighborhoods from external nonresidential influences.
8. Safe and well maintained neighborhoods with increasing housing values and continuing neighborhood improvement and awareness programs.
9. A housing stock that satisfies the needs of a diverse population including people of all socioeconomic, ethnic and educational backgrounds.
10. An ever improving and well maintained housing stock with expanded seniors housing and opportunities for young families.

11. An expanded tax base primarily through redevelopment and rehabilitation of the existing building stock.
  12. Compatible and functional relationships between dissimilar land uses.
  13. Shopping environments that are attractive for shoppers, satisfy an appropriate level of retail goods and services needs for residents and create a distinctive identity for Crystal.
  14. Continuing redevelopment and rehabilitation of the West Broadway/Bass Lake Road central business district as a mixed use area for retail, office, dining/drinking/entertainment establishments and cultural and civic functions.
  15. A balanced park system consisting of active and passive recreation, natural areas and interconnecting trails with a minimal increase in land area that is capable of evolving to meet the needs of a changing population.
  16. A diverse transportation system with increasing emphasis on affordable public transit.
  17. An LRT system that provides rapid transit for Crystal residents while serving as a catalyst for redevelopment, tax base growth and image enhancement.
  18. Continuation of MAC airport operations in Crystal but able and prepared to respond to policy changes which could cause the airport to be relocated.
  19. Maximum communication and cooperation with MTC, RTB, Hennepin County Regional Rail Authority, MnDOT, MAC, Hennepin County, Cities, Metropolitan Council and State and Federal agencies.
- 

**Hoisington Group Inc.**  
**11-8-90**



**MINNESOTA  
DEPARTMENT OF GAMING  
GAMBLING CONTROL DIVISION  
Rosewood Plaza South - 3rd Floor  
1711 West County Road B  
Roseville, MN 55113  
(612) 639-4000**

*cc: Police Chief*

01/25/91

Rev George Kovalik  
CHURCH OF ALL SAINTS MINNEAPOLIS X  
435 4th St NE  
Minneapolis, MN 55413

FILE: 02301-002  
PREMISES: Paddock Bar 5540 Lakeland  
RE: LICENSE EXPIRATION EFFECTIVE 01/17/91

This letter is to inform you that your license at this premises has expired.

Organizations which terminate their license to conduct all lawful gambling activity must submit to the Board within 15 calendar days of the license termination date their plan for the disposal of registered gambling equipment and distribution of remaining gambling proceeds.

If this was the only licensed premises of your organization and you do not intend to apply for a license within 60 days, then a termination plan must be submitted. Contact this office for the appropriate forms.

Because the license has expired, you may no longer conduct lawful gambling at this premises. Please note that a copy of this letter is being sent to the local governing body in your jurisdiction.

Gambling Control Division  
cc: City of Crystal  
EXPLETT (11/90)  
ORGLETT.PRG  
Copy



Northern States Power Company

Brooklyn Center Area

4501 68th Avenue North  
Brooklyn Center, Minnesota 55429-1798  
Telephone (612) 569-0200

January 29, 1991

Mr. Jerry Dulgur, Manager  
City of Crystal  
4141 Douglas Drive  
Crystal, MN 55422

Dear Jerry:

Not many businesses like informing customers of price increases and Northern States Power Company is no different. We have worked hard to avoid increasing the cost of providing you service and reliability you know and deserve. But cost controls and budget cutting can do only so much.

On January 28, 1991, NSP filed a request with the Minnesota Public Utilities Commission for an 8.1 percent increase, or \$98.2 million, in electric rates for our retail electric customers.

The proposed 8.1 percent increase compares favorably to an overall inflation increase (Customer Price Index) of about 15 percent since our last authorized increase in January, 1988. When inflation is considered, the "real" price of electricity continues to fall.

We wouldn't be asking for an increase if we didn't believe strongly that we need it to:

- Maintain safe, reliable service to our customers
- Continue environmental leadership
- Provide for future energy needs
- Cover increasing operating costs
- Maintain a fair return to shareholders

While we are never happy to raise prices to our customers, we are fortunate that we could do so and still maintain prices that are among the lowest in the region and around the nation.

