

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

AGENDA
January 25, 2012

- A. CALL TO ORDER:
- B. ROLL CALL: LINDSTROM ____ HARRIS ____ GOSLINE ____
LONG ____ MERCER-TAYLOR ____
FISCHER ____
- C. PRESENTATIONS:
- D. APPROVAL OF MINUTES: January 11, 2012
- E. PUBLIC HEARINGS:
 - 1. Andy Hovland, City Forester- 2012 Tree Update
- F. CONSENT AGENDA:
 - 1. General Disbursements through 1/19/2012: \$106,865.38
Payroll through 1/12/2012: \$11,898.13
 - 2. City License Renewal
 - 3. Amendment to Bylaws of Fire Department Relief Association
 - 4. Approve St. Croix Tree Service, Inc. as the 2012 Tree Trimming and Removal Contractor
 - 5. Approval to Accept the SPRWS Board of Water Commissioners Agreement Amendment
 - 6. Designated Signor for City Funds, Investments, and Transfers by City Administrator/City Clerk
 - 7. Designate Bart Fischer as City's "Responsible Authority" and "Data Practices Compliance Official."
- G. POLICY ITEMS:
 - 1.
- H. INFORMATION/ ANNOUNCEMENTS:
- I. COMMUNITY FORUM:
- J. ADJOURNMENT:

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

AGENDA
January 11, 2012

- A. CALL TO ORDER:
- B. ROLL CALL: LINDSTROM _X_ HARRIS _X_ GOSLINE _X_
LONG _X_ MERCER-TAYLOR _X_
TESSER _X_
- C. PRESENTATIONS: Mayor-elect Sworn in by John Lindstrom
Council members-elect Sworn in by Mayor Lindstrom
1. Oaths of Office by Mayor-elect Lindstrom and Council members-elect Long and Mercer-Taylor
- D. APPROVAL OF MINUTES: December 14, 2011, December 15, 2011 Approved
and December 22, 2011
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA: Motion Chuck Long Approval 5-0
1. General Disbursements through 1/4/2012: \$122,328.64
Payroll through 12/28/2011: \$33,588.85
2. City License Renewal
3. Resolution Designating Official Depositories
4. Review of Elected Officials Out-Of-State Travel Policy
5. Designation of Official Newspaper
6. Review and Adopt Council Standing Rules
7. Appointment of City Engineer
8. Appointment of City Attorneys
9. Appointment of City Auditor
10. Designation of 2012 Acting Mayor
11. Council Liaison Assignments
12. Lauderdale and Falcon Heights Recreation Program Agreement
13. Mileage Reimbursement Rate for 2012
14. Commission Appointment
- G. POLICY ITEMS:
1.
- H. INFORMATION/ ANNOUNCEMENTS:
- I. COMMUNITY FORUM:
- J. ADJOURNMENT: 7:30pm



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F1
Attachment	General Disbursements and Payroll
Submitted By	Roland Olson, Finance Director

Item	General Disbursements and Payroll
Description	General Disbursements through 1/19/2012: \$106,865.38 Payroll through 1/12/2012: \$11,898.13
Budget Impact	
Attachment(s)	General Disbursements and Payroll
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

PACKET: 00644 JAN. 9, 2012

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----				GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION	
=====							
01-00250	AMERIPRIDE SERVICES						
I-1001043857		LINEN SERVICES		39.14			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		LINEN SERVICES			101 4124-82011-000	LINEN CLEANING	39.14
		=== VENDOR TOTALS ===		39.14			
=====							
01-00892	BEARCOM						
I-4083616		BATTERY PACKS AND RADIOS		717.76			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		BATTERY PACKS AND RADIOS			101 20200-000	ACCOUNTS PAYABLE	717.76
		=== VENDOR TOTALS ===		717.76			
=====							
01-03101	CAPITOL CITY REGION 1						
I-11/19/5327		2012 MEMBERSHIP DUES		50.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		2012 MEMBERSHIP DUES			101 4124-86110-000	MEMBERSHIPS	50.00
		=== VENDOR TOTALS ===		50.00			
=====							
01-06290	CITY OF ROSEVILLE						
I-0215680		PHONE AND IT SERVICES		1,620.59			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		JAN. 2012 PHONE SERVICES			101 4116-85010-000	TELEPHONE	354.09
		JAN 2012 IT SERVICES			101 4116-85070-000	TECHNICAL SUPPORT	1,266.50
		=== VENDOR TOTALS ===		1,620.59			
=====							
01-05115	GOPHER STATE ONE CALL						
I-29076		LOCATES- DECEMBER 2011		33.35			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		LOCATES- DECEMBER 2011			601 20200-000	ACCOUNTS PAYABLE	33.35
		=== VENDOR TOTALS ===		33.35			
=====							
01-05243	HINRICHS,RICH						
I-201201093242		TRAINING SUPPLIES FOR ROOFS		141.19			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012			1099: N		
		TRAINING SUPPLIES FOR ROOFS			101 4124-70100-000	SUPPLIES	141.19
		=== VENDOR TOTALS ===		141.19			

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DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05423	KARA BONILLA					
I-201201093245		REFUND FOR REC CLASS	66.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		REFUND FOR REC CLASS		201 4201-89000-000	MISCELLANEOUS	66.00
		=== VENDOR TOTALS ===	66.00			
=====						
01-05500	LEAGUE OF MINNESOTA HUMAN RIGH					
I-201201093243		2012 MEMBERSHIP DUES	55.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		2012 MEMBERSHIP DUES		101 4111-86140-000	COMMISSIONS/MEMBERSHIPS/	55.00
		=== VENDOR TOTALS ===	55.00			
=====						
01-05178	LUTHER-NORTH COUNTRY					
I-219607		F-350 PARTS	310.30			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		F-350 PARTS		101 4132-87000-000	REPAIR EQUIPMENT	310.30
		=== VENDOR TOTALS ===	310.30			
=====						
01-05514	METRO CITIES					
I-432		2012 MEMBERSHIP DUES	2,485.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		2012 MEMBERSHIP DUES		101 4111-86140-000	COMMISSIONS/MEMBERSHIPS/	2,485.00
		=== VENDOR TOTALS ===	2,485.00			
=====						
01-05735	MN CITY/COUNTY MANAGEMENT					
I-201201093247		MEMBERSHIP DUES- MICHELLE	100.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		MEMBERSHIP DUES- MICHELLE		101 4112-86100-000	CONFERENCES/EDUCATION/AS	100.00
		=== VENDOR TOTALS ===	100.00			
=====						
01-05742	MINNESOTA CONWAY					
I-33293		FIRE EXTINGUISHER INSPECTION	287.26			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		FIRE EXTINGUISHER INSPECTION		101 20200-000	ACCOUNTS PAYABLE	287.26
		=== VENDOR TOTALS ===	287.26			

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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05792	MRPA					
I-201201093246		SEMINAR-MICHELLE	59.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		SEMINAR-MICHELLE		201 4201-86100-000	CONFERENCES/EDUCATION	59.00
		=== VENDOR TOTALS ===	59.00			
=====						
01-05994	NORTHWEST YOUTH & FAMILY					
I-201201093244		COOPERATIVE SERVICE	8,471.00			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		COOPERATIVE SERVICE		101 4111-86500-000	COOPERATIVE SERVICE	8,471.00
		=== VENDOR TOTALS ===	8,471.00			
=====						
01-06185	RAMSEY COUNTY					
I-PUBW-011583		DEC. 2011 SNOWPLOWING AND SAL	1,853.32			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		DEC. 2011 SNOWPLOWING AND SALT		101 20200-000	ACCOUNTS PAYABLE	1,853.32
I-RISK-001470		JAN. 2012 INSURANCE	892.98			
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N		
		JAN. 2012 INSURANCE		101 4112-89000-000	MISCELLANEOUS	892.98
		=== VENDOR TOTALS ===	2,746.30			
		=== PACKET TOTALS ===	17,181.89			

PACKET: 00646 JAN. 9, 2012 (2)

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DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00255		AMERICAN OFFICE PRODUCTS				

I-123103		COPIER PAPER	85.68			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		COPIER PAPER		101 20200-000	ACCOUNTS PAYABLE	85.68
		=== VENDOR TOTALS ===	85.68			
=====						
01-00292		AVENET, LLC				

I-29927		WEBSITE- GOV OFFICE	1,125.00			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		WEBSITE- GOV OFFICE		101 4116-85060-000	WEB SITE	1,125.00
		=== VENDOR TOTALS ===	1,125.00			
=====						
01-03001		CAMPBELL KNUTSON				

I-201201113250		DECEMBER LEGAL SERVICES	370.50			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		DECEMBER LEGAL SERVICES		101 20200-000	ACCOUNTS PAYABLE	370.50
		=== VENDOR TOTALS ===	370.50			
=====						
01-03089		CASH				

I-201201113253		TRUCKS AND MAIL	83.78			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		TRUCK LICENSE BUREAU		101 4132-70120-000	SUPPLIES	28.75
		CERTIFIED MAIL/ RETURN REQUEST		101 4112-70500-000	POSTAGE	7.03
		TABS FOR TRUCKS		101 4132-70120-000	SUPPLIES	48.00
		=== VENDOR TOTALS ===	83.78			
=====						
01-03110		CENTURY LINK				

