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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Public Hearing E1
<b>Attachment</b>	LMC Toolkit and State of Position
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Ramsey County Sheriff's Office - Administrative Citations
<b>Description</b>	<p>Before 2009, both the Office of the State Auditor and the Minnesota Attorney General's Office had taken the position the local governments did not have the authority to issue fines for traffic offenses. In 2009, the Legislature clarified and enacted MN Statutes, section 166.999. This Statute provides authority for local governments to implement an administrative citation program.</p> <p>The City must pass a resolution that:</p> <ul style="list-style-type: none"> <li>· Authorize police use of administrative traffic citations for \$60 per violation.</li> <li>· Obligates the city to provide a neutral third party to hear and rule on challenges.</li> <li>· Bars peace officers from issuing administrative traffic citations in violation of this law.</li> </ul> <p><b><u>Issuing Citations</u></b></p> <p>Peace Officers may issue an administrative traffic citation to a vehicle operator who:</p> <ul style="list-style-type: none"> <li>· Violates speed limits by less than 10 miles per hour.</li> <li>· Fails to obey a stop line.</li> <li>· Operates a vehicle with a cracked windshield or other specific equipment violation.</li> <li>·</li> </ul> <p>Note: However, cities are not required to issue administrative citations under the law. The process is entirely optional. Cities that believe that administrative citations make sense for them may adopt a resolution to issue such citations. In addition, where administrative citations have been adopted, the city cannot require, by ordinance or otherwise, that peace officers issue administrative citations. Under the law, peace officers always have the discretion to issue an administrative citation, give a warning, or issue a state criminal ticket.</p> <p>Due to state and federal law, people who have a commercial driver's license or who are driving a commercial vehicle at the time of the citation may not be issued an administrative citation.</p>

	<p><b><u>Allocation of Fines</u></b>  Again, the law requires that a city impose a fine of \$60 per citation. When a city peace officer issues the administrative citation, the fine must be shared with the state in the following manner:</p> <ul style="list-style-type: none"> <li>· Two-thirds of the fine (\$40) remains with the city that issued the administrative citation.</li> <li>· One-third of the fine (\$20) must be paid to the state commissioner of Finance for deposit into the state’s general fund.</li> <li>· One-half of the city’s share of the fine (\$20) must be used for law enforcement purposes. The law specifically requires that the funds “be used to supplement but not supplant any existing law enforcement funding.”</li> </ul> <p>If a citation recipient does not pay the fine, the city may choose to dismiss the administrative citation and issue a state criminal traffic citation instead. In the alternative, the city may use traditional debt collection methods. There is, however, no authority in the law for cities to specially assess the fine against real property for payment as taxes.</p> <p>Cities must track both the number of citations issued and separately account for any fine revenues in all city financial reports, summaries, and audits.</p> <p><b><u>Non- Traffic Offenses</u></b>  The law does not preclude the use of administrative citations for non-traffic offenses. Cities may still issue administrative citations pursuant to local ordinance for non-traffic matters such as liquor licensing ordinance violations, nuisance and animal ordinance violations, etc. However, the law specifically lists out the traffic offenses under Minn. Stat., ch. 169 for which an administrative citation maybe issued as discussed above, and specifically prohibits the issuance of administrative citations for other violations of Minn. Stat., ch. 169.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Ordinance 18-02 Amending CH30 – Administrative Citations</li> <li>· Resolution 18-11 Authorizing the Use of Administrative Citations</li> </ul>
<b>Action(s) Requested</b>	Staff recommends attached ordinance and resolution.

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**ORDINANCE NO. 18-02**

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE  
CITY CODE CONCERNING ADMINISTRATIVE CITATIONS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

**SECTION 1.** Chapter 30 of the Falcon Heights City Code is amended by adding Article III to provide:

**Article III. Administrative Citations.**

**30-44. Purpose.** Falcon Heights authorized by resolution the use of administrative citations for specific traffic offenses, as permitted by the Legislature in Minn. Stat. § 169.999. The City is required by that statute to establish and maintain procedures through which motorists receiving administrative citations may obtain an independent hearing or judicial review of a citation. The City Council finds that establishing a voluntary administrative citation procedure ensures the availability of an independent hearing and retains full opportunity to obtain judicial review of a citation.