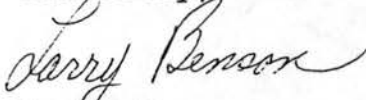
Mr. Dulgar  
Page Two  
January 29, 1991

I am asking you to please relay this information to your City staff, and to the City Council, so they will be informed in the event they are questioned about this increase request.

If you would like additional information from NSP regarding this rate increase, ways we can help you control energy costs, or any other matter, please fill out and return the bottom portion of this letter to me. I will contact you in the near future.

As always, I would appreciate hearing from you regarding this matter.

Sincerely,



Larry Benson  
Community Services Manager  
NORTHERN STATES POWER COMPANY  
Brooklyn Center Area Office

-----  
Name & Community: \_\_\_\_\_  
\_\_\_\_\_

Please contact me regarding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

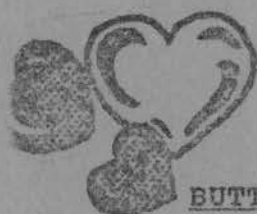
PARK AND RECREATION ADVISORY COMMISSION

Agenda

February 6, 1991

\*\*\*\*Marketing Committee Meeting - 6:15 p.m.\*\*\*\*

1. Call meeting to order 7:00 p.m.
2. Approval of minutes
3. Welcome new Commission member Greg Ertz
4. Report from Chairperson
5. Review monthly report
6. Hear Paula Kowalke re: Honored senior program for the Frolics
7. Discuss rental rates for Community Center
8. Review Frolics Committee meeting - Bill/Liz
9. Discuss request from Lions Club regarding use of Community Center
10. Set summer outdoor meetings for 1991 (attachment)
11. Discuss results of Community Survey - i.e. Golf Course, Nature Interpretative Center
12. Other business
  - Review Snow Fun Day
  - 1990 Council Liaison Thank You
  - Joint Summer School Program
13. Adjournment

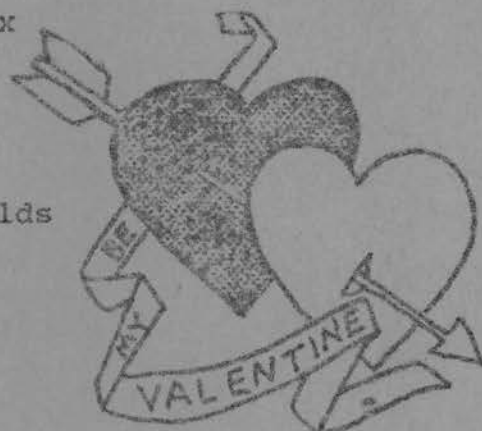


# February 1991

## BUTTONS AND BOWS

Join in the spirit of Valentine's Day through craft projects and treats for that special someone. Bring a shoebox to carry your goodies home.

Who: Ages 4-12  
When: Saturday, February 9, 1991  
Time: 9-11 a.m. for 4-5 year olds  
11:30-1:30 p.m. for 6-8 year olds  
2-4 p.m. for 8-12 year olds  
Where: Crystal Community Center  
Fee: \$5.50 includes materials  
Deadline to Register: February 4th  
Instructor: Val McKelvey  
Limit of 10 per class



## PRESIDENTS' DAY OFF

Spend the lunch hour at the Crystal Community Center. A G-Rated movie will be shown at 12 noon so bring your lunch (we'll provide the beverage and treat). Before and after lunch there will be games, open gym and fun!



Who: Ages 6-11 year olds  
When: Monday, February 18th  
Where: Crystal Community Center  
Time: 11:00 a.m. - 2:30 p.m.  
Fee: \$3.00 per person  
Deadline to Register: February 14th  
Limit of 40.

## ----- FEBRUARY AT THE COMMUNITY CENTER

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip \_\_\_\_\_  
Age \_\_\_\_\_ I am registering for \_\_\_\_\_  
Date of class \_\_\_\_\_ Time \_\_\_\_\_  
Amount Enclosed \_\_\_\_\_

Neither the Recreation Department, sponsoring city, or staff can be held responsible for injuries. If, with this understanding, you wish to participate in this activity, please sign and return this form to our office.

