

REGULAR CITY COUNCIL MEETING

CITY OF FALCON HEIGHTS

AGENDA

JUNE 27, 1990

A. CALL TO ORDER: 7:00 P.M.

B. ROLL CALL: GEHRZ \_\_\_\_\_ BALDWIN \_\_\_\_\_ JACOBS \_\_\_\_\_  
WALLIN \_\_\_\_\_ CIERNIA \_\_\_\_\_ WIESSNER \_\_\_\_\_  
CHENOWETH \_\_\_\_\_ ATTORNEY \_\_\_\_\_ ENGINEER \_\_\_\_\_

C. APPROVAL OF MINUTES OF MAY 23, 1990

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA

1. Disbursements
  - a. Disbursements through 6/27/90, \$79,822.51
  - b. Payroll, 6/1/90 - 6/15/90, \$12,930.17
2. Conditional Use Request for a Pet Grooming and Limited Pet Boarding Business at 1660 N. Snelling
3. Request for a Permitted Accessory Use for a Utility Building at 1777 Arona St.
4. Request for a Variance from Fence Height Requirements of the City Code
5. Solid Waste Commission Minutes of June 7, 1990
6. Request to Schedule a Public Hearing Regarding Organized Collection
7. Purchase Snow Plow for 1990 Public Works Truck
8. Summer Recreation Program Hiring
9. Licenses

ACTION: \_\_\_\_\_

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Transfer of Cable TV Community Programming Function from Cable TV North Central to Cities

ACTION: \_\_\_\_\_

2. Update on Community Park Building

ACTION: \_\_\_\_\_

Page 2  
Agenda  
June 27, 1990

3. Association of Metropolitan Municipalities' Mission and Services

ACTION: \_\_\_\_\_

4. Suburban Rate Authority Membership Invitation

ACTION: \_\_\_\_\_

5. Request to Participate in Guinness World Record "Get Well Card" Project

ACTION: \_\_\_\_\_

6. MTC Bus Shelter Locations and Advertising Signs

ACTION: \_\_\_\_\_

G. ANNOUNCEMENTS AND UPDATES

H. ADJOURNMENT

ACTION: \_\_\_\_\_

MINUTES  
REGULAR CITY COUNCIL MEETING  
MAY 23, 1990

Baldwin convened the meeting at 7:00 P.M.

**DRAFT**

ALL MEMBERS PRESENT

Baldwin, Ciernia, Gehrz, Jacobs and Wallin. Also present were Gedde, Maurer, Wiessner and Chenoweth.

MINUTES OF MAY 9, 1990 APPROVED

The Minutes of May 9, 1990 were approved by unanimous consent

ADDENDA TO CONSENT AGENDA:

Council added the following items to the Consent Agenda:  
Municipal License for Coiffure DuChien, Planning Commission  
Minutes of May 21 and a Resolution Commending Norma Fusco.

CONSENT AGENDA ITEMS APPROVED

Council approved the following Consent Agenda Items by unanimous consent:

1. Disbursements:
  - a. General Disbursements through 5/23/90, \$76,036.97
  - b. Payroll, 5/1/90 - 5/15/90, \$11,761.99
2. Cancellation of Check #23874 issued 4/26/90 to Emergency Medical Products for \$43.68 (Duplicate Check)
3. Resolution R-90-21 Granting A Conditional Use Permit to Kevin Busch to Construct a Dwelling 26 1/2 Feet High at 1804 Lindig St.
4. Parks and Recreation Minutes of 4/9/90
5. Appointment of Deborah Weiland to Parks & Recreation Commission, Term to Expire 12/31/90
6. Licenses
7. Resolution R-90-22 Awarding the 1990 Sealcoating Bid to Astech Corporation at a Price of \$28,122.00
8. Appointment of Seasonal Employees to Parks and Recreation and Public Works Departments
9. Appointment of Deloris Swenson to Full-Time Secretary Position
10. Planning Commission Minutes of 5/21/90
11. Resolution R-90-22a Commending Norma Fusco for 21 Years of Service to the Community

DISCUSSION - AGREEMENT WITH MN DOT FOR 1987 SNELLING AVE.  
CONSTRUCTION

Mike Christiansen of the Minnesota Department of Transportation reviewed past correspondence, discussions, and action taken relating to the Snelling Avenue Improvement Project. Baldwin and Ciernia stressed that at early discussions MN DOT had assured residents that there would be no charge to the City for the street improvements, the City had operated on that basis, and was questioning the present charge for street construction. Christiansen explained that the street costs amounting to a little over \$11,000, are for items connected with the City's

water installation, storm drainage, driveway repair and connections to City streets, and that the City is not being charged for the roadway, curb and gutter. Following the discussion, it was agreed that there had been a misunderstanding in interpreting the charges and that the total amount now in dispute is \$13,000. The City Engineer will work with MN DOT in an attempt to remedy the situation.

#### DRAINAGE PROBLEM AT IOWA AVE. AND PASCAL ST.

Maurer explained that Bob Fry, the homeowner at 1457 W. Iowa, had registered complaints regarding the drainage problem on the street by his residence. Maurer agreed that there is a problem which could easily be solved but would be relatively expensive if done as a separate project. He recommended postponing any work until it can be made a part of a larger project such as the proposed 1991 street improvements. Council discussed the matter after which it was decided to include the repair with the first future construction project. Maurer will explain the situation to Mr. Fry.

#### PARK BUILDING UPDATE

Dick Friemuth, Buetow and Associates, provided a progress report on the new park building construction and indicated the contractor is confident it will be finished on schedule.

#### DISCUSSION - WATER CONNECTION COSTS FOR PARK BUILDING

Wiessner explained that there has been much confusion surrounding the water connection costs and that there are two separate issues involved; costs attributed to the increase from a 4" to a 6" line for the sprinkler system, and costs directly due to connection to the St. Paul system. Friemuth stated the specifications did include water connection costs, however bidders were unable to get prices from St. Paul and for that reason, the bids did not include this item. Many bidders did make note of this fact; however, Jefferson Construction did not acknowledge the fact that water connection costs were not included in their bid, and it was assumed that the cost was included. Friemuth assured Council that all prospective bidders were provided with an addendum making it clear that the bid must address water connection. Letters from Jefferson Construction (5/18/90) and Buetow & Associates (5/21/90) relating to the matter were discussed, after which Maurer suggested that one solution Council might consider--to pay the actual price for St. Paul's charges, approximately \$3,000, and not pay the amount listed for the contractor's overhead, profit, etc. Following a thorough discussion, Jacobs moved that the City be responsible for payment of the cost of \$3,017 for increasing the size of the line from 4" to 6". Upon a vote being taken the following voted in favor thereof: Gehrz, Jacobs and Wallin, and the following voted against the same: Baldwin and Ciernia. Motion carried.

REQUEST FOR "NO PARKING" ON EAST SIDE OF ARONA, CALIFORNIA TO LARPEN TEUR

Ciernia explained that on March 23rd the Planning Commission discussed a request from Susan McAllister, 1513 W. California, that the east side of Arona, Larpenteur to California, be posted "No Parking". The McAllisters have encountered problems with littering and damage to their landscaping by drivers of the parked vehicles, and trouble in making a safe exit from their driveway due to such vehicles. A majority of the drivers are believed to be residents of the apartment building at Larpenteur and Arona where garages are available but are apparently unused due to the rental charge and inconvenience of accessing the garages. Council discussed the alternatives presented in the City Planner's memo of May 14, 1990 and the recommendation made by the Planning Commission, after which Ciernia moved that "No Parking" signs be posted fifteen feet to the south of the McAllister driveway to fifteen feet to the north of the furthest edge of the alley as recommended by the Planning Commission. Motion carried unanimously. Staff was directed to work with the apartment owner to attempt to find a solution to the tenants' parking problem.

USE OF ALCOHOL IN CITY PARKS PROHIBITED

As requested by Council at a previous meeting, City Attorney Gedde informed that he had researched the concern that the City would have increased liability by continuing the issuance of permits for use of beer in the parks, and has determined the City would not increase liability by allowing consumption in the parks. Baldwin explained that there have been discussions of two opposing ideas, one--that parks are not an appropriate place for consumption of alcohol and two--the park is a peoples' park and may be an appropriate place. Council discussed the fact the Parks and Recreation Commission have consistently opposed the use of alcohol in the parks, that there is no monitoring to prohibit use by minors; many residents are opposed to alcohol in the parks, whether or not prohibiting use would be legislating against those who do not break the law; and there are already State Statutes and City Ordinances which may be enforced to punish violators. Following the discussion, Gehrz moved that Ordinance O-90-6 be adopted and that proper signage be prominently displayed at the park stating that alcohol is prohibited. Upon a vote being taken the following voted in favor thereof: Gehrz, Jacobs and Wallin, and the following voted against the same: Baldwin and Ciernia. Motion carried.

ORDINANCE O-90-6

AN ORDINANCE AMENDING SECTION 3-4.01, SUBDIVISION 4(e) PROHIBITING ALCOHOLIC BEVERAGES IN ANY CITY PARK

MORATORIUM DECLARED ON ISSUANCE OF BEER PERMITS

Council declared an immediate moratorium on issuance of any permits for use of alcohol in the parks.

REQUEST FOR EMT-I TRAINING FOR RESCUE WORKERS DEFERRED AWAITING RESULTS OF RESCUE TASK FORCE RECOMMENDATIONS

Rescue Captain Ray Brown presented information on the cost of the proposed training to upgrade Rescue Squad Members from EMT to EMT-I status, and a request for authorization to solicit training funds from the Falcon Heights/Lauderdale Lions Club. Council discussed whether or not the training would be beneficial to the community, and questioned the true cost, such as retraining to maintain the EMT-I level, the projected use required to cover increased costs while still maintaining competitive ambulance fees, and whether or not the Rescue Task Force would support it. Council referred the matter to the Rescue Task Force for discussion and requested answers to the questions regarding ongoing costs.

APPROVAL OF 1989 AUDIT REPORT

Council approved the Audit Report for the year ending December 31, 1989 as presented by Dick Ellsworth of George M. Hansen Company, P.A.

RESOLUTIONS REGARDING 1666 COFFMAN TORRENS PROCEEDING

Gedde explained there are some problems with titles to the property and both the residents of 1666 Coffman and the mortgage companies are becoming uneasy. He then presented Proposed Resolution R-90-23 approving the deeds on the property and approving the development Agreement on which formal action is required for title purposes. He also presented proposed Resolution R-90-24 approving an agreement between the City and the University of Minnesota relating to a utility easement and amending the legal description on the lease for University Grove Park. Gedde assured Council the Resolution will not change the boundaries of the existing park land. Jacobs moved adoption of both resolutions which carried unanimously.

RESOLUTION R-90-23

A RESOLUTION APPROVING DOCUMENTS REGARDING  
1666 COFFMAN (DEEDS AND DEVELOPMENT AGREEMENT)

RESOLUTION R-90-24

A RESOLUTION APPROVING AGREEMENT REGARDING  
EASEMENTS AND APPROVING AGREEMENT AMENDING  
AND RESTATING LEASE FOR UNIVERSITY GROVE  
PARK PROPERTY

CELEBRATE DRUG FREE COMMUNITIES PROGRAM - RED RIBBON CAMPAIGN

Gehrz, speaking on behalf of the Drug Free Committee, requested permission to tie red ribbons on City street and No Parking signs, and to authorize using the City Hall address for mailing donations to the project. Council approved both requests.

CANCELLATION OF JUNE 13, 1990 COUNCIL MEETING

Council cancelled the June 13, 1990 meeting due to the fact that three Councilmembers will be attending the League of Minnesota Cities Conference in Duluth at that time.

WORKSHOP SCHEDULED TO DISCUSS COMMUNITY SURVEY

Baldwin suggested Council consider authorizing staff to hire Decision Resources to conduct a Community Survey as discussed at the April 25th meeting, and to schedule a subsequent workshop to discuss the survey. Following a brief discussion, Council scheduled a Workshop for June 6, 1990 at 6:00 P.M. to discuss possible survey questions and whether or not the survey would be cost effective.

ADMINISTRATOR'S REQUEST FOR LEAVE OF ABSENCE APPROVED

Wiessner informed Council that she has received a four week Bush Leadership Fellowship which would involve a total leave of 16 work days, and requested that she be granted a leave of absence for that period of time. Ciernia moved that the leave of absence be granted and that the City contribute up to \$1,200 toward the cost. Motion carried unanimously.

PUBLIC HEARING ON PROPOSED ORDINANCE O-90-7 RELATING TO SWIMMING POOLS

Baldwin opened the Public Hearing at 10:20 P.M. and noted that the hearing notice was published in the May 16, 1990 Focus Newspaper. There being no one wishing to be heard, the hearing was closed at 10:21 P.M. Council briefly discussed the latest draft of the proposed Ordinance and after making one change relating to chain link fences, Wallin moved adoption of Ordinance O-90-7. Motion carried unanimously.

ORDINANCE O-90-7

AN ORDINANCE AMENDING SECTION 9-14.01, SUBDIVISION  
16 OF THE CITY CODE RELATING TO SWIMMING POOLS

ADJOURNMENT

The meeting was adjourned at 10:30 P.M.

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Tom Baldwin, Mayor

ATTEST:

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Shirley Chenoweth, City Clerk

Consent  X

Agenda Item:  E-1

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DISBURSEMENTS

SUBMITTED BY:

Tom Kelly

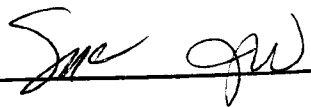
REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) General Disbursements through 6/27/90, \$79,822.51
- (b) Payroll, 6/1/90-6/15/90, \$12,930.17

ACTION REQUESTED:

Approval

  
\_\_\_\_\_



GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
24077	Sam Jacobs	Travel Advance	\$295.80
24078	Jan Wiessner	Travel advance, mileage	285.00
24079	PERA	PERA deduction/benefit for June 15	1,074.65
24080	AT&T	Phone service	22.23
24081	AT&T	Long distance	26.99
24082	AT&T Credit Corp.	Lease of equipment	27.43
24083	Ameri-Star Lighting	Light repair parts	401.12
24084	Boyer Truck	Repair 1988 Ford truck	222.93
24085	Bernard Broderick	Mileage	9.39
24086	C&G Office Products	Office supplies	126.38
24087	Champion Auto	Repair equipment	2.06
24088	City of Falcon Heights	Water permit for park bldg.	265.00
24089	Irene Gengler	Non resident reimbursement	4.00
24090	Karl Gransl	Refund-hall rental	25.00
24091	Gopher State One-Call	Location calls	15.00
24092	Harvest States	Fuel	61.23
24093	Har Mar Lock & Key	Repair electronic door in Fire Dept.	102.65
24094	Terry Iverson	Mileage, ins. cost, State Fire School	183.42
24095	Kathleen Janke	June cleaning of Fire Dept.	100.00
24096	Jensen, Hicken, et al	TIF-Professional Ventures (professional service)	175.00
24097	Dick Larson	Bldg. inspection fees, plan check fees	1,338.27
24098	Doug Kayser	State Fire School, mileage	62.10
24099	Greg Peterson	State Fire School, mileage	62.10
24100	Clement Kurhajetz	State Fire School, mileage	62.10
24101	Jay Morgan	State Fire School	29.70
24102	Joseph Olson	State Fire School, mileage	62.10
24103	Nathaniel Herold	State Fire School	40.50
24104	Doug LeMay	State Fire School, mileage	47.70
24105	Kevin Anderson	State Fire School, mileage	62.10
24106	League of MN H.R. Comm.	State Fire School, mileage	62.10
24107	David Lancaster	1990 Dues	50.00
24108	Metro Waste Control Comm.	Non resident reimbursement	4.00
24109	Maier Stuart & Assoc.	July service	39,616.35
24110	NSP	Professional services	3,557.12
24111	Bonita Olin	Gas, electric	1,017.79
		Refund of recreation class	6.00

GENERAL DISBURSEMENTS (Page 2)

CHECK NO.	ISSUED TO	REASON	AMOUNT
24112	Gene Pakoy	Inspector fees (75% of \$2,351.00 permit fees,	\$1,763.25
24113	Post Publications	Publication of ordinances, sealcoating bid	177.50
24114	Ramsey County	Insurance payment - June	2,516.47
24115	City of Roseville	July police fees	19,326.83
24116	Roseville Area Schools	Gym rental for rec programs	187.00
24117	Ramsey County	Computer printout of property taxes	106.25
24118	State Treasurer	2nd Quarter surcharge	204.79
24119	Super Cycle	May recycling charges	1,728.45
24120	Steichen's	Recreation supplies	102.95
24121	T.R.F. Supply	Hand towels and toilet tissue	104.00
24122	Susan Hoyt Taff	Parking	4.00
24123	U.S. West	Phone charges	468.53
24124	Viking Safety	Rain gear and boots	236.25
24125	William Walsh	Plumbing inspector fees	306.38
24126	Janet Larson	Tree trimming	76.00
24127	Kathryn Shulman	Refund - cancelled recreation class	12.00
24128	Anita Baron	Refund for recreation class	18.00
24129	Kathleen Staffa	S.S. refund	6.00
24130	Nick Axtell	S.S. refund	6.00
24131	Jason Olszawski	Refund-recreation class	18.00
24132	Jesse Gamst	S.S. refund	6.00
24133	Peter Olin	Refund-recreation class	6.00
24134	Walter Parker	Refund-recreation class	14.00
24135	Becky Tracy	Refund-recreation class	14.00
24136	RSVP	Donation	30.00
24137	Jensen, Hicken et al	May, 1990 legal services	2,947.85
TOTAL:			\$79,822.51

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Description	Check Amount	Check Date	Status
018444			0			0.00	15-Jun-90	VOID
018445			0			0.00	15-Jun-90	VOID
018446	000000002	Wiessner, Janet R.	11	01	semi-monthly	1,158.73	15-Jun-90	Outstanding
018447	000000004	Kriegler, Carol J.	11	01	semi-monthly	525.57	15-Jun-90	Outstanding
018448	000000011	Chenoweth, Shirley G.	11	01	semi-monthly	757.63	15-Jun-90	Outstanding
018449	000000020	Iverson, Terry D.	11	01	semi-monthly	781.69	15-Jun-90	Outstanding
018450	000000027	Morgan, Jay M.	11	01	semi-monthly	693.51	15-Jun-90	Outstanding
018451	000000035	Zimmerman, Katherine	11	01	semi-monthly	856.60	15-Jun-90	Outstanding
018452	000000038	Wright, Vincent D.	11	01	semi-monthly	766.38	15-Jun-90	Outstanding
018453	000000048	Marshall, Timothy	11	01	semi-monthly	323.80	15-Jun-90	Outstanding
018454	000000063	Phillips, Patricia A.	11	01	semi-monthly	620.11	15-Jun-90	Outstanding
018455	000000065	Kelly, Thomas R.	11	01	semi-monthly	825.47	15-Jun-90	Outstanding
018456	000000075	PICKA, GEORGE	11	01	semi-monthly	90.00	15-Jun-90	Outstanding
018457	000000079	Hoyt Taff, Susan L.	11	01	semi-monthly	428.38	15-Jun-90	Outstanding
018458	000000091	Swenson, DeLoris J.	11	01	semi-monthly	255.28	15-Jun-90	Outstanding
018459	000000092	Peterson, Gregory S.	11	01	semi-monthly	316.00	15-Jun-90	Outstanding
018460	000000003	Baumann, Nicholas B.	6	02	monthly 1	366.52	15-Jun-90	Outstanding
018461	000000005	Berndt, Ross	6	02	monthly 1	160.63	15-Jun-90	Outstanding
018462	000000006	Bianchi, David P.	6	02	monthly 1	104.38	15-Jun-90	Outstanding
018463	000000008	Brown, Raymond F.	6	02	monthly 1	327.00	15-Jun-90	Outstanding
018464	000000013	Clarkin, Michael D.	6	02	monthly 1	79.13	15-Jun-90	Outstanding
018465	000000014	Dow, Michael J.	6	02	monthly 1	274.83	15-Jun-90	Outstanding
018466	000000015	Dowdell, Ralph L.	6	02	monthly 1	33.75	15-Jun-90	Outstanding
018467	000000016	Fuller, James D.	6	02	monthly 1	58.13	15-Jun-90	Outstanding
018468	000000018	Holmgren, John M. Sr.	6	02	monthly 1	156.26	15-Jun-90	Outstanding
018469	000000021	Kurhajetz, Clement M.	6	02	monthly 1	164.38	15-Jun-90	Outstanding
018470	000000023	LeMay, Douglas	6	02	monthly 1	173.11	15-Jun-90	Outstanding
018471	000000024	Lindig, Leo	6	02	monthly 1	121.23	15-Jun-90	Outstanding
018472	000000025	McDermond, Cindy K.	6	02	monthly 1	57.50	15-Jun-90	Outstanding
018473	000000026	McNabb, Gerald	6	02	monthly 1	18.75	15-Jun-90	Outstanding
018474	000000029	Dison, Joseph E.	6	02	monthly 1	93.13	15-Jun-90	Outstanding
018475	000000032	Schaefer, Richard A.	6	02	monthly 1	110.63	15-Jun-90	Outstanding
018476	000000033	Schauffert, Craig F.	6	02	monthly 1	49.38	15-Jun-90	Outstanding
018477	000000034	Smida, Gail	6	02	monthly 1	185.13	15-Jun-90	Outstanding
018478	000000039	Morgan, Jay	6	02	monthly 1	118.25	15-Jun-90	Outstanding
018479	000000040	Kayser, Douglas	6	02	monthly 1	106.26	15-Jun-90	Outstanding
018480	000000042	Stolz, Steven P.	6	02	monthly 1	60.63	15-Jun-90	Outstanding
018481	000000045	Gilbert, Jerome J.	6	02	monthly 1	140.72	15-Jun-90	Outstanding
018482	000000046	Holmgren, John H. Jr.	6	02	monthly 1	286.01	15-Jun-90	Outstanding
018483	000000047	McNabb, Kevin	6	02	monthly 1	73.76	15-Jun-90	Outstanding
018484	000000049	Anderson, Kevin L.	6	02	monthly 1	162.88	15-Jun-90	Outstanding
018485	000000064	PETERSON, GREGORY S.	6	02	monthly 1	292.99	15-Jun-90	Outstanding
018486	000000069	Martinez, Joseph L.	6	02	monthly 1	120.00	15-Jun-90	Outstanding
018487	000000084	Hassel, Richard	6	02	monthly 1	221.26	15-Jun-90	Outstanding
018488	000000085	Herold, Nathaniel	6	02	monthly 1	243.13	15-Jun-90	Outstanding
018489	000000087	Iverson, Terry D.	6	02	monthly 1	134.38	15-Jun-90	Outstanding
018490	000000093	Niles, Dirk F.	6	02	monthly 1	36.88	15-Jun-90	Outstanding

Grand Total

12,930.17

Consent  X

Agenda Item:  E-2

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  6/27/90

REQUEST FOR COUNCIL CONSIDERATION

**ITEM DESCRIPTION:**      CONDITIONAL USE REQUEST FOR A PET GROOMING AND LIMITED PET BOARDING BUSINESS AT 1660 N. SNELLING

**SUBMITTED BY:**              Ms. Roberta Madison

**REVIEWED BY:**              Planning Commission  
Susan Hoyt Taff, City Planner

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Ms. Roberta Madison is requesting a conditional use permit to operate a pet grooming and limited pet boarding business at 1660 Snelling Avenue North in the Northome Shopping Center in a B-2 zone.

The space was previously used by a veterinary clinic which was granted a conditional use permit. The new use requires a new conditional use permit because it falls under 9-10.01, Subdivision 2 - other retail uses of a similar nature. This use is similar to a veterinary clinic (9-10.01, Subdivision 2(n) because it provides animal care. The conditional use permit is necessary for the pet boarding portion of the business.

**ATTACHMENTS:**

- A. Proprietor's description and plan
- B. Planner's report on a request for a conditional use permit for a pet grooming and limited pet boarding business.
- C. Resolution

(The Planning Commission is holding a Public Hearing on this item on June 25, 1990. The information from the meeting will be made available to Council as soon as possible following the meeting)

**ACTION REQUESTED:**

Adoption of a Resolution granting the conditional use permit and setting forth conditions as recommended by the Planning Commission.

*SAC* *gw*

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

CITY OF FALCON HEIGHTS  
C O U N C I L R E S O L U T I O N

Date June 27, 1990

-----  
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO  
OPERATE A PET GROOMING AND PET BOARDING BUSINESS  
AT 1600 N. SNELLING, NORTHOME SHOPPING CENTER,  
IN A B-2 DISTRICT

WHEREAS, the City of Falcon Heights received an application from Roberta Madison for the issuance of a conditional use permit to operate a pet grooming and pet boarding business at 1600 N. Snelling, Northome Shopping Center in a B-2 District; and

WHEREAS, the City Council did carefully consider the request as well as the recommendations made by the City's Planning Commission after holding the required Public Hearing; and

WHEREAS, it was determined that the conditional use permit meets all the general and specific requirements set forth in Section 9-15.04, Subdivision 3(a) of the Zoning Code;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights that a conditional use permit for the operation of a pet grooming and boarding business at 1600 N. Snelling be granted subject to the following conditions:

1. Maintain limited boarding as a secondary business. Board a maximum of ten animals including the business owners animals, but not including animals on the premises for grooming only with no overnight accommodation.
2. Adhere to all Animal Welfare Laws in Chapter 343 of the Minnesota State Statutes.

Approved by \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

YEAS	NAYS	
BALDWIN		
CIERNIA		_____ In Favor
GEHRZ		
WALLIN		_____ Against
JACOBS		

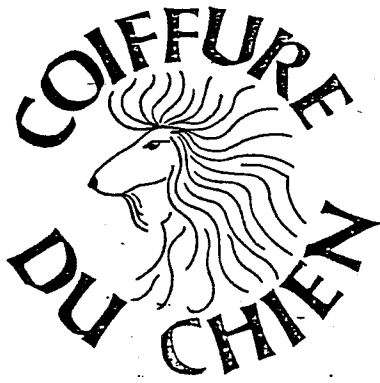
Attested by \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

Adopted by Council \_\_\_\_\_

Council Resolution  
Pet Grooming & Boarding Business  
June 27, 1990  
Page 2

3. Maintain a clean environment inside and outside the business with sanitary disposal of all wastes, cleaning up after clients on the walk and in the parking lot as necessary.
4. Keep the business within the building except for the coming and going of clientele. No outside cages, kennels, or exercising of animals.
5. Review the status of the operation within one year after approval.



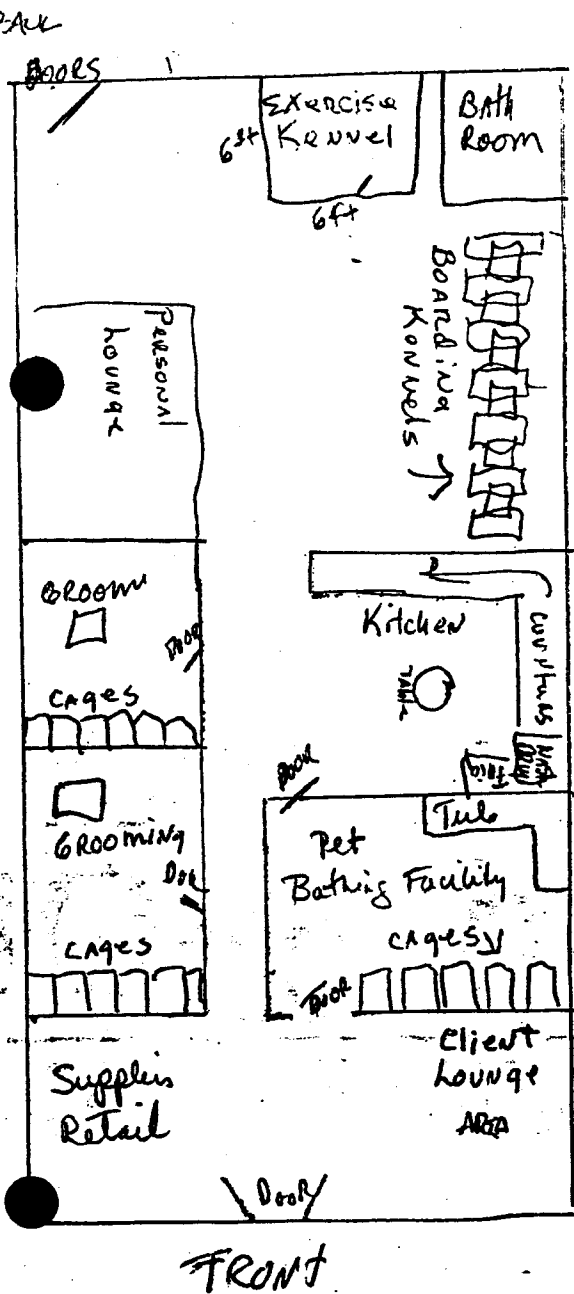
PET GROOMING SALON

Coiffure Du Chien  
owner Robert L. Madison

I have been working with animals for 32 yrs., raising some top winning show dogs, breeding grooming & training. I'm currently making application for my A.K.C. judging licence. My background includes kennel management & vet technician experience. I have always been interested in animal care.