I-201201113252		LANDLINES	113.20			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		LANDLINE- CURTISS FIELD		101 4141-85011-000	TELEPHONE - LANDLINE	54.44
		PHONE- CURTISS FIELD		601 4601-85011-000	TELEPHONE - LANDLINE	58.76
		=== VENDOR TOTALS ===	113.20			

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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-03123 CINTAS CORPORATION #470

I-470748980		SHOP TOWELS/ TOILET PAPER	90.33			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		SHOP TOWELS/ TOILET PAPER		101 20200-000	ACCOUNTS PAYABLE	90.33
=== VENDOR TOTALS ===			90.33			

01-03117 CITY OF LITTLE CANADA

I-201201093248		SEP -DEC. BUILDING INSPECTION	23,818.84		VOIDED DOUBLE POSTING	
1/09/2012	APBNK	DUE: 1/09/2012 DISC: 1/09/2012		1099: N	REPOSTED PAYABLE RUN DATED 1/17/2012	
		SEP.-DEC. BUILDING INSPECTION		101 4117-81210-000	BUILDING INSPECTORS	23,818.84
I-201201113249		BUILDING INSPEC./ MECH PERMIT	23,818.84			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		BUILDING INSPEC./ MECH PERMIT		101 20200-000	ACCOUNTS PAYABLE	23,818.84
=== VENDOR TOTALS ===			47,637.68			

01-03300 DISCOUNT STEEL, INC

I-01743534		STEEL FOR SHOP PROJECTS	135.15			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		STEEL FOR SHOP PROJECTS		101 4131-70110-000	SUPPLIES	135.15
=== VENDOR TOTALS ===			135.15			

01-04000 EHLERS AND ASSOCIATES

I-344059		DEVELOPER PAYMENTS/ COUNCIL	712.50			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		COUNCIL MEETING EXPENSES		412 20200-000	ACCOUNTS PAYABLE	380.00
		CALCULATE DEVELOPER PAYMENTS		414 20200-000	ACCOUNTS PAYABLE	332.50
=== VENDOR TOTALS ===			712.50			

01-05536 LINN BUILDING MAINTENANCE

I-21680		GERNERAL CLEANING FOR JANUARY	180.62			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		GERNERAL CLEANING FOR JANUARY		101 4131-87010-000	CITY HALL MAINTENANCE	180.62
=== VENDOR TOTALS ===			180.62			

PACKET: 00646 JAN. 9, 2012 (2)

VENDOR SET: 01 City of Falcon Heights

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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05665	METROPOLITAN COUNCIL					

I-0000978910		FEB 2012 SS	32,518.75			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		FEB 2012 SS		601 4601-85060-000	METRO SEWER CHARGES	32,518.75
=== VENDOR TOTALS ===			32,518.75			
=====						
01-05760	MINNESOTA GFOA					

I-201201113254		2012 MEMBERSHIP	60.00			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		2012 MEMBERSHIP		101 4113-86100-000	CONFERENCES/EDUCATION/AS	60.00
=== VENDOR TOTALS ===			60.00			
=====						
01-06024	ON-SITE SANITATION					

I-A-445615		MONTHLY RENTALS	111.16			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		MONTHLY RENTALS		601 20200-000	ACCOUNTS PAYABLE	111.16
=== VENDOR TOTALS ===			111.16			
=====						
01-06065	OXYGEN SERVICE COMPANY					

I-03184700		COMPRESSED AIR	62.76			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		COMPRESSED AIR		101 20200-000	ACCOUNTS PAYABLE	62.76
=== VENDOR TOTALS ===			62.76			
=====						
01-00935	ST PAUL REGIONAL WATER SERVICE					

I-201201113251		AUTOMATIC FIRE SUPPLY CHARGE	213.51			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		AUTOMATIC FIRE SUPPLY CHARGE		101 4131-85040-000	WATER	106.63
		AUTOMATIC FIRE SUPPLY CHARGE		101 4141-85040-000	WATER	106.88
=== VENDOR TOTALS ===			213.51			
=====						
01-05870	XCEL ENERGY					

I-201201113255		GAS/ELECTRIC/STREET LIGHTING	3,969.56			
1/11/2012	APBNK	DUE: 1/11/2012 DISC: 1/11/2012		1099: N		
		STREET LIGHTING		209 20200-000	ACCOUNTS PAYABLE	2,327.38
		GAS/ELECTRIC		101 20200-000	ACCOUNTS PAYABLE	1,642.18
=== VENDOR TOTALS ===			3,969.56			
=== PACKET TOTALS ===			87,470.18			
			<u>-47,637.68</u>			
			39,832.50			

PACKET: 00650 Jan 17 payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01 00255		AMERICAN OFFICE PRODUCTS				

I-122980		PAPER/3HOLE PUNCH/PENS/SCISSO	227.90			
1/17/2012	APBNK	DUE: 1/17/2012 DISC: 1/17/2012		1099: N		
		PAPER/3HOLE PUNCH/PENS/SCISSOR		101 20200-000	ACCOUNTS PAYABLE	227.90
		=== VENDOR TOTALS ===	227.90			

=====						
01-03117		CITY OF LITTLE CANADA				

I-201201173260		SEP-DEC BLDG INSPECT & MECHAN	23,818.84			
1/17/2012	APBNK	DUE: 1/17/2012 DISC: 1/17/2012		1099: N		
		SEPT - DEC BLDG INSPECTOR		101 20200-000	ACCOUNTS PAYABLE	18,431.84
		MECHANICAL INSPECTIONS		101 20200-000	ACCOUNTS PAYABLE	5,387.00
		=== VENDOR TOTALS ===	23,818.84			
		=== PACKET TOTALS ===	24,046.74			

Federal Withholding	7,866.00
State Withholding	1,182.67
PERA	2,219.87
ICMA	10,505.00
	<u>45,820.28</u>

PACKET: 00652 JAN 19TH PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-06202		ROOF SPEC INC				

I-70735		ROOF REPAIR DESIGNS SVCS	3,500.00			
1/19/2012	APBNK	DUE: 1/19/2012 DISC: 1/19/2012		1099: N		
		ROOF REPAIR DESIGNS SVCS		403 20200-000	ACCOUNTS PAYABLE	3,500.00
		=== VENDOR TOTALS ===	3,500.00			
=====						
01-06301		SAMS CLUB DISCOVER CARD				

I-201201193263		FILE CABINENT	71.18			
1/19/2012	APBNK	MANUAL CK# 787840 1/18/2012		1099: N		
		FILE CABINENT		101 20200-000	ACCOUNTS PAYABLE	71.18
		=== VENDOR TOTALS ===	71.18			
=====						
01-06525		SUBURBAN ACE HARDWARE				

I-201201193262		EQUIP PARTS/WORK BENCH PARTS/	177.81			
1/19/2012	APBNK	MANUAL CK# 787830 1/18/2012		1099: N		
		EQUIP PARTS/WORK BENCH PARTS/L		101 20200-000	ACCOUNTS PAYABLE	177.81
		=== VENDOR TOTALS ===	177.81			
=====						
01-05870		XCEL ENERGY				

I-201201193261		ELECT	281.72			
1/19/2012	APBNK	DUE: 1/19/2012 DISC: 1/19/2012		1099: N		
		ELECT		209 20200-000	ACCOUNTS PAYABLE	281.72
		=== VENDOR TOTALS ===	281.72			
		=== PACKET TOTALS ===	4,030.71			

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0034	KURHAJETZ, CLEMENT	R	1/12/2012	183.50	078726
0040	ANDERSON, KEVIN	R	1/12/2012	44.95	078727
0095	POESCHL, MICHAEL J	R	1/12/2012	65.71	078728
0097	GAFFNEY, PATRICK	R	1/12/2012	69.84	078729
0101	HUFF, DALE E	R	1/12/2012	50.17	078730
0119	WICK, JEFFREY M	R	1/12/2012	26.36	078731
0120	HAWTHORNE, ROCHELLE L	R	1/12/2012	81.65	078732
0123	SULLIVAN, BRYAN R	R	1/12/2012	115.45	078733
0124	KRUSE, MICHAEL D	R	1/12/2012	53.90	078734
0125	MILLER, RACHEL L	R	1/12/2012	27.54	078735
0126	SMITH, BENJAMIN J	R	1/12/2012	27.54	078736
0127	PONTRELLI, MITCHELL E	R	1/12/2012	76.33	078737
0128	ROSENBERG, NICHOLAS M	R	1/12/2012	81.65	078738
0172	ARCAND, MICHAEL W	R	1/12/2012	140.42	078739
1145	SCARDIGLI, ANTHONY N	R	1/12/2012	628.35	078740

***** DIRECT DEPOSIT LIST *****

PAY PERIOD ENDING 1/15/2012
 DIRECT DEPOSIT EFFECTIVE DATE 1/12/2012

EMP #	NAME	AMOUNT
01-1010	MICHELLE C TESSER	1,471.15
01-1012	JESSICA A ANDERSON	406.66
01-1136	ROLAND O OLSON	1,993.65
01-1038	DEBORAH K JONES	1,674.53
01-0085	DANIEL S JOHNSON-POWERS	45.58
01-0086	RICHARD H HINRICHS	79.28
01-0087	MICHAEL A MCKAY	69.84
01-0105	ANTON M FEHRENBACH	64.73
01-0106	SCOTT A TESCH	60.59
01-1030	TIMOTHY J PITTMAN	1,815.12
01-1033	DAVE TRETSVEN	1,477.37
01-1143	COLIN B CALLAHAN	1,066.27