Date \_\_\_\_\_ Signature \_\_\_\_\_



Approved 1-17-91

Info only

MINUTES OF  
ENVIRONMENTAL QUALITY COMMISSION OF CRYSTAL, MINNESOTA  
DECEMBER 13, 1990  
7:30 P.M.  
SOUTH CONFERENCE ROOM

The Chair called the meeting to order at 7:33 P.M., recognizing a quorum. Those members present were: Mike Culhane, Jerry Farrell, Gail Gove, Mary Pat Hanauska, Phyllis Isaacson, Beth Jarvis, Gary Joselyn (Council Liaison), Bill Leonard, Lerry Teslow, Julie Jones (Staff Liaison), and Diane Christopher (arrived 8:20 P.M.). Also present was Council member Pauline Langsdorf.

Those members absent were: ~~Larry~~ Lemanski.

The Chair introduced Mike Culhane, a new member to the Commission.

Jerry Farrell moved to approve the November 15, 1990, meeting minutes as written. Lerry Teslow seconded the motion. Motion Carried.

Julie Jones explained the current status of the draft Housing Code. She explained that both the Planning Commission and EDA Advisory Commission were asked to review the revised draft Housing Code at their December meetings, but each commission has deferred developing recommendations until their January meeting. Discussion and questions followed.

The Commission members then discussed asbestos removal regulations. Julie Jones explained that the Environmental Protection Agency oversees Federal asbestos removal regulations, yet the State Department of Health licenses asbestos removal contractors. She explained that this system does not give the EPA the authority to remove contractors' licenses if they are violating Federal regulations. Jerry Farrell pointed out that an additional problem is that there does not appear to be strict requirements for obtaining an asbestos removal license in the first place.

Gary Joselyn suggested that the Crystal Building Department staff could distribute an informational booklet regarding asbestos removal hazards to any resident applying for a remodeling permit. It was noted that in the instance where the contractor is applying for the permit, an asbestos information booklet could also be sent to the homeowner who is having the remodelling work completed on their home. Pauline Langsdorf further suggested that general information regarding the hazards of asbestos removal be placed in the Crystal City Newsletter.

Julie Jones suggested that the Environmental Quality Commission could contact the legislators representing Crystal regarding their suggestion that the EPA be given licensing authority over asbestos removal contractors. Pauline Langsdorf explained that the appropriate action of the Environmental Quality Commission should be to advise the City Council members to pass a resolution and direct that resolution to the legislators.

Diane Christopher arrived 8:20 P.M.

Julie Jones then explained Hennepin County Recycling data on all Hennepin County cities for the first half of 1990.

Julie Jones then gave a report on the November 28, 1990, Community Energy Council meeting, which was held at Golden Valley City Hall. She explained the general focus of the meeting, which was conservation of electricity. The energy conservation issue was then debated and discussed. The Chair suggested that Sheldon Strom, Director of the Center for Energy and Urban Environment, be invited to speak at a future Environmental Quality Commission meeting.

Julie Jones reported that the \$2,500 in 1991 budgetary funds for an Environmental Awareness Day is still included in the 1991 Crystal City budget. She warned the Commission members that they should begin planning the Environmental Awareness Day.

The Chair noted that some members were going to have difficulty attending the January tour of the Brooklyn Park Garbage Transfer Facility as early as 5:00 P.M., on January 17. She recommended holding the tour at 5:30 P.M. instead to allow more time for members to meet at City Hall at 5:15 P.M. to car pool to the Brooklyn Park facility. The Commission members agreed to the time change, and staff was requested to rearrange the tour schedule.

Under Other Business, Gary Joselyn voiced his concern about the closure of the City oil recycling tank at the City garage. Julie Jones explained the reasons for the closure of the site, and also explained that residents are being directed to the Brooklyn Park Garbage Transfer facility to recycle their oil. Bill Leonard noted that there is a State Petro fund that will cover clean-up costs. The Commission members requested further information from the City Engineer explaining the problems that the City has incurred at the oil drop-off site.