Coiffure Du Chien is currently operated in my home. The move to this retail space would give me a lot more exposure to the public. My intentions are to properly educate the pet owner about the condition of their pet, how to properly maintain them hygienically and to offer a few exclusive services unlike any other pet grooming salon New York Style!

My intentions are not to run a kennel but to have added services on a limited basis so I am requesting a special permit to do some boarding on a limited basis.



## MEMORANDUM

**TO:** Planning Commission

**FROM:** Susan Hoyt Taff, City Planner

**RE:** Request for a Conditional Use Permit for a Pet Grooming and Limited Pet Boarding Business

Ms. Roberta Madison, proprietor of Coiffure de Chien in Midway Parkway, is planning to open a pet grooming business in the Northome Shopping Center, 1660 Snelling Avenue North, in the location previously occupied by the veterinary clinic. Although her major business will be pet grooming, she proposes to board a maximum of ten animals as a supplement to her grooming income.

Ms. Madison has operated a pet grooming and limited boarding business in her home for over four years. She also raises show dogs. She would like to specialize in pet grooming and eventually offer classes on pet selection and pet care.

The pet grooming business does not require a conditional use permit since it is similar to a pet store (a permitted use) and to the veterinary clinic which was granted a conditional use permit at this location. However, the limited boarding operation does require a conditional use permit. It is similar to the hospitalization allowed with a veterinary clinic or the keeping of pets for sale in a pet store. Our zoning code clearly prohibits an exclusively pet boarding facility with outdoor cages and kennels.

Since pet boarding should be a secondary and supplemental business activity in this facility, Ms. Madison would like to board a maximum of ten animals at one time. These animals may include some of her own dogs. They will not include dogs brought in for grooming during business hours.

The Hennepin County Humane Enforcement Officer said there are no specific limits to the number of animals that may be boarded if the proper facilities are available. All persons must meet the Minnesota laws governing animal welfare in Chapter 343 of the Minnesota State Statutes. He said any complaints regarding violations of these laws would be followed up by the Ramsey County Humane Enforcement Officer. He suggested the proprietor contact this person for a written publication on the laws and requirements.



The proposed use in this location meets all the general and specific criteria for granting a conditional use permit provided the operator meets all the state laws governing animal welfare in Chapter 343 of the Minnesota State Statutes.

Therefore, the conditional use permit is recommended for approval for a pet grooming and boarding business with the following conditions:

1. Maintain limited boarding as a secondary business. Board a maximum of ten animals including the business owners animals, but not including animals on the premises for grooming only with no overnight accommodation.
2. Adhere to all Animal Welfare Laws in Chapter 343 of the Minnesota State Statutes.
3. Maintain a clean environment inside and outside the business with sanitary disposal of all wastes, cleaning up after clients on the walk and in the parking lot as necessary.
4. Keep the business within the building except for the coming and going of clientele. No outside cages, kennels or exercising of animals.
5. Review the status of the operation within one year after approval.

Consent X

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REQUEST FOR A PERMITTED ACCESSORY USE FOR A UTILITY BUILDING AT 1777 ARONA ST.

SUBMITTED BY:

Robert Stangl, 1777 Arona

REVIEWED BY:

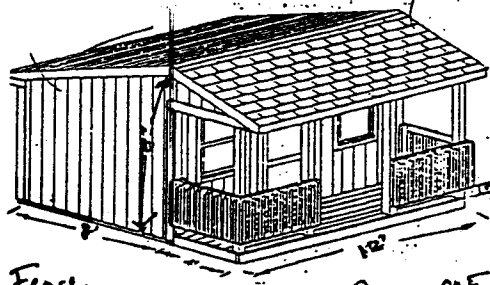
Planning Commission  
Susan Hoyt Taff, City Planner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Mr. Stangl plans to construct a utility shed in his rear lot one foot from his fence along his rear property line and several feet from his side lot lines. The structure will be 8 ft. tall by 12 ft. wide by 8 ft. long and will be stained with a natural finish.

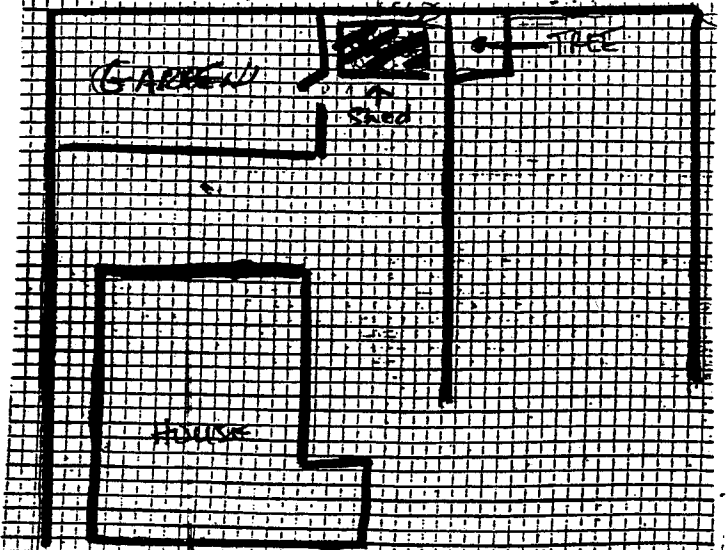
The structure and its location meet the requirements of the zoning code 9-2.04(1)(c) and 9-2.04(1)(i). The structure requires a building permit because it exceeds 90 square feet.

The Planning Commissions' recommendation will be available prior to the Council meeting.



8' TALL  
8' X 12'

ONE FT. FROM FENCE



ACTION REQUESTED:

Approval

*[Handwritten signature]*

*[Handwritten signature]*

Consent  X

Agenda Item:  E-4

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  6/27/90

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	REQUEST FOR A VARIANCE FROM FENCE HEIGHT REQUIREMENTS OF THE CITY CODE
<u>SUBMITTED BY:</u>	James Lammers, 1697 N. Hamline
<u>REVIEWED BY:</u>	Planning Commission Susan Hoyt Taff, City Planner
<u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u>	
<p>Mr. Lammers, property owner and resident of 1697 N. Hamline Avenue, is requesting a variance from Section 9-2.06 1(b) and 1(f)(5) of the zoning code to allow him to construct an eight foot high fence along his front property line and along the entire south side lot line. The variance is necessary because 9-2.06 1(b) limits the height of all fences to six feet and 9-2.06, Subd. 1(f)(5) restricts fences to three feet in height within the front yard setback.</p> <p>In order to qualify for a variance, the propertyowner must demonstrate that there is a uniqueness and hardship to the property to justify departing from the normal requirements of the zoning code.</p>	
<u>ATTACHMENTS:</u>	
<ol style="list-style-type: none"> <li>1. 9-2.06, Subd. 1(b) and 1(f)(5) regarding fences</li> <li>2. Letter from Mr. Lammers</li> <li>3. Site plan for 1697 N. Hamline</li> <li>4. Photo of Babers/Tire Plus</li> <li>5. Planner's report on request for a variance at 1697 N. Hamline</li> <li>6. 9-15.03, Subd. 4, Standards for Granting a Variance</li> </ol>	
(The Planning Commission's recommendation will be available prior to the Council meeting).	
<u>ACTION REQUESTED:</u>	
<p style="text-align: right;"><u> SA      JW </u></p>	

9-2.06 Fences

Subdivision 1. Fences may be allowed in any zone and are subject to the following:

- a. All fences shall be kept in good repair, painted, trimmed and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set-back at least one (1) foot from the street R/W or property line.
- \* b. Solid walls in excess of six (6) feet above adjacent ground grades shall be prohibited.
- c. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- d. All fences shall require a building permit in addition to any other required permits.
- e. No fences shall be permitted on public rights-of-way.
- \* f. Fences may be permitted along property lines subject to the following:
  - 1. Fences may be placed along property lines provided no physical damage of any kind results to abutting property.
  - 2. Fences in commercial and industrial districts may be erected on the lot line to a height of six (6) feet plus two (2) feet for a security (barbed wire or other) arm.
  - 3. Where the property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the property line.
  - 4. Fences located within the side and rear yard non-buildable setback areas beginning at the rear building line and fences located within the buildable area of a lot shall not exceed six (6) feet in height from finished grade.
  - \* 5. In residential districts, no fence along or within the front non-buildable setback area shall be in excess of thirty-six (36) inches in height.

9-2.07 Height Limitations

Subdivision 1. Limitations

Any structural height exceeding the following limits may be permitted



Hills Gilbertson Architects Inc 104 West Franklin Avenue Minneapolis MN

30 May 1990

Susan Hoyt Taft, City Planner  
City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, Minnesota 55113

Re: Variance Request  
1697 North Hamline

Susan:

Per our discussion on this date, I am writing to support my request for variance to install an eight foot high solid board fence along my east and south property lines.

In 1971 I planted a Zabel's White Honeysuckle hedge along Hamline Avenue. In 1973 Dr. John Thatcher planted a Red Zabel's Honeysuckle hedge along my south property line to screen his clinic parking lot. Unfortunately, honeysuckles have been afflicted with a root fungus and this, coupled with the recent drought, has killed nearly two-thirds of these hedges.

My property is located very close to one of the busiest intersections in Falcon Heights. I abut commercial property to the south. I am across the street from commercial property in Roseville and across the intersection from commercial property in St. Paul. Since it is unlikely that the commercial property will revert to residential use, my property is and will remain a buffer separating the neighborhood from a very busy commercial intersection.

Although a hedge would provide an adequate screen, I am requesting an opaque fence because it will provide better sound isolation from increasing traffic noise and because I do not wish to wait another 19 years for hedges to mature. Furthermore, my track record with hedges and disease has not been good.

I am requesting approval for an eight foot fence because I am concerned with the view from my property to the adjacent parking lot and commercial businesses across Hamline and Larpenteur. These businesses are not particularly attractive nor are their brightly lit advertising signs conducive to relaxation. I have an older home and the main floor is three feet above grade. An eight foot fence is required to provide adequate screening because of the sight lines from my house.

I feel my request for variance is justified because of hardship beyond my control. I cannot change the adjacent land use nor can I reduce the traffic volume on Hamline and on Larpenteur.

Thank you for your consideration.

Sincerely,

  
James I. Lammers

JL:lam

CHADWICK

GLENDENNING

197'

EXISTING Hedge

THATCHER CLINIC  
PARKING LOT

BRAUSEN

EXISTING Hedge

42'±

PROP

50'

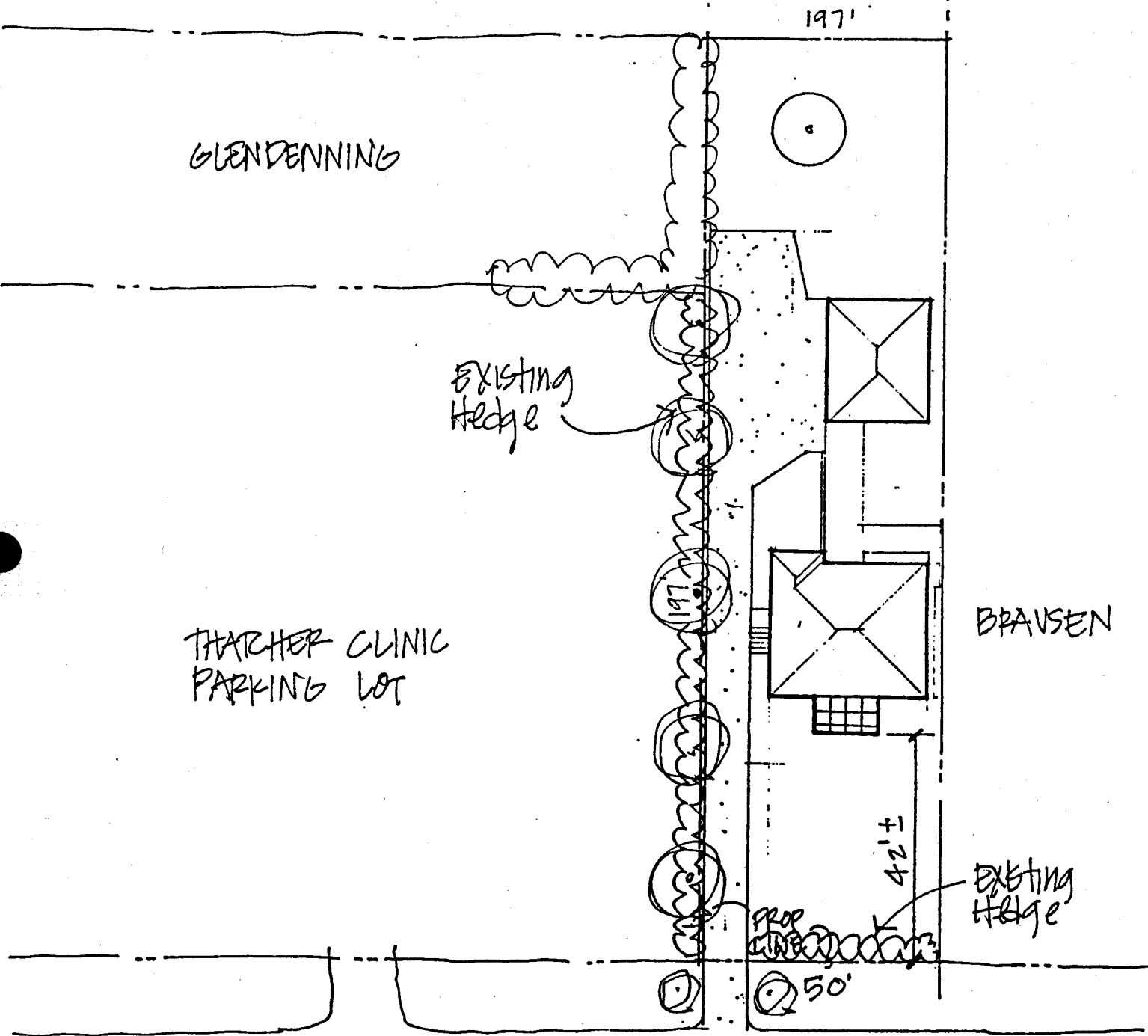
NORTH HAMLINE

TIFES PLUS

BARBER AUTO

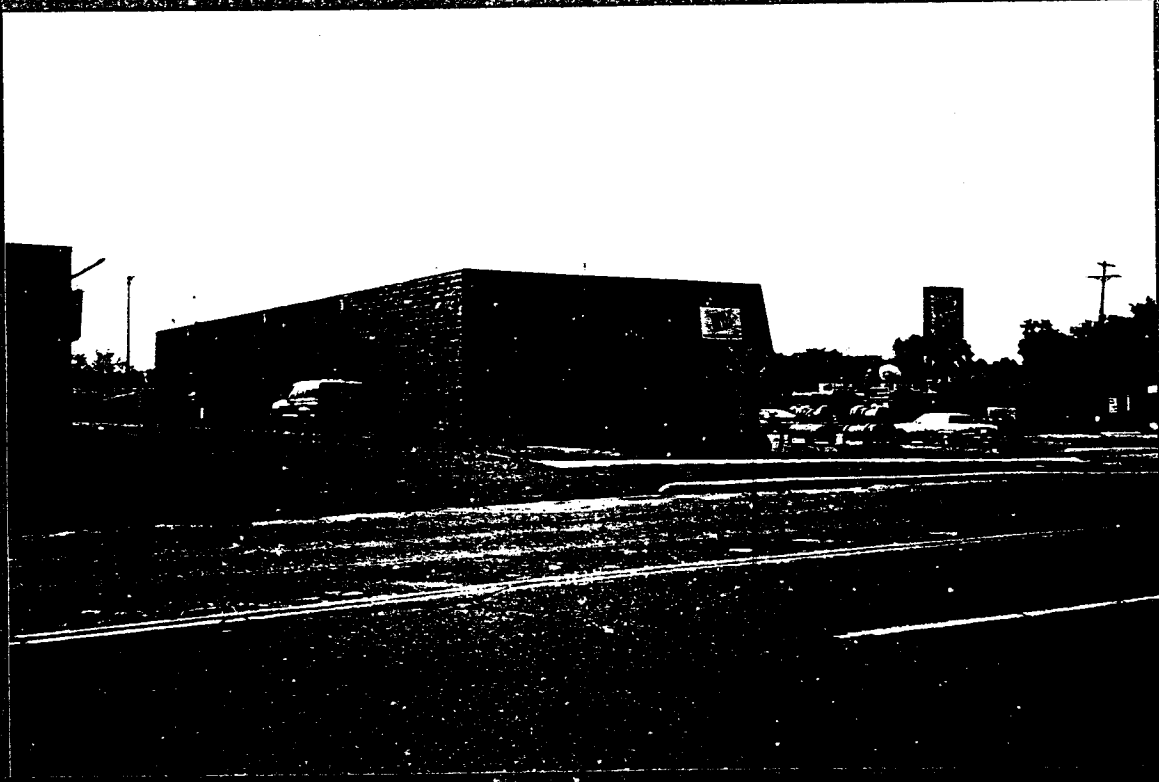
Site Plan

1" = 30'





View from property to East



MEMORANDUM

**TO:** Planning Commission

**FROM:** Susan Hoyt Taff, City Planner

**RE:** Planner's Report on the Request for a Variance from Section 9-2.06 (1)(b) AND (1)(f)(5) of the Zoning Code at 1697 North Hamline Avenue in an R-1 Zone

INTRODUCTION

Mr. Lammers is requesting a variance from Section 9-2.06(1)(b) and (1)(f)(5) of the zoning code to allow him to construct a permanent eight foot high fence along his front property line and along his entire south side lot line. The proposed fence will replace a dying hedge on his property. The variance is necessary because fences are restricted to six feet in height in the side and rear yards, and to three feet in height in the front yard.

To be granted a variance, the petitioner must prove to the Planning Commission and the City Council that the existing zoning code creates a unique hardship to this property that is not found in other parts of the City in an R-1 zone. The Planning Commission and the City Council must FIND that all standards for granting a variance, 9-15.03 Subdivision 4, are met to grant a variance (see Attachment 6).

UNIQUENESS AND HARDSHIP

Mr. Lammers identifies two hardships that impinge on his enjoyment of his property (see Attachment 2).

1. Noise from the traffic along Hamline Avenue
2. Visual blight from the adjacent and directly opposite commercial land uses (see Attachment 4).

The Commission is charged with determining the validity and uniqueness of these hardships to this particular property compared to other properties in the R-1 zones. In regard to the first hardship, traffic along Hamline, there are several examples of residences in the R-1 zone that experience the noise from traffic along Hamline Avenue, Larpenteur Avenue, Snelling Avenue and, to a lesser extent, Roselawn. Therefore, this does not appear to be a unique hardship to this property owner. And the variance would be inappropriately granted for this hardship.



In regard to the second hardship, the visual blight from the adjacent and directly opposite commercial land uses, 1697 N. Hamline is located DIRECTLY across from a commercial auto repair shop with a parking lot in the front of the repair shop. The parking lot is used to park vehicles being serviced. There are only a few other residential properties in an R-1 zone located across the street from a commercial establishment, (those across from the dry cleaner on Larpenteur come to mind); none have so much long-term parking. There are several residential properties in an R-1 zone located adjacent to commercial uses (e.g. Ciatti's and the homes behind Bullseye Plaza).

Under our current zoning code a barrier is required between commercial establishments with parking lots within 30 feet of an R-1 zone. This barrier might be a six foot high fence. Therefore, the proposed fence along the entire south side lot line, which is the rear property line of the Thatcher Clinic, is in keeping with the intent of the zoning code, if restricted to six feet. Nevertheless, it requires a variance. However, the proposed fencing along the front lot line to reduce vision across the street is not in keeping with the intent of the code, which is designed to maintain open, barrier-free front yard setbacks for visual continuity throughout the City. However, 1697 North Hamline is the only property DIRECTLY across from a commercial service with vehicles always parked outside. Therefore, it might be considered a unique case.

#### FINDINGS

If the Planning Commission finds that this criterion of adjacent and opposite commercial land uses is unique to 1697 North Hamline, and if it finds that a hedge is not an adequate barrier, and if it finds that all the conditions for granting a variance are met, it may grant a variance from 9-2.06 1(f) (5) which limits a fence to three feet high within the front yard set back.

There appears to be no justification for an eight foot fence, which exceeds all fence heights by two feet even when barriers are required by the zoning code.

#### CONDITIONS

To retain the intent of the zoning code and consistency throughout the R-1 zone in the City, if this variance is granted, the following conditions are recommended for your consideration:

1. Restrict the fence to six feet in height.  
(A hedge can grow beyond 6 feet if the owner desires).
2. Require the fence parallel to the front lot line to be at least twenty feet from the front lot line.

(The house is 42 feet from the front lot line).

This condition will:

- a) decrease visibility from the residence without requiring a higher fence
- b) keep 20 ft. of the required front yard (30 ft.) free of barriers as the code intended for visual continuity throughout the City in R-1 zones
- c) be consistent with the few examples of front yard barriers in yards in the City
- d) allow the property owner to plant a hedge along the front lot line to achieve a taller barrier at some future date.

MOTION

Finally, the Commission must incorporate its FINDINGS for a variance into the motion when it grants or denies this variance.

## 9-15.03 STANDARDS FOR GRANTING A VARIANCE

Subdivision 4. Standards for Granting of Variance. No variance shall be granted unless the City Council shall make without qualification on the basis of evidence presented at the meeting the following findings:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property;
- e. That the variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;
- g. Whether the shape, topographical condition or other similar characteristic of the tract is such as to distinguish it substantially from all of the other properties in the zoning district of which it is a part, or whether a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the Chapter were carried out;
- h. Whether the variance is sought principally to increase financial gain to the owner of the property, and to determine whether a substantial hardship to the owner would result from a denial of the variance;
- i. Whether the conditions which give rise to the application for the variance arose after the adoption of this Chapter of the Code of the City of Falcon Heights or any amendment thereto which placed the tract in a zoning district different from what it was under the Chapter. In the consideration of this item, the City shall make diligent inquiry as to all changes in the property and shall refuse to grant the variance if the problem is one that can be solved through a proper application of a conditional use permit or an amendment of the Zoning code. Financial hardship shall not be a basis for the granting of a variance when the owner purchased the property in reliance on a promise that a variance would be granted, and the City shall dismiss the appeal if it shall appear that the property was purchased on such reliance.

Subdivision 5. Conditions. The City may attach such conditions to the grant of the variance as it shall determine will be necessary or desirable to bring it within the purpose and intent of the Chapter. A public record shall be maintained of such conditions.

Consent   X  

Agenda Item:   E-5  

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:   6/27/90  

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	SOLID WASTE COMMISSION MINUTES OF JUNE 7, 1990
<u>SUBMITTED BY:</u>	Solid Waste Commission
<u>REVIEWED BY:</u>	S. Chenoweth
<u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u>	See Minutes attached.
<u>ACTION REQUESTED:</u>	

*[Handwritten Signature]*  
\_\_\_\_\_

MINUTES  
Solid Waste Commission Meeting  
7 June 1990

The meeting was called to order by Chairperson Thompson at 7:04pm.

COMMISSION MEMBERS PRESENT: Michael Haglund, John Hustad, Terry Iverson, Laura Kuettel, Marty McCleery, Lyle Wray, John Thompson and Shirley Chenoweth, Staff Representative.

COMMISSION MEMBERS NOT PRESENT: Leo Klisch and Nancy Misra

GUEST: Colleen Halpine, Ramsey County Environmental Health Department

APPROVAL OF AGENDA: The agenda was approved by consensus.

APPROVAL OF MINUTES: The minutes of the last meeting were approved with a motion by Michael Haglund seconded by Terry Iverson.

RECYCLING COORDINATORS' PARTY FOLLOW-UP: John Thompson suggested the Commission choose an alternative plan for recognizing the coordinators because of two low turnouts. The Commission agreed that recognition was important and suggested: certificates; a party every few years; bin drawings in addition to the regular recycling drawing.

Marty McCleery inquired as to the true participation of coordinators. Shirley Chenoweth reported that the volunteers regularly call for information and new signage. John Hustad and Marty McCleery will join in placing signs out on appropriate days.

Colleen Halpine stated that funding for bins, through the county, will most likely not be available in the future.

AD-HOC COMMITTEE ON MULTI-HOUSING RECYCLING: The budget contains \$4,260 for multi-housing in Falcon Heights (pickup - \$3,000, containers - \$1,260). There are 396 units in 26 buildings.

Nancy Healy, Supercycle, informed John Hustad that it would cost \$80 per container at \$60/hr for pickup. Shirley Chenoweth informed the Commission that Supercycle had previously quoted a price of \$54/hour for weekly pick-up.

John Hustad suggested a six month start-up by the city to be taken over by the owners. Another suggestion would be to provide bins if they pay for the service.

Colleen Halpine suggested presenting multi-housing unit owners with information explaining the savings in garbage bills with the start of a recycling program. She also stated that Ramsey County tonnage estimates were at or exceeding amounts budgeted for 1990 and there would not be any left-over funding.

Laura Kuettel asked Colleen Halpine to explain the February 1990 "due-date" for mandatory multi-housing recycling to be implemented by the city or the county. Colleen Halpin stated that there was no funding for this program and it would not be pursued by the county at this time.

MINUTES  
Solid Waste Commission  
June 7, 1990  
page three

WORKSHOP WITH HAULERS/PUBLIC HEARING

It was decided that a workshop with the haulers and council would not be scheduled until the Commission or the Council felt one should be held. In the meantime, Colleen Halpin suggested we plan for the public hearing with information as to the direction the Commission is heading, reports and/or survey results, and a summary, in writing.

Meeting with Council/Haulers

Newsletters (three)

List of Solid Waste Commission accomplishments

Resolution items listed

TERRY IVERSON UPDATE

On Thursday, June 14, 6:30pm there will be a Fire Prevention Seminar. Children are encouraged to attend, exit drills will be practiced.

At this time, the capping of wells is not necessary until your home is sold. It will cost the average homeowner \$350 - \$400 to have the well sealed by a state-registered contractor. Lyle Wray mentioned that the state may be moving to require capping regardless of property sales.

John Thompson thanked Colleen Halpin for her presence and assistance.

John Hustad moved to end the meeting, Lyle Wray seconded.

The meeting was adjourned at 8:35pm.

Respectfully submitted,

Laura Kuettel, Secretary

Consent   X  

Agenda Item:   E-6  

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:   6/27/90  

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REQUEST TO SCHEDULE A PUBLIC HEARING REGARDING ORGANIZED COLLECTION.

SUBMITTED BY:

Solid Waste Commission  
S. Chenoweth

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

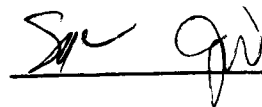
Due to modifications in State statute at the last legislative session, the notice period prior to implementing organized collection has increased from 90 to 180 days. This makes it impossible for Falcon Heights to implement a change by January 1, 1991 as has been discussed. However, the Commission would like to move forward with discussions as soon as possible. SuperCycle has extended our present recycling contract through January of 1991 and has indicated a willingness to extend it beyond that period if necessary.

ATTACHMENTS:

- (a) Solid Waste Commission Resolution
- (b) Excerpt from Solid Waste Minutes of June 7, 1990

ACTION REQUESTED:

Schedule Public Hearing for August 22, 1990 at 7:30 P.M.

