

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

June 13, 2018 at 7:00 P.M.

A. CALL TO ORDER:

B. ROLL CALL: LINDSTROM __X_ LEEHY __X_ BROWN THUNDER __X_
MIAZGA __X_ GUSTAFSON __X_

STAFF PRESENT: THONGVANH __X_

C. PRESENTATIONS:

1. Annual MS 4 Presentation
2. 2040 Comprehensive Plan (Handouts at Meeting)

Mayor Lindstrom

Amend the agenda items, no objection to adding a proclamation for the agenda item and put it at number 1. A proclamation recognizing the service of Helen Brown to the community.

Annual MS 4: Public Works & Park Director - Tim Pittman

The Municipal Separate Storm Sewer Systems is required in every city in the metro. The system helps regulate and take care of what gets into our lakes and rivers. MS4's in urban areas are required to obtain a stormwater permit. Falcon Heights is considered an urbanized area. Although the U of M and State Fair are in Falcon Heights, they are permitted separately and have their own MS 4. The six control measures are public education and outreach, public involvement and participation, illicit discharge, detection and elimination, construction site runoff control, post-construction runoff control, and pollution prevention and good housekeeping.

The progress to date is newsletters and flyers to residents, developed a storm sewer map, implemented the construction site runoff control measures, inspected 100% of outfalls, implemented de-icing material controls, reconstruction of the Curtiss Field pond, and purchased a new street sweeper with the City of Little Canada.

The 2018 goals are to continue utility billing, educational flyers and newsletters to residents, sweep streets more often, repair catch basins, and monitor underground containment structure at Curtiss Field Park.

Kurt Bearinger - WSB & Associate

Presents the Comprehensive 2040 draft plan which consists of seven sections of background, housing, land use, community systems and services, protecting special resources, economic development and implementation. 1) The background is about the city's goal, the context within the metro, demographic trends, and reviews public outreach results. 2) Housing talks about the overall diversity seen within the city, existing of affordable housing needs. Reveals a

slight deficit in the lowest level of affordable housing which mainly results in the student population.

3) Land Use shows Larpenteur & Snelling Corridors, different neighborhood, Commercial/Business Areas, and Agricultural & Institutional Lands. The significant changes from 2030 to 2040 in the future land use map, the southern portion of the city hall lot is changing to mixed-use residential. The Larpenteur corridor is also changing to a mixed-use residential, the underutilized parking lot of the Spire Credit Union where the city would like to see a low traffic business use such as an office space. Another area that will be changing is north of Questwood from low density to medium to match Questwood. Can view the Future Land Use map at Falcon Heights webpage on the Agenda.

4) Community Systems & Services goes over parks and open space and other community facilities and services that is the city responsibility and not a council requirement. 5) Protecting Special resources is the natural historical and cultural resources and policy on solar access. 6) Economic development reemphasizes the development goals of Larpenteur & Snelling Corridors. 7) Implementation of how the goals and plans can be accomplished in the next 23 years

On May 29, there was a public hearing from North of Larpenteur and U of M staffs. Many voiced concerns and opposition. The U of M agriculture research lab stated that the land should not be redeveloped and preservation of the city character and open space should be focused upon instead of mixed-use development. Processed needs more public engagement and data and terms throughout the plan are not well-defined.

The Comprehensive plan will do six months reviews with comments and suggestions before the final project on June 2019. More information about the 2040 Comprehensive plan be found at Falcon Heights website on the Agenda.

Mayor Lindstrom

Council members heard many concerns from the residents and would to verify on what is going out to the neighborhood communities reflect the last council workshops conversations about the script and the modifications that were addressed by the councils.

Kurt Bearinger - WSB & Associate

Verified that the changes from the council workshops have been made to the draft plan. All of the agricultural lands have been taken off of the mixed-use designation (refer to "Changes to Future Land Use" map). If the owner does decide to put the land for sale, the plan will show a vision of what is likely to happen/develop.