The Commission members then discussed long-range planning for future agendas. After open discussion of various ideas, the Chair noted that it appeared to be the general consensus of the Commission members that the Environmental Quality Commission should serve as an environmental educational

resource to the community. She also noted that the Commission apparently should be taking a closer look at reducing air and water pollution. It was decided that long-range planning would need to be discussed further at the next meeting.

Jerry Farrell moved to adjourn the meeting. Bill Leonard seconded the motion. The meeting adjourned at 10:11 P.M.

JJ:jt

# CRYSTAL PLANNING COMMISSION MINUTES

January 14, 1991

The meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following present: Anderson, Elsen, Kamp, Leppa, Lundeen, Magnuson, Nystrom and Smith; the following were absent: Christopher and Guertin; also present were Building Inspector Barber and Recording Secretary Scofield.

On January 2, 1991, the City Council moved to re-appoint Commissioners Anderson, Smith and Guertin to the Planning Commission with terms expiring December 31, 1993, and to appoint Steven Leppa to the unexpired term of Commissioner Barden expiring December 31, 1991.

Chairperson Magnuson swore in new Planning Commissioner, Steven Leppa.

Moved by Commissioner Elsen and seconded by Commissioner Anderson to approve the minutes of the December 3, 1990, meeting.  
Motion carried.

1. Chairperson Magnuson declared that nominations were open for officers of the Planning Commission consisting of Chairperson, Vice-Chairperson and Secretary for the year ending December 31, 1991.

Commissioner Anderson nominated and Commissioner Nystrom seconded the nomination of Paulette Magnuson as Chairperson of the Planning Commission for the year ending December 31, 1991.

Moved by Commissioner Elsen and seconded by Commissioner Nystrom to re-elect Paulette Magnuson as Chairperson of the Planning Commission for the year ending December 31, 1991.

Motion carried.

Commissioner Elsen nominated and Commissioner Lundeen seconded the nomination of Paul Christopher as Vice-Chairperson of the Planning Commission for the year ending December 31, 1991.

Moved by Commissioner Kamp and seconded by Commissioner Leppa to re-elect Paul Christopher as Vice-Chairperson of the Planning Commission for the year ending December 31, 1991.

Motion carried.

Commissioner Elsen nominated and Commissioner Kamp seconded the nomination of David Anderson as Secretary of the Planning Commission for the year ending December 31, 1991.



January 14, 1991 - Continued

Moved by Commissioner Kamp and seconded by Commissioner Nystrom to elect David Anderson as Secretary of the Planning Commission for the year ending December 31, 1991.  
Motion carried.

2. Chairperson Magnuson declared this was the time and the place as advertised for a public hearing to consider Application #90-40 as submitted by Kenneth R. Ernst to rezone property from R-3 (Medium Density Residential) District to R-4 (High Density Residential) District at 3431 Douglas Drive. The proponent, Mr. Ernst, presented the following: The proposal of a 7 unit building is smaller than the size the site would accommodate. There will be 8 garages with a trash container enclosure attached and 8 parking spaces with a driveway from Douglas Drive. May move the driveway to the north side of lot because of the drainage. There is a 20 ft. hill in the back portion of the site and plan to leave the area as undisturbed as possible.

The following were heard: Bill Garber, 3442 Florida Ave. N., was concerned with wild life, etc. in the back portion of the site; Raymond Northfield, 3418 Florida Ave. N., was concerned with the houses to the rear of the site having water in their basements and the increased traffic because of the density; Sharon Garber, 3442 Florida Ave. N., was concerned with the preservation of as many trees as possible on the site and Dr. John Luckow, owns empty lot at 34XX Edgewood Ave. N., questioned whether Edgewood would be cut through.

Moved by Commissioner Elsen and seconded by Commissioner Kamp to close the public hearing.

Motion carried.

Moved by Commissioner Smith and seconded by Commissioner Leppa to recommend to the City Council to approve Application #90-40, as submitted by Kenneth R. Ernst, to rezone the property from R-3 (Medium Density Residential) District to R-4 (High Density Residential) District to allow for the relocation of a 7-unit building at 3431 Douglas Drive, legally described as Lot 11, Block 1, Gardendale Acres.

The findings of fact are: Good use of the property, smaller development than previously proposed allows back of site to stay as a natural area and creates a buffer between the building and the other houses and the developer has agreed to remove as few trees as possible.