  
\_\_\_\_\_

CITY OF FALCON HEIGHTS  
RESOLUTION  
OF  
ORGANIZED/INTEGRATED COLLECTION  
BY THE  
SOLID WASTE COMMISSION

DATE: 3 May 1990

WHEREAS, the Solid Waste Commission has determined that organized/integrated collection results in overall cost savings for the user without sacrificing service quality, and

WHEREAS, organized/integrated collection will result in less heavy vehicle traffic on residential streets, and therefore reduce road surface degeneration, and

WHEREAS, organized/integrated collection will reduce heavy vehicle traffic and therefore make residential streets safer, and

WHEREAS, the Solid Waste Commission has determined that organized/integrated collection will promote better overall waste management in our community, and

WHEREAS, the city of Falcon Heights has been a leading community in promoting sound waste management and environmental pride, and

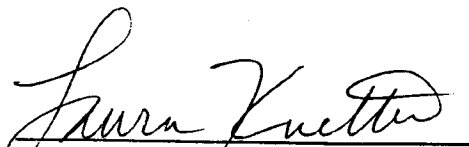
WHEREAS, Ramsey County has mandated a 35% reduction in waste abatement by the year 1991 for the city of Falcon Heights, and

WHEREAS, the majority (over 80%) of the respondents to a city-wide survey indicated their support of organized/integrated collection, and

WHEREAS, organized/integrated collection will reduce the use of fossil fuel resources and will reduce emissions of air pollutants,

NOW, THEREFORE, BE IT RESOLVED, that the Solid Waste Commission recommends that the city of Falcon Heights adopt organized/integrated collection as its waste management system.

  
John Thompson, Chair

  
Laura Kuettel, Secretary



MINUTES  
Solid Waste Commission  
June 7, 1990  
page two

HAULER SERVICE FOR THE UNIVERSITY GROVE NEIGHBORHOOD: At an unknown date, the University of Minnesota will cease funding for refuse pickup in the Grove area. Jan Weissner, City Administrator, suggested the Commission contact the Grove Association when we are closer to implementing changes for the city.

\* TIME LINE FOR ORGANIZED COLLECTION: The notice period, prior to implementing organized/integrated collection, will be lengthened from 90 to 180 days, according to Chapter 600. This means that 180 days begins after the Resolution of Intent, and we must have a public hearing before passing the Resolution of Intent. Colleen Halpine stated that haulers are aware of the new law and need time to work together to develop a consortium. Vadnais Heights was threatened by a law suit for considering bids from non-licensed haulers.

John Hustad moved, Haglund and Iverson seconded and the Commission unanimously approved the motion to hold a public hearing to discuss organized/integrated collection and to review the resolution.

Supercycle may be used as a subcontractor for haulers and is also involved in more processing. Halpine said that Supercycle would be very willing to add an addendum to our contract extending it for 2 to 4 months in conjunction with Chapter 600. Shirley Chenoweth will check into the extension.

Shirley Chenoweth raised the question of charging for recycling on the utility bill. Residents presently pay \$13.43 to Ramsey County.

Colleen Halpine informed the Commission that New Brighton has been working on the solid waste program for ten years without coming to a consensus. They were afraid of a monopoly and held a meeting with their council and haulers. Although still in the planning stages, the haulers came back to the city with a plan which is not a contract but could be an ordinance. They routed themselves throughout the city, set the price and would contribute \$1.50 to the city, per month, per resident for recycling.

On June 26, the County Commissioners will discuss the 1991 grant program. Colleen Halpine will keep city administrators informed. She said the result will probably be less funding.

Halpine suggested that during the 180 days we meet with haulers and our council for a workshop.

#### DATE CHANGES

Due to the July 4 holiday the Solid Waste Commission will meet on Thursday, July 12.

Due to Commission members on vacation, the Solid Waste Commission will meet on Thursday, August 9.

John Hustad will be unavailable for the August meeting.

On June 27 Shirley Chenoweth will send out notices for a public hearing to be held on Wednesday, August 22, at 7:30pm.

Lyle Wray will be unavailable for the public hearing.

Consent  X

Agenda Item:  E-7

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: PURCHASE SNOW PLOW FOR 1990 PUBLIC WORKS TRUCK

SUBMITTED BY: Vince Wright  
Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

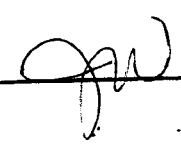
We recommend the purchase of a "Sno-way" plow for the new Public Works truck. This plow will cause less wear and tear on the truck because all the hydraulic systems are on the plow and it is easily connected and disconnected seasonally. Also, this plow will not require all the heavy framework that other plows have hanging on the front of the truck year-round. Although this plow is slightly more expensive than traditional plows, the design will save money in repairs and maintenance.

The 1990 bond issue included \$18,500 for the new truck, of which \$14,429.16 has been spent. Therefore, there are adequate funds available to cover the \$2,199 purchase from Thermo King. (This is the only dealer handling this type of plow).

ATTACHMENTS:

- A. Quotation from Thermo King
- B. Sno-way Brochure

ACTION REQUESTED: Authorize staff to purchase Sno-way plow for 1990 Public Works truck.

  
\_\_\_\_\_

**THERMO KING SALES & SERVICE, INC.** 1951 Old Highway 8, New Brighton, MN 55112

(612) 633-2820


**QUOTATION**

TO: City of Falcon Heights  
2077 W. Harpenteur  
Falcon Heights, Minn.  
55113

DATE: 6-6-90

Quantity	Description	Unit Price	Total
1	Model H-2388 Hexan Snow-way Snow Plow Installed on 1990 F-250 Ford Pickup. Including lights	2199. <sup>00</sup>	

F.O.B. POINT: New Brighton

TERMS: One Delivery days net after delivery of units to specified destination.DELIVERY: Stock

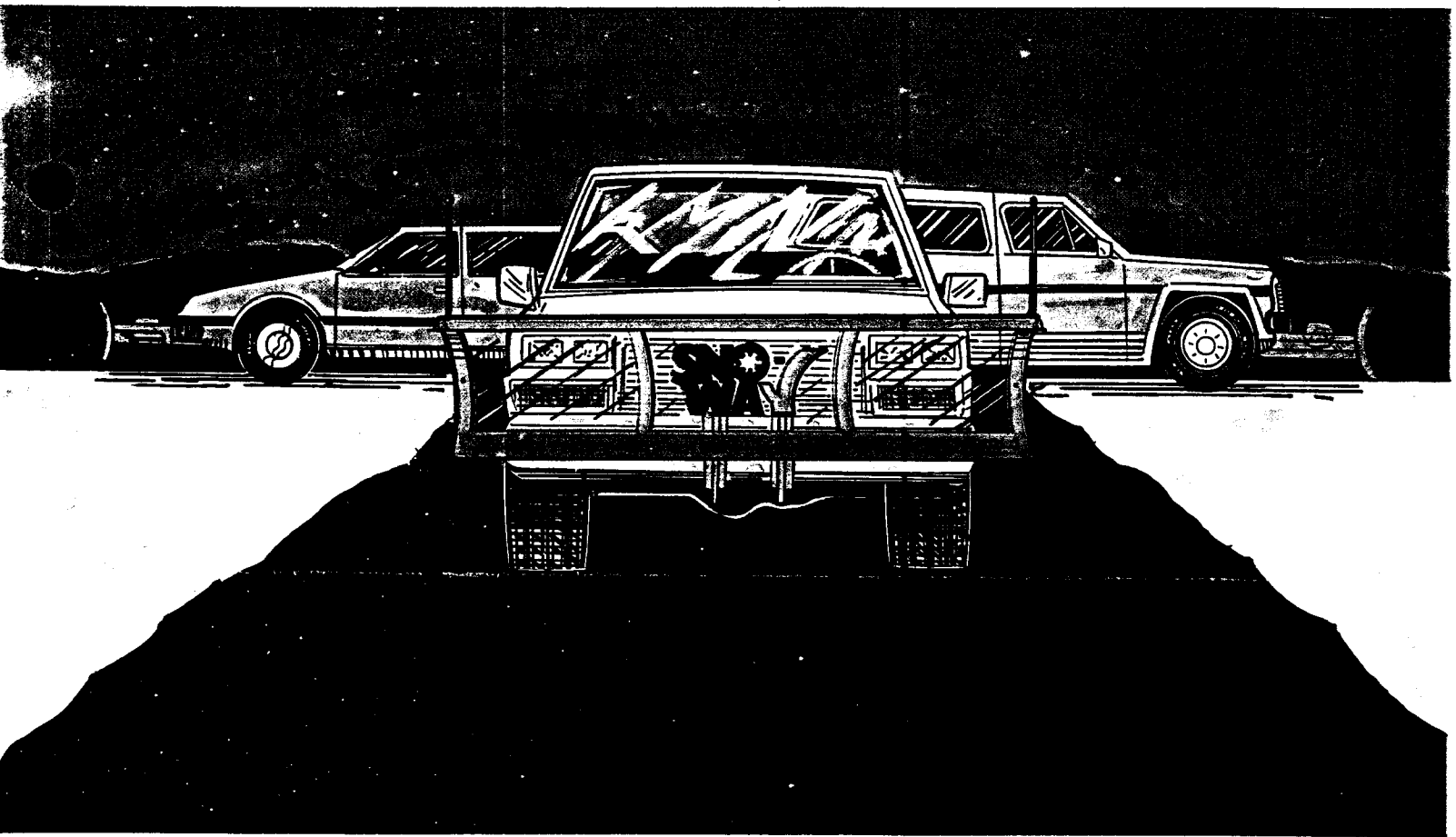
This quotation shall remain in effect only until 7-6-90. Quotations are subject to Standard Conditions as printed on the reverse side of this form.

THERMO KING SALES &amp; SERVICE, INC.

By Wayne J. Peterson

# **SNOWWAY** T.M. *Attachment 1* **PLOWS**

**HI-TECH LEXAN  
AND  
STEEL SNOW PLOWS**



**“THE ENERGY-SAVING PLOW PEOPLE”**

**Winner of the Wisconsin society of professional engineers  
new product award judged on engineering, ingenuity of  
concept, functionality, safety, and appearance.**

**THERE'S NO WAY LIKE A  
The first (1st) snow plow  
designed for fuel-efficient  
cars and trucks.**

**SNO-WAY™**

**What's so special  
about a Sno-Way?**

Rugged . . . Lightweight . . .  
and Easy-To-Install.

Each plow adaptation is  
specifically designed for your  
vehicle and is engineered not  
to exceed manufacturers front  
axle ratings.

Installation is quick and easy  
with no welding or areas of  
special attachment necessary.

Sno-Way provides step-by-step  
instructions and illustrations.

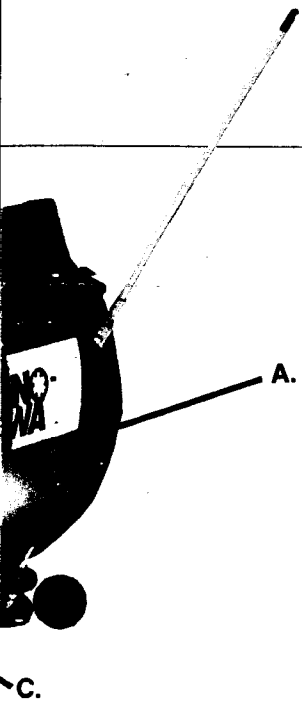
Quick response and easy  
operation under any condition  
. . . that's how you describe Sno-  
Way's one-touch finger-tip control  
system. Inside your vehicle, rocker  
switches regulate the positioning of the  
blade (raise/lower, left/right).

No mechanical cables or awkward  
control handles interfere with operating  
performance. Solenoid operated valves  
command instant response to your  
plows positioning.

Sno-Way is the first compact, high  
performance plow engineered for the size  
and weight of your car or truck. The patented  
award winning design offers you an energy-  
efficient, easy way to clean driveways,  
sidewalks and parking lots.



**There are other snow plows, but none compare to the  
quality and dependability of a Sno-Way . . . Your  
economical solution to energy efficient snow removal.  
Built lightweight but tough, to do the job for less!!**



**A. Unique lightweight high carbon steel blade and patented lifting system reduces weight yet does the job of plows weighing 2-1/2 times as much. The rolled and formed edges insure structural integrity. Blade curvature design creates rolling and tumbling motion thereby increasing power efficiency.**

**B. A frame easily attaches to the uni-frame sub-frame (patent pending) which installs quickly on most vehicles. No welding or fabrication needed.**

**C. Patented weather sealed hydraulic pump-valve assembly attaches to the swivel sector of the plow creating one integral unit power lift and power angling. All hydraulic hoses are permanently installed to both the lift and angle cylinders. This positioning eliminates messy hydraulic quick disconnects and minimizes the risk of pollution to the hydraulic system. (Patent pending.)**

**D. Easy storage during non-use. Remove three (3) pins and disconnect one (1) electrical quick disconnect.**

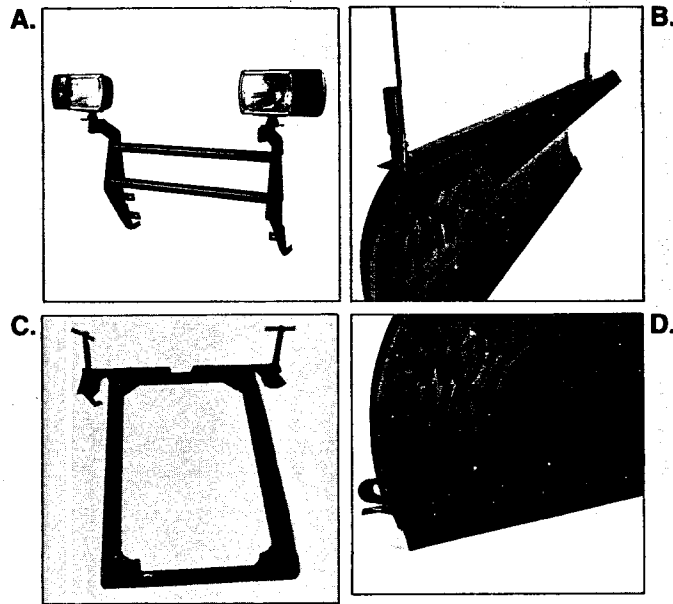
**E. Finger-tip control box in vehicle is equipped with a safety switch and or incorporates two (2) rocker switches for instant response to plow positioning.**

**F. Sno-Way's patented cylinder lock clamp positively locks blade in up position for over the road travel.**

Sno-Way plows have been performance (test) proven in tough mid-western winters and are backed by a limited one-year warranty on all parts and labor. Should a problem arise, the nationwide service network provides prompt, expert help with any and all installation or service problems.

# Sno-Way Accessories

- A. **Combination Grille Guard and Light Standard.** Incorporates auxillary plow lighting and provides year round up front protection.
- B. **Extension/Deflector.** Increases blade height 4" and keeps snow from blowing over the top of plow onto windshield. Deflects snow during high speed plowing.
- C. **Dolly.** Allows one person easy mobility of the plow unit as well as convenient installation and removal of the plow in approximately 5 minutes.
- D. **Polymer Wearstrips.** (Steel strip is standard on steel plows.) Available to prevent damage to ornamental sidewalks or highway markers, etc.



## SNO-WAY LEXAN AND STEEL SNOWPLOWS

### LEXAN PLOWS

LEXAN Models	Blade Ht.	Width	Blade	Shoes	Dynaramic Pump Assembly	Weight
L-1572	*19"	6'	LEXAN	Std.	Yes	215 lbs.
L-1580	*19"	6'8"	LEXAN	Std.	Yes	235 lbs.
L-2380	*27"	6'8"	LEXAN	Std.	Yes	264 lbs.
L-2388	*27"	7'4"	LEXAN	Std.	Yes	290 lbs.
L-2596	*29"	8'	LEXAN	Std.	Yes	420 lbs.

### STEEL BLADES

STEEL Models	Blade Ht.	Width	Blade	Shoes	Dynaramic Pump Assembly	Weight
S-2380	23"	6'8"	STEEL	Std.	Yes	342 lbs.
S-2388	23"	7'4"	STEEL	Std.	Yes	361 lbs.
S-2596	25"	8'	STEEL	Std.	Yes	520 lbs.

\*Blade height on Lexan Models includes 4" deflector. Sub-frame weights will range from 43 lbs. to 150 lbs. depending on model and vehicle.

Dynaramic - 12 volt or 24 volt hydraulic pump assembly, provides a full 30° power angle and power lift. 3" or 4" motors are standard depending upon the model and application.

There's no way like the Sno-Way

Snow plows available at:



SNO-WAY INTERNATIONAL, INC.

1091 W. State St.  
Hartford, Wisconsin 53027 U.S.A.  
Phone (414) 673-7200 Fax: 414/673-3322  
1-800-423-1048 (outside Wisconsin)

"The Energy-Saving Plow People"

\*\*SNO-WAY RESERVES THE RIGHT TO CHANGE PRODUCT DESIGN, CONSTRUCTION, AND SPECIFICATIONS WITHOUT NOTICE OR OBLIGATION.



**SNO-WAY INTERNATIONAL, INC. IC.**

a Division of S.T.W. Corp.

1091 W. State St.

Hartford, Wisconsin 53027 U.S.A.

Phone (414) 673-7200 Fax: 414/673-3322

1-800-423-1048 (outside Wisconsin)

# SNO-WAY SETS THE RECORD STRAIGHT

## Quote from Meyer Form No. 3-435 . . .

*"Note: Do not confuse the Meyer MAX U.H.M.W. polymer material with other polyethylene or polycarbonate materials, such as LEXAN®, used by others. They are not alike and do not offer the same dependability and durability for snow plow application as the Meyer MAX."*

## SNO-WAY IS PROUD OF ITS DISTINGUISHED RECORD OF "FIRSTS"

*First* **World Patented See-Through LEXAN® Moldboard**  
SNO-WAY, after careful research and field testing was the first to use super tough LEXAN® for moldboards. LEXAN® material is as tough as steel, but substantially lighter in weight and has see-through properties. Note the "no failures" test results in the LEXAN® property profile and the 9,500 lb. tensile strength rating. The Meyer Max material with 3/8" thickness has a psi of 7,000 and the SNO-WAY LEXAN® with a thickness of 1/8" has a psi of 9,500. The Meyer Max is 3/4rds heavier to achieve 27% less in tensile strength.

*First* **Easy On, Easy Off System**  
SNO-WAY was the first to develop the "easy on, easy off" snowplow system. Pull 3 pins, disconnect 1 power cord and your snowplow is detached for storage. This feature allows for storage of the complete snowplow and power pack as an integral unit. With the aid of the SNO-WAY dolly, an accessory item, the snowplow can be reattached in minutes. The competition lugs around the heavy pump and power pack permanently mounted on the vehicle all the time, allowing for damage from the elements, theft, vandalism, and accidents.

*First* **Patented, Sealed Hydraulic System**  
SNO-WAY was the first to factory assemble and test the complete hydraulic system and power pack unit on the production line. The patented weather sealed hydraulic pump-valve assembly attached to the swivel sector of the plow at the factory creates one integral power lift and power angling unit. All hydraulic hoses are permanently installed to both the lift and angle cylinders. This positioning eliminates messy hydraulic quick disconnects and minimizes the risk of pollution to the hydraulic system.

*First* **Maintain Vehicle Center of Gravity**  
SNO-WAY was the first to recognize the importance of maintaining the vehicle center of gravity and do something constructive about it . . . by developing the SNO-WAY lightweight snowplow. The foundation of the SNO-WAY research and development is to maintain vehicle integrity.

*First* **Lightweight Design**  
SNO-WAY was the first to recognize the new downsize lightweight vehicles and their snowplowing capabilities. SNO-WAY was the first to apply modern engineering and technology to snow removal equipment. Other companies who have been in the business for over 60 years are now beginning to recognize and copy the leadership qualities of SNO-WAY snowplows.

*First* **Patented Direct Linkage**  
SNO-WAY was the first to develop a patented lifting system which eliminated the use of dangerous chains, and virtually eliminated the snowplow bounce while traveling. The use of chains to lift a plow for traveling not only exposes the vehicle driver to possible injury resulting from chain failure, but also allows the plow to "bounce" while driving, whereas the lifting system of the SNO-WAY is an important feature that eliminates unnecessary stress upon the vehicle.

*First* **No Front Axle Overload**  
SNO-WAY was the first to recognize vehicle front axle limitations and design a snowplow which would not require expensive air bags, helper springs or counter balancing.

*First* **Easy Installation**  
SNO-WAY was the first to recognize the many vehicle variations and consequently to design, engineer and develop the customized, all new and rugged UNI-FRAME sub-frame. Each sub-frame application is engineered to a specific vehicle and is a field tested application. Quick and easy installation is a design feature of the SNO-WAY.

*First* **Tilt Cab Applications**  
SNO-WAY was the first to develop a snowplow application for tilt forward vehicles such as the NPR-W4 series. The SNO-WAY allows the truck cabs to be tilted forward and thus offer easy maintenance of the vehicle without the necessity for removal of the snowplow, and a breakaway grille guard and light standard are special features where auxiliary lights are desired.



*First* **Personal Snowplowing**

SNO-WAY was the first to really introduce "personal snowplowing" to the owners of today's popular light-weight 4X4 vehicles. Now you can have the personal convenience and independence of being able to do your own plowing when you want to. SNO-WAY was the first to recognize this market and is the World Leader today in lightweight snowplow technology. SNO-WAY specializes in the 6' and 7'4" applications for personal use, but also builds a complete line of both steel and LEXAN® moldboards to 8' for heavy duty commercial applications. SNO-WAY, with over 49 applications and 8 models, has a plow to fit your specific requirements.

*First* **SNO-WAY Warranty**

SNO-WAY was the first to institute a full 1 year liberal parts and labor warranty program. SNO-WAY snowplows have been performance test proven in tough mid-western winters. The SNO-WAY warranty program is the best in the business and is rapidly becoming the industry standard. The industry looks to SNO-WAY for innovation in the lightweight world of snowplowing.

*First* **Powder Paint Technology**

SNO-WAY was the first to introduce powder paint technology to the snowplow industry in 1987, and other companies are following this lead. SNO-WAY is constantly alert to new technology and its application to the SNO-WAY product line.

*First* **SNO-WAY Fun**

SNO-WAY takes the drudgery out of snowplowing and makes it fun. Just ask any of our many satisfied customers.

*First* **Governor's Award**

SNO-WAY was the first snowplow manufacturer to be recognized by the State of Wisconsin for innovative new products. This award was won in 1980 and runner-up recognition for new innovations was awarded to us in 1988.

*First* **Patented Lock Clamp**

SNO-WAY with an eye for safe performance was the first to develop and install a patented cylinder lock clamp which positively locks the blade in an up position for safe road travel.



LEXAN® sheet

9034

PROPERTY PROFILE

PHYSICAL		
Property	Test Method	Typical Value
Specific gravity	ASTM D792	1.20
Refractive index at 25° C	—	1.586
Rockwell hardness	ASTM D785	M70
Abrasion resistance, Taber abraser with CS-17 wheel	ASTM D1044	10mg/1000 cycles
Impact strength, notched Izod, 1/4-inch specimen	ASTM D256	12-16 ft.-lb/in. of notch
Impact strength, unnotched Izod, 1/4-inch specimen	ASTM D256	60 ft.-lb/in. (No Failures)
Tensile impact, S-type specimen	ASTM D1822	225-300 ft.-lb/in.
Tensile-yield strength	ASTM D638	9,000 psi
Tensile-ultimate strength	ASTM D638	9,500 psi
Tensile modulus	ASTM D638	345,000 psi
Elongation	ASTM D638	110%
Compressive strength	ASTM D695	12,500 psi
Compressive modulus	ASTM D695	345,000 psi
Flexural strength	ASTM D790	13,500 psi
Flexural modulus	ASTM D695	340,000 psi
Shear-yield strength	ASTM D732	6,000 psi
Shear-ultimate strength	ASTM D732	10,000 psi
Light transmission (1/4-inch thick disk)	—	88%
Poisson's ratio	—	0.37
Shear modulus	—	114,000 psi
Deformation under load, 4000 psi 73°F	ASTM D621	0.2%
Deformation under load, 4000 psi 158°F		0.3%
Fatigue endurance limit (Krause method), 1800 cycles/min., 73°F, 50% RH	ASTM D671	1,000 psi
Water absorption 24 hour immersion equilibrium 73°F	ASTM D570	0.15%
equilibrium 212°F		0.35%
		0.58%

THERMAL		
Property	Test Method	Typical Value
Heat-deflection temperature	ASTM D648	264 psi: 270 F, 66 psi: 280 F
Thermoflorming shrinkage	ASTM D955	0.005-0.007 in./in
Thermal conductivity		4.6x10 <sup>-3</sup> cal/sec/cm <sup>2</sup> /°C/cm/0.2255 BTU/sec/ft <sup>2</sup> /°F/in.
Coefficient of linear-thermal expansion -30° C to 30° C		3.75x10 <sup>-5</sup> in./in./°F
Flammability	UL 94	6.7x10 <sup>-5</sup> in./in./in. <sup>2</sup> /°C
Brittle temperature	ASTM D746	Less than 1 inch - 135°C
Specific heat		0.30

# SNO-WAY THE HIGH-TECH PLOW OF THE FUTURE IS HERE.

- Better Performance and Speed
- Better Thinking
- Better Unequaled Materials

## — Key Features —

- ✓ Patented Clear LEXAN® Blade
- ✓ Lightweight Design
- ✓ Patented Easy Attach/Disconnect System
- ✓ Patented Direct Linkage to Vehicle
- ✓ Patented Sealed Hydraulic System
- ✓ No Front Axle Overload
- ✓ Maintains Vehicle's Center of Gravity
- ✓ Easy to Install

# SNO-WAY SNOWPLOWS... SIMPLY THE BEST!



# BRANDON LAWN & LANDSCAPING

(313) 929-8973

Sno-Way (LINDA),

I purchased a Sno-Way Lexan PLOW (L-2290) from you in November '89. I just wanted to let you know how happy I am with it. I've used it over 35 hours and enjoy it as much as the 1st time.

I want to personally thank you (Linda) for your time and co-operation. If I ever buy a plow again, it will be a Sno-Way.

Thank-You,

Rick Farrar  
(Ortonville, Michigan)

Michigan

COMMERCIAL-RESIDENTIAL  
FREE ESTIMATES  
**BRANDON LAWN & LANDSCAPING**  
Snow Removal      Complete Lawn Care  
Salting              Landscape Design &  
24 Hour Service      Irrigation  
NICK FARRAR  
OWNER

75 Keach Dam Road  
Chepachet, RI 02814  
April 12, 1988

Snow-Way International  
1091 W. State St.  
Hartford, Wisconsin 53027

Gentlemen:

Now that I have put my snow plow away for the Summer I want to thank you for having made a plow that is light enough not to ruin the front end of my Suzuki yet strong enough to really push some heavy duty wet New England snow. Thanks also for making the sub-frame strong enough to do the job, yet light enough not to be a burden on my Suzuki.

Thanks for making a plow that connects to the sub-frame directly at the front bumper making it unnecessary to get on the ground to insert the connecting pins that on some vehicles are more than a good arm's length back from the bumper. I found also, that having the plow connect directly at the bumper allows the plow to be raised unusually high which helped me tackle the tall New England snow drifts and also plow snow quite high when there was no other place to push it to.

Thanks for making a plow that I don't need to buy expensive auxillary headlight/directional plow lights for and also thanks for inventing the cylinder lock; it gave me a genuine feeling of security when I traveled the interstate highway to plow my father-in-laws' driveway.

I really like not having hydraulic pump belts running on my little Suzuki engine all summer long, decreasing my gas mileage and eventually needing to be replaced.

You have a great product and I will continue to endorse and recommend it to anyone I know of looking for a snowplow. I have passed out your flyers and demonstrated the plow to a number of people this past winter. I hope it gets you some more customers in this area.

Again, congratulations on a fine product and keep up the good work!

Sincerely,

*Eric K Croft Jr*  
*Plow Serial No 1942*

ERIC & MARYJEAN CROFT  
75 KEACH DAM ROAD  
CHEPACHET, RI 02814

Consent   X  

Agenda Item:   E-8  

Policy \_\_\_\_\_

**CITY OF FALCON HEIGHTS**

Meeting Date:   6/27/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

SUMMER RECREATION PROGRAM HIRING

**SUBMITTED BY:**

Carol Kriegler

**REVIEWED BY:**

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

The following individuals are recommended for appointment to the summer recreation program staff.

