

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 5th day of November, 1980 at 7:30 o'clock P.M.

The following members were present: Mayor Peterson
Councilwoman Berndt
Councilman Hammero (arrived 7:45 P.M.)
Councilman Denzer

And the following were absent: Councilman Amundson (excused)

Mayor Peterson presided.

The minutes of the October 15, 1980 regular meeting were reviewed. There being no additions or corrections, they were approved as mailed.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-178

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL AGENDA OF
NOVEMBER 5, 1980

BE IT RESOLVED, that Resolution No. 80-179, Resolution Amending Resolution No. 80-142, A Resolution Ordering Improvement and Preparation of Plans and Specifications - Hadley Avenue South/77th Street South Water, Sanitary Sewer, Street and Street Light Improvement; and license applications from Jack's Union 76, cigarette; Sal's Pizza, cigarette; Snyder Drug Stores, Inc., cigarette; Tom Thumb Superette, cigarette; Plaza Liquors, Inc., cigarette; Country Club Markets, Inc., cigarette; Clarence's Pineridge Standard, cigarette; Cottage Grove Ice Arena, amusement; East Cottage Grove Community Club, dance for December 31, 1980; Liebel & Pariseau, masonry; and Snyder Contracting, general contractor, be approved.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-180

RESOLUTION DECLARING SUFFICIENCY OF PETITION AND ORDERING
PREPARATION OF REPORT.

BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. A certain petition requesting the improvement of Lamar Avenue South north from the intersection of 70th Street South (Military Road) to the north

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property line of 6757 Lamar Avenue South filed with the Council on November 5, 1980 is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minnesota Statutes Section 429.035.

2. The petition is hereby referred to the City Engineer, Bonestroo, Rosens, Anderlik & Associates, Inc., and they are instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as proposed or in conjunction with some other improvement and the estimated cost of the improvement as recommended.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Members of the Thompson Grove Volunteer Fire Department were in attendance. The Council was asked if they had any particular questions they wanted answered or if the fire fighters had any questions for the Council.

The Council reviewed the note from the Fire Fighters Association regarding the meeting to reach an interim agreement with this organization.

The Council reviewed the application of 10,000 Auto Parts for a Minor Subdivision.

Motion that the Council approve the Minor Subdivision application of 10,000 Auto Parts subject to the following conditions:

1. The parcel be recorded as a plat.
2. The interior roads be constructed to the City's specifications.

and further that the City Attorney is hereby directed to prepare the necessary resolution, made by Councilwoman Berndt. Seconded by Councilman Denzer.

Councilman Hamnero arrived at 7:45 P.M.

The foregoing motion carried viva voce.

The Council reviewed the application for a building permit from 10,000 Auto Parts.

Motion that the application of 10,000 Auto Parts for a building permit be approved subject to the following conditions:

1. The trash container shall be kept in an enclosed structure of the same architectural character as the primary structure. This trash structure shall have doors.

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2. All mechanical equipment on the roof shall be screened.

3. The applicant shall contact the Minnesota Department of Transportation and acquire verification that the structure will not be within the construction limit of the proposed overpass.

4. All utility easements shall be approved by the City and dedicated.

5. The corduroy block should be used as vertical elements along the side and back walls. This would have the effect of breaking up the large area of concrete block on these walls. The corduroy block along the top of the building shall continue on all sides.

6. The detailed plans must be reviewed and approved by the Fire Marshall, Building Inspector, Public Works Director, and City Engineer.

made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the application of Mr. Paul Christian for a Minor Subdivision.

Motion that the application of Mr. Paul Christian for a Minor Subdivision to create a lot adjacent to Pinehill Acres Second Addition be approved subject to the following conditions:

1. The applicant shall provide the City with a Certificate of Survey.
2. The lot shall be included in any future plat adjacent to the parcel.
3. Cash in lieu of park land dedication shall be required.

and that the City Attorney is hereby directed to prepare the necessary resolution, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried viva voce.

The Council reviewed the application of Mr. William Kropelnicki for a variance on a lot size.

Motion that the Council approve the application of Mr. William Kropelnicki for a variance on lot size for Lot 38, East Side Addition provided that the lot can be developed in such a manner that the well be located at least 75 feet from any on-site disposal system or drain field and that the City be provided with a copy of a soil percolation test from the lot, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the application of Mr. Marlin Rygh to resurface Homestead Avenue South in the Highland Townhome Development. This was being requested so that the portion of the townhouse development be completely finished by January 30, 1981.

It was agreed that the City would bring Homestead Avenue South to grade with Class 5 gravel and if this could not be accomplished prior to new owners moving in, Mr. Rygh would then be able to do it with his own contractor.

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A Mr. Richard Herold from the Washington County Engineer's Office appeared before the Council and provided them with an up-date on the construction of County Road 22 westerly from Hinton Avenue South to the St. Paul Park overpass. No action taken.