January 14, 1991 - Continued

The following voted aye: Leppa, Elsen, Kamp, Magnuson and Smith. The following voted no: Anderson, Lundeen and Nystrom.

Motion carried 5 to 3.

3. Consideration of a building permit to relocate a 7-unit building to 3431 Douglas Drive as requested by Kenneth R. Ernst.

Moved by Commissioner Elsen and seconded by Commissioner Kamp to recommend to the City Council to approve authorization to issue a building permit to relocate a 7-unit building to 3431 Douglas Drive, P.I.D. #20-118-21-11-0009, subject to standard procedure.

The following voted aye: Leppa, Elsen, Kamp, Magnuson and Smith. The following voted no: Anderson, Lundeen and Nystrom.

Motion carried 5 to 3.

4. Consideration of Application #91-1 of Thomas R. Fursman for St. Raphael's Church for a conditional use permit to allow for an expansion in an R-1 (Single Family Residential) District at 7301 - 56th Ave. N.

Moved by Commissioner Kamp and seconded by Commissioner Anderson to set a public hearing before the Planning Commission at 7:00 p.m., or as soon thereafter as the matter may be heard, Monday, February 11, 1991, to consider the request of Thomas R. Fursman for St. Raphael's Church for a conditional use permit to allow for an expansion in an R-1 (Single Family Residential) District (Section 515.19, Subd. 4 c) at 7301 - 56th Ave. N., P.I.D. #05-118-21-34-0002.

Motion carried.

5. A copy of the public forum summaries was enclosed for review, and there will be a discussion with Mr. Fred Hoisington when he attends the February Planning Commission Meeting. Copy of the Executive Summary regarding the telephone survey will be sent to the Planning Commissioners. Commissioner Anderson requested information on the financial resources available to the City.
6. Continuation of consideration of the Housing Maintenance Code as revised by the City Attorney. Chairperson Magnuson proposed an informational meeting for Wednesday, February 13, 1991, at 7 p.m. on the ordinance change for housing maintenance code of single family residences regarding point-of-sale inspection and what people are required to do before selling their homes. Commission would like Bill Barber, Building Inspector, and possibly another staff person to attend. Would like notification in the Crystal-Robbinsdale Post News as well as the City

January 14, 1991 - Continued

Council announcing it at their meeting on cable television.

Moved by Commissioner Leppa and seconded by Commissioner Anderson that the Planning Commission would hold an informational meeting as stated above.

Motion carried.

7. Discussion items:

Commissioner Anderson would like to know the citing from the Code which allows staff to call a public hearing for a rezoning, etc. rather than wait for the Planning Commission to call one. Planning Commission will receive a copy of the notice when it is sent to the paper for publication; so they will be aware in case of calls from residents.

Moved by Commissioner Elsen and seconded by Commissioner Kamp to adjourn.

Motion carried.

The meeting adjourned at 8:32 p.m.

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Chairperson Magnuson

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Secretary Anderson



# STATE OF MINNESOTA

OFFICE OF THE GOVERNOR  
130 STATE CAPITOL  
SAINT PAUL 55155

ARNE H. CARLSON  
GOVERNOR

January 18, 1991

To: METROPOLITAN AREA LEGISLATORS

On January 1, 1991 the terms for the following Metropolitan Council seats expired, except for district 7 which is vacant due to Mary Hauser's resignation. All or part of your legislative district is included in one of the Council Districts listed below.

## Metro Council

<u>District</u>	<u>Located</u>
2	Southern half of St. Paul, excluding Highland Park
4	South-central third of Minneapolis
6	North and northeast Minneapolis
7	Northern Ramsey County. All of White Bear Lake (city and township). Cities of Lino Lake and Centerville in Anoka County. Northern Washington County.
8	Southern Anoka County, including Columbia Hts., Fridley, Hilltop, Spring Lake Park, Coon Rapids, Blaine, Lexington and Circle Pines.
10	Northern Hennepin County suburbs of Crystal, New Hope, Brooklyn Center, Brooklyn Park and Osseo
12	Fort Snelling Military reservation, Bloomington & Richfield.
14	Scott and Carver Counties, and Burnsville and Lakeville in Dakota County
16	Southern Dakota and Washington Counties

## OUTLINE OF PROCESS

1. The Secretary of State through the State's open appointments process has published a notice of vacancy and notice of expiration of terms.
2. Notice of vacancies and expiration of terms will be published in newspapers of general circulation in the metropolitan area and in appropriate districts.
3. By this letter, the governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed have been notified in writing.