Meg Robinson - Aid ----\$3.56/hr.  
1513 W. Hoyt  
Falcon Heights

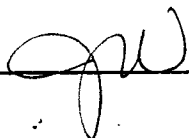
Steven Russell - Aid ----\$3.56/hr.  
1837 Howell  
Falcon Heights

Lisa Schmid, Tennis Instructor ---- \$6/hr.  
2146 Rosewood, Roseville

Katie Mixon, Tennis Instructor ---- \$6/hr.  
1991 Ryan, Roseville

**ACTION REQUESTED:**

Appointment of these individuals to the summer recreation staff.

  
\_\_\_\_\_

Consent X

Meeting Date: 6-27-90

Policy \_\_\_\_\_

Agenda Item: E-9

CITY OF FALCON HEIGHTS

**REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION:

Licenses

SUBMITTED BY:

Shirley Chenoweth

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached list

ACTION REQUESTED:

Approval

*S. Chenoweth*

Consent Agenda  
June 27, 1990

LICENSES

General Contractors

- \* Midwest Fence & Mfg. Co. #545
- Anderson Roofing & Construction #547
- His Services #548
- Irmiter Contractors and Builders #549
- F.M. Frattalone Excavating & Grading, Inc. #557
- Kuehn Excavating #556
- St. Paul Utilities, Inc. #553
- \* First Landmark Builders, Inc. #552
- R. A. Ungerman Construction Co., Inc. #550
- Valley Window Service #560
- \* Merle's Construction Co., Inc. #561
- Worry Free Home Repair Service, Inc. #563
- Corporate
- Crocker Financial #551

Mechanical Contractors

- Rollins Heating and Air Conditioning #558
- Dependable Heating & Air Conditioning, Inc. #559

- \* Renewals
- All others are new licenses

Consent \_\_\_\_\_

Policy X

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

TRANSFER OF CABLE TV COMMUNITY PROGRAMMING FUNCTION FROM  
CABLE TV NORTH CENTRAL TO CITIES

SUBMITTED BY:

Tom Creighton, North Suburban Cable Commission Legal Counsel

REVIEWED BY:

Jerry Wallin, Falcon Heights Representative  
North Suburban Cable Commission  
Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

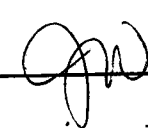
ATTACHMENTS:

- A. Memo from Tom Creighton
- B. Resolution Transferring Community Programming Responsibilities
- C. Resolution Amending Cable Commission Agreement
- D. Red-Lined Copy of Proposed Agreement
- E. Red-lined Copy of Proposed By-Laws of North Suburbs Access Corporation

A copy of the Exhibits to the Agreement is available at City Hall for your review. (It was not copied due to the length).

ACTION REQUESTED:

Approve Resolutions (Attachments B & C)

  
\_\_\_\_\_

**BERNICK AND LIFSON**

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

PARKDALE I, SUITE 200

5401 GAMBLE DRIVE

MINNEAPOLIS, MINNESOTA 55416

(612) 546-1200

FACSIMILE (612) 546-1003

June 8, 1990

NEAL J. SHAPIRO  
SAUL A. BERNICK\*  
THOMAS D. CREIGHTON  
JERRY STRAUSS\*  
SCOTT A. LIFSON  
PAUL J. QUAST\*  
SUSAN DICKEL MINSBERG

\*ALSO ADMITTED IN WISCONSIN  
\*ALSO CERTIFIED PUBLIC ACCOUNTANT

OF COUNSEL  
ARTHUR J. GLASSMAN\*  
ROBERT C. SIPKINS  
PARALEGAL  
EVA Z. CHAPMAN

MEMORANDUM

JUN 11 1990

TO: CITY ADMINISTRATORS, MANAGERS, CLERKS, AND MEMBER CITY COUNCILS OF THE NORTH SUBURBAN CABLE COMMISSION

FROM: THOMAS D. CREIGHTON, LEGAL COUNSEL *Thomas D. Creighton*

DATE: June 8, 1990

SUBJECT: RESOLUTION TO TRANSFER THE COMMUNITY PROGRAMMING FUNCTION TO THE MEMBER CITIES FROM CABLE TV NORTH CENTRAL AND PROPOSED AMENDMENTS TO THE JOINT POWERS AGREEMENT.

-----

By now it is not news to you that the North Suburban Cable Commission has been working with the cable company and the Commission's Member Cities for over three years regarding the transfer of the community television programming function from the cable company to the Member Cities. Please find enclosed the final set of documents approved by the Cable Commission for your consideration.

The following documents are enclosed:

1. A resolution transferring community television programming responsibilities from Group W Cable of the North Suburbs, Inc., d/b/a Cable TV North Central (with attachments A through D). This resolution requires you to fill in the blanks on page 1, page 2, and page 13. There is an additional signature line on page 14 if the City requires it.
2. A resolution amending by substitution North Suburban Cable Commission Joint and Cooperative Agreement for the Administration of a Cable Communication System (with attached Amended Joint Powers Agreement). This resolution requires the City to fill in the blanks on both page 1 and page 2 and is amending the original



BERNICK AND LIFSON  
A PROFESSIONAL ASSOCIATION

June 8, 1990

Page 2

Joint Powers Agreement by substituting the attached Joint and Cooperative Agreement marked as Exhibit A.

3. A red-lined copy of the Amended Joint and Cooperative Agreement. This is provided so that you may easily see the proposed amendments. Deletions from the original Joint Powers Agreement are marked with brackets and all additions are marked with underline. Please note that there have been a number of amendments to the Joint and Cooperative Agreement since it was first adopted a number of years ago. In order to provide a final (cleaned-up) document, I have compiled all of the previous amendments into this final document. Those amendments have already been approved by the Member Cities. The new amendments which directly relate to the transfer of the community programming function appear in Article II., Article IV., Article VIII., Sections 13 and 14, and Article XI., Section 3 and Section 4. These amendments relate directly to the Compromise Agreement which was reached in our most recent meeting of the City Managers of the North Suburban area.
4. By-Laws of the North Suburbs Access Corporation. These By-Laws have been adopted by the Commission but are not effective until the effective date of the transfer, resolution and the amended Joint Powers Agreement. The enclosed By-Laws are red-lined so that you can see the changes made by the Commission. Those changes make clear that the Board of Directors of the access corporation shall consist of ten (10) members, eliminating the current seat held by the cable company. The ten members shall be one from each city and shall be the same person who currently sits on the North Suburban Access Corporation, or that person's alter-nate.

THE CITY DOES NOT NEED TO ACT ON THE BY-LAWS OF THE NORTH SUBURBS ACCESS CORPORATION. This is provided for your information since there was some question as to the control of the access corporation. These amendments make clear that the Access Corporation will be controlled by the same individuals on the Commission who are directly appointed by the Member Cities.

ACTION: Please consider and act upon the resolution transferring community television and the amended Joint and Cooperative Agreement.

BERNICK AND LIFSON

A PROFESSIONAL ASSOCIATION

June 8, 1990

Page 3

Please forward to me at the address above, a copy of the executed resolution and a copy of the executed Amended Joint and Cooperative Agreement. The resolution and the Amended Joint and Cooperative Agreement will not be effective until all ten (10) cities have approved and executed these documents. If you desire any staff or commission attendance at your Council meeting, please feel free to contact me.

Thank you for your cooperation in this matter.

memo.01

CITY OF FALCON HEIGHTS

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TRANSFERRING COMMUNITY TELEVISION  
PROGRAMMING RESPONSIBILITIES FROM  
GROUP W CABLE OF THE NORTH SUBURBS, INC., d/b/a  
CABLE TV NORTH CENTRAL

WHEREAS, the Cable Communications Franchise Ordinances between Group W. Cable of the North Suburbs, Inc., d/b/a Cable TV North Central (hereinafter "Company") and the ten (10) Member Cities of the North Suburban Cable Commission (hereinafter "Commission"): Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony and Shoreview (hereinafter "Member Cities"), require the Company to provide and maintain certain cable television program facilities and equipment, provide certain community access and local origination bandwidth, provide certain cable programming staff, provide certain cable programming, and provide certain funding, as delineated in the Application For Cable Television Franchise dated October 1, 1981, as amended, and as required in the Franchise Ordinances such delineation and requirements to be more fully specified in Amendment Agreement No. 2, (hereinafter "community cable television programming"); and

WHEREAS, the Company has proposed divesting itself of all responsibility for providing the above-mentioned support for the community cable television programming; and

WHEREAS, the Commission at the direction of the Member Cities has investigated the possibility and ramifications of assuming responsibility for community cable television program-

ming within the geographic area of the ten (10) Member Cities' area, see map attached as Exhibit A made a part hereof; and

WHEREAS, the Commission at the direction of the Member Cities and the Company have negotiated mutually acceptable terms to effect the transfer of all of the community cable television programming requirements from the Company to the Member Cities and then to the Commission pursuant to the Amended Joint and Cooperative Agreement and as delineated below.

NOW, THEREFORE, BE IT RESOLVED that the City of Falcon Heights and Company agree to the following terms and conditions:

1. The Commission will assume all responsibility for community cable television programming within or for the geographic area of the ten (10) Member Cities of the Commission, Exhibit A.
2. The Company is relieved of all responsibility as more fully specified in Amendment Agreement No. 2 for providing community cable television programming within or for the geographic area of the ten (10) Member Cities of the Commission, Exhibit A, except for the maintenance, repair and technical performance of the cable and related active and passive electronics which carry the channels delineated in paragraph 5, excluding all equipment owned and operated by the Commission or its designee.
3. The Company shall transfer to the Commission title to and ownership of all equipment listed in Exhibit B, attached

hereto and made a part hereof. All equipment shall be operable and free and clear of any and all encumbrances.

4. The Commission shall have forty-five days prior to the effective date of this resolution to verify the presence in inventory of all equipment listed on Exhibit B and to verify its operational status. If the Commission determines that any piece of equipment or part thereof is inoperable or missing from inventory, the Commission shall notify Company in writing. The Company and Commission must agree to a list of equipment or part thereof, if any, which is inoperable or missing and both parties must agree in writing to a reasonable timetable for necessary repair or replacement. In the event both parties cannot agree as required above, this agreement shall not become effective until such time or in the event that both parties can agree as required above.
5. The Company shall make available for the term of the Franchise and any renewals thereof for noncommercial, as defined below, use by the Commission and its Member Cities those channels currently on the North Suburban Cable System and currently known as the Public Access Channel (now carried on Channel 33), the Government Access Channel (now carried on Channel 16), the Educational Access Channel (now carried on Channel 51), the Local Origination Access Channel (now carried on Channel 52), the Community Access Channel (now carried on Channel 62), the Religious Access Channel (now carried on Channel 63), the Higher Education Access

Channel (now carried on Channel 66), the Special Needs Access Channel (now carried on Channel 68), the Independent School District #621 Channel (now carried on Channel 67), the Independent School District #623 Channel (now carried on Channel 64), the Library Channel (now carried on Channel 53) and the Public Access Channel - Narrow Cast (now carried on Channel 69). The Company is still bound by Article III, Section 5 of the Franchise which requires that whenever any of the access channels required by state law is in use during 80 percent of the weekdays, for 80 percent of the time during any consecutive three hour period for six weeks running, and there is demand for use of an additional channel for the same purpose, the Company shall provide a newly designated access channel for the same purpose at no additional cost to the subscribers. The Commission and its Member Cities shall have complete and unrestricted access to the above-mentioned channels, however, the Company shall have full responsibility for the maintenance, repair, and technical performance of the cable and related active and passive electronics which carry said channels (excluding all equipment owned and operated by the Commission or its designee) for the term of the Franchise and any renewals thereof. The Company shall provide to the Commission and the Member Cities ninety (90) days written notice of any proposed access channel realignment, and both parties hereby reserve all rights available to them regarding such proposed

realignment. For the purpose of this agreement, "noncommercial" shall mean that the Commission and the Member Cities may sell and/or produce advertising on the Local Origination Access channel, now carried on Channel 52, provided however that none of the access channels listed above may be leased in whole or in part or otherwise made available for commercial use by third parties.

6. As of the effective date of this resolution, the Commission and the Member Cities shall allow the Company the exclusive use of two access channels now carried on 68 and 69. At anytime after six months from the effective date of this resolution, with no requirement for justification, and in the sole discretion of the Commission, the Commission may demand the return of up to two (2) channels to the Commission and the Member Cities. The Company must return the use of one or both of the two (2) channels, whichever is requested by the Commission, to the Commission and the Member Cities no later than one (1) year after written notice by the Commission to the Company or at the expiration or termination of any contract with a program supplier whose program is being cablecast on the channel(s) at the time of receipt of notice, whichever is earlier.
7. The Company shall pay on the effective date hereof to the Commission or its designee \$178,000. Upon Franchise renewal, the Company shall pay to the Commission or its designee \$50,000.00 annually due and payable on the first

business day of each year. The Company will be responsible for the 1989 \$75,000.00 payment as required by the Franchise. No subsequent annual \$75,000.00 payments as required by the Franchise shall be required from the Company so long as this Agreement is in effect.

8. In 1990, the Company shall pay the Commission or its designee \$450,000 in equal quarterly installments commencing the first business day of 1990 pro rated from the effective date of this Resolution for the remainder of 1990. Commencing the first business day of 1991, and on the first business day of each year thereafter, continuing to the end of the franchise term and any renewals thereof, the annual contribution paid quarterly shall be the previous year's total contribution, increased by the Consumer Price Index for Minneapolis-St. Paul for the year ending December 31 prior to the payment of the first business day of the year, as published by the U. S. Bureau of Labor Statistics or an escalator as described below, whichever is greater. Even though a pro rata payment is to be made in 1990, the "previous year's total contribution" for the purpose of escalation in 1991 shall be \$450,000, as if the entire amount had been paid in 1990. The escalator shall be five percent (5%) of the previous annual payment so long as the Company's gross revenue increase for the year ending December 31 before the payment of the first business day of the year was thirteen percent (13%) or less. If the



Company's gross revenue increase for the year ending December 31 before the payment of the first business day of the year was above thirteen percent (13%), the escalator will be five percent (5%) plus 1/10 of a percent for each one percent (1%) or part thereof increase of the gross revenue (e.g. 13.0001% increase would equate to a 5.1% escalator, 14.0001% increase would equate to a 5.2% escalator, etc.). At no time will the escalator under this formula exceed eight percent (8%). If the Consumer Price Index is being used because it is greater than the escalator, the annual payment will be increased by whatever the Consumer Price Index was. The five percent (5%) minimum annual escalator shall be applied in four (4) equal installments to each quarterly payment, with any additional escalator, if the C.P.I. is more than five percent (5%) or if the gross revenues increased in the previous year by more than thirteen (13%), being applied in two (2) equal installments to the third and fourth quarter payment.

9. The Company shall pay to the Commission or its designee a total of \$650,000.00 upon sale or transfer of the system serving the ten Member Cities or upon renewal of the Franchise whichever is sooner.
10. The Company shall sublease to the Commission or its designee the Local Origination and Access studios and associated office and supplementary space (as more fully set out in Exhibit C) located at 934 Woodhill Drive, Roseville,

Minnesota 55113, and previously known as Lake Owasso Elementary School (hereinafter "Owasso"). The sublease shall be on a year to year basis for the term of the Franchise, or any renewal thereof. The Commission's obligation shall be pursuant to the same terms and conditions of the Company's lease obligations to the School District including the same rental and property tax obligations pro rated per square foot leased to the Commission. Commission or its designee shall contract separately for utility services. Any rent and property tax paid to Company by Commission or its designee for this space shall not be considered Gross Revenue. If the landlord of Owasso Independent School District #623, releases the Company from its rent obligation for the square footage allocated to the Commission in Owasso, the Commission may negotiate its own lease with the landlord. If the Company chooses to terminate the sublease, the Company shall pay all reasonable expenses associated with the removal and relocation of the office, studio space, and cable system from Owasso to another comparable facility within the ten (10) city area. The Company shall be responsible for any rent property tax differential between that which was being paid by the Company at the Owasso site and the actual rental/property tax rate at the new location. If the Commission chooses to vacate the premises at Owasso, the Company shall connect the cable system to the new location within the ten (10) city

area, so long as the new location is within one mile of the Institutional and subscriber networks, and shall pay documented costs of up to \$15,000.00 for leasehold improvements and other miscellaneous expenses at the new location.

11. Effective on the effective date of this resolution, the Commission shall assume from the Company the Lease for the current Edgewood facility, located at 510 North Edgewood Drive, Moundsview, Minnesota. The Company shall relocate the equipment now at the Edgewood facility to Irondale and shall pay all reasonable costs and expenses of removal of the equipment and setting it up at the facility at Irondale and relocating the cable system to the Irondale facility.
12. The Company shall provide and transfer to the ownership of the Commission the Master Control, including headend switchers and controllers, containing the equipment delineated in Exhibit B attached hereto and made a part hereof allowing for play-back on all channels delineated in paragraph 5, above. In any event, the ability to play-back on a 24-hour a day, every day, basis on all such channels shall be complete and unrestricted.
13. The Company shall reimburse the Commission for all documented attorney's fees not to exceed \$20,000 throughout the discussion and negotiation of the transfer of the community cable television programming function from June 1, 1989 until all issues to effect such transfer are complete.

14. The Company shall pay \$2,500 to place a logo designated by Commission on all vans, equipment, and Owasso entrance and internal signage.
15. The Company shall provide to the Commission at no cost, ad insertion time on the system of two (2), thirty (30) second ads per day, allocated through a system known as "run of schedule" which would provide that the ads be evenly rotated throughout time slots on all channels upon which the Company has ad avail space.
16. The Company will provide at no cost to the Commission, one black and white, single page, front-only unfolded, bill stuffer per fiscal year, provided the Commission may enhance this bill stuffer at its expense consistent with the Company's specifications for bill stuffers.
17. The terms and conditions of this Resolution shall not be changed without the mutual consent of the Company, the Commission, and the Member Cities.
18. As of the execution of this resolution by the Company and the Member Cities, the Commission/Member Cities acknowledge that the Company is in compliance with all issues and requirements of the Franchise Ordinances and the offering which were within the scope of review in the five (5) year performance review conducted by the Commission as more fully delineated in Exhibit D attached hereto, except for the Institutional Network which is the subject of separate review and action of the Company and Commission. It is

understood that all ongoing and future obligations of the Franchise Ordinances remain effective unless otherwise waived by mutual consent of the Member Cities and the Company.

19. The Company, the Commission and its Member Cities hereby reserve all rights and duties afforded pursuant to the Cable Communications Policy Act of 1984, the Cable Communications Franchise Ordinance as amended, and applicable local, state and federal law, and nothing contained in this Agreement shall constitute a waiver of such rights and duties.
20. Any violation of this resolution and/or the resulting Amendment Agreement #2 shall be a violation of each of the Franchise Ordinances of the ten (10) Member Cities, including any and all enforcement rights, remedies, and procedures therein.
21. Should the Commission cease to exist, the obligations of the Company pursuant to this resolution shall be binding upon Company and go to the benefit of the Commission's legal successor, if any, or the ten (10) Member Cities pro rata in proportion to each city's Franchise Fee receipt for the year of the obligation.
22. This Resolution shall be effective ninety (90) days after the approval of the last of the ten (10) Member Cities plus the Commission's and the Company's acceptance of Amendment Agreement #2, except Commission and Company may effect this resolution sooner by mutual consent. Both the Commission

and the Company must agree to and execute the equipment repair and replacement list, if any, required by paragraph 4 hereof and Amendment Agreement No. 2 before this Resolution shall become effective.

23. This resolution shall not be severable. A judicial determination as to the ineffectiveness of any provision herein may render the entire resolution null and void in the sole discretion of the Commission, or its legal successor, returning the Company's obligations to those levels required by the original Franchise Ordinances, as amended prior to the effective date of this resolution. In such event, the Commission shall return all equipment delineated in Exhibit B in an operable condition, or the Member Cities may relieve the Company of its obligation to provide such equipment, studios or services related to any such unavailable or inoperable equipment. As to any Franchise violations existing or alleged as of the execution of this resolution, any waivers or forgiveness thereof contained herein shall also become null and void, reinstating the Commission/Member Cities' rights to any remedies delineated in the Franchise Ordinances, as if this resolution had never been effective.
24. Pursuant to Section 613(a)(2), of the Cable Communications Act, the Commission/Member Cities hereby acknowledge that they do not hold an "ownership interest" in the cable system.

25. Upon the effective date hereof the Company may reduce the Performance Bonds now in place to one (1) Performance Bond in the amount of Fifty Thousand Dollars (\$50,000) naming all ten (10) Member Cities as Secured Parties and eligible drawers thereon. The Performance Bond shall be replenishable so that each time any one City draws thereon or makes a claim against such Bond, the Company shall immediately replenish the one Bond. It is further agreed that at any time, for the term of the Franchise Ordinance, or any renewal thereof, the Commission or any Member City in its sole discretion may require the amount of the one replenishable Performance Bond to be increased to an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000).

26. This Resolution was moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_.

The following Councilmembers voted in the affirmative:

\_\_\_\_\_  
\_\_\_\_\_

The following Councilmembers voted in the negative:

\_\_\_\_\_  
\_\_\_\_\_

Adopted this \_\_\_\_ day of \_\_\_\_\_, 1990.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mayor

By \_\_\_\_\_

We have reviewed the terms and conditions of this Resolution and by our signature below agree to all said terms and conditions.

CABLE TV NORTH CENTRAL

Dated:

5/9/90

By 

By \_\_\_\_\_



RESOLUTION NO. \_\_\_\_\_

CITY OF FALCON HEIGHTS

COUNTY OF RAMSEY

STATE OF MINNESOTA

RESOLUTION AMENDING BY SUBSTITUTION THE NORTH SUBURBAN CABLE COMMISSION JOINT AND COOPERATIVE AGREEMENT FOR THE ADMINISTRATION OF A CABLE COMMUNICATION SYSTEM

WHEREAS, the City of Falcon Heights (hereinafter "City") is an existing member of the North Suburban Cable Commission (hereinafter "Commission"); and

WHEREAS, the Commission has recommended amendments to the Joint and Cooperative Agreement For The Administration Of A Cable Communications System (hereinafter "Agreement") relating to the delegation from City to Commission, of the community programming function in the North Suburban area, and further relating to procedures and requirements for City's right of withdrawal from the Commission on or after the date of renewal of the Cable Communications Franchise Ordinance, and further relating to procedures and policies upon dissolution of the Commission; and

WHEREAS, the City believes it to be in its best interest to amend the Agreement as recommended by Commission;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Falcon Heights rescinds the existing Agreement and adopts by substitution that amended Joint and Cooperative Agreement for the Administration of a Cable Communication System attached hereto as Exhibit A and made a part hereof.

The above-listed resolution was moved by Council Member \_\_\_\_\_  
\_\_\_\_\_ and duly seconded by Council Member \_\_\_\_\_  
\_\_\_\_\_.

The following Council Members voted in the affirmative:

The following Council Members voted in the negative:

The above resolution was duly adopted \_\_\_\_\_,  
1990.

ATTEST:

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

\_\_\_\_\_ BY \_\_\_\_\_  
Mayor

resolution.02

Revised June, 1990

AMENDED  
NORTH SUBURBAN CABLE COMMISSION  
JOINT AND COOPERATIVE AGREEMENT  
FOR THE ADMINISTRATION OF A CABLE COMMUNICATIONS SYSTEM

I. PARTIES

The parties to this Agreement are governmental units of the State of Minnesota. This Agreement is made pursuant to Minnesota Statutes Section 471.59, as amended.

II. GENERAL PURPOSE

The general purpose of this Agreement is to establish an organization to monitor the operation and activities of cable communications, and in particular, the Cable Communication System (System) of the parties; to provide coordination of administration and enforcement of the franchises of parties for their respective System; to promote, coordinate, administer and develop [] community cable television programming; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable rates and service levels for the citizens of the members of the organization.

III. NAME

The name of the organization is the North Suburban Cable Commission (NSCC).

IV. DEFINITION OF TERMS

Section 1. For the purposes of this Agreement, the terms defined in this Article shall have the meanings given to them.

Section 2. "Commission" means the Board of Directors created pursuant to this Agreement.

Section 3. "Council" means the governing body of a member.

Section 4. "Franchise" means that cable communications franchise granted by all cities listed in Article V, Section 1.

Section 5. "Grantee" means the person or entity to whom a franchise has been granted by a member.

Section 6. "Member" means a municipality which enters into this Agreement.

Section 7. "System" means that cable communications system more specifically defined in the Franchise Ordinance of the Member.

#### V. MEMBERSHIP

Section 1. The municipalities of Arden Hills, Falcon Heights, Little Canada, Lauderdale, Moundsview, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview are eligible to be the [ ] Members of the Commission. Any municipality geographically contiguous to any of these named municipalities, and served by a cable communications system through the same Grantee, may become a Member pursuant to the terms of this Agreement.

Section 2. Any municipality desiring to become a Member shall execute a copy of this Agreement and conform to all requirements herein.

Section 3. The initial Members shall be those municipalities listed in Section 1 of this Article V [ ].

Section 4. Municipalities desiring to become Members after the date specified in Article V, Section 3 may be admitted by an affirmative vote of two-thirds (2/3) of the votes of the Members of the Commission. The Commission may, by resolution, impose conditions upon the admission of additional members.

## VI. DIRECTORS; VOTING

Section 1. Each Member shall be entitled to one (1) director to represent it on the Commission. Each director is entitled to  vote in direct proportion to the percent of annual revenues attributable to the municipality represented by the director to the total annual revenues of the system for the prior year rounded to the nearest whole number;  provided, however, that each director shall have at least one vote. For the purposes of this section, the annual revenues for each Member and the total annual system revenues as of December 31 of each year shall be determined by the records of the cable operator filed with the Commission with the annual franchise fee. Prior to the first Commission meeting in March of each year, the Secretary of the Commission shall determine the number of votes for each Member in accordance with this section and certify the results to the Chairs .

Section 2. A director shall be appointed by resolution of the Council of each Member. A director shall serve until a successor is appointed and qualifies. Directors shall serve without compensation from the Commission.

Section 3. Each Member shall appoint at least one alternate director. The Commission, in its By-Laws, may prescribe the extent of an alternate's powers and duties.

Section 4. A vacancy in the office of director will exist for any of the reasons set forth in Minnesota Statutes Section 351.02, or upon a revocation of a director's appointment duly

filed by a Member with the Commission. Vacancies shall be filled by appointment for the unexpired portion of the term of director by the council of the Member whose position on the Board is vacant.

Section 5. There shall be no voting by proxy, but all votes must be cast by the director or the duly authorized alternate at a Commission meeting.

Section 6. The presence of five directors representing a majority of the total authorized votes of all directors shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 7. A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of this Agreement.

Section 8. All official actions of the Commission must receive two-thirds (2/3) of all authorized votes cast on that issue at a duly constituted meeting of the Commission and the affirmative vote of five directors. Abstentions shall not be considered authorized votes cast.

#### VII. EFFECTIVE DATE; MEETINGS; ELECTION OF OFFICERS

Section 1. A municipality may enter into this Agreement by resolution of its council and the duly authorized execution of a copy of this Agreement by its proper officers. Thereupon, the

clerk or other appropriate officer of the municipality shall file a duly executed copy of this Agreement, together with a certified copy of the authorizing resolution, with the  Office of the NSCC. The resolution authorizing the execution of the Agreement shall also designate the director and the alternate for the municipality on the Commission, along with said director's and alternate's address, and home and work phone numbers.

Section 2. This Agreement and any amendments thereto are  effective on the date when executed agreements and authorizing resolutions of five of the municipalities named in Article V, Section 1 have been filed as provided in this Article.

Section 3. Officers of the Commission shall be elected annually for one year terms. Officers shall be limited to two consecutive terms in a given office.

#### VIII. POWERS AND DUTIES OF THE COMMISSION

Section 1. The powers and duties of the Commission shall include the powers set forth in this Article.

Section 2. The Commission may make such contracts, grants, and take such other action as it deems necessary and appropriate to accomplish the general purposes of the organization. The Commission may not contract for the purchase of real estate without the prior authorization of the member municipalities. Any purchases or contracts made shall conform to the requirements applicable to Minnesota statutory cities.

Section 3. The Commission shall assume all authority and undertake all tasks necessary to coordinate, administer, and

enforce the Franchise of each Member except for that authority and those tasks specifically retained by a Member.