TOTAL PRINTED: 12 10,224.77

*** REGISTER TOTALS ***

REGULAR CHECKS:	15	1,673.36
DIRECT DEPOSIT REGULAR CHECKS:	12	10,224.77
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		

TOTAL CHECKS:	27	11,898.13

*** NO ERRORS FOUND ***



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F2
Attachment	
Submitted By	Michelle Tesser, Assistant to the City Administrator

Item	City License Applications
Description	<p>The following individuals have applied for a <u>Municipal License</u> for 2012. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. TIES 2. <p>The following individuals have applied for a <u>Mechanical License</u> for 2012. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Krinkie's One Hour Heating & Air Conditioning 2. Team Mechanical, Inc. 3. Rush Point Plumbing, LLC 4. South Town Refrigeration 5. Reibel Heating and Air Conditioning Inc. 6. Air Mechanical, Inc. 7. Centerpoint Energy Resource Corp (dba Centerpoint Energy Minnesota Gas) 8. St. Paul Plumbing and Heating <p>The following individuals have applied for a <u>Massage Therapist License</u> for 2012. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Ruth Atherly
Budget Impact	
Attachment(s)	N/A
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the 2012 City License Applications



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F3
Attachment	Bylaws of Falcon Heights Fire Department Relief Association
Submitted By	Michelle Tesser, Interim City Administrator

Item	Approve Amendment to Bylaws of Fire Department Relief Association
Description	<p>The Fire Relief Association recently approved a language amendment at their January business meeting.</p> <p>Article IV - Meetings and Elections of Officers.</p> <p>Original: Section 4.2 Regular Membership Meetings. The regular monthly meeting shall be held on the first Tuesday of every other month.</p> <p>Revision: Section 4.2 Regular Membership Meetings. The regular business meeting shall be held on the first Tuesday of the first month of each quarter.</p>
Budget Impact	
Attachment(s)	Bylaws of Falcon Heights Fire Department Relief Association
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the amendment to the Fire Department Relief Association bylaws.

Bylaws of
Falcon Heights Fire
Department Relief Association

Date of Restatement: November 22, 2011
~~February 2, 2010~~

Revision Record

Sections Revised	Date	Submitted By
Added Revision section	12/13/2005	Gaffney
Added Section 13.2.1	12/13/05	Gaffney
Changed section 8.5, added Secretary	12/13/05	Gaffney
Changed section 2.5.2, five years to two years	12/13/05	Gaffney
Changed all 10 years to 5 years, referencing vesting period	12/13/05	Gaffney
Removed "Restatement" from title	12/13/05	Gaffney
Removed section 2.4	12/7/06	Johnson-Powers
Section 2.5 (now 2.4) combined subsections one and two, removing the distinction between vested and non-vested members and changing the deadline from 2 to 5 years	12/7/06	Johnson-Powers
Section 2.11 (now 2.10) Deleted the last sentence which called for prorating pensions based on partial years served.	12/7/06	Johnson-Powers
Changed date in title to December 6, 2006	12/7/06	Gaffney
Updated section 2.6 and 9.4	9/1/07	Johnson-Powers

Added section 6.4	02/02/2010	Huff
Changed Section 2.2.1, 2.2.2 and 2.2.3, Removed 2.2.4	02/02/2010	Huff
Changed Section 2.4	02/02/2010	Huff
Removed Section 2.7	02/02/2010	Huff
Changed Section 2.8	02/02/2010	Huff
Changed Section 13.1, 13.2, 13.3 Old Section 13.3 removed, replaced with old section 13.4	02/02/2010	Huff
Added Article 17	02/02/2010	Huff
<u>Changed Section 4.2</u>	<u>11/22/2011</u>	<u>S. Tesch</u>

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Article I – Name, Location and Purpose

Section 1.1. Name. The Name of this Association shall be Falcon Heights Fire Department Relief Association.

Section 1.2. Location. The registered office of this Association shall be located at 2077 West Larpenteur Avenue, Falcon Heights, MN 55113.

Section. 1.3. Purpose. This instrument constitutes the Bylaws of the Falcon Heights Fire Department, adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written pension plan for the relief association. The Association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting. The objectives of the plan shall be to provide service pensions and ancillary benefits to members and dependants of the Falcon Heights Fire Department, hereinafter "Fire Department". All benefits issued by this association shall be governed by these bylaws and federal and state laws.

Article II – Definitions and Active Services Provisions

In these Bylaws, unless otherwise provided, the following terms shall have the following meanings, for purpose of active service provisions, the provision shall be interpreted as a definition and as a plan operational requirement.

Section 2.1. Active Service. The active performance of fire suppression duties or the supervision of fire suppression duties. The performance of suppression or supervision of fire suppression duties includes meeting the requirements of Fire Department Standard Operating Procedures and call attendance requirements contained therein. Annually, the fire chief shall submit a written certification to the board of trustees that shall certify members' active service. Such certification shall be required to be submitted for approval by the board of trustees, by January 30 of each year.

Section 2.2. Beneficiary. Pursuant to Minn. Stat. §424A.05, the beneficiary under this plan, that is entitled to receive a benefit following the death of an active, disabled, deferred or early vested member. The benefit shall be paid to the following persons, in the following succession:

1. To the Surviving Spouse and surviving child or children, in equal shares, or if there are no Surviving Spouse or children
2. To the beneficiary (which may be a trust created under Minn. Stat. Chapter 501B, if the survivor benefit will be distributed as a one-time lump sum payment) identified in writing, on forms supplied by the Secretary, and if no beneficiary is identified.

3. To the estate, as a death benefit.”

Comment [C1]: Amended to use terminology in 424A.05, Subd. 3

Section 2.3. Board of Trustees. The Board of Trustees of the Association as specified under Minn. Stat. §424A.04. There shall be three ex-officio members. The three ex officio trustees shall be the mayor, the city finance director, and the chief of the municipal fire department.

Section 2.4. Forfeiture. Forfeiture shall be defined as the portion of a member’s account balance that is forfeited for any reason.

1. If a member who is not 100% vested in his or her account balance separates from Active Service, the member shall forfeit the non-vested portion of his or her account balance when the member receives a distribution of the vested portion of his or her account balance unless, prior to such date, the member rejoins the Fire Department. The member’s forfeited share shall be allocated among the active members pursuant to Minn. Stat. Section 424A.016 and Section 9.5 of these Bylaws for the Plan Year in which the Forfeiture occurs.
2. A member who separates from Active Service and later rejoins the Fire Department may again become an active member by applying for membership in accordance with Section 3.1. The following rules shall apply to a member who is accepted for membership following a break in Active Service:
 - (a) If the member rejoins the Fire Department prior to receiving a distribution from the member’s account, the member’s years of Active Service shall include the member’s years of Active Service before and after the break in service.
 - (b) If the member rejoins the Fire Department after receiving a distribution from the member’s account:
 - (1) the non-vested portion of the member’s account shall not be reinstated; and
 - (2) the member’s years of Active Service before the break in service shall not be included in determining the vested portion of the member’s account that is attributable to the member’s years of Active Service.”

Section 2.5. Fiduciary Responsibility. In the discharge of their respective duties, the officers and trustees shall be held to the standard of care specified in section 11A.09. In addition, the trustees shall act in accordance with chapter 356A. Each member of the board is a fiduciary and shall undertake all fiduciary activities in accordance with the standard of care of section 11A.09, and in a manner consistent with chapter 356A. No trustee of the Association shall cause the relief association to engage in a transaction, if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions.

Comment [C2]: Amended to use language in 424A.04, Subd. 2a.3

1. sale or exchange or leasing of any real property between the relief association and a board member;
2. lending of money or other extension of credit between the relief association and a board member or member of the relief association;
3. furnishing of goods, services, or facilities between the relief association and a board member; or
4. transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.

Section 2.6. Length of Service. For purposes of computing benefits or service pensions payable, a year of service shall be defined as a period of 12 complete months of active service, which need not be consecutive, on the Fire Department. No volunteer shall be given credit for a year of service unless that volunteer shall have completed an entire and complete year as an active volunteer member in good standing with the Fire Department. No volunteer shall be given credit for service during any periods of disability, medical leave, suspensions or department approved leaves of absence without specific and prior approval by the board of trustees. No portions or parts of years may be considered in determining the length of service for purposes of determining eligibility for benefits or amounts of benefits. Thus leaves of absence will affect total length of service in years but not necessarily the member's annual certification of service.

Section 2.7. Blank - Removed

Section 2.8. Surviving spouse. The term 'surviving spouse' means the spouse of a deceased member who was legally married to the member at the time of death."

Section 2.9. Trustees. The individuals designated as such by Minn. Stat. §424A.04 and by virtue of elected office, those that qualify as the ex-officio trustee.

Section 2.10. Year of Active Service. For purposes of computing benefits, service pensions payable or calculating vesting requirements, a year of service shall be defined as a period of 12 full months of active service in the Fire Department.

Section 2.11. Domestic Relations Order. Any judgment, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minn. Stat. §§518.58, 518.581, or 518.611.

Section 2.12. Account. The record of the amounts credited to an individual under the plan, including amounts transferred from the defined benefit pension plan, plus contributions, forfeitures and investment income allocated under the plan.

Section 2.13. Accounting date. December 31.