4. A nominating committee has been created composed of seven metropolitan citizens. Three of the committee members must be local elected officials.
5. The nominating committee must conduct public meetings to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials.

PUBLIC MEETING DATES

The following meetings will convene at 6:30 P.M.

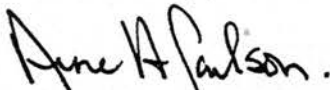
Council Districts	Day	Date	Location
2, 7, 8, 10	Monday	February 4	Metropolitan Council Off. Mears Park Centre 230 E. 5th Street, St. Paul use back door, ground level
14, 16	Tuesday	February 5	Lakeville Council Chambers 20195 Holyoke Av. W.
4, 6, 12	Thursday	February 7	Richfield Council Chambers 6700 Portland Av. S.

6. Following the meetings the committee submits to the Governor a list of nominees for each appointment. The Governor is not required to appoint from the list of nominees.
7. Before making the appointment, the Governor is required to consult with all members of the legislature from the Council district for which the member is to be appointed. These meetings will be scheduled in the near future.

I encourage your participation in this process and welcome your comments on prospective Metropolitan Council members.

If you have any questions, please contact Jan Reak at 296-0077.

Sincerely,

  
Arne H. Carlson  
Governor

cc: Clerks, City & County Administrators

Encl. Metropolitan Council District Map



**TWINWEST**  
CHAMBER OF COMMERCE

Date: January 24, 1991  
To: TwinWest Area City Managers  
From: Karen Atkinson  
Re: March Coffee Breaks

As you are well aware, TwinWest's March Coffee Breaks will feature the State of the City. I sent you a letter last month outlining the details for these sessions, however, we would like to make one change and that is to **start the Coffee Break at 7:30 a.m.**

TwinWest has developed a marketing plan and expanding the Coffee Break time is one of its recommendations so we would like to begin with the March Coffee Breaks. I think this will be especially helpful in March and will offer more networking time during these Coffee Breaks, since ample time is needed to cover the State of the City.

**If this is a problem for you, please let me know by February 1st.** Otherwise it will be printed in a flier we are doing about these Coffee Breaks.

Thanks!

Crystal will host the March Coffee Break on

Tuesday, March 5, 1991 at 7:30 a.m.



DUE DATE: NOON, WEDNESDAY, JANUARY 30, 1991

MEMO TO: Jerry Dulgar, City Manager

MEMO FROM: Darlene George, City Clerk

ACTION NEEDED MEMO: From the January 15, 1991 Council Meeting

The items listed below are the actions requested by the City Council at their regular Council meeting of January 15, 1991. These items should be taken care of by noon, Wednesday, preceding the next regularly scheduled Council meeting and returned to the City Clerk for her review.

DEPARTMENT      ITEM

PUBLIC HEARINGS

PUBLIC WORKS  
DIRECTOR

1. Consideration of a public hearing to consider proposed improvements on 36th Avenue between Welcome Avenue and Louisiana Avenue.  
ACTION NEEDED: Proceed with plans for improvement of 36th Avenue as approved by the City Council.  
ACTION TAKEN: Resolution executed and project proceeding to next phase.

REGULAR AGENDA

BUILDING  
INSPECTOR

1. Consideration of a variance to expand a non-conforming sign at 5400 West Broadway (McDonalds).  
ACTION NEEDED: Notify applicant of Council approval and proceed with variance.  
ACTION TAKEN: Applicant was present; sign permit has been issued.

BUILDING  
INSPECTOR

2. Consideration of a variance to the setback requirements for a free-standing sign at 6918 - 56th Avenue North (Walgreens).  
ACTION NEEDED: Place item on the February 5, 1991 Council Agenda; contact applicant and request appearance at the next Council Meeting.  
ACTION TAKEN: Placed on Council Agenda for February 5, 1991.