Section 4. The Commission shall continually review the operation and performance of the cable communications system of the Members and prepare and submit annual reports [] to the Members.

Section 5. The Commission shall undertake all procedures necessary to maintain uniform rates and to handle applications for changes in rates for the services provided by the Grantee.

Section 6. The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time, part-time or consulting basis, as the Commission determines, and the Commission may make any required employer contributions which local governmental units are authorized or required to make by law.

Section 7. The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of State and Federal regulatory, legislative or administrative bodies, on any matter related to or affecting cable communication rates, franchises, or levels of service.

Section 8. The Commission may obtain from Grantee and from any other source, such information relating to rates, costs and



service levels as any member is entitled to obtain from Grantee or others.

Section 9. The Commission may accept gifts, apply for and use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 10. The Commission shall make an annual, independent audit of the books of the Commission to be made and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for examination by the Members at all reasonable times.

Section 11. The Commission may delegate authority to its executive committee. Such delegation of authority shall be by resolution of the Commission and may be conditioned in such a manner as the Commission may determine.

Section 12. The Commission shall adopt By-Laws which may be amended from time to time.

[ ] Section 13. The Commission shall assume all responsibility for community cable television programming within or for the geographic area of the Member cities of the Commission as more specifically delegated to the Commission from each Member pursuant to the terms and conditions of "A Resolution Transferring Community Television Programming Responsibilities from Group W Cable of the North Suburbs, Inc., d/b/a Cable T.V. North Central." Should any Member withdraw from the Commission as of the date of any renewal of the Cable Television Franchise

Ordinance, or in any year thereafter, the withdrawing Member shall assume all responsibility for community cable television programming within or for the geographic boundaries of the withdrawing municipality, as more specifically delineated in Article XI, Sections 2 or 3 of this Agreement.

Section 14. The Commission may designate an entity or entities to perform any functions the Commission deems necessary relative to the Commission's responsibility for community programming. The Commission may provide funds, support services, and the use of equipment and property to the designated entity, provided that title to all equipment and property shall not pass to the designated entity without the prior approval of all directors.

#### IX. OFFICERS

Section 1. The officers of the Commission shall consist of a chair, a vice-chair, a secretary and a treasurer.

Section 2. A vacancy in the office of chair, vice-chair, secretary or treasurer shall occur for any of the reasons for which a vacancy in the office of a director shall occur. Vacancies in these offices shall be filled by the Commission for the unexpired portion of the term.

Section 3. The four officers shall all be members of the executive committee.

Section 4. The chair shall preside at all meetings of the Commission and the executive committee. The vice-chair shall act as chair in the absence of the chair.

Section 5. The secretary shall be responsible for keeping a record of all of the proceedings of the Commission and executive committee.

Section 6. The treasurer shall be responsible for custody of all funds, for the keeping of all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Commission may require that the treasurer post a fidelity bond or other insurance against loss of Commission funds in an amount approved by the Commission, at the expense of the Commission. Said fidelity bond or other insurance may cover all persons authorized to handle funds of the Commission.

Section 7. The Commission may appoint such other offices as it deems necessary. All such officers shall be appointed from the membership of the Commission.

#### X. FINANCIAL MATTERS

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Commission funds may be expended by the Commission in accordance with the procedures established by law for the expenditure of funds by Minnesota Statutory Cities. Orders, checks and drafts must be signed by any two of the officers. Other legal instruments shall be executed with authority of the Commission, by the chair and treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for Minnesota Statutory Cities.

Section 3. The financial contributions of the Members in support of the Commission shall be  in direct proportion  to the percent of annual revenues of each Member to the total revenues of the System for the prior year multiplied by the Commission's annual budget. The annual budget shall establish the contribution of each Member for the ensuing year and a timetable for the payment of said contribution.  The remainder of any franchise fee paid to the Member by Grantee shall be used for cable-related expenses.

Section 4. A proposed budget for the ensuing calendar year shall be formulated by the Commission and submitted to the Members on or before August 1. Such budget shall be deemed approved by a Member unless, prior to October 15, preceding the effective date of the proposed budget, the Member gives notice in writing to the Commission that it is withdrawing from the Commission. Final action adopting a budget for the ensuing calendar year shall be taken by the Commission on or before November 1 of each year.

Section 5. Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

#### XI. DURATION

Section 1. The Commission shall continue for an indefinite term unless the number of Members shall become less than five.

The Commission may also be terminated by mutual agreement of all of the Members at any time.

Section 2. In order to prevent obligation for its financial contribution to the Commission for the ensuing year, a Member shall withdraw from the Commission by filing a written notice with the secretary by October 15 of any year giving notice of withdrawal effective at the end of that calendar year; and membership shall continue until the effective date of the withdrawal. Prior to the effective date of withdrawal a notice of withdrawal may be rescinded at any time by a Member. If a Member withdraws before dissolution of the Commission, the Member shall have no claim against the assets of the Commission. A Member withdrawing after October 15 shall be obligated to pay its entire contribution for the ensuing year as outlined in the budget of the Commission for the ensuing year.

[ ] Section 3. Should any Member withdraw from the Commission as of the date of any renewal of the Cable Television Franchise Ordinance, or in any year thereafter, the withdrawing member shall assume the responsibilities for community programming within and for the geographic boundaries of the withdrawing municipality as described in Article VIII, Section 13 herein. For the years following withdrawal pursuant to this section and so long as the "Resolution Transferring Community Television Programming Responsibilities" is effective, the withdrawing municipality shall receive from the Commission at the time of receipt by the Commission of the quarterly programming monies

from the cable company an amount of money equal to the withdrawing municipality's pro rata share of the quarterly programming monies. Pro rata shall mean that percentage which the municipality would have had of the total votes of the Commission, had all ten municipalities remained members of the Commission. Additionally, the withdrawing municipality shall receive a pro rata share of any portion of the \$650,000 payment made to the Commission which the Commission has not specifically designated for the repair or replacement of equipment or facilities.

Section 4. In the event of dissolution, the Commission shall determine the measures necessary to affect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this Agreement. Upon dissolution of the Commission all remaining assets of the Commission, after payment of obligations, shall be distributed among the then existing Members in proportion to the most recent Member-by-Member breakdown of the franchise fee as reported by the Grantee. The Commission shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose. After dissolution, all initial Members of the Commission shall receive their pro rata share of any quarterly annual and lump sum payments made by the cable company pursuant to "A Resolution Transferring Community Television Programming Responsibilities."

IN WITNESS WHEREOF, the undersigned municipality has caused this Agreement to be signed on its behalf this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

WITNESSED BY:

\_\_\_\_\_ of \_\_\_\_\_

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

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

Filed in the office of the [ ] NSCC this \_\_\_\_ day of \_\_\_\_\_, 1990.

PREPARED BY:

Thomas D. Creighton, for  
BERNICK AND LIFSON, P.A.  
Parkdale 1, Suite 200  
5401 Gamble Drive  
Minneapolis, Minnesota 55416  
Telephone: (612) 546-1200  
Facsimile: (612) 546-1003





Red-Lined

Revised June, 1990

BY-LAWS  
OF  
NORTH SUBURBS ACCESS CORPORATION

TABLE OF CONTENTS

ARTICLE I	NAME
ARTICLE II	PURPOSE
ARTICLE III	OFFICES
	1. Registered Office
	2. Other Offices
ARTICLE IV	MEMBERSHIP
	1. Designation
	2. Membership Classes and Dues
	3. Member Voting Rights and Meetings
ARTICLE V	BOARD OF DIRECTORS
	1. Number of Directors
	2. Access Committee
	3. Directors/Term
	4. Access Committee/Term
	5. Successive Terms
	6. Management of Corporate Affairs
	7. Vacancies
	8. Voting
	9. Meetings of Board
	10. Special Meetings
	11. Meetings without Notice
	12. Quorum and Adjourned Meeting
	13. Written Action of Directors
	14. Attendance at Meetings
	15. Executive Committee
	16. Committees
	17. Committee Minutes
	18. Compensation of Directors
	19. Removal of Directors

ARTICLE VII

RESIGNATION AND REMOVALS

1. Removals
2. Resignation

ARTICLE VIII

FISCAL YEAR

ARTICLE IX

NOTICES

1. Notice
2. Waiver

ARTICLE X

GENERAL PROVISIONS

1. Checks
2. Seal
3. Annual Report
4. Contracts
5. Loans and Pledges
6. Authorized Signatures

ARTICLE XI

AMENDMENTS

BY-LAWS  
OF  
NORTH SUBURBS ACCESS CORPORATION

ARTICLE I  
NAME

Section 1. Name. The name of the Corporation shall be North Suburbs Access Corporation, a non-profit Minnesota corporation.

Section 2. Abbreviations. Whenever it is desirable to abbreviate the name of the Corporation, the initials "NSAC" shall be considered in every way the equivalent of the legal name of the Corporation.

ARTICLE II  
PURPOSE

The purpose of NSAC shall be as provided in Article II of the Articles of Incorporation.

ARTICLE III  
OFFICES

Section 1. Registered Office. The registered office of NSAC required by the Minnesota Business Corporation Act to be maintained in the State of Minnesota is as provided and designated in the Articles of Incorporation. The Board of Directors may, from time to time, change the location of the registered office. On or before the date that such change is to become effective, a certificate of such change and of the location and post office address of the new registered office shall be filed with the Secretary of State of the State of Minnesota.

Section 2. Other Offices. NSAC may establish and maintain such other offices, within the State of Minnesota, as the Board

of Directors may from time to time determine, or where the activities of NSAC may require.

ARTICLE IV  
MEMBERSHIP

Section 1. Designation of Members. The members of NSAC shall be the persons, corporations, or organizations so designated from time to time by the Board of Directors.

Section 2. Membership Classes and Dues. There shall be such levels of membership and dues for such members as so designated from time to time by the Board of Directors. Dues of members shall consist of annual dues. The annual dues for members shall be in such amount, and payable at such time, as the Board of Directors shall adopt by resolution. Failure to remit such dues in a timely manner shall terminate membership rights and privileges, if any, and such members shall be removed from the membership role maintained by NSAC.

Section 3. Member Voting Rights and Meetings. The member shall have no voting rights as members. Accordingly, there shall be no meetings of members of NSAC.

ARTICLE V  
BOARD OF DIRECTORS

Section 1. Number of Directors. The Board of Directors shall consist of ten (10) ~~eleven-{11}~~ members, who shall be the ten directors of the North Suburban Cable Communications Commission ("Commission") or their duly appointed alternate, ~~and one representative of that company providing cable television service~~

~~to the North Suburban Cable Service Territory (hereinafter referred to as "the company director").~~

Section 2. Access Committee. The Board shall appoint an Access Committee which shall consist of nine (9) members. Additional members may be appointed from time to time in the discretion of the Board. The members of the Access Committee shall be members of the general community represented by the Commission. The access committee shall have all duties specifically delegated to it by the Board.

Section 3. Directors/Term. The directors shall serve for a term which shall be the same as each director's term on the North Suburban Cable Communications Commission. ~~The Company director shall serve at the pleasure of the cable company, so long as the company has remitted in a timely manner its access fees (\$75,000-.00 per year) and its 5% franchise fee.~~

Section 4. Access Committee/Term.

(a) Initial Term: Access Committee members appointed by the Board shall serve for a term designated by the Board at the time of a committee member's appointment.

Section 5. Successive Terms. Successive terms of service on the Access Committee by any individual shall be and are hereby allowed under these By-Laws.

Section 6. Management of Corporate Affairs. The Board of Directors of this Corporation shall control the general management of its affairs and shall elect all officers of this Corporation. In addition to the powers and authorities these By-Laws

confer upon it, the Board of Directors may exercise all such powers of the Corporation and do all such lawful acts and things as are directed or required by statute or the Articles of Incorporation of the Corporation or by these By-Laws.

Section 7. Vacancies. In the event a director dies, resigns, is disabled or is otherwise removed from the Commission, the vacancy shall be filled by that director's duly appointed successor on the Commission.

Section 8. Voting. The ten (10) Commission members of the Board shall exercise the same proportional voting as that director exercises on the Commission. ~~The Company representative shall have one vote.~~ The acts and resolutions of the Board shall be enacted by a two-thirds (2/3) majority vote of the authorized votes cast on that issue provided that five ~~Commission~~ directors present and voting must vote in the affirmative.

Section 9. Meetings of the Board of Directors. The Board of Directors may hold meetings either within or without the State of Minnesota. An annual meeting of the Board of Directors shall be held each year at such times and such places as shall from time to time be determined by the Board. The Secretary shall certify all new appointments to the Board, as a result of expired terms or vacancy for any reason, from time to time and at the annual meeting. Regular meetings of the Board of Directors shall be held quarterly or at such times and places as shall from time to time be determined by the Board. Notice not less than five

(5) business days shall be directed to each director by a method specified in Article IX of these By-Laws.

Section 10. Special Meetings. Special meetings of the Board may be called by the President of the Board of Directors or any three Directors on notice of not less than three (3) business days directed to each director, in accordance with the notices provision of Article IX. Activities transacted at any special meeting of the Board shall be limited to the purpose stated in the notice.

Section 11. Meetings Without Notice. Any director may in writing, either before or after the meetings, waive notice thereof; and without notice any director by his attendance at and participation in the action taken at any meeting of the Board of Directors shall be deemed to have waived notice thereof. Whenever all of the directors of this Corporation shall be present and consent to or participate in a meeting thereof, such meeting shall be deemed to be a legal meeting and all the business transactions thereat shall be legal and valid in all respects, the same as though such meeting had been regularly called and notice thereof had been regularly given.

Section 12. Quorum and Adjourned Meeting. At all meetings of the Board, there shall be a quorum for the transaction of business if there are present five (5) ~~Commission~~ directors who constitute a majority of the total authorized votes of all directors. If, however, such quorum shall not be present at any such meeting, the director or directors present thereat shall

have the power to adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum shall be present.

Section 13. Written Action of Directors. Provided that all directors are notified of the text of the proposed written action prior to the signing by any of the directors, any action may be taken by the Board of Directors without a meeting, by written action of the Board of Directors signed by the number of directors that would be required to take the same action at a meeting of the Board at which all directors were present. Such action shall be effective upon the date the last signature of the required number of directors is placed on such writing or writings, or such earlier or later date as set forth therein. Any action of a committee of the Board of Directors may be taken in the same manner and in accordance with the same procedures as provided in this section for the Board of Directors.

Section 14. Attendance at Meetings. Unless otherwise restricted by the Articles of Incorporation or these By-Laws, members of the Board of Directors, or any committee designated by the Board of Directors, may participate in a meeting of the Board of Directors, or any committee, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and such participation at a meeting shall constitute presence in person at the meeting.



Section 15. Executive Committee. The Executive Committee shall consist of the officers of the Board, to serve at the pleasure of the Board. The President of the Board of Directors shall be Chairperson of the Executive Committee. During the intervals between meetings of the Board of Directors, the Executive Committee shall possess and may exercise all of the powers of the Board of Directors to manage the business affairs of NSAC, except to the extent specifically limited by and reserved by the Board of Directors from time to time; provided, the Executive Committee shall not have the power to authorize the expenditure of funds by NSAC or the incurring of any obligation on behalf of NSAC which, with respect to any one transaction with any one third party, involves the purchase or sale of goods or services, lease or rental of property to or by NSAC or the borrowing by or to NSAC, regardless of the time over which such sum is payable or receivable. In no event shall the Executive Committee be granted or exercise any power or authority exceeding that of the Board of Directors. The Executive Committee shall have no power or authority with respect to amendment of the Articles of Incorporation or the By-Laws of NSAC, adopting an agreement of merger or consolidation, the dissolution of NSAC, or the sale, lease or exchange of NSAC's property or assets. All actions by the Executive Committee shall be reported to the Board of Directors at its meeting next succeeding such action, and shall be subject to revision and alteration by the Board, provided that no vested rights of third parties shall be affected

by such revision or alteration. The Executive Committee shall have one vote per member. A majority of the members of the Executive Committee shall be necessary to constitute a quorum and in every case the affirmative vote of the majority of all members of the Executive Committee shall be necessary for the taking of any action. The Executive Committee shall fix its own rules of procedure. It shall meet as provided by such rules or by resolution of the Board of Directors or by call of any member of the Executive Committee.

Section 16. Committee. The Board of Directors may designate, define the authority of, set the number and determine the identity of members of, one or more committees. The Board may, by similar vote, designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. Any such committee, to the extent provided in the resolution, shall have and may exercise all the powers authorized by the Board of Directors. Unless otherwise stated in the resolution creating it or in these By-Laws, committee actions shall be taken only upon affirmative vote of a majority of all members of the committee. Failure of a committee to reach agreement upon any issue before it shall require referral of such issue to the Executive Committee or to the entire Board of Directors.

Section 17. Committee Minutes. Each committee shall keep regular minutes of its meetings and report the same to the Board of Directors when required.

Section 18. Compensation of Directors. Directors shall not be compensated by NSAC for their duties as directors, including service upon Board committees, but may be reimbursed by NSAC for expenses incurred as a result of attending Board of Directors or committee meetings. No such payment shall preclude such directors from serving NSAC in any other capacity and receiving compensation therefore.

Section 19. Removal of Directors. Unless otherwise restricted by the Articles of Incorporation or these By-laws, a director shall be removed when said director no longer serves on the Committee.

#### ARTICLE VI OFFICERS

Section 1. Election Qualifications. The officers of NSAC shall be elected for one year terms by the Board of Directors upon the first meeting of the Board of Directors and thereafter at the annual meeting of the Board of Directors, and shall consist of the President, Vice-President, Secretary, Treasurer, and such other officers as the Board of Directors shall determine from time to time. Officers shall not serve in the same capacity for more than two (2) consecutive terms.

Section 2. President. The President shall be the chief executive officer of the Corporation and shall preside at all meetings of the directors. The President shall have general and active management of the business of the Corporation, under the supervision and direction of the Board of Directors and shall see

that all orders and resolutions of the Board are carried into effect. The President shall execute all contracts or instruments requiring an officer's signature, unless otherwise directed by the Board, and shall have the general powers and duties usually vested in the office of President of the Corporation and shall have such other powers and perform such other duties as the Board of Directors may from time to time prescribe.

Section 3. Vice-President. The Vice-President shall exercise and perform the authorities and duties of the President in the event of the latter's death, disqualification, or incapacity, unless otherwise provided by the Board of Directors. The Vice-President shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Directors.

Section 4. Secretary. The Secretary shall cause to be recorded all votes and the minutes of all proceedings of the Board of Directors and of the members in a book to be kept for that purpose, and shall keep the membership registry. The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors, and shall perform such other duties as may from time to time be prescribed by the Board of Directors or by the President.

Section 5. Treasurer. The Treasurer shall have the care and custody of the corporate funds and securities and shall disburse the funds of the Corporation as may be ordered from time to time by the Board of Directors. The Treasurer shall keep or

cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Corporation, and shall deposit all monies, securities and other valuable effects of the Corporation in the name and to the credit of the Corporation in such depositories as may be designated from time to time by the Board of Directors. Except to the extent that some other person or persons may be specifically authorized by the Board of Directors to do so, the Treasurer shall make, execute, and endorse all checks and other commercial paper on behalf of the Corporation when requested by the Board of Directors and shall perform such other duties as may be prescribed by the Board of Directors.

Section 6. Assistant Treasurer. The Assistant Treasurer if one be elected by the Board, shall have such powers and perform such duties of the Treasurer as may be prescribed from time to time by the Board of Directors.

ARTICLE VII  
RESIGNATIONS AND REMOVALS

Section 1. Removals. Any officer may be removed at any time, with or without cause, upon the affirmative vote of two-thirds votes of the authorized votes of the Board of Directors with five Directors voting in the affirmative. Directors shall be removed only in accordance with Article V of these By-Laws.

Section 2. Resignation. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein or if no time be specified at the time of its receipt by the President or Secre-

tary. The acceptance of a resignation shall not be necessary to make it effective.

ARTICLE VIII  
FISCAL YEAR

The fiscal year of NSAC shall be fixed by resolution of the Board of Directors and may be changed by resolution of the Board of Directors.

ARTICLE IX  
NOTICES

Section 1. Notices. Whenever, under the provisions of the statutes, or the Articles of Incorporation or of these By-Laws, notice is required to be given to any Director or Committee Member, it shall not be construed to mean personal notice, but such notice may be given in writing, by mail, addressed to such Director at his or her address as it appears on the records of NSAC, with postage thereon pre-paid, and such notice shall be deemed to be given at the time when the same shall be deposited in the United States Mails. Notice may also be given by telegram, telex or telephone, followed by written confirmation within five (5) days.

Section 2. Waiver. Whenever any notice is required to be given under the provisions of the statutes, or of the Articles of Incorporation or of these By-Laws, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE X  
GENERAL PROVISIONS

Section 1. Checks. All checks or demands for money or notes of NSAC shall be signed by such officer or officers or other such person or persons as the Board of Directors may from time to time designate.

Section 2. Seal. NSAC shall not have a corporate seal.

Section 3. Annual Report. The officers of NSAC shall annually prepare a report summarizing the activities of NSAC conducted in the course of its prior fiscal year and distribute the same to the member cities of the Commission.

Section 4. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances. Unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or render it liable pecuniarily for any purpose or to any amount.

Section 5. Loans and Pledges. No loans shall be contracted nor pledges or guarantees given on behalf of the Corporation unless specifically authorized by the Board of Directors.

Section 6. Authorized Signatories. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such person or persons and in such manner as shall be

from time to time determined by the Board of Directors and these By-Laws.

ARTICLE XI  
AMENDMENTS

The Articles of Incorporation and these By-Laws may only be altered or amended by a two-thirds vote of the authorized votes cast on the issue and the affirmative vote of five Directors, if notice of such alteration or amendment is contained in the notice of such meeting.

THE UNDERSIGNED, being the Secretary of the Corporation does hereby certify that the foregoing By-Laws of the Corporation were adopted by resolution of the Board of Directors at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Secretary  
North Suburbs Access Corporation



Consent \_\_\_\_\_

Agenda Item: F-2

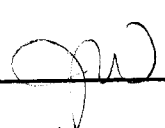
Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	UPDATE ON COMMUNITY PARK BUILDING
<u>SUBMITTED BY:</u>	Dick Friemuth Buetow and Associates
<u>REVIEWED BY:</u>	Carol Kriegler Jan Wiessner
<u>EXPLANATION/SUMMARY</u> (attach additional sheets as necessary):	<p>Staff will give a brief update on the building project.</p>
<u>ACTION REQUESTED:</u>	Information Only

  
\_\_\_\_\_



BUETOW AND ASSOCIATES, INC.  
ARCHITECTS AND ENGINEERS  
2345 RICE STREET SUITE 210  
ST. PAUL, MINNESOTA 55113  
TEL. 612/483-6701

June 7, 1990

FIELD OBSERVATION REPORT #7

Falcon Heights  
Community Park Building  
BA #8927

TO: Carol Kriegler, Jan Weissner  
Barton Aschman, Gow Assoc, Amberker Assoc.  
Engineering Design Group  
Jefferson Construction Inc.

BY: Dick Freimuth

Environmental Conditions: Sunny, 60°

Construction Personnel on Site: 4 masons, 1 electrician and 3 mechanical

The Following was Observed on May 30, 1990:

1. Masons have completed the perimeter masonry and center bearing wall and are starting kitchen, toilet walls.
2. The toilet sewer pipes are roughed in.
3. The underslab heating duct was nearly complete.
4. Grading of fill for skating rinks was nearly complete.
5. Fence had been removed on south and west side of construction area.
6. Roof trusses and TJI were on site.

Items to Verify:

1. The price of adding a shock sensor to the security system for opening 107B, drinking fountain revisions, and tennis court switches inside the building are still needed. Also, reroofing the remote picnic shelter.

Information or Action Required:

1. Open up weep holes so they are clear for proper drainage of the cavity on the northeast side of the building.
2. THE FENCE OR ANOTHER METHOD SHALL BE UTILIZED TO PROTECT THE PUBLIC FROM THE CONSTRUCTION AREA.
3. A change order for converting the 4" water main to the building to a 6" pipe will be included with other items accepted per the verified section above.
4. The combustion and air intake locations were coordinated.
5. Protect trusses and TJI's both uncovered and on ground.
6. Site shall be maintained in a clean and orderly manner to ensure a safer working condition...especially since the security fence has not been restored.

7. Internal duct insulation in the truss space is acceptable and the louver shall have 1" space with bird screen and be made of aluminum. The free air shall equal the duct size which can be reduced slightly to fit within the truss spacing. The manufacturer shall be as specified in Section 15800 item 2.04 and submitted for approval as indicated in Section 15800 item 1.03.

End of Report



**BUETOW AND ASSOCIATES, INC.**  
**ARCHITECTS AND ENGINEERS**  
2345 RICE STREET SUITE 210  
ST. PAUL, MINNESOTA 55113  
TEL. 612/483-8701

JUN 21 1990

June 20, 1990

FIELD OBSERVATION REPORT #9

Falcon Heights  
Community Park Building  
BA #8927

TO: Carol Kriegler, Jan Weissner  
Barton Aschman, Gow Assoc, Amberker Assoc.  
Engineering Design Group  
Jefferson Construction Inc.

BY: Dick Freimuth

Environmental Conditions: Sunny, 70°

Construction Personnel on Site: 6 Carpenters, 4 St. Paul Utilities & Excav.

The Following was Observed on June 20, 1990:

1. Masons have completed the perimeter masonry center bearing wall, fin walls, and the kitchen, toilet walls that are not slab supported.
2. The center column was installed, TJI's, trusses and sheathing were nearly complete.
3. Carpentry walls and roofs by vestibules had been started.
4. Site utility work was underway.

Items to Verify:

1. The price of adding a shock sensor to the security system for opening 107B, drinking fountain revisions, and tennis court switches inside the building are still needed. Also, reroofing the remote picnic shelter.
2. Generally the project appears to be one week behind schedule. Buetow & Associates is concerned that the building be completed by 26 July 1990. We request that Jefferson Construction re-evaluate the schedule and work so the project can be brought back on schedule. We are aware of the open week on the schedule and expect this week to be utilized to get the project back on schedule.

Information or Action Required:

1. Open up weep holes so they are clear for proper drainage of the cavity on the northeast side of the building.
2. A change order for converting the 4" water main to the building to a 6" pipe will be included with other items accepted per the verified section above.

Falcon Heights Report  
6/14/90

Page 2

3. Site shall be maintained in a clean and orderly manner to ensure a safer working condition.
4. Damaged heating vent shall be repaired by door.
5. All roof structure bridging shall be completed.

End of Report

Consent \_\_\_\_\_

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

ASSOCIATION OF METROPOLITAN MUNICIPALITIES' MISSION AND SERVICES

SUBMITTED BY:

Larry Bakken, AMM President  
Golden Valley City Councilmember

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

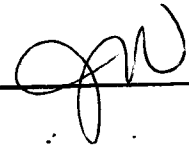
AMM has requested each member city to review the "1990 Mission and Membership Services Task Force Report" and inform them by August 15 whether the City opposes or supports the proposed dues increase to hire an additional staff member.

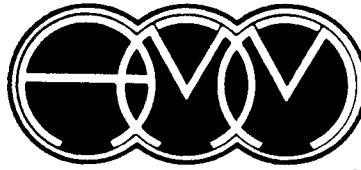
ATTACHMENTS:

- A. June 4, 1990 Bakken letter
- B. AMM 1990 Mission and Membership Services Report

ACTION REQUESTED:

Discuss and take action on AMM's proposal

  
\_\_\_\_\_



association of  
metropolitan  
municipalities

JUN 5 1990

June 4, 1990

Dear Chief Administrative Official:

I NEED YOUR HELP NOW! 'The AMM must become more proactive, more collaborative, more focused and more assertive. The AMM provides the only meaningful vehicle for the cities of the metropolitan area to express in a united voice this important perspective of local government.'

The above quote, perhaps more than any other statement, capsulizes the major conclusion of the 12 member AMM Mission and Membership Services Task Force which just completed a year long evaluation and assesment of the AMM's mission, focus and general operations. The Task Force, in its final report, concluded that the AMM has been a very effective 'voice' and provides many benefits for the cities in the 7-county metropolitan area. However, the Task Force feels that we (The AMM) are at a crossroads and must not rest on our laurels as the problems and challenges facing us in the 90's are likely to be even more complex and difficult than the problems of the last decade.