Council Gustafson

Clarify that any person who owns the land would make changes to their land. The plan does not apply to them.

City Administrator Thongvanh

Clarify that it is a land use map, not a zoning map. It means when a property has a designation, for example, if City Hall decided to develop the property in front. The City would submit an

application to the MetCouncil and the first thing that the MetCouncil would look at is if it meets our current Comp Plan. If the city did not have a designation for the property, the city would have to amend the Comp Plan and get approval from the councils who will either agree or disagree. It's not a requirement but a recommendation. The university property zone is a P1 (public institutions), and within the city code, the councils decided to revert it to P1. If the university does determine to sell their property, it will have to come from the city councils, and they will determine what is best used of that land would be.

For public input for WSB, residents can send questions, comments or suggestions emails to Sack who will forward it to WSB to make any possible changes. Sack's email can be found on the Falcon Heights website.

Mayor Lindstrom

Advise the audience that the councils will take a careful look at the Comprehensive Plan and sustainability with the Environment Commissions.

Mark Ascerno (1871 Tatum St.)

To understand the Comprehensive plan, he suggested a glossary for residents who does not understand the terminology of the plan. The glossary will help residents understand the plan instead of researching what the term means. An example can be mixed-use and compatible businesses where it appears many times in the draft, but people might not understand it.

Kurt Bearinger and Eric Zweber - WSB & Associate

Verify that a glossary can be added but would like to know how specific it needs to be for council's expectations.

Mayor Lindstrom

Would like for Eric to work with Sack on the definitions. No expectations on how specific it needs to be but enough for residents to understand the terms.

Council Member Miazga

Moved to adopt the plan at its current state and motion to have the draft be released to the public and jurisdiction.

Council Member Miazga Moved, Approved 5-0

D. APPROVAL OF MINUTES:

1. May 23, 2018 City Council Meeting Minutes

Council Gustafson

CEC meeting is on Monday June 18, 2018 at 7pm not June 8.

Approved

E. PUBLIC HEARINGS:

1. Northern States Power Company (Xcel Energy) Franchise Ordinance and Fees for Gas and Electric

City Administrator Thongvanh

The City of Falcon Heights has many limitations on revenue sources, due to the unique make-up of the community. Over 60% of the property within the city is tax-exempt or outside of city jurisdictions.

The franchise fee for electric and gas will apply to all properties that have electric and gas services from Northern State's Power Company. The franchise fee is a pursuit Minnesota Statute 216B.36, where cities can impose a tax on utility and company that uses the public right-of-way to deliver goods and services. Cities can determine the amount, structure and use of collected franchise fee. The importance of franchise fee is that it can help cities cover the increasing cost of essential services. When comparing franchise fee as a revenue source to a property tax it helps cover broader base than property taxes, will expand the City's revenue sources and reliable sources of revenue to budget. "Many cities in the State of Minnesota have franchise fees. Xcel Energy has over 70 cities with some franchise fees." The budget impact expected revenue is \$147,243."

Attachments of Ordinance 18-04 authorizing electric franchise agreement, Ordinance 18-05 implementing electronic franchise fee, Ordinance 18-06 authorizing gas franchise agreement and 18-07 implementing a gas franchise fee, and official summary for the publications can be found at Falcon Heights website under the agenda.

Mayor Lindstrom

Two to three years ago, the issue was brought before the councils, and the ordinance has been discussed at many council meetings and workshops. The city has been working with Xcel regarding the university, state fair, residents, and businesses.

Dwight Brown (1827 Hamline Ave)

Many utility lines are running through his house besides Xcel and were wondering if the City of Falcon Heights will also do a franchise fee on telephone and cable companies.

Mayor Lindstrom

The City of Falcon Heights does include telephone and cable companies such as Comcast to a franchise fee; however, not in the Ordinance for Northern States Power Company. Telephone and cable companies are in a difference franchise fee Ordinance.

Motion resolution to adopt Ordinance 18-04, 18-05, 18-06, 18-07 and summary for publication.