Section 2.14. Contribution. The additions to the special fund from fire state aid and/or municipal contribution.

Section 2.15. Plan Year. The twelve month period commencing on January 1 and ending December 31.

Section 2.16. Valuation. A determination made by an investment manager, C.P.A., actuary or other professional as designated by the board. A valuation shall include a calculation that determines the fair market value of the total assets. The fair market value shall be determined based on the value at which the investments could be sold on an open market. The board of trustees will determine the market value of any assets for which there is no readily determinable market value, upon consultation with the same designated professional. Where appropriate, the board of trustees shall have the discretion to use an independent appraiser to value the investments. The determination as to fair market value of investments shall not include selling those investments merely to determine their saleable value, and any transaction that shall result in churning of the account or other fraudulent activity, in order to conduct the valuation is prohibited. The professional shall not sell assets during the valuation process unless specifically directed to do so by the board. This definition also applies to the process of revaluing members' accounts and any other appropriate sections of these bylaws or activities of the board where assets or members' accounts are "valued".

Article III – Membership

Section 3.1. Eligibility for membership. All active members of the Falcon Heights Fire Department including probationary members except members of the PERA Police and Fire Fund who are eligible for regular salary or overtime salary during volunteer activity are eligible for membership in the Falcon Heights Fire Department Relief Association. Application for membership shall be made in writing on a form supplied by the Secretary of the Relief Association. The application shall be reviewed for compliance with state statutory and plan requirements. If approved, the applicant shall be entered on the membership rolls

Section 3.2. Classes of Membership. Members of this Association shall be classified in to three categories; active, deferred and disabled.

1. Active members are those that have not been suspended or expelled from this Association.
2. Deferred members shall be those former members who have retired from the Falcon Heights Fire Department and who have had an active period or periods of service in the Falcon Heights Fire Department for 5 years, but who have not reached the age of 50, or receive payment for the service pension from their account.
3. Disabled Members are those former members that have been permanently disabled due to injury or sickness while an active member and are no longer in active service with the Falcon Heights Fire Department.

Section 3.3. Expulsion. Any member may be expelled from this Relief Association for cause by a two-thirds (2/3) vote of all members present at a regular or special meeting of the general membership. Cause for expulsion includes but is not limited to, failure to account for money belonging to the Association or feigning illness or injury for the purpose of defrauding the Association. The member shall have a right to a hearing before a quorum of the Board of Trustees. Written notice via registered mail will be sent to the individual at least 15 days prior to the hearing.

Article IV – Meetings and Elections of Officers

Section 4.1. Annual Meeting of the Members. The annual meeting of the Association, for election of Association officers and two (2) Board Trustees shall be held on the first Tuesday in January each year. Written notice of the annual meeting shall be given to all members at least 7 days in advance. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

Section 4.2. Regular Membership Meetings. ~~The regular business meeting shall be held on the first Tuesday of the first month of each quarter. The regular monthly meeting shall be held on the first Tuesday of every other month.~~

Section 4.3. Special meetings. Special meetings may be called by the President and Secretary in cases of emergency. Notice of all special meetings shall be given to all members and the object of the meeting stated in such notice.

Section 4.4. Order of Business. At meetings, the order of business of the Association shall be:

1. Call to order
2. Reading of minutes
3. Report of the Treasurer
4. Unfinished business
5. New Business
6. Proposed Memberships
7. Reports of Special Committees
8. Reading of Reports and Minutes of Board of Trustees
9. Election of officers or trustees (annual meeting)

Section 4.5 . Quorum at Membership Meetings. A majority of all active members in good standing of the Association constitute quorums of the transaction of business at annual, regular, and special meetings.

Section 4.6. Quorum at Board of Trustee Meetings. A majority of members of the Board of Trustees shall constitute a quorum for the transaction of business at meetings.

Section 4.7. Location of Board Meetings. A meeting of the Board of Trustees shall be held at the registered office of the Association in the City of Falcon Heights unless noticed of another place within the state as designated by the Board.

Section 4.8. Notice. Subject to waiver, a notice of every meeting shall be sent or delivered by the Secretary to each trustee including ex-officio trustees, at least five (5), but not more than thirty (30) days, before the meeting, excluding the date of the meeting. Such notice shall set forth the date, time, place, and in case of a special meeting, the purpose.

Section 4.9. Open Meeting Law. The association is governed by Minn. Stat. §13D.01 which requires that all meetings of the association be open to the public with rare exceptions. All notices provided for by this association shall comply with Minn. Stat. §13D.04 which requires at a minimum that:

1. A schedule of regular meetings be kept on file at the association offices and,
2. For special meetings, a notice will be placed on the door of the meeting room, as the association has no principal location and no bulletin board in which to alert the public.

Article V – Officers

Section 5.1. President. It shall be the duty of the President to attend and preside at all meeting of this Association and the Board of Trustees. The President shall enforce the due observance of Minnesota State Statutes, the Articles of Incorporation and the Bylaws and see that officers properly perform the duties assigned to them. The president shall sign all checks issued by the Treasurer and all other papers requiring the President's signature. The President shall be a member of all committees and shall exercise careful supervision over the affairs of the Association. The President shall have other duties as assigned from time to time by the Board of Trustees.

Section 5.2. Vice-President. It shall be the duty of the Vice-President to perform the duties of the President in the President's absence. In the absence of both, it shall be the duty of the Association to appoint a President Pro-tempore, who shall perform the duties incident to the office. The Vice President shall have other duties as assigned from time to time by the President or Board of Trustees.

Section 5.3. Secretary. It shall be the duty of the Secretary to keep a true and accurate record of the proceedings of all meetings of the Association and the board of trustees. The Secretary shall keep a correct record of all amendments, alternations and additions to the Constitution, Bylaws, or order of business in a separate book from the minutes of the Association. The Secretary shall cause a due notice of all special meetings of the Association and Board of Trustees. The Secretary shall keep a roll of membership, with date of joining, resignation, discharge, name of beneficiary in case of death, assessments paid and relief furnished. The Secretary shall, prior to entering upon the duties of office, give a bond in such sum and with such securities as may be required and approved by the Board of Trustees, conditioned upon the faithful discharge of the trusts and full performance of the duties of the office. The Secretary shall approve all checks issued by the Treasurer. The Secretary shall receive such salary as the Board of Trustees shall from time to time fix, subject to the approval of the Association. The Secretary shall prepare all paperwork and obtain required signatures for relief benefits due to the membership and insure benefits are distributed to appropriate parties. The Secretary shall receive all monies due to the Association and pay the same over to the Treasurer, taking a receipt of the same, and failing to do so the Secretary may be impeached and expelled from the Association. The books of the Secretary shall be at all times open to inspection by the Board of Trustees. The Secretary shall prepare and process all correspondence as needed. The Secretary shall sign all orders for payment issued to the Treasurer, and jointly with the Treasurer prepare and file all reports and statements required by laws. The Secretary shall have other duties as assigned from time to time by the Board of Trustees.

Section 5.4. Treasurer. It shall be the duty of the Treasurer to receive all monies belonging to the Association and to hold them subject to the order of the President and countersigned by the Secretary and no others. The Treasurer shall keep separate and

distinct accounts of all General and Special funds, and shall prepare and present to the Board of Trustees a full and detailed statement of the assets and liabilities of each fund and separately at each annual meeting of the Board of Trustees. The Treasurer shall deliver to the successor in office, or any committee appointed by the Board of Trustees to receive the same, all monies, books, papers, etc., pertaining to the office immediately upon the expiration of term of office. Failing in his/her obligations, he/she may be impeached and expelled from the Association. The Treasurer shall, prior to entering upon the duties of office, give a bond in the sum and with such securities as may be required and approved by the City Council conditioned upon the faithful discharge of the trusts and full performance of the duties of the office. The amount of the bond will be equal to at least ten percent (10%) of the assets of the Association; however, the amount of the bond need not exceed \$500,000.00. Jointly with the Secretary, the Treasurer shall prepare and file all reports and statements required by law. The treasurer shall receive such a salary as the Board of Trustees shall from time to time fix subject to the approval of the Association. The Treasurer shall have other duties as assigned from time to time by the Board of Trustees.

Article VI – Board of Trustees

Section 6.1. The Board of Trustees shall consist of six (6) members elected by the membership - President, Vice President, Secretary, Treasurer, and two (2) Trustees -and three (3) ex-officio members consisting of the Fire Department Chief, Mayor and Finance Director.

Section 6.2. Two Board members shall be elected for one (1) year terms at each annual meeting of the Association. A vacancy on the Board may be filled by the remaining Board members at any regular, or special meeting, shall hold office only until the next special or annual meeting of the Association membership when the successor shall be elected by the membership for the remainder of the term.

Section 6.3. Compensation. As compensation for services to the Association by the President, Secretary and Treasurer, the membership may at the Annual Association meeting authorize payment of an aggregate salary expense payable from the Special Fund to these officers. The Board shall then apportion that aggregate authorized amount to reflect the services respectively rendered by those officers during the prior year. All other Board members can receive a nominal fixed payment from the General Fund for each Board meeting attended. The amount shall be recommend by the Board to the membership and approved by the membership at their Annual Association meeting. Administrative expenses incurred by the Board members in fulfilling their administrative responsibilities shall be paid from the Special Fund.