The enclosed Task Force report contains a 'blueprint for action' which if implemented should enable the AMM to remain a reliable and relevant tool for member cities as we enter the 90's. The bottom line, however, is that to follow this 'blueprint' we must hire an additional staff member which could result in a dues increase of 20 to 25%. The current three member staff does an outstanding job but the work load has increased so dramatically in recent years that to maintain current programs and increase our effectiveness at the Legislature and to become more proactive at the metropolitan level as recommended in the report, an additional staff member is mandatory.

The Board would like to implement the Task Force recommendations and have the additional person on board by early 1991 but will not do so unless there is strong membership support for such action. Here is how your help is needed as asked for in the opening sentence of this letter:

1. Please provide copies of this letter and report to your Mayors and Councilmembers.

2. Please place the report on your Council's Agenda for discussion and action prior to August 1, 1990. (If you would like an AMM board member to attend your council meeting when this item is discussed, please contact an AMM staff member to make the arrangements.)
- \* 3. Please inform the AMM Office by no later than August 15th. as to whether your city supports or opposes adding a staff member and the resultant dues increase. (You will be notified as to the exact amount of such increase by no later than July 6th.)
4. Please have a representative from your city attend the special AMM Membership Meeting pre-scheduled for Thursday evening, September 20th. to consider and vote on this matter.

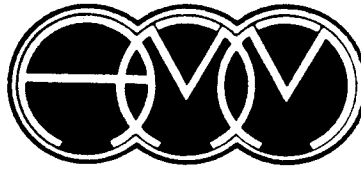
I thank you in advance for your help and thoughtful consideration of this proposal.

Sincerely,



Larry Bakken, President  
Golden Valley Councilmember





association of  
metropolitan  
municipalities

ASSOCIATION OF METROPOLITAN MUNICIPALITIES

REPORT OF THE 1990 MISSION AND MEMBERSHIP SERVICES TASK FORCE

TASK FORCE MEMBERS

Kevin Frazell, City Administrator, Cottage Grove, Task Force Chair  
Mentor "Duke" Addicks, Legislative Liaison, Minneapolis  
Bob Benke, Mayor, New Brighton  
Gary Jackson, City Manager, Coon Rapids  
James D. Prosser, City Manager, Richfield  
Marilyn Corcoran, Mayor, Dayton  
Nancy Jorgenson, Councilmember, Fridley  
Tom Spies, Councilmember, Bloomington  
Katherine Trummer, Mayor, South St. Paul  
Larry Bakken, Councilmember, Golden Valley  
Bob Long, Councilmember, St. Paul  
Lu Stoffel, Mayor, Hastings

## INTRODUCTION

The League of Metropolitan Municipalities (LMM) was originally created in 1967, as a subsection and affiliate organization of the League of Minnesota Cities (LMC). The impetus for forming the LMM was the creation of the Metropolitan Council, and the growth in importance and power of the regional operating agencies. It was felt that the cities of the seven-county metropolitan area needed an organization, separate from but complementary to the LMC, to interact with those agencies. In 1974, the LMM merged with the Suburban League of Municipalities to become the Association of Metropolitan Municipalities (AMM).

As the needs of AMM member cities have changed over the years, the Board of Directors has strived to keep the organization relevant. During the late 1970's and throughout the 1980's, the Association's focus has broadened from strictly "metropolitan" affairs, to protecting the interests of member cities in state-wide issues with unique impacts for the metropolitan area. The most prominent recent example is the distribution of state aids to local governments.

In 1984, the Association convened its first Mission and Membership Services Task Force to do an in depth study of the AMM and recommend needed changes. The major concern of that Task Force was the proliferation of splinter municipal lobbying groups within the metropolitan area. The 1984 Task Force was concerned that the AMM could lose its viability as an umbrella organization for all metropolitan cities in the face of a growing number of smaller groups with differences of opinion on the allocation of state aid resources. The group made 13 recommendations, all of which have since been implemented, with the exception of expanding the staff. The final recommendation of the 1984 report was that the Mission and Membership Services review process should be revisited every five years.

Fortunately, predictions of any demise of the Association were ill-founded. Since the 1984 report was issued, five additional communities (West St. Paul, South St. Paul, Arden Hills, Blaine and Shoreview) have joined AMM. The Membership now includes 68 metropolitan cities, covering over 90 percent of the population in the seven-county area. This is an all-time high for the Association. Ironically, one of the splinter groups which existed in 1984, the Municipal Caucus, has since gone out of existence after concluding that its aims and purposes were not that different from those of AMM.

The meetings of this year's Mission and Membership Services Task Force, however, have taken place within the context of an increasing split between the metropolitan area and Greater Minnesota over taxation, local government aid, and other state fiscal policies. The Task Force has studied carefully how the AMM might be a more effective and united voice at the legislature on behalf of all cities in the seven-county metropolitan area. The Task Force has also considered the Association's relationship to the League of Minnesota Cities, and how it might help strengthen that organization in serving the interests of all cities throughout Minnesota.

At the same time, the Task Force has not neglected the original focus of AMM, which was to monitor and work with the metropolitan agencies. Of particular

concern is the observation that as AMM has become involved in more and more statewide issues, the staff has had a very noticeable decrease in the amount of time available to be spent in the area of metropolitan affairs. The Task Force feels strongly that the AMM should not only correct its decreased activity in metropolitan oversight, but should actually become proactive in helping set the regional agenda.

Richfield City Manager Jim Prosser and Golden Valley Councilmember Larry Bakken have drafted a revised "PURPOSES" Statement for incorporation in the Association bylaws. This document, attached as Appendix A, has been adopted by the Task Force as a recommended mission statement for the Association. In a nutshell, the recommended mission is well-summarized in the first item of that Purposes Statement:

To serve as the exclusive and primary representative of the collective interests of all metropolitan cities on metropolitan-wide and statewide issues with unique metropolitan significance.

To further that goal, the Task Force has made several observations and numerous recommendations for specific actions to enhance the success and performance of the Association. Those are set forth by topical area as follows, and prefaced by brief background material.

During its deliberations the Task Force received input and advice from a number of resource persons. They are listed in Appendix B. The Task Force wishes to express its gratitude for their time and counsel.

## RELATIONSHIP TO THE LEAGUE OF MINNESOTA CITIES

As indicated in the introduction, the Association of Metropolitan Municipalities was originally created as a subsection of the League of Minnesota Cities and remains in that status today. As such, we are the only organization entitled to an ex officio (with voting privileges) seat on the League Board of Directors. We are considered an "affiliate organization" of the League for the purposes of adopting legislative policy. The Association offices are located on the first floor of the LMC building. Cities in the seven-county metropolitan area comprise approximately 15 percent of the LMC membership, but because of their size pay about one-half of the LMC dues.

The Task Force met with LMC President Millie McCloud, as well as Executive Director Don Slater. A member of the Task Force, New Brighton Mayor Bob Benke, currently serves as vice president of the League.

The Task Force observations are that the League of Minnesota Cities and the Association of Metropolitan Municipalities have maintained a very positive working relationship. Despite the split in the LMC membership over local government aid policies, the AMM has never taken a legislative position in direct opposition to any adopted policy of the League. In fact, LMC and AMM lobbying staffs work cooperatively in many areas of policy agreement (such as pay equity, labor relations law and tax increment financing).

Officials from Greater Minnesota have raised concerns about the relationship between the League and AMM. Specifically, it has been questioned whether the AMM should have the ex officio seat on the Board, and whether the relationship between the staffs of the two organizations has been compromisingly close. Due to these concerns, as well as our own concerns about the effectiveness of AMM as a subsection of the League, the Task Force considered carefully whether the AMM should be incorporated as a separate entity.

### RECOMMENDATIONS

1. Because of division in its membership, the LMC has been neutralized from effective lobbying on some critical issues like local government aid. This means that the AMM must become more vocal and assertive on behalf of its member cities in these policy areas.

At the same time, we wish to support the efforts of LMC to bring together its membership on divisive issues, and recommend that the LMC develop effective consensus building and dispute resolution procedures that enable it to adopt policy positions that have credibility with the legislature. We encourage AMM member city officials to become more actively involved in the LMC, creating a metropolitan constituency group and perspective within the LMC.

2. We recommend that the Association not be incorporated as a legal entity separate from the League of Minnesota Cities. We wish to be supportive of the LMC, and to encourage AMM member city officials to become more active in the League. We feel that this goal can be best accomplished in our current status as subsection of the League.

3. We recommend that the AMM reject any requests that it give up the ex officio seat on the LMC Board. The Task Force feels strongly that we have lived up to the guidelines and spirit under which we are an affiliate organization (i.e. not taking contrary lobbying positions).
4. We recommend that, as long as possible, the AMM offices remain in the LMC building. We feel that to move from the building would undermine much of the cooperative working relationship that exists between the staffs of the two organizations. It would also be expensive for the AMM to acquire the overhead and support services that it currently purchases from LMC. However, expansion of the AMM staff may make a move from the existing LMC building unavoidable.
5. We recommend that the AMM Board and Membership focus its agenda by referring more of the non-divisive statewide issues to the LMC for lobbying on behalf of all member cities, both metropolitan and Greater Minnesota.

## LOBBYING

Legislative policy adoption and lobbying have become the major focus for the Association, growing steadily over the years. When the Association was formed in 1974, it had two standing policy committees and 35 legislative policies. Today the Association has five standing committees, and the membership has adopted over 100 legislative policies for the current biennium. In addition, several ad hoc study committees for specialized topics (i.e. land use legislation, metropolitan significance rules, group homes) have been formed in the past few years.

Intrusion by the legislature into local affairs has increased dramatically in recent years. At the same time, other municipal lobbying groups, most notably the Coalition of Greater Minnesota Cities, have aggressively promoted tax policies that are detrimental to the collective interests of the metropolitan area. Consequently, the AMM lobbyists have been challenged to accomplish more and more at the legislature, without any significant increase in resources.

Legislators with whom the Task Force met described our lobbying staff as competent and well respected. At the same time, the legislators admitted that the aggressive, and sometimes even abrasive tactics used by other municipal lobbying groups have probably led to more success in accomplishing their agendas. In response to these concerns, the AMM for the first time hired contract lobbyists during the 1990 session.

Legislators expressed their frustration with the increasing regionalism of city lobbying groups, and urged us to show a concern for the entire State at the same time we more actively pursue the interests of the metropolitan cities. It was also suggested that having a better data base for lobbying would be helpful in pressing the AMM position.

## RECOMMENDATIONS

1. The AMM should seek to be seen as the organization with the authority and credibility to speak on behalf of all cities in the seven-county metropolitan area.
2. The AMM has become "spread too thin" in the number of policy issues it is lobbying, and needs to limit active involvement to three types of issues:
  - a) Issues of concern only to metropolitan cities - i.e. interaction with Metropolitan Council and operating agencies, Chapter 509 Watershed Management Organizations, etc.
  - b) Statewide legislation with unique impacts in the metropolitan area - i.e. land use, solid waste, tax increment financing, etc.
  - c) Statewide issues where the interests of the metropolitan area may be different than, and at times even contrary to, those in the remainder of the State - i.e. local government aid formulas

Specific suggestions for limiting our most active legislative agenda items to these topics are included in the section on committees and the policy adoption process.

3. The AMM's lobbying efforts in the property tax area have been hindered by lack of immediate access to a computerized property tax model. The Task Force recommends that the AMM Board of Directors closely monitor the progress of the League of Minnesota Cities in developing a property tax model that is useable and immediately accessible to all cities. If this proves inadequate to meet our needs, the AMM membership should be prepared to bear the expense of developing its own property tax modeling system.
4. The AMM should be proactive, and not just reactive in its legislative positions. For example, the AMM has never produced its own recommended formula for distribution of local government aids, and should consider doing so.
5. At the same time we become more proactive, we should also stay on the high road, adopting positions that reflect responsible public policy for the entire State of Minnesota.
6. AMM member city officials should become more active and involved in the League of Minnesota Cities and its policy study committees. In some cases, we may find ourselves lobbying the LMC, rather than the State legislature, to pursue particular policy positions that are of common interest to all cities in the metropolitan area.
7. The AMM should increase the amount of time it spends one-on-one with legislators explaining AMM positions. We should also hold metropolitan legislators more accountable to the AMM agenda by developing and publishing a "scorecard" following each legislative session.
8. In pursuing our legislative agenda, we should "pace ourselves", realizing that lobbying is an ongoing process. Policy positions should be pursued not only for immediate gains, but for maintaining a long-term positive relationship with the State government and with the League of Minnesota Cities.

## COMMITTEE STRUCTURE AND POLICY ADOPTION PROCESS

The Association currently follows a procedure whereby potential legislative policies are brought forth and considered for adoption in the five standing policy committees (revenues, metropolitan agencies, transportation, housing and economic development, general legislation). As indicated earlier, the Association currently has over 100 adopted legislative policies. The policies have been divided into categories as to level of effort in lobbying.

The AMM now finds itself actively involved in issues that are not limited in interest to the metropolitan area, even where our positions are similar to those of cities in Greater Minnesota. The best recent example is pay equity, where the AMM position is almost identical to that of the League of Minnesota Cities. Yet because of the high visibility and strong feelings surrounding this issue, many member cities expected the AMM staff to be active in lobbying on this issue.

There is also the dilemma of issues that are of interest to a single city, or a limited number of cities. The AMM Board and staff have attempted to be responsive to the needs of each member city, but a question is raised as to whether it is fair to take time and resources away from issues that are of more importance to the broader membership.

The Task Force discussed at length what to do about issues that are divisive among our own members, for example fiscal disparities or funding for combined sewer overflow abatement. A majority of the committee concluded that the AMM should not avoid taking definitive positions on these issues, as it would be left neutralized on issues of high importance to a large number of city officials and thereby foster the growth of still more splinter groups.

Finally, the Task Force examined the five standing policy committees, concluding that they are working well and that none should be eliminated. In fact, it was speculated that as new social and legislative problems appear (i.e. the drug crisis) there will likely be a need for additional standing or ad hoc committees. The Task Force further suggests that there may be utility in having a broad-based "futures" committee to simply help the organization anticipate and be prepared for pending issues.

### RECOMMENDATIONS

1. The Association needs to focus most of its resources and effort on the few issues of very highest priority to the entire membership. At the same time, the AMM should not narrow its agenda to the point that it loses the interest and support of its broad base of cities.
2. In order to accommodate the legitimate interests of all member cities, we recommend that AMM create an "endorsed" category of policies. These would be policies of interest to a limited number of cities, or those where the League of Minnesota Cities or some other group might reasonably be expected to adequately represent the interests of metropolitan cities. With the AMM "endorsement", the AMM would be officially on record as supporting these policies, but not actively involved in lobbying or initiating legislation.



3. The existing Legislative Coordinating Committee (LCC) should be the "screening and dividing" group for determining lobbying priorities and deciding which policies will be "endorsed" and referred to other groups (i.e. LMC) for lobbying.
4. We recommend that the Association strive to achieve real consensus on divisive issues, and not merely concurrence through a majority vote. Committee chairs as well as Board members might benefit from professional training in dispute resolution.

The AMM should not avoid taking definitive positions on issues that are controversial among its own membership. While such avoidance may "buy peace" in the short term, in the long term it neutralizes the effectiveness of the organization, undermining its credibility with legislators and causing the proliferation of splinter groups surrounding special issues. The AMM should make use of dispute resolution services, such as the Office of Dispute Resolution in the State Planning Agency and the Mediation Center, a private non-profit community mediation service based in St. Paul.

5. The two-thirds majority vote requirement for adoption of legislative policies should be retained.

## OTHER METROPOLITAN LOBBYING GROUPS

The Task Force met with Minnetonka City Manager Jim Miller, regarding the Municipal Legislative Commission, and Brooklyn Park Mayor Jim Krautkramer representing the Northern Mayors' Association. The Task Force observation is that the AMM has been able to form effective and cooperative relationships with these specialized groups, and that they should not be seen as a threat to the AMM. As indicated in the introduction, an additional splinter group which existed in 1984, the Municipal Caucus, has since gone out of existence.

### RECOMMENDATIONS

1. We recommend that the AMM strive to be the organization seen as the legitimate voice to speak on behalf of all cities in the seven-county metropolitan area, while recognizing the legitimate need of some breakoff groups for special purposes.
2. The AMM should not perceive existing specialized groups as a threat, but attempt to maintain a cooperative and mutually supportive relationship.
3. We recommend that the AMM maintain its openness to all cities in the seven-county metropolitan area, resisting any impetus to limit membership to a more limited group (i.e. suburban caucus).

## RELATIONSHIP TO THE METROPOLITAN COUNCIL AND OPERATING AGENCIES

As indicated in the Introduction, monitoring and oversight of the Metropolitan Council and regional operating agencies was the original focus of the Association of Metropolitan Municipalities. Yet in recent years, involvement with the Council and agencies has suffered appreciably as the AMM staff has had to spend more and more time supporting the work of its own committees and lobbying on statewide issues. In fact, the staff indicated that it now has almost no time for any involvement with the Metropolitan Council during the legislative session.

The AMM currently nominates to the Metropolitan Council eight names for appointment to the Transportation Advisory Board. The Association actually appoints ten to the Transportation Advisory Committee. That system seems to be working well. In contrast, the AMM, along with several other metropolitan area associations, was recently given legislative responsibility for suggesting appointees to the Regional Transit Board. That process did not go well. The Board of Directors did not limit the number of people recommended for appointment to the vacant seats, and the Metropolitan Council heeded very few of its recommendations in making their selections.

During its background work, the Task Force discussed the Metropolitan Council at some length with several legislators, as well as the current Chair of the Metropolitan Council and a former executive director of the Citizens League. There was a general feeling among the legislators that the Council has not been effective in performing its functions well. At the same time, it was suggested that the Councilmembers are frustrated due to their lack of a "real clout" and constant legislative undercutting of their authority to accomplish the work for which they are responsible.

With no consensus in the legislature or in the metropolitan area as to the appropriate amount of authority that should be vested in the Council, many metropolitan regional issues get resolved vis-a-vis the political process of the legislature. The shortcoming of this approach is that the metropolitan area is giving up some of the authority to set its own agenda. There is also some confusion and ambiguity over the relationship of the Council to the Governor, who is responsible by law for appointing its members. It was suggested that the AMM could very definitely be of help in defining the proper role for the Council and the operating agencies, and in mustering legislative support to enact needed changes.

### RECOMMENDATIONS

1. The AMM should become more proactive in helping set the metropolitan agenda. Historically we have placed ourselves in somewhat of a watchdog or adversarial role with the Council and operating agencies, merely reacting to the proposals put forward. We should become more positive in identifying areas of legitimate regional involvement, and help to set the goals and objectives to be pursued by regional government, as well as the parameters within which that work will be carried out.
2. We need to "be there". It is estimated that an AMM staff member should be at the Metropolitan Council and agencies from eight to sixteen hours per

week, interacting with the Councilmembers and the staff, and keeping affected cities informed and up-to-date as to what is happening in regional government. Other responsibilities have kept the staff from a full commitment to this vital role, and this shortcoming should be corrected expeditiously.

3. The appointment of members to the Transportation Advisory Board and Technical Advisory Committee seems to be functioning well, and should continue as present.
4. The AMM should continue to support its legislative responsibility to nominate persons for appointment to the Regional Transit Board. The AMM Board of Directors should do a better job of screening the applications which are received, so as to indicate to the Metropolitan Council those people that it truly wants appointed to the RTB.
5. The Task Force recommends that the AMM pursue the possibility of the creation of a metropolitan appointments review committee for the merit review of persons being considered for appointment to the Metropolitan Council and other regional agencies. The selection board would include representatives appointed by the Association of Metropolitan Municipalities, the Metropolitan Intercounty Association, the Citizens League, the League of Women Voters, etc.
6. Finally, the Task Force recommends that the AMM be the impetus for creation of a blue ribbon committee to study and better define the mission, role and purposes of the Council and regional agencies. While AMM would be the host, it would be important to involve other government associations and "good government" groups. Also, the task should be approached in a spirit of cooperation with the Metropolitan Council members. The study of the blue ribbon committee should include alternatives for the selection and appointment of Metropolitan Council members.

## PUBLIC RELATIONS

If, as suggested in the revised Purposes statement, the AMM is to be the exclusive representative of the collective interests of the metropolitan cities, then it is important that the Association increase its visibility in the eyes of the legislature and the general public. The Task Force reviewed and endorsed the work of the AMM's Legislative Coordinating Committee Public Relations Subcommittee to establish a public relations system to inform the public, including media, legislators, and AMM legislative contacts about metropolitan city issues.

### RECOMMENDATIONS

1. Media contacts should be identified in each AMM-member city vis-a-vis a legislative contact response form. Legislative contacts in each city should be responsible for interaction with local newspapers, radio, city newsletters, cable television, etc.
2. The AMM staff should identify and establish relationships with contacts within the major metropolitan area media, both print and electronic.
3. A delegation of the AMM staff and Legislative Coordinating Committee should meet with major newspaper staffs early in legislative sessions to discuss AMM priorities and positions. Media contacts, both local and metropolitan wide, should be invited and encouraged to attend our legislative breakfasts.
4. During legislative sessions, we should issue specific press releases on AMM priorities, and response to important issues (i.e. tax policy) as changes are proposed.
5. At the conclusion of each legislative session, we should issue press releases on the AMM's legislative agenda, and how well we believe the legislature met the needs of metropolitan area municipalities.
6. We recommend that AMM develop a "report card" of priority issues with ratings for each legislator. These should be distributed to member cities with suggestions for potential local use.
7. We need to identify potential allies on important issues, i.e. Chambers of Commerce, League of Women Voters, etc.

## COMMUNICATIONS WITH MEMBER CITY OFFICIALS

The Task Force feels that the AMM needs to develop a metropolitan "consciousness" among member city officials, so that they will buy into and promote the AMM's agenda. Unfortunately, Councilmember time is scarce, making it difficult to insure that each and every member city official is well-informed and aware of AMM activities, policies and priorities.

The first recommendation of the 1984 Task Force report was that the AMM should expand its effort to communicate directly with all elected officials in member cities, as opposed to only mayors and city managers. Since that time, the AMM has had differing distribution lists for different types of communications. Apparently, this is causing a great deal of confusion, and may actually be causing a decrease in consistent communications.

### RECOMMENDATIONS

1. The AMM should strive to publish a short executive summary of legislative positions that could be quickly read by member city officials who don't want the "full shot".
2. An AMM contact person, preferably the City Manager/Administrator, should be developed in each city. All communications should be sent to that one contact person, plus the Mayor, with the contact person taking responsibility for seeing that the material is duplicated and sent to all members of the governing body. The AMM contact person will also be responsible for reporting on AMM activities at the Council meeting. AMM should work with the Metropolitan Area Managers Association (MAMA) to enlist the support of Managers/Administrators for reproduction and distribution of these communications.
3. Member cities should be encouraged to place discussion of AMM policies and issues on regular City Council agendas to ensure that all elected officials are kept aware of AMM activities, as well as to increase the Association's visibility with local media.
4. Each member of the AMM Board of Directors should commit to make a brief presentation at four or five surrounding City Council meetings once each year on AMM policies and activities.

## WORKLOAD AND STAFFING

When originally formed, the AMM had four full-time staff members. Shortly thereafter, in response to a financial shortfall, the staff was cut to three and has remained at that number since.

During that time, the number of legislative policies has increased from 35 to over 100, and the number of legislative study committees from two to five. The Association has taken on other responsibilities including the license and permit survey, and coordination and administration of the Metropolitan Salary Survey.

With more time being spent on lobbying of statewide issues and support for committees, there has been a decided time shift away from interaction with the Metropolitan Council and operating agencies. Yet the AMM is the only organization providing any real oversight of these agencies. For example, we are usually the only commentor on the Metropolitan Council's annual work program and budget.

The AMM Membership has come to expect more involvement by the Association, not only in metropolitan issues, but in tax policy, pay equity, tax increment financing, and other areas of statewide concern and involvement. The 1984 Mission and Membership Services Task Force report recommended very strongly that the Board of Directors seek ways to add a staff member. Yet this is the only one of the 1984 recommendations that has yet to be implemented. To quote that report, "the present staff simply cannot adequately cover all the critical issues, agencies, committees and the legislature." The present Task Force report, if ultimately adopted and implemented by the Board and membership, will only serve to increase the workload significantly.

## RECOMMENDATIONS

1. The Task Force strongly recommends that the Board of Directors add a staff person. We further recommend that this person have responsibilities in:
  - a. communicating with member cities and maintaining the legislative contact system
  - b. public relations, including media contacts
  - c. staffing some of the standing and ad hoc legislative committees
  - d. some monitoring of Metropolitan Council and agency activities, particularly during the legislative session.
2. With regard to lobbying at the Capitol, the Task Force observes that this effort will fluctuate from time to time. Therefore, it is recommended that increased efforts in this area be handled through use of contract lobbyists.

## DUES

The membership dues for the Association are currently set at 46 percent of a member's dues for the League of Minnesota Cities. Since the League dues are set in part on a per capita basis, this works out to AMM dues ranging from a high of 30 cents per capita for Woodland to a low of 4 cents for Minneapolis. The dues for an average sized city of 30,000 population are \$5,100, or about 17 cents per capita.

Compared to other city lobbying organizations, the AMM is a bargain! For example, the Coalition of Greater Minnesota Cities charges its members 40 cents per capita, plus from time to time, an additional 20 cents per capita for "special projects". Dues for the Municipal Legislative Commission are approximately 35 cents per capita, to a maximum of \$12,500.

If the AMM Board of Directors and membership are to implement our recommendation to add a staff person, a dues increase beyond the rate of inflation is inevitable. In addition, the cost of developing the computerized property tax model, if determined necessary, will be a considerable initial expense, and require ongoing personnel and data gathering costs.

## RECOMMENDATION

1. In order to implement the other recommendations in this report, the AMM Board of Directors and membership should be prepared to adopt a dues increase in the range of 20 to 25 percent above the rate of inflation. The Board may wish to look at ways of phasing the dues increase over a two to three year period.
2. The Board and membership should also be prepared to provide financial support for development and maintenance of a property tax modeling system, if the LMC system fails to materialize or is determined inadequate to meet the lobbying needs of the AMM.



## SUMMARY AND CONCLUSIONS

The Association of Metropolitan Municipalities is now in its 16th year. During its relatively short existence, the Association has experienced many difficulties and challenges. Examples include the 1976 Metropolitan Land Planning Act and the more recent debates over local government aid.

Despite predictions for the demise for general purpose organizations like the Association, the AMM is now at an all-time high of 68 member cities, representing over 90 percent of the population in the seven-county metropolitan area. The cities of the region apparently believe that they are getting a good value for their membership dollars.

However, despite the successes of the past, the twelve members of this years Mission and Membership Services Task Force have concluded that this is no time to rest on our laurels. We face challenges from other city lobbying groups whose interests are contrary to those of the metropolitan area, as well as a generally hostile attitude by the State legislature toward cities. At the same time, the complexity of governing the metropolitan area is increasing geometrically, meaning that it is more important than ever to work together if we are to effectively serve the citizens of our respective communities.

The Task Force concludes that in order to remain viable and relevant, the AMM must become more proactive, more collaborative, more focused and more assertive. The AMM provides the only meaningful vehicle for the cities of the metropolitan area to express in a united voice the important perspective of local government. The issues at stake are simply too important to abandon the playing field and leave all the important decisions to others.

The Association was originally formed out of several metropolitan area splinter groups who had originally felt that they had little in common, but came to realize that the things they did have in common were far more than those that divided them. The challenges of today are certainly no less than those that faced our cities in the past. Our test will be whether we can continue to be an effective voice for the collective interests of the cities in this metropolitan area, and to pass that test will require two things:

1. A renewed ability and commitment to come together through our committees and 19-member Board of Directors to reach a consensus on the critical issues that face us.
2. The ability to effectively, and with a united front, promote the policies we do adopt to the Governor, the legislature, the Metropolitan Council and the regional operating agencies.

The Mission and Membership Services Committee feels that the recommendations set forth in this report will set us well on a course to accomplishing just that. We commend it for your consideration and thoughtful action.