Council Member Miazga Moved, Approved 5-0

F. CONSENT AGENDA:

1. General Disbursements through: 6/07/18 \$213,553.70
Payroll through: 5/31/18 \$20,301.52
2. City Hall Copier Machine

Council Member Gustafson, Approved 5-0

G: POLICY ITEMS:

1. Proclamation Recognizing Helen Brown June 13th

Mayor Lindstrom

Helen Brown was a council member in Falcon Heights in 1978 and recently passed away. She promoted causes of senior citizens, community education, affordable housing, establishing the Community Park, and construction of the current city hall.

Council Member Gustafson

Helen was the first woman elected to the Falcon Heights City Council in 1978 and took the highest title as appointed Mayor Pro Tem in 1981. In her last term as a council member, Helen helped the planning and contrasting the new City Hall. Falcon Heights Minnesota formally proclaim June 13th, 2018 as Helen Brown Day.

The Proclamation can be found at Falcon Heights website under the Agenda.

2. Solar Garden - Assignment, Assumption, and Novation Agreement

City Administrator Thongvanh

In 2016, the City entered into a solar subscription agreement with Geronimo Energy LLC and BHE Renewables, LLC. Through our research, the city can expect to save about \$23,730.27 over the next 25 years with an allocation of over 100,000 kwh. The City of Falcon Heights would retain \$.01 per kilowatt hour that is produced by Geronimo Energy. The City is expected to receive the credit in the next couple of months.

Mayor Lindstrom

Clarify that Solar Gardens is a transfer from Geronimo Energy to BHE for their subsidiaries and need to sign a new contract similar to the old one.

3. City Hall - Rooftop Solar Panels

City Administrator Thongvanh

In 2011, the City of Falcon Heights entered into a Sale, Leaseback, and Put and Call Agreement with Energy Alternatives Solar, LLC. Dakota Electric purchased the right from Energy Alternatives Solar and the City has paid the lease agreement of \$530/month. In 2011, the total project cost was at \$321,600.00, and the monthly lease payment was \$530.00. The total lease

payments by the city over 72 month period is \$38,160.00, the city buyout after six years is \$12,720.00, and the total out-of-pocket cost to City is \$50,800.00

Dakota Electric Association President and CEO Greg Miller recently submitted a termination agreement before the Put Call end date November 1, 2018. The put/call sales contract calls for a final payment of \$12,720 which is \$530 per month for two years.

Early termination led Mr. Mill to offer a reduction up to \$6,000 with a saving of \$6,720. It means the City will no longer be required to make the \$530 monthly lease payments. After reviewing the Energy Performance Guarantee where it states the panels will produce a minimum savings of \$4,114 worth of electricity. It was determined that the guarantee was not fulfilled because some panels were not generating power to the grind.

Staff was able to negotiate the termination with a purchase cost of \$4,000, an additional \$2,000 in savings. The budget impact has been reduced from \$6,000 to \$4,000 of the budget, and elimination of the lease payment of \$530/month. This is a potential saving of \$2,650 if we can execute the termination agreement in June.

With this in mind, it will be a city responsibility to inspect, maintain and monitor any issues.

Mayor Lindstrom

Motion to approve the termination of agreement and purchase of the City Hall Solar panels from Dakota Electric of \$4000. Authorized the City Administrator and Mayor to execute all necessary documents and approve the resolution.

Council Member Brown Thunder Moved, Approved 5-0

H. INFORMATION/ANNOUNCEMENTS

Council Member Miazga

- The 2040 Comprehensive Plan review was a success and would like to thank City Administrator Thongvanh for the help with verifications and primary contact for the public input.
- Friday, July 6 is Restoration day, Saturday, July 7 is Unity day.
- Still working on the City survey and it should be ready by the end of the summer.