PUBLIC WORKS  
DIRECTOR

3. Appearance by Fred Hoisington to discuss the amendment to a contract for the Comprehensive Plan to include Image Concepts.  
ACTION NEEDED: Supply forum summaries to Council; proceed with amendment to the existing contract with Hoisington Group as approved by the City Council.  
ACTION TAKEN: Letter sent to consultant on contract amendment. Approved work initiated.

CITY ATTORNEY

4. Consideration of the Second Reading of an Ordinance Relating to Salaries of Members of the City Council.  
ACTION NEEDED: Redraft the Ordinance to be consistent with action taken by the City Council (eliminate 5 percent increase which was to become effective January 1, 1991).  
ACTION TAKEN: Ordinance redrafted to be placed on February 5, 1991 Council Agenda.

ADMINISTRATIVE  
SECRETARY

ACTION NEEDED: Place item on the February 5, 1991 City Council Agenda.  
ACTION TAKEN: Item placed on February 5, 1991 City Council Agenda.

PUBLIC WORKS  
DIRECTOR

5. Consideration of a contract with Workplace Environments, Inc. for the next phase of City Hall Renovation Project.  
ACTION NEEDED: Place item on the February 5, 1991 City Council Agenda.  
ACTION TAKEN: None.

PUBLIC WORKS  
DIRECTOR

6. Consideration of approval of the final payment to Donlar Construction Company for the Crystal Community Center.  
ACTION NEEDED: Advise Finance Department of Council's approval to make the final payment to Donlar for the construction of the Crystal Community Center.  
ACTION TAKEN: Final contract process initiated.

CITY CLERK

7. Consideration of a resolution amending the original Joint Powers Agreement authorizing membership of the City in Pets Under Police Security (PUPS) and appointing a Director and Alternate Director to be on the PUPS Board of Directors.  
ACTION NEEDED: Notify Chief Mossey of his appointment as Alternate Director on the PUPS Board of Directors; file executed agreements from member cities as they are received.  
ACTION TAKEN: Chief Mossey notified January 16, 1991; agreements of member cities will be filed as received.

ASSISTANT  
MANAGER

- ACTION NEEDED: Notify PUPS of the appointment of Jerry Dular, City Manager, as Director and Police Chief James Mossey as Alternate Director on the PUPS Board of Directors.  
ACTION TAKEN: PUPS notified January 17, 1991.

ADMINISTRATIVE  
SECRETARY

8. Consideration of a recommendation from the Economic Development Authority Advisory Commission to remove Anthony Brace, 4169 Adair Avenue North, from the Commission due to excessive absences.  
ACTION NEEDED: Prepare letter of thanks and appreciation to be signed by the City Manager.  
ACTION TAKEN: Letter sent January 22, 1991.

## CITY CLERK

ACTION NEEDED: Advertise the vacancy on the Commission.

ACTION TAKEN: Posted on bulletin board and sent to Post Publishing, January 22, 1991.

## CITY CLERK

9. Consideration of the designation of an official newspaper for the City of Crystal for the year 1991.

ACTION NEEDED: Notify Post Publications of Council's designation of its paper as the official newspaper for the City for the year 1991.

ACTION TAKEN: Notified January 23, 1991.

## CITY CLERK

10. Consideration of a resolution approving Joint Power Agreement with Robbinsdale and Brooklyn Center for Enforcement of Ordinances on Twin Lake.

ACTION NEEDED: Send certified copy of resolution and executed agreement to the City Clerk at the City of Brooklyn Center; file copy in agreements file.

ACTION TAKEN: Certified copies sent to Brooklyn Center City Clerk, January 16, 1991; agreement filed.

ASSISTANT  
MANAGER

11. Consideration of the 1991 Contract with Union Local #49 and the City of Crystal.

ACTION NEEDED: Proceed with execution of the contract and notify Finance Department of Council's approval.

ACTION TAKEN: Done January 17, 1991.

ASSISTANT  
MANAGER

12. Consideration of the 1991 salaries and insurance for non-organized employees of the City of Crystal.  
ACTION NEEDED: Proceed with execution of the increase in salaries and insurance benefits for non-organized employees.  
ACTION TAKEN: Done January 17, 1991.