Section 6.4 Resolved that the Association shall indemnify any person who is a member of the Board of Trustees of the association in accordance with, and to the maximum extent permitted by, the provisions of Minnesota Statutes 356A.11. In consideration of such right of indemnification, the Association shall have the right to appoint counsel of its choosing in any action brought against any such person, to protect the interests of the Association.

Article VII – Investments

Section 7.1. Prudent Person. The Board of Trustees shall discharge their duties in good faith and with that diligence and care which an ordinarily prudent person would exercise under similar circumstances.

Section 7.2. Investment Duties. It shall be the duty of the Board of Trustees to prepare modes and plans for the safe and profitable investment of the unappropriated funds of the Association and whenever investments are made, to investigate and pass upon the securities offered and to attend to the drawing and execution of necessary papers. The Board shall order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the members at the annual meeting. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, the bylaws, and the investment policy attached hereto. The Board of Trustees shall meet with the Investment Committee. The members of the Board shall act as Trustees with a fiduciary obligation to the State of Minnesota, to the City of Falcon Heights and the members of the Association.

Section 7.3. Investment Committee. The Board of Trustees may designate two or more Association members to sit on an investment committee. The treasurer, the president and an ex-officio member shall sit on the committee. The investment committee shall investigate and make recommendations to the Board of suitable investments for Association funds among those permitted by Statute, the bylaws and the investment policy attached hereto.

Section 7.4. Brokers' Certification. The board of trustees shall comply with Minn. Stat. §356A.06, Subd. 8b that requires the relief association to provide annually to any brokers, a written statement of investment restrictions pursuant to statute or the investment policy that apply to the special fund. Upon receipt of the written statement of investment restrictions, each broker handling investments of the Association shall acknowledge, in writing annually the receipt of the investment restrictions. The acknowledgment shall contain a statement of the broker's agreement to handle the Association's investments pursuant to the written restrictions.

Section 7.5. Consultant Certificate of Insurance. Before employing or contracting with a consultant, the secretary of the relief association must obtain a copy of the consultant's certificate of insurance. A consultant is an individual or firm providing legal or financial advice, including an actuary; attorney; accountant; investment advisor, manager, counselor, or investment manager selection consultant; pension benefit design advisor or consultant; or any other financial consultant.

Comment [C3]: Amended to reflect 2009 amendment to §424A.04, Subd. 3

Section 7.6. Continuing Education Plan. The board of trustees shall develop and periodically revise a plan for continuing education for all members and officers of the board of trustees in order to ensure that trustees keep abreast of their fiduciary responsibilities as required by Minn. Stat. §356A.13.

Article VIII - Funds

Section 8.1. Funds. All monies received from the Association shall be kept in two separate funds as follows:

Section 8.2. General Fund. The funds received by the Association from dues, fines, initiation fees and entertainment shall be kept in the general fund and may be disbursed upon a majority vote of the members of the Board of Trustees for any purpose reasonably suited to promote the welfare of the Association and its members.

Section 8.3. Special Fund. All funds received by this Association qualifying as state aid received pursuant to law, all taxes levied by or other revenues received from the city pursuant to law providing for municipal support for the relief association, any monies or property donated, given, granted or devised excluding fundraiser proceeds, by any person which is specified for the use for the support of the Special Fund, and any interest earned on the assets of the Special Fund. Any tax sources and other money which may be directly donated or transferred to said fund, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed only for the following purposes.

1. Payment of members' service pension benefits in accordance with these bylaws;
2. Payment of ancillary benefits in accordance with these bylaws;
3. Administrative expenses as limited by Minn. Stat. §69.80.
4. Payments of fees, dues and assessments to belong to the Minnesota State Fire Department Association and to the Minnesota Area Relief Association Coalition in order to entitle relief association members to membership in and the benefits of the association or organizations.
5. Payment of insurance premiums to the state Volunteer Firefighters Benefit Association, or an insurance company licensed by the state of Minnesota offering casualty insurance, in order to entitle relief association members to membership in and the benefits of the association or organization.

Comment [C4]: Added in response to state auditor comment, and to conform to 424A.05, Subd. 3

Comment [C5]: Added to reflect 2009 amendment to 424A.05, Subd. 3

All other expenses of the Association shall be paid out of the General Fund.

Section 8.4. Deposits. All money belonging to this Association shall be deposited to the credit of this Association in such banks, trust companies, savings and loan associations or other depositories as the Board of Trustees may designate. The board of trustees shall

make deposits in conformance with state statute and the investment policy, attached hereto.

Section 8.5. Disbursements. No disbursement of the funds of this Association shall be made except by checks drawn by the Treasurer and countersigned by the President, Vice President or Secretary. Except when issued for salaries, pensions and other fixed charges, the exact amount of which has previously been determined by the Board of Trustees or the members, no check shall be issued until the claim to which it relates has been approved by the Board of Trustees.

Article IX – Benefits

Section 9.1. Type of Benefit. The exclusive pension provided by the Association is a "defined contribution lump sum service pension" as defined in Minnesota Statutes, Section 424A.02, subdivision 4.

Section 9.2. Service Pensions. Any volunteer firefighter who (1) has attained the age of fifty years, (2) has served five or more years as a volunteer firefighter (3) has permanently separated from active service and (4) has five or more years in good standing as a member of the association, shall be eligible to receive a lump payment of his or her account balance less any administrative fees or requisite deductions, at the time of his or her retirement and application for payment. The pension payment shall be paid to the member pursuant to Article X – Timing and Modes of Distribution.

Section 9.3. Applications and purposes of pension provisions. The provisions of this article apply to individuals who are members of the Association and members of the Fire Department. An individual shall not be considered a member of the Association after receiving a lump sum distribution of his pension benefits or ancillary benefits, from the Association.

Section 9.4. Eligibility to share in contributions. An individual shall be eligible to share in the contributions and forfeitures, if any, for the plan year only if the individual is credited at least one month of active service and (a) is a member of that Plan Year or (b) terminated membership during the Plan Year for reasons other than death or disability.

Section 9.5. Allocation of Contributions.

1. Allocation Rule. Contributions to be made to the special fund and forfeitures, if any, for a Plan Year shall be allocated among the individuals entitled to share in the contributions for such Plan Year under section 4, in the ratio that the months of service credited during such Plan year for each such individual bears to the Months of Service credited during such Plan Year for all such individuals.
2. Time of Making Allocations and Time of Funding. Allocations under subsection (a) shall be made as of the accounting date, after each Account has been adjusted for gains or losses. The calculation of each Member's share of the Association's fiscal year and receipt by the Association of the audited financial

report prepared by the Secretary and the Treasurer for that year. The Treasurer shall submit to the Trustees for approval that amount to be credited to each member's account.

3. Make-up contributions for omitted members. If, after the contribution for a Plan Year has been made and allocated, it should appear that, through oversight or a mistake of fact of law, a Member (or individual who should have been a member) who was entitled to share in such contribution received no allocation or received an allocation which was less than he should have received, the Trustees may, at their election, and in lieu of reallocating the prior contribution, make a special make-up contribution out of unallocated earnings for the Account of such member in an amount adequate to provide for him the same contribution for each Month of Service as would have been allocated to his Account if such oversight or mistake had not been made. Unallocated earnings include any income of the Special Fund earned since the preceding accounting date that has not yet been credited to the Member's account pursuant to Section 7 (a).

Section 9.6. Individual Member's Accounts.

1. Annual Reports. A member shall be entitled to inspect his or her account balance and transactions in the member's account by giving reasonable notice to the Treasurer, of the request. At least annually, (no later than the thirtieth of June), the Treasurer will provide each member with a written report of the member's account balance and vesting level as of the most recent accounting date and any account transactions (such as distributions), contributions and forfeitures) during the prior Plan Year.

Section 9.7. Periodic Adjustment of Accounts and Forfeitures

1. Annual Adjustments. As of each accounting date, the account of each member, former member and beneficiary shall be revalued. As of each accounting date, the trustees shall value the assets of the special fund at their fair market value and determine the net investment gain or loss of such assets since the preceding accounting date. In determining the net investment gain or loss (1) the accrual basis of accounting shall be used (unrealized appreciation or depreciation shall be taken into account), and (2) contributions to the special fund and payments or distributions from the special fund to provide benefits for members, former members and beneficiaries shall not be considered as gains or losses of the special fund.

After the close of the plan year, the net investment gain or loss for said Plan Year shall be credited or debited, as of the accounting date for such Plan Year, to the respective accounts containing such assets and which are existing on said accounting date in proportion to the value of each such account on the preceding accounting date, but reduced by forfeitures or distributions from said account made during the plan year.

The value of each account, as adjusted by the preceding provisions of this section, increased by contributions and forfeitures allocated to such account and reduced by distributions or forfeitures from such account for that Plan Year, shall be the value of said account on the accounting date for the plan year.

2. Adjustment on direction. A valuation of the special fund shall be made as of any other date specified by the Trustees, and this date shall be considered an accounting date.

Section 9.8. Benefit Eligibility. To be eligible to receive a service pension a member must meet all of the following requirements:

1. Have retired from the fire department of the municipality and be permanently separate from active service;
2. Have completed at least 5 years of active service with such department before retirement; and
3. Have been a member of the Association in good standing at least 5 years prior to such retirement.

Section 9.9. Application for Service Pension. All applications for pensions or deferred pension status shall be submitted to the Board of Trustees at a regular or special meeting of the Board. An application form will be provided by the Secretary of the Association containing the following information:

1. Age of the applicant.
2. Length of service the applicant has been a member of the Association.
3. Such other information as the Board of Trustees may require by including lawful requests for information or questions on an application form for benefits which has been adopted by the Board of Trustees.