Council Member Leehy

- Parks and Rec Commission met on June 4.
- Ice Cream Social is on July 19 5 pm to 7 pm will partner with Ramsey County Sheriff's department for Hotdog with Deputy. Combining the two events will create a better event than dividing it up.
- 'Play Your Part' piano is at the community park and anyone is welcome to play it.
- July 7 is Unity Day and Philando Castile's will have a party out in the green space at City Hall like last year. It starts at 5pm and everyone is invited.

Council Member Brown Thunder

- Council Member Gustafson and Council Member Brown Thunder attended the Mayor's challenge last Monday. It was a successful event with donations that go towards NYFS. Everyone had a good time for a good cause.

Council Member Gustafson

- C.E.C meeting is on June 18, 2018, at 7 pm at City Hall. We will be working on how to get the community more engaged in the community, and Task Force training.
- Ice Cream Social and Hot Dog with a Deputy is on July 19. Everyone is welcome to join.
- The first Tuesday of August is Night to Night. Registration is now open at the county website or Sheriff's website for new residents or new to the event. The Sheriff office will coordinate visits by the Deputy and will have opportunities to pass out information on crime prevention tips and community engagement tips. More information can be found at <https://www.ramseycounty.us> and click on Public Safety Resources or call the office.
- Hot Dog with a Deputy has been a successful event that the City of Shoreview hosted it on June 5th.

Mayor Lindstrom

- June 17 to July 29 is the Art and Healing: In the Moment at MIA. Art and Healing: In the Moment is an exhibition of artwork made by community artists in response to the fatal shooting of Philando Castile. For more information about the exhibit, please visit MIA's website.

City Administrator Thongvanh

- Will review the community survey with Council Member Miazga and make sure it meets each council's expectations and do a test run before it gets sent out to the public.
- Council Member Gustafson and Council Member Leehy and City Administrator Thongvanh are at the final stage of the Bush Foundation grant. Hopefully to have it done by the next meeting for approval.
- Website Improvement: have the agenda outline and packet be linked to the event calendar date and create a template for all staffs to use. A great way to increase communication for meetings Agendas and will implement it for July. This will create easier access to the Agenda packets for the public and make sure all documents look consistent and efficient when presenting it to everyone.

I. COMMUNITY FORUM:

Tom Mcninch (1508 Iowa Ave. W.)

Met with Councils at the beginning of the year about his interest in the financial impacts of Philando Castile's death. Pursued in the interested and look for government resources to help his research. The Bureau of Criminal Apprehension and Ramsey County were the only two agencies that Mcninch found to be the most useful ones because of both agencies were the ones who were in charge of the investigation and persecutions in the Philando Castile's case. When he reached out to each agency, he asked three questions:

- 1) Has the agency complied or accounted for expenses incurred as result of the shooting of Philando Castile on July 6, 2016, and the cost of former Officer Yanez?
Based on Ramsey County's response, Mcninch follows up if the county has they ever done a study or financial analysis of the cost of investigating and prosecuting individual felony cases. In other words, Mcninch was looking for analysis cost; however, could not find any cost that relates to Philando Castile's death.
- 2) Has the agency ever done this with other shooting cases and crime?
- 3) Does the BCA place a dollar value on the provision of any its activities relating to criminal investigations; such as staff time committed for to a specific investigation, crime analysis, fire am, fingerprint analysis.

The BCA has no data response to his request; however, Mcninch does have 2,000 reports and access of videotapes of evidence that they gathered. The Ramsey County Trade office indicated that county attorney offices had expended about \$42,372.86 for internals and outside consultants \$56,350.95. They didn't, however, have records of expense relates to the cost of county attorney staff time. Which would have been accrued in the persecution of any criminal defendant including former officer Yanez. Response from Ramsey County and Sheriff's office related to the Philando Castile's case was a total estimated cost of \$346,378.

Accord to Ramsey County and Sheriff, the cost compensated a variety of staff time such as investigating the case, increase more staff time during trails, detention centers, control division, and mutual aid and assistant.

J. ADJOURNMENT: 8:26 pm



Peter Lindstrom, Mayor

Dated this 13th day of June, 2018



Sack Thongvanh, City Administrator