## APPENDIX A

### PURPOSES

The purpose of the Association of Metropolitan Municipalities shall be to:

1. Serve as the exclusive and primary representative of the collective interests of all metropolitan cities on metropolitan wide issues and state wide issues with unique metropolitan significance.
2. Promote collaborative problem solving efforts between and among cities, the State, the Legislature, private interests and other public interests.
3. Effectively express in a unified voice, policies concerning the structure, powers and other matters relating to municipal government for the municipalities in the metropolitan area to the Legislature, Metropolitan Council and agencies, LMC, media and cities.
4. Serve as a forum through which all municipalities or groups of municipalities may develop and propose policies and positions on matters on concern to the metropolitan municipalities and develop strategies for advocating those policies and positions.
5. Serve as a forum for the interchange of ideas and information among municipalities in the metropolitan area and to foster intermunicipal cooperation.
6. Assist member cities resolve disputes with other cities and agencies.
7. Develop and provide, either alone or in concert with League of Minnesota Cities or other organizations or agencies, programs of technical assistance to member municipalities.
8. Establish specific prioritized agenda, including Legislative proposals to address member community needs.
9. Foster, generate and promote information and data concerning the problems and issues and proposed solutions affecting municipal government in the metropolitan area to the State Legislature, in particular, and to the public at large.
10. Enhance the effectiveness of municipal government in the metropolitan area by holding conferences and by fostering pertinent research projects.
11. Coordinate the efforts of AMM members to promote their interests within the League of Minnesota Cities.
12. Enhance the quality of life in the metropolitan area and its cities by promoting efficient and progressive service delivery systems for our residents.

APPENDIX B

List of resource persons who consulted with the Task Force:

Vern Peterson, Executive Director, Association of Metropolitan Municipalities

Roger Peterson, Director of Legislative Affairs, Association of Metropolitan Municipalities

Donald Slater, Executive Director, League of Minnesota Cities

Jim Miller, Minnetonka City Manager and Representative of Municipal Legislative Commission

Jim Krautkramer, Brooklyn Park Mayor, President of Northern Mayors' Association

Millie McCloud, President, League of Minnesota Cities

State Representative Phil Carruthers (DFL-47B), Chair of Metro Affairs Subcommittee of House Local Government and Metropolitan Affairs Committee

State Representative Alice Johnson (DFL-51A), Vice Chair of House Local Government and Metropolitan Affairs Committee

Al Loehr, Legislative Administrative Assistant to Senator Bob Schmitz (DFL-36), Chair of Senate Local and Urban Affairs Committee

Steve Keefe, Chair, Metropolitan Council of the Twin Cities

Ted Kolderie, Former Executive Director, Citizens League of the Twin Cities

Consent \_\_\_\_\_

Policy X

## CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

## REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SUBURBAN RATE AUTHORITY MEMBERSHIP INVITATION

SUBMITTED BY:Robert DeGhetto, SRA Chairman,  
Minnetonka City CouncilmemberREVIEWED BY:EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Suburban Rate Authority is a joint powers organization with 34 municipal members. They monitor rate matters of all suburban utilities. The City of Falcon Heights is not currently a member and they are encouraging us to join.

ACTION REQUESTED:

(The Council may want to send a representative to the July 17th SRA meeting and consider budgeting for the membership in 1991.)

\_\_\_\_\_ *JD*

# SUBURBAN RATE AUTHORITY

→ SC  
for Council Agenda  
in June

May 22, 1990

## MEMBERS

- BLOOMINGTON
- BROOKLYN PARK
- BURNSVILLE
- CHAMPLIN
- CIRCLE PINES
- COLUMBIA HEIGHTS
- DEEPHAVEN
- EDEN PRAIRIE
- EDINA
- FRIDLEY
- GREENWOOD
- HASTINGS
- HOPKINS
- ✓ LAUDERDALE
- MAPLE PLAIN
- ✓ MAPLEWOOD
- MINNETONKA
- MINNETRISTA
- ✓ NEW BRIGHTON
- NORTH ST. PAUL
- ORONO
- OSSEO
- PLYMOUTH
- RICHFIELD
- ROBBINSDALE
- ✓ ROSEVILLE
- SAYAGE
- ST. LOUIS PARK
- SHAKOPEE
- ✓ SHOREVIEW
- SPRING PARK
- WAYZATA
- WEST ST. PAUL
- WOODLAND

Ms. Janet Weissner  
City Administrator  
City of Falcon Heights  
Falcon Heights City Hall  
2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113

Dear Ms. Weissner:

I am writing to you on behalf of the Suburban Rate Authority (SRA), a joint powers organization consisting of 34 metropolitan area suburban municipalities. On behalf of the SRA Board of Directors I want to invite the City of Falcon Heights to join the SRA. Falcon Heights's participation is vitally important to the continued representation of suburban ratepayers in utility matters that significantly affect residents, businesses and municipal services.

The SRA monitors on behalf of its members, rate matters involving Northern States Power, Minnegasco, Northwestern Bell and the Metropolitan Waste Control Commission. The SRA has actively intervened in rate cases before the Minnesota Public Utilities Commission and on numerous occasions has realized substantial savings for its member residents and those of all suburban communities. For example, the tiered Northwestern Bell metropolitan telephone rate ratios have been cut in half over the last ten years to the benefit of outer suburban residents and businesses. The SRA was the sole voice in favor of such ratio modification until recently when the Attorney General began supporting the SRA position. SRA intervention in NSP rate cases through the 80s has also resulted in significant dollar savings to suburban ratepayers and municipalities. The SRA has successfully and repeatedly prevented the municipal pumping rates from being raised substantially by NSP.

The present issues in which the SRA is involved include an NSP petition to increase revenues by \$120,000,000, a Northwestern Bell petition for approval of a four year incentive regulation plan, and Environmental Protection Agency proposed requirements of the MWCC for stringent water and sewer discharge standards. Each of these issues involves millions of dollars to the suburban ratepayers. Without SRA intervention in these cases, suburban city residents affected by potential rate changes have no voice.

\* { The SRA benefits all metropolitan area suburban municipalities whether those municipalities are SRA members or not. The risk to the City of Falcon Heights in nonmembership, however, is that the SRA may be unable to continue its active intervention in rate matters. The greater the membership, the greater the voice of suburban cities in important utility issues. Those issues will clearly become more and more important during the 90's. The SRA must maintain its voice.

Page Two  
May 22, 1990

In terms of return on membership dollar, I don't think that any other organization which a metro area city could join can match membership in the SRA. A conservative calculation of dollar savings to SRA members from 1975 to the present is \$175,000 per vote on the SRA Board. Each member city is allowed one vote per 5,000 population. The assessment per member will be \$375 per vote (5,000 in population) in 1991.

I strongly urge your city to consider SRA membership. The SRA Board meets quarterly at the Ambassador Motor Hotel in St. Louis Park. Our next meeting is July 17. We welcome your attendance. If you have any questions, please call me at 935-1951 or legal counsel Dave Kennedy at 337-9232. Also enclosed are the minutes from the most recent SRA meeting and a form Joint Powers Agreement and Resolution to become a member.

Sincerely,



Robert DeGhetto  
City of Minnetonka  
Chairman  
SRA Board of Directors

cc: SRA Executive Committee  
D. J. Kennedy, Holmes & Graven, Chartered  
James Strommen, Holmes & Graven, Chartered

## JOINT AND COOPERATIVE AGREEMENT

### I. PARTIES

The parties to this agreement are governmental units of the State of Minnesota. This agreement is made pursuant to Minnesota Statutes, Section 471.59, as amended.

### II. GENERAL PURPOSE

The general purpose of this agreement is to establish an organization to monitor the operation and activities of public utilities in the metropolitan area; to conduct research and investigation of the activities of such utilities; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable public utility rates and service levels for the citizens of the members of the organization.

### III. NAME

The name of the organization is the SUBURBAN RATE AUTHORITY. The name may be changed in accordance with Article XII.

### IV. DEFINITIONS

Section 1. For purposes of this agreement, the terms defined in this article have the meaning given them.

Section 2. "Authority" means the joint and cooperative organization created by this agreement.

Section 3. "Board" or "Board of Directors" means the Board of Directors of the Authority established by Article VI.

Section 4. "Council" means the governing body of a governmental unit.

Section 5. "Governmental Unit" means a city or town in the metropolitan area.

Section 6. "Metropolitan Area" means the metropolitan area defined and described by Minnesota Statutes, Chapter 473B.02, as amended.

Section 7. "Member" means a governmental unit which has entered into and become a party to this agreement.

Section 8. "Public Utility" or "Utility" means an investor owned utility supplying gas or electricity under franchise within one or more governmental units; the term may include other utilities as provided in Article XII. The term does not include municipally owned utilities.

Section 9. "Statutory Cities" means cities organized under Minnesota Statute, Chapter 412.

#### V. MEMBERSHIP

Section 1. Any governmental unit in the metropolitan area is eligible to be a member of the Authority.

Section 2. A governmental unit desiring to become a member shall execute a copy of this agreement and conform to the membership provisions of Article VII.

Section 3. The initial members shall be those members who become members on or before January 1, 1975.

Section 4. Governmental units wishing to become members after January 1, 1975, may be admitted only upon the favorable vote of two-thirds of the votes of the members of the Board of Directors. The Board may, in its by-laws, impose conditions upon the admission of additional members.



**Section 5.** A change in the governmental boundaries, structure, classification or organization of a governmental unit affects the eligibility of a unit to become a member of the Authority.

**VI. GOVERNING BODY: BOARD OF DIRECTORS**

**Section 1.** The governing body of the Authority is its Board of Directors. Each member is entitled to one director on the Board. Each director is entitled to one vote for each 5,000 of population or fraction thereof of the governmental unit represented by the director; provided, however, that each director shall have at least one vote and no director shall have more than 20 votes. For purposes of this section, population of a governmental unit shall be that population determined pursuant to the provisions of Minnesota Statute 275.53. Prior to December 31 of each year, the Secretary-Treasurer of the Authority shall determine the population of each member in accordance with this section and certify the results to the chairman.

**Section 2.** A director shall be appointed by resolution of the council of the members for a term of one calendar year. A director shall serve until his successor is appointed and qualifies. Directors shall serve without compensation from the Authority, but nothing in this section shall be construed to prevent a governmental unit from compensating its director for service on the Board if such compensation is otherwise authorized by law.

**Section 3.** The Board, in its by-laws, may provide for the appointment of alternate directors and prescribe the extent of their powers and duties.

which shall be held no later than 15 days after such call.

Section 4. The first meeting of the Board shall be the organizational meeting of the Authority. At the organizational meeting, and at each annual meeting thereafter, the Board shall select from among the directors a chairman, a vice-chairman, and a secretary-treasurer.

Section 5. At the organizational meeting, or as soon thereafter as it may reasonably be done, the Board shall adopt by-laws governing its procedures, including the time, place, notice for and frequency of its regular meetings, procedure for calling special meetings, and such other matters as are required by this agreement. The Board may amend the by-laws from time to time. The Board shall meet at least once each year and on such other dates as may be provided in its by-laws.

#### VIII. POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. The powers and duties of the Board of Directors of the Authority are set forth in this article.

Section 2. The Board may make such contracts and enter into such agreements as it deems necessary to make effective any power granted to the Authority by this agreement. It may contract with any of its members or others to provide space, services or materials on behalf of the Authority.

Section 3. It may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time or

part-time, or consulting basis as the Board determines, and the Board may make any required employer contributions which local government units are authorized or required to make by law.

**Section 4.** It may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of state and federal regulatory, legislative or administrative bodies, on any matter related to or affecting utility costs, levels of service, rates or franchises, and advise members concerning such matters with a view toward obtaining compliance with franchises granted to utilities and insuring reasonable rates and service levels for the members and their residents. The Board may conduct the activities authorized by this section on behalf of any governmental unit located outside the metropolitan area at the request of such a unit, embodied in a resolution of its governing body; provided however, that the conduct of such activities on behalf of any such governmental unit shall be specifically authorized by the Board and shall be subject to such reasonable conditions as to cost of service and other matters as may be imposed by the Board.

**Section 5.** The Board may obtain from any utility and from any other source such information relating to utility rates, costs and service levels as any of its members is entitled to obtain from such utilities.

**Section 6.** It may receive and hold moneys from any utility to the extent and in the manner as may be provided by this

agreement or any franchise granted to a utility by a member; and it may accept voluntary contributions from its members or other sources as provided in Article X. The Authority shall have no taxing power. It may accumulate reserve funds and may invest and re-invest its funds not needed for current expenses in the manner and subject to the limitations applicable by law to statutory cities. The Board may not incur obligations in excess of funds then available to Authority.

Section 7. The Board shall make a financial accounting and report to the members at least once each year. The books and records of the Authority shall be open and available for inspection by members at all reasonable times.

Section 8. The Board may accept gifts, apply for and use grants of money or other property from members or other governmental units or organizations, and may enter into agreements required in connection therewith, and may hold, use, and dispose of such moneys or property in accordance with the terms of the grant, gift or agreement relating thereto.

Section 9. The Board shall establish the annual budget for the Authority as provided in Article X.

Section 10. The Board may, in its by-laws, establish an executive committee and may delegate duties and authority to such a committee between Board meetings.

Section 11. The Board may purchase public liability insurance and such other security bonds and insurance as it may deem necessary.

**Section 12.** The Board may exercise any other power necessary and convenient to the implementation of the powers and duties given to it by this agreement. .

#### **IX. OFFICERS**

**Section 1.** The officers of the Board shall consist of a chairman, a vice-chairman, and a secretary-treasurer who shall be elected by the Board, for a term of one year and until their successors are elected and qualify, at the annual meeting. New officers shall take office at the adjournment of the annual meeting at which they were elected. An officer must be a duly qualified and appointed director.

**Section 2.** A vacancy in the office of chairman, vice-chairman, or secretary-treasurer shall occur for any of the reasons for which a vacancy in the office of director shall occur. Vacancies in these offices shall be filled by the Board for the unexpired portion of the term.

**Section 3.** The chairman shall preside at all meetings of the Board. The vice-chairman shall act as chairman in the absence, disqualification or disability of the chairman.

**Section 4.** The secretary-treasurer is responsible for keeping a record of all the proceedings of the Board, for custody of all funds, for keeping of all financial records of the Authority and for such other duties as may be assigned to him by the Board. Persons may be employed to perform such services under his supervision and direction as may be authorized by the Board. The secretary-treasurer shall post a fidelity bond or other insurance

against loss of Authority funds in the account specified by the Board. The cost of such bond or insurance shall be paid by the Board. The Board may provide for compensation of the secretary-treasurer for his services.

#### X. FINANCIAL MATTERS

Section 1. The fiscal year of the Authority is the calendar year.

Section 2. Authority funds may be expended in accordance with the procedures established by law for statutory cities. Orders, checks and drafts shall be signed by the chairman and countersigned by the secretary-treasurer or such other person as may be designated by the Board in its by-laws. Other legal instruments shall be executed on behalf of the Authority by the chairman and the secretary-treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for statutory cities.

Section 3. The activities of the Authority shall be financed by funds available to it under Article XII, from voluntary contributions from its members or from other sources, and by contributions from members of the Authority if it is determined by the Board by a two-thirds vote of all votes of then existing members, that such contributions are necessary. Such determination shall be made by the Board not later than August 1 of each year in order to obligate members to make contributions during the ensuing calendar year. The total annual contribution by members for the ensuing year shall be established

by the Board on the basis to anticipated expenditures and only if the anticipated expenditures are in excess of the anticipated funds otherwise to the Authority. The contribution in any year by a member shall be in direct proportion to the number of votes to which the director representing the member on the Board is entitled. Such contributions shall be made by the member to the Authority as follows: One-half on or before February 1 of each year and one-half on or before August 1 of each year.

Section 4. An annual budget shall be adopted by the Board at the organizational meeting and at the annual meeting each year. Copies of the budget shall be mailed promptly to the chief administrative office of each member. The budget is deemed approved by the members except one who, at any time prior to the annual meeting gives notice in writing to the secretary-treasurer that it is withdrawing from the Authority.

#### XI. DURATION AND DISSOLUTION .

Section 1. The Authority shall exist, and this agreement is in effect, for an indefinite term until dissolved in accordance with Section 3 of this article.

Section 2. A member may withdraw from the Authority by filing a written notice with the secretary-treasurer by June 15 of any year giving notice of withdrawal at the end of that calendar year; and membership shall continue until the effective date of the withdrawal. A notice of withdrawal may be rescinded at any time by a member. If a member withdraws before dissolution of the Authority, the member shall have no claim on the assets of the Authority.

**Section 3.** The Authority shall be dissolved whenever the withdrawal of a member reduces total membership in the Authority to less than the number of members required for organization of the Authority under Article VII, Section 2. The Authority may be dissolved at any time by unanimous vote of all the members of the Board of Directors.

**Section 4.** In the event of dissolution, the Board shall determine the measures necessary to affect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this agreement. Upon dissolution of the Authority all remaining assets of the Authority, after payment of obligations, shall be distributed among the then existing members in proportion to the number of their votes on the Board and in accordance with procedures established by the Board. The Authority shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose.

## **XII. TRANSITIONAL AND MISCELLANEOUS MATTERS**

**Section 1.** The activities of the Authority shall be confined to gas and electric utilities, provided however, that the Authority may extend and broaden its activities to any other public utility as defined in this agreement by a 75% majority vote of all the votes of the Board of Directors, taken at a regular meeting of the Board. In the event the activities of the Authority are so extended and broadened, the Authority and



its Board of Directors shall have all of the powers and duties with reference to any other public utility that it has with reference to gas and electric utilities under this agreement.

**Section 2.** The name of the organization created by this agreement may be changed when deemed appropriate by the Board, but only upon a 75% majority vote of all the votes of the Board of Directors taken at a regular meeting of the Board. If the name of the organization is so changed, the Board shall provide in its by-laws for necessary measures to effect the change in official and unofficial documents, papers, and other essential respects.

**Section 3.** It is the intention of the parties to this agreement that the organization created thereby is the successor to the Suburban Rate Authority now in existence. It is further the intention of the parties that any funds made available to the organization created by the agreement from assets of the present Suburban Rate Authority shall be used exclusively for the purposes of this agreement.

IN WITNESS WHEREOF, the undersigned governmental unit has caused this agreement to be executed by its duly authorized officers and delivered on its behalf.

In the presence of:

(Governmental Unit)

\_\_\_\_\_, MINNESOTA

\_\_\_\_\_

By Its

\_\_\_\_\_

Mayor

\_\_\_\_\_

By Its

\_\_\_\_\_

Manager

Dated: \_\_\_\_\_, 1990.

Filed in the office of \_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, 1990.

**MINUTES OF  
THE QUARTERLY MEETING OF  
THE SUBURBAN RATE AUTHORITY**

April 18, 1990

Pursuant to due call and notice thereof, the quarterly meeting of the Suburban Rate Authority was held at the Ambassador Motor Hotel in the City of St. Louis Park, Minnesota, on Wednesday, April 18, 1990, commencing at 6:30 p.m.

1. **CALL TO ORDER:** The meeting was called to order by the Chairman, Robert DeGhetto.

2. **ROLL CALL:**

Bloomington	John G. Pidgeon
Brooklyn Park	Graydon R. Boeck
Circle Pines	James Keinath
Columbia Heights	Edward M. Carlson
Deephaven	William D. Schoell
Edina	John Wallin
Fridley	Mark Wenson
Maplewood	Dan Faust
Minnetonka	Robert DeGhetto
New Brighton	David Childs
Robbinsdale	Jerome Ruffenach
Roseville	Steve Gatlin
St. Louis Park	Don Rambow
Shakopee	Gloria Vierling
West St. Paul	William Craig

Also present were Robert Renner of Messerli & Kramer, and Dave Kennedy, Robert Lindall and James Strommen of Holmes & Graven, SRA attorneys.

3. **APPROVAL OF MINUTES:** The minutes of the January 17, 1990 meeting were presented for approval. It was moved by Ms. Vierling and seconded by Mr. Schoell that the Minutes be approved. The motion carried unanimously.

4. **OFFICERS' REPORTS:** Mr. Wallin presented the Treasurer's report, a copy of which is attached to these minutes. Mr. Craig moved to accept the Treasurer's report. His motion was seconded by Mr. Keinath, and it carried unanimously.

5. **ANNOUNCEMENTS:**

a. **New Members:** Mr. Strommen announced that the City of Woodland had indicated its intent to rejoin the SRA. Mr. Schoell's efforts contributed to the City's decision.

b. SRA Uniform Electric Franchise: Mr. Strommen reported that Mr. Purdue has been made aware that NSP has been providing model franchise agreements to municipalities that NSP represents are SRA approved agreements. Upon review, these agreements have been found to contain provisions not approved by the SRA. Mr. Keinath and Mr. Pidgeon indicated that their cities had also received different versions of the franchise agreement from NSP. Mr. Purdue had brought this to the attention of NSP previously. The problem apparently continues to exist. Mr. Boeck moved that counsel for the SRA write a letter to NSP general counsel raising this issue and demanding that there be no further distribution of "SRA approved" agreements unless SRA counsel has reviewed them. Mr. Carlson seconded the motion and it carried unanimously.

c. MWCC Advisory Committee: Mr. Wenson reported that John Flora, director from Fridley, has been appointed to the newly formed MWCC Advisory Committee. SRA directors were encouraged to submit applications for those positions chosen by MWCC precinct. The SRA has several member cities represented on the Committee.

## 6. UNFINISHED BUSINESS:

a. CSO Funding: Mr. Strommen introduced Robert Renner, attorney and lobbyist for the SRA. Mr. Renner gave a report on the present status of the CSO legislation. Mr. Renner reported that the CSO Funding Bill is presently in conference committee where the primary issue is who will bear the financial responsibility for a projected \$8,000,000 in annual shortfall due to inflation and federal funding shortfall. The options range from looking to Minneapolis, St. Paul and South St. Paul users only, to requiring all state taxpayers to pick up the cost. The SRA supports requiring the three cities to pay on the grounds that they are the cost causers. Mr. Renner's estimates show that the shortfall can be made up with a relatively modest increase of \$15 - \$20 per year per customer of the three cities. The prevailing position in the legislative conference committee is a 50/50 sharing between state taxpayers and users in the three cities. Absent adoption of the conference committee position the state taxpayers would bear the full burden.

Mr. Renner pointed out that continued opposition to the Minneapolis-St. Paul, PCA position on CSO funding may yield limited returns to the SRA. Minneapolis-St. Paul interests are heavily represented in the conference committee, and this funding is part of a large bonding bill allowing the funding to escape closer scrutiny. Mr. Renner opined that SRA examination of potential common ground with Minneapolis, St. Paul, the PCA and/or MWCC on other related issues may net greater gains to SRA communities next legislative session.

A discussion ensued following Mr. Renner's departure about the possibility of forming a committee of SRA directors to study the need or benefit to SRA communities of identifying sewer or water treatment related issues of common interest to SRA communities, Minneapolis-St. Paul, the PCA and MWCC. Mr. Craig explained that potential existed for cooperative efforts between and among those entities. Mr. Craig moved that such a committee be formed. Ms. Vierling seconded the motion. A friendly amendment was added to authorize the committee to meet with representatives of the above entities. Mr. Craig moved for the amendment. Mr. Schoell seconded and the motion as amended passed unanimously. Chairman DeGhetto selected Mr. Craig, Mr. Schoell, Mr. Boeck as committee members. Ms. Vierling and Mr. Ruffenach also volunteered to serve on the committee. The committee is charged to give a report on its findings at the July SRA meeting.

b. Northwestern Bell Update: Mr. Strommen reported that the Commission has tabled its hearing on a Tier System investigation until the Commission has decided whether to accept or reject Bell's incentive regulation plan. The Commission must make a decision on the incentive plan by June 8. This delay was precipitated by the SRA raised issue of separating the rate design issues from any approval of an incentive plan. The Commission has adopted a position consistent with the SRA argument.

Mr. Strommen further reported on the incentive regulation plan proceeding. Briefs are due April 23, oral argument will be held May 14 and a decision made by June 8. Mr. Strommen indicated that the SRA had made a specific proposal calling for a ratioed sharing of revenue returns under the Plan, according to geographic location of the customer. This proposal equalizes the benefit received by outer tier customers as compared with Tier I and outstate customers. There is no indication as yet as to whether the Commission will adopt this proposal, or some version thereof. The Board also agreed to adopt a position supporting a cap on Bell return on equity during the planned period, if the Commission approves the plan. This motion was brought by Ms. Vierling, seconded by Mr. Pidgeon and carried unanimously. The Board also authorized SRA counsel to support a minimum of 50% sharing, with increasing return to ratepayers as Bell's return on equity increases. SRA counsel also has authority to suggest inverted payer-shareholder sharing as an alternative.

c. NSP General Rate Case: Mr. Purdue had submitted a memorandum reporting on the present status of NSP's \$135,000,000 revenue petition. This constitutes a request of 13.25% return on common equity. Mr. Purdue indicated that the SRA will take its traditional position supporting the municipal pumping group, oppose street lighting rate increases and take affirmative

positions on various other issues. The Commission is statutorily required to decide on this rate case by September 2, 1990.

d. EPA-MWCC-MPCA Issues: Mr. Lindall reported on activity in the dispute between the EPA, MPCA and MWCC regarding restrictions to be imposed upon the MWCC in its new national pollutant discharge elimination system permit for the Metro Wastewater Treatment plant. The EPA has threatened to withdraw the MPCA's authority to regulate the MWCC. If stringent EPA standards are imposed the cost to the metropolitan rate payers could greatly increase due to the probable need for over \$100,000,000 in new facilities. Mr. Lindall, and other SRA representatives, attended a March 26, 1990 MWCC breakfast at the Sheraton-Midway. This breakfast was called by the MWCC expressly for the SRA. At the breakfast Mr. Voss expressed his concern about the cost of implementing present EPA requirements. Mr. Voss was open to the possibility of greater MWCC-SRA communication and involvement on this and other issues. Mr. Schoell moved that the SRA continue monitoring MWCC-EPA issues and that such monitoring be coordinated with the efforts of the newly formed CSO Funding Committee. The motion was seconded by Mr. Childs and passed unanimously.

e. Membership: There was discussion regarding the value of the SRA and the need for additional members. Ms. Vierling moved and Mr. Gatlin seconded a motion authorizing SRA counsel to prepare a letter and short summary of SRA purpose and accomplishments. The letter would be signed by Chairman DeGhetto and sent to nonmember suburban cities.

7. NEW BUSINESS: Mr. Strommen and Mr. Wallin presented a proposed 1991 budget, attached to these Minutes. The proposed budget is to be discussed with the SRA member cities. The Board will take formal action on the proposed budget at the July meeting. After review and discussion there were no suggested modifications to the budget.

8. CLAIMS: Mr. Purdue of Messerli & Kramer submitted a bill for his services to date in the amount of \$11,320.29. Mr. Renner of Messerli & Kramer presented a bill for his services totalling \$6,461.45. Mr. Strommen submitted a bill totalling \$11,110.65 for services rendered by the Holmes & Graven law firm. Mr. Faust moved that the claims be paid as presented. Mr. Wenson seconded that motion and it carried unanimously.

9. ADJOURNMENT: Mr. Boeck moved that the meeting be adjourned. Mr. Pidgeon seconded the motion which passed unanimously. The Chair declared the meeting adjourned. Next regular meeting to be held July 18, 1990.

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Attachments:  
Treasurer's Report  
Proposed 1991 Budget

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING PARTICIPATION IN THE SUBURBAN RATE AUTHORITY; DIRECTING THE EXECUTION AND DELIVERY OF A JOINT POWERS AGREEMENT; AND DESIGNATING A REPRESENTATIVE OF THE CITY AS ITS MEMBER ON THE BOARD OF THE SUBURBAN RATE AUTHORITY.**

WHEREAS, the City of \_\_\_\_\_ is authorized by Minnesota Statutes, Section 471.59 to enter into joint and cooperative agreements with other governmental units, and

WHEREAS, the City Council has determined that the City cooperate with other municipalities in the monitoring of utility services in the Metropolitan Area by participating in the Suburban Rate Authority, and

WHEREAS, the City is presently a member of the Suburban Rate Authority established by joint agreement in 1962 to administer the regulatory provisions of uniform franchises granted to Minneapolis Gas Company, and

WHEREAS, the City Council has determined that it is necessary and desirable that the Suburban Rate Authority continue in existence, notwithstanding the assumption of utility regulatory powers by the State, for the purpose of monitoring utility services and participating to the maximum degree possible in the utility rate-making procedure, and that the Suburban Rate Authority's scope of activities can be broadened to include electric utilities and other utilities if necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of \_\_\_\_\_ Minnesota, as follows:

1. The Mayor and (Clerk, Manager) are authorized and directed to execute the attached Joint and Cooperative Agreement providing for membership of the City in the Suburban Rate Authority.