Application for benefits shall be made by or on behalf of the applicant within ninety (90) days prior to the date that the pension commences, and no pension benefits shall be paid for a period covering more than ninety (90) days before the application is made.

Section 9.10. It shall be the duty of the Board to approve applications for service pensions if the applicant meets all of the eligibility requirements set forth in these bylaws.

It shall also be the duty of the Board not to approve the application if any of the eligibility requirements are not met. If an application is not approved, the Board shall return the application to the applicant within thirty (30) days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, within the next thirty (30) days, on the question of whether the applicant meets all of the eligibility requirement. If an application is not approved, the applicant may appeal and such appeal shall comply with Article XIV - Procedure for Review. If the application is approved, the service pension shall be paid as a service pension to such applicant.

Section 9.11. Notice of Intent to Take Distribution. It shall be the duty of each member who intends to request a service pension from the association, to file a notice of intent to take distribution. Such notice shall be in writing and shall be filed the Secretary not less than 3 months (90 days) prior to the date of submission of application for service pension. Upon receipt of a notice, the Secretary shall provide any notices as required by state or federal law and the application forms for service pension payments.

Article X - Timing and Modes of Distribution

Section 10.1. Expertise Should Be Sought. Because of the varying circumstances in each member's retirement planning, optional benefit payment methods are offered. Selection should occur after consultation with a tax consultant, insurance and/or estate planner, or an attorney. Alternate payment methods on the Application Form shall include.

1. Check. A single Lump sum check payment payable to the eligible retiree; or
2. Annuity. Lump Sum payment by the Association to a recognized insurance carrier licensed to do business in this state and approved for this product by the Commerce Commissioner under Minn. Stat. § 60A.40.
3. Rollover to IRA. Rollover to an IRA account pursuant to Section 10.2.

Section 10.2. Rollover Procedure. Upon written request from the retiring member who has given proper notice of retirement, the Secretary or Treasurer shall directly transfer the service pension amount into an Individual Retirement Account under Section 408(a) of the Internal Revenue Code, as amended.

Article XI - Ancillary Benefits

Section 11.1. Survivor Benefits. A member's Beneficiary shall be eligible to receive a benefit upon the death of a deferred, disabled, active, or retired Member who has not yet received his or her full retirement benefit.

1. Upon the death of an active member or disabled member who has not yet received his or her disability benefits, who is in good standing, the association shall pay to the member's benefit, the remaining full account balance as of the end of the year in which the member's death occurred.
2. In the event that the death occurs after the member has terminated or retired from the Fire Department, only the vested portion of the pension, as determined under Article XII – Early Vesting shall be distributed.

Section 11.2. Disability Benefits. A member who is permanently disabled from being an active firefighter on the Fire Department may be eligible for a disability benefit in lieu of retirement. Upon approval of the Board of Trustees pursuant to this section, the following disability benefits will apply. A member who is permanently disabled with a service-related disability incurred in the line of duty, shall be eligible to collect a disability benefit in an amount equal to his or her full account balance as of the end of the year in which the application for disability pension is made. The member shall be eligible to receive the disability benefit immediately upon approval of the Board of Trustees.

1. No Further Benefits. Any such disability benefit paid in accordance with this section shall be in lieu of all rights to further service pension and survivor's benefit.
2. Disability defined. Disability is defined sustaining an injury or impairment, incurred in the line of duty, that results in the member's inability to engage in performance of his/her duties as a firefighter by reason of a medically determinable physical or psychological impairment that is certified by a physician, surgeon or chiropractor acceptable to the board of trustees, which can be expected to last for a continuous period of not less than twelve months or can be expected to result in death, that was incurred in the line of duty as a firefighter with the City of Falcon Heights.
3. Reports Required. No member shall be paid disability benefits except upon the written report of a physician, surgeon or chiropractor of the member's choice. This report shall set forth the diagnosis and

prognosis of the disability, disease or injury of the member. Each such report shall be filed with the association.

4. Procedure. All applications for disability benefits shall be made within six months after such applicant has ceased to be an active member of the fire department. Written application shall be made to the Board setting out the nature and cause of such disability. This application shall be under oath by the member or his or her immediate family. The application shall be tabled until the next meeting so that the applicant may be examined by a physician, surgeon or chiropractor of the member's choice. The physician, surgeon or chiropractor shall submit a written opinion concerning the diagnosis and prognosis of the applicant's disability and its probable duration of permanence. The Board of Trustees has the discretion to request that another doctor, selected by the board, examine the applicant. Final determination of disability will be based on the reports of at least one doctor and by a 2/3 majority vote of a quorum of the Board of Trustees present at the subsequent association meeting.
5. Proof Required. An applicant shall not be considered under a disability unless the member furnishes adequate proof of the existence thereof. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of disability as defined in this section.
6. Grievance Procedure. If the applicant for disability benefits feels the he/she has been aggrieved by any action of Board, the member shall, within sixty (60) days from notice of such action of the Board, file written objections and the reasons thereof with the Board and shall be allowed to appeal the determination pursuant to the Procedure for Review in these bylaws.

Article XII - Early Vesting Provision

Except as provided in section 2, in the event a member with five (5) years or more but less than twenty (20) years of active service on the Fire Department resigns or otherwise becomes a nonmember, that person shall be entitled to the following benefits that represents the nonforfeitable portion of:

Completed Years of Service	Nonforfeitable Percentage of Pension Amount
5	40 percent
6	44 percent

7	48 percent
8	52 percent
9	56 percent
10	60 percent
11	64 percent
12	68 percent
13	72 percent
14	76 percent
15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent
20 and thereafter	100 percent

Section 12.2. In the event any member of the Falcon Heights Fire Department with at least five (5) years or more of active service on the Falcon Heights Fire Department resigns or otherwise becomes a nonmember, where that person was an active member of the Falcon Heights Fire Department at any time during the period from June 2, 1992 to November 4, 1997, that person shall be entitled to an unreduced service pension. The service pension may be paid when the retiring member meetings the minimum age requirement of Minnesota Statutes, Section 424A.02, Subdivision 1.

Article XIII - Deferred Pension Status

Section 13.1. Deferred pension rolls. A member of the Association who has at least five (5) years of Active Service, but has not reached the age of 50 years, may retire from said fire department and be placed on the deferred pension roll. Upon reaching the age of 50 years, and provided that membership in good standing in the Association has been

maintained for at least five (5) years, upon approval of a valid written application therefore, such member shall be paid a deferred pension. A member who is on the deferred pension roll shall not be eligible to receive any of the ancillary benefits provided for in these Bylaws except those that are specified in Section 13.3.

Section 13.2. Amount of Deferred Pension. The amount of an eligible member's deferred pension shall be the vested percentage of the member's account balance as of the most recent accounting date prior to the date of distribution. Deferred member's account balances will be subject to the same market fluctuations and accounting costs as active members.

Section 13.3. Survivor Benefits. If the member dies while on the deferred pension roll and that benefit is yet unpaid, the total deferred pension applicable at the time of death shall be paid to the member's beneficiary in accordance with Article XI - Ancillary benefits.

Article XIV - Procedure for Review

Section 14.1. Right to Appeal. In the event that the Board of Trustees denies an application for a service or ancillary pension benefit, the member shall be entitled to the right to appeal the determination.

Section 14.2. Member Requirements. If an application is not approved, the board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full board, on the question of whether the applicant meets all of the eligibility requirements. The member shall indicate that the member intends to appeal by furnishing the board with a written intent to appeal that is filed with the Secretary of the association within 30 days of receiving an adverse determination. The intent to appeal shall be certified, in writing, by the member.

Section 14.3. Review of Appeal. Upon receipt of the written intent to appeal, the Board of Trustees shall hold a special meeting within 60 days of receipt of the written intent to appeal. Timely notice of the meeting shall be given to the member at least 15 days prior to the special meeting. The member shall have the reasonable opportunity to be heard by the Board of Trustees at the special meeting with regard to the negative determination. The board reserves the right to engage the services of a mediator or arbitrator, acceptable to both parties, at any time during the appeal. The mediator or arbitrator shall be selected from the Rule 114 Supreme Court Roster. The cost of the mediator or arbitrator shall be split in half among both parties.

Article XV – Limits on Benefits

Section 15.1. Domestic Relations Order. A domestic relations order shall be accepted by the plan administrator if in compliance with state and federal law. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan or under state law.

Section 15.2. Garnishment, judgment or legal process. No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§518.58, 518.581, or 518.611.

Section 15.3. Assignments. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Section 15.4. Limitations on Ancillary Benefits. Following the receipt of a lump sum death benefit neither a member's surviving spouse or estate is entitled to any other or further financial relief or benefits from the Association.

Section 15.5. Limitations on Rejoining the Fire Department, and Thereby Rejoining the Association. All members who retire or otherwise separate from active service and are paid a benefit from the relief association are encouraged to consider and weigh their decision carefully prior to separation from service. Such separation will be considered permanent per state law. A member who has retired, and has taken his or her distribution, shall not be eligible for reinstatement as a member. In addition, pursuant to Minn. Stat. 424A.02, Subd. 9(b), the member shall not be eligible to accrue further active service and shall:

1. Repay any pensions that have been paid to the special fund of the association and such pension benefit amounts shall immediately be repaid,
2. The amount shall be repaid within sixty (60) days of reinstatement.