Motion that the application of Country Club Markets, Inc. for an "Off Sale" Non-intoxicating Malt Liquor License be approved, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion that the application of Superamerica Stations, Inc. for an "Off Sale" Non-intoxicating Malt Liquor License be approved, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the application of Tom Thumb Superette No. 571 for an "Off Sale" Non-intoxicating Malt Liquor License be approved, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried viva voce.

Mr. Joseph Fogarty, County Commissioner, appeared before the Council and up-dated them regarding the County's Land Fill Siting Criteria. No action taken.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-181

RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR WATER MAIN EXTENSION 70TH STREET SOUTH

WHEREAS, a contract has been let for the extension of water main on 70th Street South and the contract price for such improvement is \$8,318.00 and expenses incurred or to be incurred in the making of said improvement amounts to \$1,247.00, so that the total cost of this improvement is \$9,565.00 of which the City will pay \$7,765.00 as its share of the cost.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. The cost of such improvement to be specially assessed is hereby declared to be \$1,800.00.

2. The City Clerk with the assistance of the City Engineer, will forthwith calculate the proper amounts to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected without regard to cash valuation as provided by law and he shall file a copy of such proposed assessment in his office for public inspection.

The Clerk, upon completion of such proposed assessment, shall advise the Council thereof.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor

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thereof: Councilwoman Berndt, Councilman Hammero, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-182

RESOLUTION ON HEARING FOR PROPOSED ASSESSMENTS ON
WATER MAIN EXTENSION - 70th STREET SOUTH

WHEREAS, by resolution passed by the City Council on November 5, 1980, the City Clerk was directed to prepare a proposed assessment roll for the water main extension on 70th Street South, and

WHEREAS, the Clerk has notified the Council that such proposed assessment has been completed and filed in his office for public inspection, now,

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota:

1. A hearing shall be held on the 17th day of December, 1980, at 7:30 P.M. to pass upon such proposed assessment.
2. The City Clerk is hereby directed to cause a Notice of Hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing and he shall state in the Notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll. The Notice of Hearing shall be as follows:

NOTICE OF HEARING FOR PROPOSED ASSESSMENTS
FOR WATER MAIN EXTENSION - 70TH STREET SOUTH

TO WHOM IT MAY CONCERN:

Notice is hereby given, that the Cottage Grove City Council will meet at 7:30 P.M. on the 17th day of December, 1980 at the City Hall, 7516 80th Street South, in the City of Cottage Grove, to pass upon the proposed assessment for the cost of the water main extension on 70th Street South.

It is proposed to assess all of the lots and parcels benefited by said improvement, which include:

That part of the Northwest 1/4 of the Northeast 1/4 of Section 9 being the East 150 feet of the West 849 feet of the North 290 feet.

The total cost of the improvement is \$9,565.00.

The proposed assessment roll is on file for public inspection in the office of the City Clerk. Written or oral objections will be considered at the hearing.

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An owner may appeal an assessment to District Court pursuant to Minnesota Statutes 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City of Cottage Grove within 20 days after the adoption of the assessment and thereafter, filing such notice with the Clerk of District Court within ten (10) days after service upon the Mayor or Clerk.

Any owner of homestead property over the age of 65 may apply for deferral of payment of these assessment charges if the making of the payments would be a hardship.

BY ORDER OF THE CITY COUNCIL.

s/ Carl F. Meissner
City Clerk

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Denzer, Councilman Hammero, and Mayor Peterson. The following voted against same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-183

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$1,500,000 IMPROVEMENT BONDS

BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, as follows:

1. This Council has heretofore ordered the local improvements designated below to be constructed in or acquired by the City, and has contracted or will contract for the construction or acquisition of each said improvement, pursuant to Minnesota Statutes, Chapter 429. The designation and estimated total cost of such improvements is as follows:

<u>Project Designation</u>	<u>Estimated Cost</u>
Pinetree Pond East Third Addition, Highland Townhome and Klohn Addition	\$ 696,000
Hinton Heights First Addition	263,650
90th Street South, Islay Avenue South and Point Douglas Road	515,350

2. It is hereby found and determined that it is necessary and expedient for the City to issue and sell its Improvement Bonds in the principal amount of \$1,475,000 to finance the cost of said improvements, pursuant to Minnesota Statutes

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Chapter 429; and to obtain the best bid for said bonds at public sale, to sell and issue an additional \$25,000 principal amount of like bonds representing interest together with said bonds, pursuant to Minnesota Statutes, Section 475.56.