CITY CLERK

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



To thank you for  
your kindness and sympathy  
at a time when it was  
deeply appreciated

The George J. J. Family



**CITY of CRYSTAL**

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

ADMINISTRATIVE OFFICE

January 30, 1991

Bob Shipman  
Crystal-Robbinsdale Post News  
8801 Bass Lake Road  
New Hope, MN 55428

Dear Mr. Shipman:

Bill Barber, Building Inspector, talked with Phil Pfuehler about running a news brief on the front page of the Feb. 6 issue and that you might want to consider covering the meeting as a story. If you have any questions, Bill Barber should be back in the office next Monday, February 4.

The Planning Commission of the City of Crystal will hold an informational meeting on Wednesday, February 13, 1991, at 7:00 p.m. in the downstairs Community Room of the Municipal Building, 4141 Douglas Drive, on the proposed ordinance change of the housing maintenance code for single family residences regarding point-of-sale inspection and what home owners are required to do before selling their homes.

Sincerely,

*Janice R. Scofield*  
Janice R. Scofield  
Planning Commission Secretary

Memorandum

DATE: January 8, 1991  
TO: All Department Heads & Supervisors  
FROM: Jerry Dulgar, City Manager  
SUBJECT: Possible Cost Saving Initiatives

Starting immediately I want everyone working for the City to begin thinking of ways we could cut expenditures this year. I want all of you to talk to everyone who works for you and ask them for their ideas, dreams, innovations, changes or whatever they want to call them that might help us to cut City expenditures.

From this I want every department or division to come back to me with 3 to 5 or more ideas on how we can lower expenditures. The idea here is to try to come up with some new and innovative ideas for changing the way we do things that will result in cutting costs. Another way that I might state this is that I am not looking for the easy or same old cuts anyone might find by looking at your budget but new and innovative ideas in addition to the plain, obvious or easy cuts we might make.

In addition, I want an estimate of how much each change or innovation will save and whether it is an annual savings or a one-time savings. Let's use our imagination and come up with some great new ideas to help solve the financial squeeze we find ourselves in! I think we'd all rather do that than see fellow workers laid off or programs cut or eliminated. I'd like all of these submitted to me before the staff meeting on January 31.

Thank you and happy hunting!

**PAUL D. BAERTSCHI**  
Attorney at Law

Direct Dial (612) 337-9230

**HOLMES & GRAVEN**

**CHARTERED**

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

February 4, 1991

Mr. Nathan Sherry  
5400 Edgewood Avenue North  
Crystal, Minnesota 55428

Re: 5231 Douglas Drive North

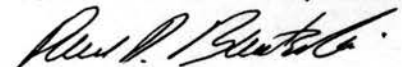
Dear Mr. Sherry:

I am informed by building official William Barber that you have failed to comply with a reasonable timetable for submitting a final site plan and building plans for the above property. Consequently, I have filed the order for abatement along with a notice of pending litigation with the County Recorder on the property. Within a few days, it will be my intention to file a motion for enforcement of the order as a default matter before the District Court. This will be a default as we have not received an answer to the order for abatement as required by Minnesota Statutes, Section 463.18. Please be advised that unless you serve an answer, that this matter shall be in default and no further notice to you is legally required.

We would much prefer to handle this matter voluntarily rather than seeking a court order. However, unless you submit the necessary plans and building permit application or tear down the building, further court action will be necessary.

Sincerely,

HOLMES & GRAVEN, CHARTERED



Paul D. Baertschi  
Attorney for the City of Crystal

PDB:tas

cc: David Kennedy  
William Barber  
Jerry Dulgar

February 5, 1991

TO: CITY OF CRYSTAL COUNCILMEMBERS

FROM: Darlene George, City Clerk *Darlene*

RE: Coffee Fund

It's time once again to replenish the Council Coffee Fund. As usual, \$3.00 will be collected from each councilmember for 1991.

You can pay me and I'll pass it on to the Finance Department for safe keeping until coffee needs to be purchased.

Thanks in advance for your donation!