The Association does not take responsibility for any penalties incurred on distribution options such as IRAs or cash payments due to the fact that distributed benefits must be repaid to the association.

Article XVI - Amendments

Section 16.1. Amendments. The Bylaws of this Association may be amended at any regular meeting by a vote of two-thirds (2/3) of the members present, provided that members present constitute a quorum and provided that notice of any proposed amendment shall be given by reading the same at a regular meeting next preceding that upon which such amendment is acted upon. A further stipulation pertaining to any change in the Bylaws relative to that purpose, amount or manner of disbursements, by the Association shall obtain the approval of a three-fifths (3/5) majority of the members of the City Council of the City of Falcon Heights.

Section 16.2. Filing. The Bylaws of the Association shall be filed with the President and Secretary and may be inspected by any member of the Association upon request. A copy of the duties of the Board of Trustees will be furnished to each member of the Board.

Article XVII – Military Service

Section 17.1 – Authorization. Subject to the restrictions stated in Minn. Stat. § 424A.021, a volunteer firefighter who is absent from firefighting service due to service in the uniformed services, as defined in United States Code, title 38, section 4303(13), may obtain an allocation by the Association as though the person was an active member for the period of the uniformed service, not to exceed five years, unless a longer period is required under United States Code, title 38, section 4312.

Section 17.2 – Limitations.

1. To be eligible for an allocation as though an active member under this section, the volunteer firefighter must return to firefighting service with coverage by this Association or its successor upon discharge from service in the uniformed service within the time frame required in United States Code, title 38, section 4312(e).
2. An allocation as though an active member is not authorized if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. An allocation as though an active member is also not authorized if the firefighter fails to provide notice to the fire department that the individual is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.”



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F4
Attachment	Tree Trimming Agreement
Submitted By	Michelle Tesser, Interim City Administrator

Item	Approve St. Croix Tree Service, Inc. as the 2012 Tree Trimming and Removal Contractor
Description	Each year the City of Falcon Heights selects a company to serve as our tree trimming and removal contractor. St. Croix Tree Service, Inc was the selected contractor in 2011. City staff was satisfied with their overall service, performance and prices. Staff would like to continue with St. Croix Tree Service, Inc. for 2012. Attached is the 2012 Tree Trimming and Removal Agreement with quoted prices from St. Croix Tree Service, Inc.
Budget Impact	Funds have been allocated in the 2012 budget.
Attachment(s)	Tree Trimming Agreement
Action(s) Requested	Staff recommends that the Falcon Heights City Council select St. Croix Tree Service, Inc. as the city's tree trimming and removal contractor for 2012.

AGREEMENT FOR TREE TRIMMING & REMOVAL OF TREES AND STUMPS

This Agreement made this _____ day of _____, 2012, by and between _____, Hereinafter called the "contractor" and the City of Falcon Heights. Witnessed, that the contractor and the City of Falcon Heights for the considerations stated herein mutually agree as follows:

ARTICLE I. Statement of Work - The contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services, and perform and complete all work required for the removal of trees and stumps in an efficient and workmanlike manner all in strict accordance with the contract documents, for removal of trees and stumps.

ARTICLE II. The Contract Price - The City of Falcon Heights will pay the Contractor for performance of the Contract, in current funds, as provided in the Quote Proposal Form.

ARTICLE III. Contract - The executed contract documents shall consist of the following:

- A. This Agreement
- B. Addenda
- C. Invitation for Quotes
- D. Instruction to Quoters
- E. Signed copy of Quote
- F. Technical Specifications

The AGREEMENT, together with the other documents enumerated in this Article III, with said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part, the provision of the Component part first enumerated in this Article III shall govern, except as otherwise specifically stated.

ARTICLE IV. Term - The term of this Agreement shall be from the date hereof until December 31, 2012, unless first terminated in accordance with this agreement.

ARTICLE V. Termination - This Agreement may be terminated by the City, at any time, upon 10 days written notice to the contractor.

ARTICLE VI. Insurance - The Contractor shall provide to the City a copy of insurance coverage combined single limit of a minimum of \$1,000,000.00.

ARTICLE VII. Performance and Payment Bond - The Contractor shall provide to the City a copy of their Performance and Payment Bond.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in original copy on the day and year first above written.

Contractor _____

By _____

Title _____

Attest _____

Street _____

City, State, and Zip Code _____

THE CITY OF FALCON HEIGHTS

City Administrator

Public Works Director

AGREEMENT FOR REMOVAL OF TREES AND STUMPS TECHNICAL SPECIFICATIONS

Article I - Removal and Disposal of Trees. All logs and branches shall be removed from the property on which they are cut and disposed of by the Contractor in accordance with the rules and regulations of the Minnesota Department of Agriculture.

- A. Cost is "per diameter inch" (DBH). Where possible all trees will be measured at 4.5 feet off the ground. Those trees forking below 4.5' will be measured directly below the union and can be considered one tree.
- B. Accessible Trees are trees with easy access, usually along boulevards or in open park areas, includes stump removal.
- C. Limited/No access trees are trees located in wooded areas or vehicle access to the tree is impaired, due to wooded area or structural constraints. Stumps will not be included if in wooded area. Cost is "per diameter inch".

Article II - Tree Trimming Only.

- A. Broken branches will be billed at a flat rate.
- B. Dead wood, 1"+ diameter, including any broken branches, will be billed per DBH inch of tree.
- C. Full prune, including broken branches and dead wood, for health of the tree will be billed per DBH inch of tree.

Article III - Stump Removal.

- A. There are times when only a stump needs to be removed. The removal of a stump is determined by the diameter of the cut face plus one-third the diameter of the longest root flare.
- B. All stumps and large exposed surface roots will be removed at least four inches below ground level.
- C. The Contractor will remove all chips and other debris caused by the stump removal operation.
- D. The Contractor will furnish and spread adequate black dirt and grass seed over the area of the stump removal. No such holes are to be left open overnight.
- E. When access to the stump by machine is impossible, stumps shall not exceed three (3) inches in height. If it is an elm tree, the tree shall be completely debarked.
- F. The costs for excessive stump removal is based on diameter of the cut face plus one-third the diameter of the longest root flare, per prior agreement with City.

Article IV - Storm Damage.

- A. If a three (3) acre, at minimum, dumpsite is available within the City, the cost of removal will be less than if hauling of the material is required.
- B. Cost is based on per load and per hourly basis if there is no dumpsite available within the City.

Article V - Brush and woodpile removal.

- A. Brush pile removal is billed per 20-yard load.
- B. Woodpile removal is billed on cubic yard basis, depending on access

Article VI - Unusually Difficult.

A specified % increase (20-100) will be added on to the cost of removing trees over 20" DBH with unusually difficult factors, (i.e., access problems, fences, wires). The % increase will be discussed and agreed upon prior to commencement of work.

Article VII - Private Tree Removal.

At times, the City staff will need to coordinate the removal of private trees. However, the resident will be charged the private tree removal rate, which is not the same as the city removal rate.

AGREEMENT FOR REMOVAL OF TREES AND STUMPS

Quotation FORM

Article I - Tree Removal and Disposal

- A. Accessible trees-\$_____ Cost per diameter inch
- B. Limited/No access-\$_____ Cost per diameter inch

Article II - Tree Trimming Only

- A. Broken Branches \$_____ per DBH inch
- B. Dead Wood \$_____ per DBH inch
- C. Full Prune \$_____ per DBH inch

Article III - Stump Removal

Stump Only_____ per inch diameter of cut face,
plus 1/3 diameter of longest root flare(s), if applicable.

Article IV - Storm Damage

- A. Dump site within City_____ per load per hour
- B. Dump site outside of City_____ per load per hour

Article V - Brush and Wood pile

- A. Brush Pile, easy access_____ per 20 yard load
- B. Brush Pile, difficult access_____ per 20 yard load
- C. Wood Pile, easy access_____ per cubic yard
- D. Wood Pile, difficult access_____ per cubic yard

Signed _____

Firm Name _____

Address _____

Phone _____

Date _____

INSTRUCTIONS FOR TREE REMOVAL CONTRACTORS

1. The City of Falcon Heights tree removal agreement will cover the period January 1, 2012 to December 31, 2012.
2. In submitting the quote the contractor understands that the City reserves the right to reject any and all quotes.
3. The quote form must be fully completed and signed. The contractor must be prepared to submit a financial and experience statement upon request.
4. The tree removal contractor will have a deadline of 10 working days from the date of notification to remove the trees and stumps as listed. A penalty of \$15 per day per tree can be applied to late work.
5. The contractor may be required to remove storm damaged, nuisance or hazard trees from public property as requested by the city. Notice of such removals may be given directly to the contractor with little or no advance notice. Prompt response is expected. All work shall be performed at the quoted price.
6. The successful contractor shall be able to demonstrate a completed record of similar government contracts and be able to submit a list of previous employers and references as requested.
7. The city reserves the right to cancel the contract at any time, for just cause, upon 10 days written notice to the contractor.