2. In accordance with the provisions of the Joint and Cooperative Agreement, the council hereby designates \_\_\_\_\_ as its first director on the Board of Directors of the Suburban Rate Authority.

Passed and adopted this \_\_\_\_\_ day of April, 1990.

\_\_\_\_\_  
Mayor

Attest:

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

Consent \_\_\_\_\_

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REQUEST TO PARTICIPATE IN GUINNESS WORLD RECORD  
"GET WELL CARD" PROJECT

SUBMITTED BY:

Sathe and Associates

REVIEWED BY:

Jan Wiessner

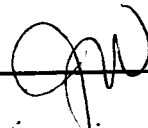
EXPLANATION/SUMMARY (attach additional sheets as necessary):

ATTACHMENTS:

- A. Letter from Sathe and Associates
- B. Draft List of Companies
- C. Draft Resolution

ACTION REQUESTED:

- a. Adopt Resolution
- b. Select 10 companies

  
\_\_\_\_\_

**Sathe & Associates, Inc.**  
EXECUTIVE SEARCH CONSULTANTS

JUN 14 1990

June 12, 1990

Jan Weissner  
City of Falcon Heights  
2077 Larpenteur Avenue  
Falcon Heights, MN 56113

Dear Jan:

We would be grateful if you, like us, could respond to this request by letter and help Craig Shergold.

Craig is a seven year old boy who has a tumor on his brain and very little time to live. It is his ambition to have an entry in the GUINNES BOOK OF RECORDS for the largest number of Get Well Cards ever received by an individual.

Please send a card to:

Craig Shergold  
36 Shelby Road  
Carshalton  
Surrey SN8 1LD  
England

Also, please send the enclosed pages on to another ten companies of your choice. Thank you.

Sincerely,



Mark Sathe

MS/sh  
enclosures

COMPANIES CHOSEN BY  
THE CITY OF FALCON HEIGHTS, MINNESOTA

(Choose 10)

1. Hewlett Packard, Inc.
2. Minnesota State Fair
3. University of Minnesota
4. Harvest States Cooperative
5. Ciatti's Restaurant
6. Roseville Area Schools
7. Ramsey County
8. Warners Stellan
9. Cray Research
10. Metropolitan Transit Commission
11. City of Roseville
12. Maier, Stewart and Associates
13. Roseville-Falcon Heights Focus
14. Suburban Area Chamber of Commerce
15. State of Minnesota
16. Ehlers and Associates
17. Jensen, Hicken, Gedde & Scott
18. Other ideas?

A RESOLUTION WISHING CRAIG SHERGOLD  
SUCCESS IN HIS GUINNESS WORLD RECORD  
"GET WELL CARD" PROJECT

WHEREAS, seven year old Craig Shergold of 36 Shelby Road, Carshalton, Surrey SN8 1LD, England, desires to have an entry in the Guinness Book of Records for the largest number of get well cards ever received by an individual; and

WHEREAS, the City Council of Falcon Heights, Minnesota wishes Craig a speedy recovery; and

WHEREAS, the City Council desires to assist Craig in reaching his goal for entry into the Guinness Book of Records;

NOW THEREFORE BE IT RESOLVED, that the City of Falcon Heights participate in the project and that a request for participation by others be sent to the organizations on the attached list;

AND BE IT FURTHER RESOLVED that the City Council of the City of Falcon Heights, Minnesota, extends to Craig Shergold and his family, our best wishes.

**Sathe & Associates, Inc.**  
EXECUTIVE SEARCH CONSULTANTS

**COMPANIES CHOSEN BY SATHE & ASSOCIATES, INC.**

**Redmond Products, Inc.**

**Horton Manufacturing Company**

**K & G Manufacturing Company**

**Jackson Memorial Hospital**

**DBL Labs, Inc.**

**Westwood Professional Services**

**City Of Golden Valley, MN**

**Popham, Haik**

**City Of Falcon Heights, MN**

**City of St. Louis Park, MN**

# Great Clips for hair.

---

Great Clips, Inc.  
3601 Minnesota Dr.  
Minneapolis, MN 55435  
(612) 893-9088

## COMPANIES CHOSEN BY GREAT CLIPS, INC.

Sathe & Associates

Mackay Envelope

Briggs & Morgan

Brehm Financial Services

Warehouse Beauty

Park National Bank

Condura Marketing Corp.

BHK&R

Grant Thornton

Coldwell Banker

# NEWMAN & HERFURTH

## COMPANIES CHOSEN BY NEWMAN & HERFURTH, INC.

Great Clips

Burnet Realty

Varitronics

Lindquist & Vennum

Lincoln Properties

Churchill Co.

Zamansky Professional Association

BHK & R

Nicollet Financial Corporation

Hvass, Weisman & King





**COMPANIES CHOSEN BY THE BREHM GROUP, INC.**

**Newman & Herfurth**

**Lurie, Eiger & Besikof**

**Heise Reinen MacRae & Associates**

**Dahlberg, Inc.**

**Robins Kaplan Miller & Ciresi**

**Oppenheimer Law Firm**

**Doherty Rumble & Butler**

**Rider Bennett Egan & Arundel**

**Dorsey Law Firm**

**Zelle & Larson**

**The Brehm Group, Inc.**  
Executive and Employee Benefits

Suite 750 The Baker Building 709 Second Avenue South Minneapolis, Minnesota 55402  
telephone number 612-330-7385 telecopier number 337-5535

DUNKLEY, BENNETT & CHRISTENSEN, P. A.

ATTORNEYS AT LAW

SUITE 700

701 FOURTH AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55415

TELEPHONE (612) 339-1290

FAX (612) 339-9545

JAY BENNETT  
WILLIAM M. DUNKLEY  
ROBERT P. CHRISTENSEN  
JOHN HARPER III, P. A.  
THOMAS J. HUNZIKER  
DANIEL W. HERGOTT, P. A.  
STEVEN B. NOSEK, P. A.  
RICHARD M. SAHL  
RICHARD R. GIBSON  
WILLIAM G. SELMAN

OF COUNSEL  
BRUCE H. HANLEY

COMPANIES CHOSEN BY  
DUNKLEY, BENNETT & CHRISTENSEN, P.A.

Coldwell Banker

Freeway Ford

Michaud, Cooley,  
Erickson & Associates

Shenehon & Associates, Inc.

Midwest Pension & Profit  
Sharing Services, Inc.

Xerxes Computer Corporation

Boise Cascade Corporation

UNUM Life Insurance Company

Independent Technologies, Inc.

Medtronic

Terry Kingston

Richard Lewis

Douglas Cooley

Robert J. Strachota

Sheila Gallagher

Michael Duhaime

Karen Gowland

Betsy Elliman

Daryl Ingalsbe

John Hanley

COMPANIES CHOSEN BY  
MIDWEST PENSION & PROFIT SHARING, INC.

Deloitte & Touche

The Brehm Group

Gray, Plant, Mooty, Mooty & Bennett, P.A.

Magnetic Data, Inc.

International Dairy Queen

Pentair, Inc.

Massachusetts Mutual Life Insurance Co.

Steger, Hustedt & Solberg

Lindquist & Vennum

DuPont-Fugifilm Electronic Imaging Co.  
Dicomed Division

# FALLON McCELLIGOTT

## COMPANIES CHOSEN BY FALLON McCELLIGOTT

WPWR  
Minneapolis Star and Tribune  
The Guardian  
IMG  
Minnesota Timberwolves  
Dorsey and Whitney  
McMichael and Company  
Dunkley, Bennett & Christensen  
Hendrickson and Associates  
Herman Miller, Inc.

Al Devany  
Tom Culligan  
Tom Aslesen  
Barbara Brookes  
Tim Lieweke  
Mike Radmer  
Patrice Olander-Quamme  
Jack Harper  
Linda Hendrickson  
Sharon Johnson

# child

## COMPANIES CHOSEN BY CHILD MAGAZINE

FAMILY CIRCLE MAGAZINE	Jackie Leo
MCCALL'S MAGAZINE	Michael Golden
THE NEW YORK TIMES	Leslie Mardenborough
DECORATING/REMODELING MAGAZINE	George Fields
TENNIS MAGAZINE	Mark Adorney
GOLF DIGEST	David Ferm
FAMILY CIRCLE/NOW!	Marion Aaron
GREY ADVERTISING	Ann Clurman
STERLING DRUG	Carol Conboy
DELLA FEMINA, McNAMEE WCRS, INC.	Gladys Oshins



# today's kids

Imagination in action

April 25, 1990

## COMPANIES CHOSEN BY TODAY'S KIDS

Sibley-Peteet Design  
The Marketing Company  
H. Muehlstein  
Carolina Color Corporation  
International Paper  
Inland Container Corp.  
Child Magazine  
Eisenberg, Pannell, St. Geroge  
Carpenters & Assoc.  
The Media Base

Don Sibley  
Susan Maddox  
George Winter  
Dennis Glaser  
Carroll Bowden  
Jerry Standridge  
Marianne Sommers  
Arthur Eisenberg  
Jean Carpenter  
Bob Quaglia



# Early Learning Centre

The Intelligent Toy Store™

40 Pepe's Farm Road, Milford, Connecticut 06460

April 11, 1990

## Companies/Organizations Chosen by Early Learning Centre

Tim Danahy  
Thomas Bartle  
Thomas J. McCafferty  
Peter Reynolds  
Robert J. O'Hara  
Leslie Robertson  
Byron David  
Philip B. Smiley, Jr.  
James R. Stephens  
Stephen C. Plumeri

E. T. Danahy Co., Inc.  
Wesley, Brown & Bartle  
Ernst & Young  
Brio Scanditoy Corp.  
Peat Marwick Main & Co.  
Connecticut Bank & Trust Co.  
Fisher-Price  
Playskool  
Today's Kids  
New England Development

International Division  
North America Regional Office

63 Wall Street  
21st Floor  
New York NY 10005-3081

Telephone: (212) 269-1700  
Telex: WUI 620261 RBSINY  
ITT 421107 RBSINY

Telegrams: RBSCOTNY  
SWIFT: RBOSUS33  
Facsimile: (212) 269-8929

 The Royal Bank  
of Scotland plc

6 April 1990

Companies/Organisations Chosen by The Royal Bank of Scotland plc  
North America Regional Office

Norman Gilchrist  
Stephen Kelly  
J T Moore  
Duncan Macaulay  
Colin Bateman  
Geoffrey Hudson  
Ian Wall  
Tony Hosking  
George Finlayson  
Barry Mitchinson

Standard Chartered  
Banque Paribas  
Laing Properties Inc  
Investcorp International  
Harris Trust & Savings Bank  
Ernest Robert Lindley & Sons  
The City of Edinburgh  
Early Learning Centres  
British Consulate - General  
Barclays Bank





# Allied Irish Banks plc

April 2, 1990

Companies/Organizations Chosen by Allied Irish Bank, Plc.  
New York Branch

Mr. Jack Noonan  
Mr. James T. Wang  
Mr. John M. Weir  
Mr. Jim Cater  
Mr. Richard J. Grillo  
Michael Kelly, Esq.  
Mr. Paul D. Briamonte  
Mr. Christopher P. Gill  
Mr. Grant Stoddard  
Ted Hodges, Esq.

Bank of Ireland  
Banque Paribas  
Greycoat Real Estate Corp.  
Force Financial Services  
Jones Lang Wooton U.S.A.  
Kutak Rock & Campbell  
Lloyds Bank, Plc.  
Midland Bank Plc. NY Branch  
Royal Bank of Scotland  
Vinson & Elkins



# BANK OF SCOTLAND

Constituted by Act of Parliament 1695  
INTERNATIONAL DIVISION

P.O. Box No. 10  
38 St. Andrew Square  
EDINBURGH EH2 2YR

Telephone: 031-243-5063

Telex: 72407  
Fax: 031-243 5043  
(Auto CCITT Groups 2 and 3)

Our Ref: W1 MK/LW21  
Your Ref:

21st March, 1990

## COMPANIES CHOSEN BY BANK OF SCOTLAND

Duncan Smith  
Jim Grant  
Philip Jones  
Bill Hendry  
Dirk Meulemeester  
Russell Cranwell  
Andrew Calderwood  
Rob White  
Alan Gibbons  
John Ford

Brooklink plc  
Trust Bank of Africa  
DnC  
Bank of Scotland, New York  
Bank Mees & Hope  
CIBC  
Herbert Smith & Co.  
Elf  
Enterprise  
NBK

# THE INDUSTRIAL BANK OF JAPAN LIMITED

INCORPORATED WITH LIMITED LIABILITY IN JAPAN

LONDON BRANCE

BUCKLESBURY HOUSE, WALBROOK, LONDON EC4N 8BR  
Cable: KOCYOGINKO LONDON EC4 Tel: 01-236 3266 Telex: 995393, 886939

19 March 1990

## COMPANIES CHOSEN BY INDUSTRIAL BANK OF JAPAN LIMITED

Arthur D Little Ltd	-	Mr B Williams
Bank of Scotland	-	Mr I Ross
Banque Bruxelles Lambert	-	Mr A Michael
Credit Suisse	-	Mr P McDonnell
Eurotunnel	-	Mr P Ratzer
J Henry Schroder Wagg & Co Ltd	-	Mr J Pierson
Kleinwort Benson Limited	-	Mr M Barnett
Lasmo International Ltd	-	Mr R Samwell
Manufacturers Hanover Trust Co	-	Mr F Cooke
Union Bank of Switzerland	-	Mr T Hartshorn

# Shell International Petroleum Company Limited



Shell Centre London SE1 7NA

Telephone  
direct line 01-934  
switchboard 01-934 1234

Telex 919651  
Telegraphic Address  
Shell London SE1

Your ref

Our ref

Date

15th March, 1990

## COMPANIES CHOSEN BY SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED:

Shell U.K.	- Mr. M. L. Raiser
Shell Necherlands	- Mr. H. P. Bertheux
Shell Rotterdam	- Mr. K. K. Troost
Standard Chartered Bank.	- Mr. P. G. Smith
Industrial Bank of Japan	- Mr. I. Hitchman
AMRO Bank	- Mr. R. Harvey
Baring Brothers & Co. Ltd.	- Mr. H. Packman
Barclays Bank plc	- Mr. I. Wigston
The Bank of Tokyo Ltd	- Mr. T. Matsumura
Nat West Bank plc	- Mr. A. P. Duffy

# THE DAI-ICHI KANGYO BANK, LTD.

INCORPORATED IN JAPAN  
LONDON BRANCH

O.K.B. House, 24 King William Street,  
London EC4A 90B

TELEPHONE:  
01-283 0929

FACSIMILE:  
01-920 3319

TELEGRAPHIC ADDRESS:  
DAIKOYAKU LONDON EC3

TELEX:  
604042 LONDON  
603221 LONDON

12 March 1990

## THE COMPANIES DAI-ICHI KANGYO BANK, LIMITED CHOSE:

Mr G V Pettit

Mr I Tsuchida

Mr R P Gent

Mr Brian G Barker

Mr John Whorwood

Mr John L Sullivan

Mr John O'Driscoll

Mr Rodney G Barber

Mr Jan van den Belt

Ms Linda Kemeny

Bass PLC

C Itoh (UK) PLC

Glaxo Holdings PLC

Ladbroke Group PLC

Legal & General Group PLC

Manufacturers Hanover Limited

Nationwide Anglia Building Societies

Powergen

Shell Petroleum Co Ltd

Thames Water PLC

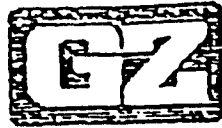


Finn Bergmann  
Senior Representative  
65-66 Queen Street  
London EC4A 1EH  
Telephone: 01-243 0863.

The Companies Bikuben chose:

Mr Jens Mumme	Hamburgische Landesbank - Girozentrale
Mr F R Hopson	Hessische Landesbank - Girozentrale
Mr Gojko Koprivec	Ljubljanska Banka
Mr Mag P Nemschak	Girozentrale Vienna
Dr Leonardo Simonelli	Etrufin Reserco Ltd
Mr Luis Castilla Kothe	Confederacion Espanola de Cajas de Ahorros
Mr R C Petersen	Commonwealth Bank of Australia
Mr Moo-Song Park	The Citizens National Bank
Mr A Rosetti	London Italian Bank Ltd
Mr Gyles Cooper	First Austrian International Ltd

Girozentrale Vienna  
Girozentrale und Bank der österreichischen Sparkassen AG



London Branch

Registered in Austria as a Public Limited Company

68, Cornhill  
London EC3V 3OE  
Telephone (01) 929 2345  
Telex 8811989 GZVIA

THE COMPANIES GIROZENTRALE VIENNA CHOSE:

Mr. C. Low

Mr. Gerard Legrain

Mr. L. Karczag

Mr. Peter Wragham

Mr. Jens Rahbek

Mr. Chang Bu Kim

Mr. Günter Steffens

Mr. Seppo Siljama

Mr. Marc Bernaert

Mr. John Rowan

Deutsche Bank

Internacional Mexican Bank

Hungarian International Bank

The Hongkong & Shanghai Banking Corp.

Jyske Bank

Eanil Bank

Dresdner Bank

Kansallis-Osake-Pankki

Kredietbank N.V.

Anglo-Irish Bank Corp.

THE COMPANIES GA GROUP LIMITED CEASE:

Morro & Partners - I. Cruickshank, Esq.,  
Beattie Watkinson & Partners - G. Watkinson, Esq.,  
Richard Ellis - R. E. Webster, Esq.,  
Ji Corporate Finance - D. S. Chessels, Esq.,  
James Barr & Son - A. T. Galbraith, Esq.,  
Walker Timber Limited - M. J. Walker, Esq.,  
Rippin Group Plc. - Robin Rippin, Esq.,  
George B. Horspool & Associates - G. B. Horspool, Esq.,  
D. I. Birchell & Partners - W. M. Semson, Esq.,  
Erian Donley & Partners - Erian Donley, Esq.,

The Companies Richard Ellis ceased:

James Lang Watson	Ken Carrick
Hastley Irving	Ben Dorley
Lawfield Services	Sandy Budge
London & Clydeside	Ken Kelly
McDougal Donald	Nick Andrew
Shepherd & Telford	David Smith
Scott Andrew Duncan	Ken Linton
Charnock	Phil Walker
Hastley & Jones	Mark Dorley
Ken Linton & Co	Ken Linton



41

THE COMPANIES PURCHASING SCOTLAND OFFICE

STRUTHERS MORGAN  
BIG SEAR IN A HEE PICTURE  
BLADE ADVERTISING  
M.P.P.  
FURREY LONDON  
FIELDS & FRAMES  
HELVEN PARK LOEYZ NOTED  
KAMERAN VIDEO  
D.J. CLERK  
FIELD ISLEWAY PRODUCTIONS

FAX NO: 041-332-3032  
FAX NO: 041-556-1927  
FAX NO: 041-204-1234  
FAX NO: 041-332-5150  
FAX NO: 01-493-0773  
FAX NO: 041-221-4515  
FAX NO: 041-337-1333  
FAX NO: 0241-70550  
FAX NO: 041-248-2552  
FAX NO: 041-550-3255

THE COMPANIES H.T.P. CHISE

DAVID WILL AND ASSOCIATES 041-221-4217  
THE BRIDGE ALLIANCE 041-332-7337  
PICADY PICTURES 031-552-1555  
MAGURN, LOGAN, DUNCAN & OFFER 041-331-2353  
SONG 601 01-734-3331  
SCOTHEDEX 041-332-2312  
MIKE REYNOLDS 01-523-7352  
PAULOS ADVERTISING 031-557-5003  
MAGURN FINANCIAL MANAGEMENT 091-275-3355  
PROFESSIONAL PAYROLL SERVICES 041-557-2232

THE COMPANIES MAGURN LOGAN DUNCAN & OFFER CHISE:-

THOMAS LAURIE ASSOCIATES FAX 041 332 5315  
SIDNEY FAX 041 332 3093  
THOMAS J. POSE FAX 041 331 2419  
GRAY AITKEN PARTNERSHIP FAX 041 330 0334  
R. ARMOUR & PARTNERS FAX 041 331 0333  
MIDWAY LIMITED FAX 041 331 0333  
MIDWAY LIMITED FAX 041 331 0333  
MIDWAY LIMITED FAX 041 331 0333

The companies Prest PR Ltd chose:-

Irene Dempsey	City & Commercial Communications PLC
Peter Tomlinson	Pepper Fox
Chris Stapley	Pepper Fox
Simon Silver	Derwent Valley Holdings
Peter Mills	Kinson
Keith Martindale	Colliers Stewart Neviss
Lionel Prodgers	Facilities & Property Management
Nigel Braybrook	Montagu Evans
John Raffin	Griffon
David Humphrys	Gilbert Doyle Associates

The companies Facilities & Property Management chose:

J. Needle	London Regional Transport
P. O'Reilly	Unisys Europe Africa Ltd
M. King	Bayerische Landesbank Girozentrale
M. Biddle	Goddard & Smith
J. Andersen	Richards Hogg Limited
P.H.S. von der Heyde	W.J. Calder, Sons & Company
S. Grant	Pansophic Systems (UK) Ltd
P.G. Cuthbert	SKF Architects
N.H. Schroeder	Rank Xerox Limited
D.S. Franks	Blackstone Franks & Co

The companies Healey & Baker chose :

Niyor	Max Stewart
F.G. Burnett	David Young
Hambro Bank	Tim Sawyer
Hill Samuel	Brian Wootton
S.M. Watson	Mike Watson
LEC	Philip Ingman
Peel Holdings Plc	Russell Hawker
CIN	Alex Walker
Waburgs	Chris Saville
Clyde Port Authority	David Gebbie

The companies Hill Samuel Property Services Limited chose :-

Radcliffes & Co	M Higginson
Linklaters & Paines	R Bonser
Jaques & Lewis	B Hollingsworth
Edward Erdman	R Francis
Weatherall Green & Smith	C Clark
Investment Property Databank	R Nisbett
XIOS Systems UK Ltd	J Bamford
Todd & Loosen	P Loosen

Consent \_\_\_\_\_

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

MTC BUS SHELTER LOCATIONS AND ADVERTISING SIGNS

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The MTC is reactivating their bus shelter location program. They would like the City's input on possible locations for bus shelters. (After we give them possible locations, they will check ridership statistics).

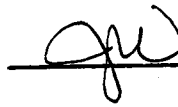
They also asked if the City has a policy on advertising on bus shelters and benches. Several cities have franchise agreements with advertising companies where the City receives revenue from the advertising on bus benches and shelters. Falcon Heights currently has an ordinance prohibiting advertising signs in the City which has not been enforced for bus benches. The City does not receive revenue for these signs.

ATTACHMENTS:

- A. June 19, 1990 Capell letter
- B. Excerpt of City Code re: Advertising Signs

ACTION REQUESTED:

- A. Discuss possible locations for bus shelters
- B. Discuss whether advertising signs should be allowed on bus benches and shelters, and if so, whether franchise agreements should be pursued.





## M E T R O P O L I T A N T R A N S I T C O M M I S S I O N

560-6th Avenue North, Minneapolis, Minnesota 55411-4398 612/349-7400

June 19, 1990

Janet Wiessner  
City Clerk  
City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, MN 55113

Dear Ms. Wiessner:

The Metropolitan Transit Commission (MTC) is in the process of reactivating its bus shelter program. Due to budgetary constraints, the MTC's shelter development program was suspended in 1982.

At present, the MTC maintains 628 passenger waiting shelters throughout the metropolitan area. Federal funding is now available to assist in building an additional 89 shelters. Local money must be used to fund 20% of the construction costs of the shelter program and to fund ongoing maintenance costs.

The MTC shelter policy encourages the construction of passenger waiting shelters for bus stops which serve 40 or more boarding or transferring passengers on a typical weekday, with special consideration given to bus stops serving the elderly and the handicapped.

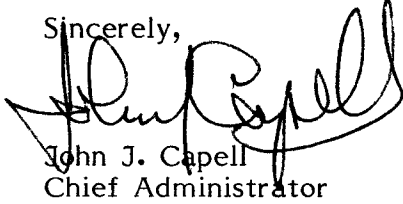
Under the MTC's shelter program, the MTC will pay the total cost of the shelter installation if ridership is more than 40 passenger boardings per day. In cases where ridership is less than 40 passengers per day, the MTC will consider the shelter installation only if the community provides a portion of the local capital and maintenance costs. Providing a concrete base pad upon which the shelter could be placed, and agreeing to provide minor maintenance such as cleaning, would be ways in which the community could provide this local capital and maintenance cost sharing.

At this time, the MTC staff has not identified any new bus stop locations in your community that have more than 40 passenger boardings per day. We are, however, encouraging you to contact us if you are aware of any sites that you would like us to investigate further to determine if the site meets the passenger boarding criteria in the MTC shelter policy. In addition, we would encourage you to contact us if your city would be interested in participating in a cost-sharing arrangement with the MTC for the construction and maintenance of bus shelters at locations that do not have the minimum of 40 passenger boardings per day. Also, please contact us whether your community would be receptive to allowing advertising to be placed on MTC bus shelters as a means of providing a funding source to offset a portion of the ongoing maintenance costs of the shelters.

If you are interested in pursuing bus shelters for your community, please contact my Executive Assistant, Greg Failor, at 349-7501, to schedule a meeting to discuss the matter with MTC staff.

I look forward to hearing from you on this matter.

Sincerely,



John J. Capell  
Chief Administrator

JJC:sle

cc: Mayor Tom Baldwin  
MTC Commissioners

## PLANNING AND DEVELOPMENT 9-13.03

Subdivision 17. Projecting Signs. Signs shall in no case project from a building or structure more than one (1) foot from base of building. No projecting sign shall at the lowest point be less than eight (8) feet above the sidewalk or the grade level. All projecting signs for which a permit is required shall be constructed entirely of fire resistive materials approved by the Zoning Administrator for this purpose.

All metal supports and braces for projecting signs shall be galvanized or of corrosive resistant material or painted at least once annually.

Subdivision 18. Electric Signs. All signs and displays using electric power shall have a cutoff switch on the outside of the premises and on the outside of the sign. All electrical work shall conform with the City Code and be subject to city inspection.

Subdivision 19. Construction Signs. These signs are not to exceed thirty-two (32) square feet in area and shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is substantially completed.

Subdivision 20. Roof Signs. Roof signs are prohibited in all districts.

Subdivision 21. Offensive Signs. No signs shall contain any indecent or offensive picture or written matter.

\* Subdivision 22. Advertising Signs. Advertising signs are prohibited. — By October 1, 1985, all advertising signs shall be considered to be fully amortized and shall be removed by the owners.

Subdivision 23. Multi-Faced Signs. These signs shall not exceed two (2) times the allowed square footage of single-faced signs.

Subdivision 24. Large Signs. Except for more restrictive subsections of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

- a. Which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of five hundred (500) feet.
- b. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park, historic site, picnic or rest area, church, or school.
- c. Which would be closer than one hundred (100) feet to residential structures.

Consent \_\_\_\_\_

Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 6/27/90

REQUEST FOR COUNCIL CONSIDERATION

<p><u>ITEM DESCRIPTION:</u> SCHEDULE WORKSHOP WITH ROSEVILLE CITY COUNCIL FOR THURSDAY, JULY 12, 7:00 P.M. AT ROSEVILLE CITY HALL</p>
<p><u>SUBMITTED BY:</u> Jan Wiessner and Steve Sarkozy</p>
<p><u>REVIEWED BY:</u></p>
<p><u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u></p> <p>The purpose of this workshop will be to discuss the process to be used to study mutually beneficial cooperative opportunities for the two cities. Staff will be making recommendations at this meeting for the councilmembers to consider.</p> <p>NOTE: It is expected that the meeting will last no later than 9 P.M. Roseville was chosen as site for first meeting (by a coin flip) with the future meetings recommended to alternate between the two cities.</p> <p><u>ACTION REQUESTED:</u> Schedule Council Workshop for July 12, 7:00 P.M. at Roseville City Hall.</p> <p style="text-align: right;"><u><i>JW</i></u></p>