3. The City Administrator is hereby authorized and directed to cause the abbreviated notice of sale of the bonds presented to the Council on this date to be published once in the official newspaper of the City and in the Commercial West, published in Minneapolis, Minnesota, not less than 10 days prior to November 19. (See Exhibit A attached)

This Council shall meet at the City Hall on Wednesday, November 19, 1980 at 7:30 o'clock P.M., for the purpose of considering the bids received for the purchase of said bonds.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Denzer, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that Section 2.1(i) be amended to read that the operation of the home occupation shall begin no earlier than 6:00 A.M. and end no later than 10:00 P.M.; that Section 2.4 be deleted and the occupations stated in that section, namely barber and beauty shops, photo developing or processing, upholstering, carpentry work, printing shops, be added to Section 2.2 and that Section 28-18 be amended to delete the fee schedule as proposed and establish one fee of \$35.00 and that a grandfather clause be added that no fee be paid by existing businesses, made by Councilman Denzer. Motion failed for lack of second.

Motion that the proposed Ordinance for the City of Cottage Grove, Minnesota, Amending Chapter 28 of the City Code with Respect to Home Occupations, be tabled made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Staff was directed to review the ordinance as suggested for clarification and bring it back to the Council for further review, and also that an un-official Notice of Hearing be placed in the City Reporter advising residents of the time and place for the hearing on said ordinance.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-184

RESOLUTION VERIFYING CONSISTENCY OF WOODBURY COMPREHENSIVE PLAN
WITH COMPREHENSIVE PLAN OF COTTAGE GROVE

WHEREAS, the City of Woodbury has submitted their Comprehensive Plan to the City of Cottage Grove for review, and

WHEREAS, the Woodbury Plan has been reviewed by the City's Planning Department and Planning Commission, and found to be consistent with the proposed plans of the

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City of Cottage Grove with the exception of the functional classification of Tower Drive South of Military Avenue, now

THEREFORE, BE IT RESOLVED, that the City of Cottage Grove respectively requests the functional classification of Tower Drive South of Military Avenue be changed from a minor arterial to a collector street in order that the plans of both communities be consistent.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Denzer, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Mr. Conway Olson appeared before the Council and answered any questions regarding the proposed \$1,000,000 Umbrella Liability Insurance policy as recommended by the Administrator and also the Public Officials Liability policy.

The Council asked Mr. Olson to up-date the proposal and get a current premium figure. No further action taken.

Motion that the Council accept the recommendation of the City Attorney and Administrator that the City expunge from Mr. Alverson's work record the discharge for cause and reflect that his discharge be for medical reasons; and that the City would consider re-hiring Mr. Alverson for another position in the City if Mr. Alverson would qualify and desire the position, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

The Council discussed the construction of utilities in the proposed Klohn Subdivision. The Administrator advised the Council that he has been in contact with the adjoining propertyowners other than Klohn and advised them that it would not be put in if Mr. Klohn did not want it.

Council requested that this matter be continued for two weeks and that the Administrator contact the adjoining propertyowners for further clarification.

Motion that the Subdivision Agreement for Pinetree Pond East Third Addition between the Orrin E. Thompson Homes, Inc. and the City of Cottage Grove be approved and that the Mayor and City Clerk are hereby authorized to sign said agreement, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Subdivision Agreement for Pinetree Pond East Fourth and Fifth Additions between Orrin E. Thompson Homes, Inc. and the City of Cottage Grove be approved and that the Mayor and City Clerk are hereby authorized to sign said agreement, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Agreement between the Cities of Cottage Grove, St. Paul Park, Newport and the Town of Grey Cloud with regard to ambulance services be approved and that the Mayor and City Clerk are hereby authorized to sign said agreement,

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made by Councilman Hamnero. Seconded by Councilwoman Berndt. Motion failed, 1 aye, 3 nays. Mayor Peterson voting aye.

Motion that the Council approve the purchasing of one (1) Triplex Mower from the Cushman Motor Company at a cost of \$3,500.00; made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried viva voce.

The City Council took no action on the plans and specifications for the five (5) 1981 model police cars.

Motion that the Council approve the wiring for the proposed Ice Arena sign at a cost of \$1,050.00 from Park Grove Electric, made by Councilwoman Berndt. Seconded by Councilman Hamnero. Carried viva voce.

Motion that the Council approve Change Order No. 1 regarding the Woodridge Park entrance road and parking lot in the amount of \$1,966.10, made by Councilman Hamnero. Seconded by Councilwoman Berndt. Carried viva voce.

The Council discussed the proposed League of Minnesota Cities' building program. Council decided that this matter should be tabled until the next regular meeting.