AGREEMENT FOR REMOVAL OF TREES AND STUMPS
Quotation FORM

Article I - Tree Removal and Disposal

- A. Accessible trees-\$ 15⁰⁰ Cost per diameter inch
B. Limited/No access-\$ 19⁰⁰ Cost per diameter inch

Article II - Tree Trimming Only

- A. Broken Branches \$ 3⁰⁰ per DBH inch
B. Dead Wood \$ 4⁰⁰ per DBH inch
C. Full Prune \$ 6⁰⁰ per DBH inch

Article III - Stump Removal

Stump Only 3⁵⁰ per inch diameter of cut face,
plus 1/3 diameter of longest root flare(s), if applicable.

Article IV - Storm Damage

- A. Dump site within City 215⁰⁰ per load per hour
B. Dump site outside of City 290⁰⁰ per load per hour

Article V - Brush and Wood pile

- A. Brush Pile, easy access 290⁰⁰ per 20 yard load
B. Brush Pile, difficult access 500⁰⁰ per 20 yard load
C. Wood Pile, easy access 16⁰⁰ per cubic yard
D. Wood Pile, difficult access 27⁰⁰ per cubic yard

Signed *Chris Muehle*
Firm Name St. Croix Tree Service, Inc.
Address 675 Grape St.
Roberts, WI 54083
Phone 651-770-3744

Date 01-19-2012



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F5
Attachment	Agreement and Resolution
Submitted By	Michelle Tesser, Interim City Administrator

Item	Approval to Accept the SPRWS Board of Water Commissioners Agreement Amendment
Description	The Board of Water Commission requires the city to approve the amended language of the agreement to include providing a Storz connection on fire hydrants installed and maintained in the city of Falcon Heights.
Budget Impact	
Attachment(s)	Agreement Resolution
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the SPRWS Board of Water Commissioners agreement amendment along with Resolution.

Agreement # 02-10355-I

**AMENDMENT NO. 3
to
AGREEMENT BETWEEN**

**BOARD OF WATER COMMISSIONERS
and
CITY OF FALCON HEIGHTS**

This **AMENDMENT NO. 3 TO AGREEMENT** entered into this 15th day of November 2011, by and between the **BOARD OF WATER COMMISSIONERS**, a municipal corporation of the State of Minnesota (the "Board"), and the **CITY OF FALCON HEIGHTS**, a municipal corporation of the State of Minnesota ("Falcon Heights").

WITNESSETH:

WHEREAS, Falcon Heights and the Board entered into an agreement dated July 9, 1997 for the provision of water service by the Board to properties within Falcon Heights (the "Agreement"); and

WHEREAS, Article XV of the Agreement allows for amendments to the Agreement; and

WHEREAS, the parties desire at this time to amend the Agreement to provide for a Storz connection on fire hydrants installed and maintained within the city of Falcon Heights.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties mutually agree to amend the Agreement as follows:

1. Article XIV. Section 4. HYDRANT NOZZLE THREADS is deleted in its entirety and replaced with the following:

Section 4. HYDRANT NOZZLE THREADS

The Board recognizes the Saint Paul Standard for hydrant nozzle threads as selected by Falcon Heights for hydrants within the city of Falcon Heights. All new and replacement hydrants shall include one Storz connection.

2. The provisions of this amendment shall take effect January 1, 2012.
3. Except as modified herein, the terms of the Agreement shall remain in full force and effect.

[Remainder of page left intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 3 to Agreement to be executed as of the day and year first above written.

Approved:

BOARD OF WATER COMMISSIONERS

Stephen P. Schneider, General Manager
Saint Paul Regional Water Services

By _____
Patrick Harris, President

Approved as to Form:

By _____
Mollie Gagnelius, Secretary

Lisa Veith,
Assistant City Attorney

By _____
Todd Hurley, Director
Office of Financial Services

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20 ____, by Patrick Harris, President of the Board of Water Commissioners, a Minnesota municipal corporation, on behalf of the corporation.

Signature of person taking acknowledgment

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____,
by _____, Secretary of the Board of Water Commissioners, a
Minnesota municipal corporation, on behalf of the corporation.

Signature of person taking acknowledgment

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____,
by Todd Hurley, Director, Office of Financial Services of the Board of Water Commissioners, a
Minnesota municipal corporation, on behalf of the corporation.

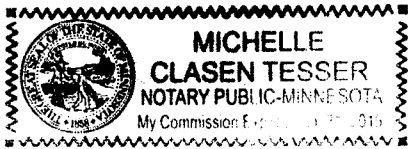
Signature of person taking acknowledgment

CITY OF FALCON HEIGHTS

By Peter Lindstrom
Its: Mayor

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 14th day of December, 2011, by Peter Lindstrom, Mayor of the City of Falcon Heights, a Minnesota municipal corporation, on behalf of the corporation.



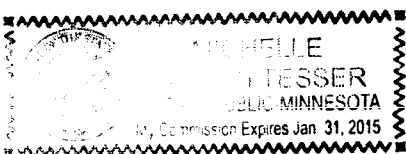
Michelle Clasen Tesser
Signature of person taking acknowledgment

CITY OF FALCON HEIGHTS

By [Signature]
Its: City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 14th day of December, 2011, by Justin Miller, City Manager of the City of Falcon Heights, a Minnesota municipal corporation, on behalf of the corporation.



Michelle Clasen Tesser
Signature of person taking acknowledgment

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

January 25, 2012

No. 12-02

A RESOLUTION ACCEPTING THE BOARD OF WATER COMMISSIONERS
AGREEMENT WITH AMENDMENT
CITY OF FALCON HEIGHTS

BE IT HEREBY RESOLVED, by the city council of the City of Falcon Heights that the city of Falcon Heights and the Board of Water Commissioners entered into an agreement on July 9, 1997 for the provision of water service by the Board to properties within Falcon Heights (the "Agreement"); and

WHEREAS, Article XV of the Agreement allows for amendments to the Agreement; and

WHEREAS, the parties desire at this time to amend the Agreement to provide for a Storz connection on fire hydrants installed within the city of Falcon Heights; and

WHEREAS, Board staff has prepared Amendment No. 3 to Agreement which specifies said desired change, with all other terms and conditions remaining in effect and unchanged; and

BE IT RESOLVED that Amendment No. 3 to Agreement between the Board of Water Commissioners and the City of Falcon Heights is hereby approved and that the proper officers are hereby authorized and directed to execute said Amendment No. 3 on behalf of the Board.

Moved by:

Approved by: _____

Peter Lindstrom, Mayor
January 25, 2012

LINDSTROM _____ In Favor
GOSLINE
HARRIS _____ Against
LONG
MERCER-TAYLOR

Attested by: _____

Bart Fischer
City Administrator
January 25, 2012



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F6
Attachment	
Submitted By	Roland Olson, Finance Director

Item	Designated signor for city funds, investments, and transfers by City Administrator/City Clerk
Description	In accordance with Minnesota Statute 412.271 the Mayor and City Clerk are required to be the designated signors for any orders drawn on the city's funds. The signors currently are Mayor Peter Lindstrom and Interim City Administrator/City Clerk Michelle Tesser. With the hiring of Bart Fischer as the City Administrator/City Clerk, the city council needs to authorize Bart Fischer to be a designated signor, effective January 25, 2012 for orders drawn on city funds and also be authorized to deposit general and other funds and handle investments and transfers of funds for the City of Falcon Heights for the period of time that he is appointed in these positions. In addition, the city council needs to rescind the designated signor authority for Michelle Tesser as Interim City Administrator/City Clerk at close of business on January 25, 2012. Staff also recommends using facsimile signatures for the designated signors.
Budget Impact	NA
Attachment(s)	NA
Action(s) Requested	Rescind Michelle Tesser as designated signor on the city's funds and rescind her authority to deposit general funds and other funds, handle investments and transfers of funds for the city at the close of business on January 25, 2012. Authorize Bart Fischer as City Administrator and City Clerk to be a designated signor on orders drawn on city funds and also grant authority to deposit general and other funds, handle investments and transfers of funds for the period of time as determined by the city council and continue using facsimile signatures for the designated signors.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 25, 2012
Agenda Item	Consent F7
Attachment	Resolution 12-03
Submitted By	Michelle Tesser, Interim City Administrator

Item	Designate Bart Fischer as the City's "Responsible Authority" and "Data Practices Compliance Official."
Description	A newly appointed City Administrator is required by the Government Data Practices Act, Minnesota Statutes Chapter 13, to be formally designated by the City Council to be the responsible authority and data practice compliance official.
Budget Impact	
Attachment(s)	Resolution 12-03
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve Bart Fischer as the City's "Responsible Authority" and "Data Practices Compliance Official."

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

January 25, 2012

No. 12-03

A RESOLUTION ADOPTING MODEL POLICY AND APPOINTING OFFICIALS
CITY OF FALCON HEIGHTS

WHEREAS, the Government Data Practices Act, Minnesota Statutes Chapter 13, directs the City to adopt policies and procedures and to designate City officials.

WHEREAS, the Model Policy, public access to Government Data and right of subjects of data, prepared by the Minnesota Department of Administration was adopted as a City Policy on April 27, 2005.

THEREFORE BE IT RESOLVED, pursuant to the Act, the City Administrator Bart Fischer is designated as the City's "Responsible Authority" and "Data Practices Compliance Official."

Moved by:

Approved by: _____
Peter Lindstrom, Mayor
January 25, 2012

LINDSTROM _____ In Favor
GOSLINE
HARRIS _____ Against
LONG
MERCER-TAYLOR

Attested by: _____
Bart Fischer
City Administrator
January 25, 2012