Councilwoman Berndt introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-185

A RESOLUTION CANVASSING RETURNS OF VOTES CAST AT THE
SPECIAL CITY ELECTION HELD ON NOVEMBER 4, 1980

BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that the voting upon the question "Shall the City Council of Cottage Grove, be authorized to increase the levy limit by the sum of sixteen and 19/100 (\$16.19) Dollars per person for the purpose of increasing personnel and equipment in order to maintain an adequate level of service to the community?" submitted at the special City election held and for said City on the 4th day of November, 1980, has been in all respects, duly conducted pursuant to notice thereof, duly posted and the returns thereof have been canvassed by this Council in accordance with the law and it is hereby found and determined that the votes cast upon the questions submitted to the electors at said election were as follows:

QUESTION: "Shall the City Council of Cottage Grove be authorized to increase the levy limit by the sum of Sixteen and 19/100 (\$16.19) Dollars per person for the purpose of increasing personnel and equipment in order to maintain an adequate level of service to the community?"

<u>Election District</u>	<u>Votes YES</u>	<u>Votes NO</u>	<u>Spoiled or Blank Ballots</u>	<u>Total Votes</u>
No. 1	126	299	0	425
No. 2	280	432	0	712
No. 3	249	370	0	619

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<u>Election District</u>	<u>Votes YES</u>	<u>Votes NO</u>	<u>Spoiled or Blank Ballots</u>	<u>Total Votes</u>
No. 4	279	406	0	685
No. 5	248	369	0	617
No. 6	247	362	0	609
No. 7	424	488	0	912
No. 8	253	404	0	657
No. 9	378	499	0	877
No. 10	241	376	0	617
No. 11	403	461	0	864
Total	3,128	4,466	0	7,594

Whereupon said question is hereby declared failed.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilwoman Berndt, Councilman Denzer, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-186

A RESOLUTION AMENDING RESOLUTION NO. 80-166, A RESOLUTION APPROVING 1980 TAX LEVY, COLLECTIBLE IN 1981

WHEREAS, the Cottage Grove City Council adopted a resolution approving the 1980 tax levy collectible in 1981, and

WHEREBY, said levy was over and above the levy limitation allowed by State Law, and

WHEREAS, said over levy was based on the fact that an election was to be held on November 4, 1980 requesting the citizens of Cottage Grove to approve an increase in spending limits, and

WHEREAS, said increase in spending was voted down, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that Resolution No. 80-166 be amended as follows:

General Fund Levy	\$ 1,313,056.00
Ice Arena Fund	35,000.00
Youth Service Bureau	36,846.00
Bonded Indebtedness	246,700.00
Certificate of Indebtedness	14,600.00
	<hr/>
	\$ 1,646,202.00

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BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota, and

BE IT FURTHER RESOLVED, that this levy does not exceed the levy limitations as set forth in the Omnibus Tax Act of 1971.

Passed this 5th day of November, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hammero, and Councilwoman Berndt. The following voted against the same: Mayor Peterson. Whereupon said resolution was duly declared passed and adopted.

Motion that the bills as presented be allowed, made by Councilwoman Berndt. Seconded by Councilman Denzer. Motion carried viva voce.

Motion that Councilman Richard Hammero's name be submitted to the Association of Metropolitan Municipalities to serve as a member of the Transportation Advisory Board (TAB), made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the Council approve the request of the Cottage Grove Athletic Association to purchase of one (1) Porta-puck machine in the amount of \$1,404.00, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

Motion that the meeting be adjourned, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The meeting adjourned at 10:50 P.M.

Respectfully submitted,

Carl F. Meisner

Carl F. Meisner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 14 1980

John Anderson Howe
Secretary of State

433102

EXHIBIT A

NOTICE OF SALE

\$1,500,000 Improvement Bonds
City of Cottage Grove
Washington County, Minnesota

Handwritten: 433103
020

Bids for the purchase of \$1,500,000 Improvement Bonds of the City of Cottage Grove, Minnesota, will be received on Wednesday, November 19, 1980, until 7:30 o'clock P.M., Central Time, at the City Hall in the City of Cottage Grove, Minnesota, at which time they will be opened, read and tabulated for presentation to and consideration by the City Council. The bonds will be dated December 1, 1980, and will mature on March 1 in the following years and amounts:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1983	\$200,000	1988	\$ 75,000
1984	200,000	1989	100,000
1985	200,000	1990	100,000
1986	200,000	1991	100,000
1987	225,000	1992	100,000

Bonds maturing in 1992 will be subject to prior redemption on March 1, 1991, and any interest payment date thereafter, at par plus accrued interest. No rate of interest or the net effective average rate of the issue may exceed 12% per annum and rates must be in ascending order. Minimum bid is \$1,475,000. A legal opinion will be furnished by Dorsey, Windhorst, Hannaford, Whitney & Halladay, of Minneapolis and St. Paul, Minnesota. The bonds are being issued to finance local improvements.

BY ORDER OF THE CITY COUNCIL

Carl F. Meissner,
City Administrator

Further information may be obtained from and bids may be delivered to: EHLERS AND ASSOCIATES, INC., Financial Specialists, First National-Soo Line Concourse, 507 Marquette Avenue, Minneapolis, Minnesota 55402. Telephone: (612) 339-8291.