**30-45. Definitions.** As used in this Section, the following terms shall have the respective meanings ascribed to them:

- (A) Citation. An administrative citation issued to a motorist for a Designated Traffic Offense occurring within the City.
- (B) Designated Traffic Offense. Those traffic offenses eligible for administrative citation as designated by Minn. Stat. § 169.999, subd.1(b)(1), (2) and (3), as it may be amended from time to time.
- (C) Issuing Officer. The licensed peace officer employed by or under contract with the City who issues any particular administrative citation.
- (D) Flyer. A document which informs a person receiving an administrative citation of:
  - (1) The recipient's right to challenge the citation or opt for a standard criminal citation;
  - (2) The City's process for handling challenges to administrative traffic citations;
  - (3) The process for paying a traffic citation; and
  - (4) The effect of an administrative traffic citation on a recipient's driving record.

- (E) Recipient The person who receives an administrative citation under this chapter.
- (F) Manager. The Falcon Heights City Manager or Manager's designee.

**30-46. Authorization.** Licensed peace officers employed or under contract with the City may issue administrative citations for Designated Traffic Offenses occurring within the City. The fine for committing a Designated Traffic Offense shall be the amount stated in Minn. Stat. § 169.999, subd. 5, as it may be amended from time to time.

- (A) Form of Citation. An issuing officer must use the uniform administrative traffic citation form approved by the Commissioner of Public Safety. The officer shall also serve upon the recipient the current version of the City's response form. The response form shall reference the response options stated at Section 904.030 (C); and shall provide directions for returning the response form.
- (B) Delivery to City. The issuing officer shall deliver a copy of the administrative traffic citation to the City Manager within a reasonable time of the date of issuance.
- (C) Response to Citation. A recipient shall respond to the citation within fourteen (14) days of receipt. The recipient may:
  - (1) Admit the violation stated in the citation and agree to pay the fine;
  - (2) Deny the violation stated in the citation and request a hearing; or
  - (3) Request that the administrative citation be converted to a standard traffic citation and filed for processing by the Violations Bureau of the Ramsey County District Court.
- (D) Standard Citation Issued If No Response. If the City Manager receives no written response to a citation within the 14-day response period, the City Manager shall request that the peace officer who issued the citation convert the allegations into a standard traffic citation, file that regular citation at the District Court and mail a copy to the recipient.

**30-47. Hearing Officers.** The City shall maintain a list of hearing officers available to conduct hearings on the merits of an administrative citation, if requested by a recipient. Hearing officers shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department. The hearing officer shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department or with one of the cities that receive law enforcement services from the Ramsey County Sheriff's Department.

- (A) Request For Hearing. If the recipient responds by requesting a hearing, the City Manager shall assign the case to a hearing officer on the list. The Manager shall notify the hearing officer, the recipient and the issuing officer of the assignment in writing. The hearing

officer shall schedule a hearing within a reasonable date of receiving the notice. Any delays in holding the hearing shall be reported to the City Manager by the hearing officer.

- (B) Citation Materials. At assignment, the City Manager shall transmit a copy of the citation to the hearing officer. Within five (5) days of assignment, the issuing officer or the officer's department shall transmit copies of all materials relating to the citation to the hearing officer, including but not limited to additional written reports; certificates of calibration, logs, and other documentation required to support the evidentiary use of speed detection equipment under Minn. Stat. §169.14; relevant certificates of training for the citing officer; and any pictures showing the alleged offense. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but at least three (3) days in advance of the hearing.
- (C) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing officer, and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing officer is not required to attend the hearing.
- (D) Decision, Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the statute or statutes identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the City Manager within five (5) days of closing the hearing.
- (E) Payment Following Finding Of Violation. If the hearing officer finds a violation, the fine for the Designated Traffic Offense is due within thirty (30) days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the fine for any offense or combine multiple offenses into a single fine. Payment of fines due shall be made to the City Manager.
- (F) Standard Citation Issued If No Payment. If payment is not made within thirty (30) days, the Manager shall request that the issuing officer or the officer's department issue a standard traffic citation for the offenses in the administrative citation, mail a copy of the citation to the individual and file the citation, along with the hearing officer's written findings, with the Ramsey County District Court.

**30-48. Designated Administrative Traffic Citation Program Manager.** Pursuant to Resolution No. 18-11, the City Council has designated the Ramsey County Sheriff's Department and its licensed peace officers to administer the City's administrative traffic citation program and to perform the duties of the City and the City Manager as specified therein.

**30-49. Severability.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not



affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**SECTION 2.** This ordinance shall be effective upon its passage and summary published in the official newspaper.

**ADOPTED** this 11th day of April 2018 by the City Council of Falcon Heights, Minnesota.

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Moved by:

Approved by: \_\_\_\_\_

Peter Lindstrom  
Mayor

LINDSTROM           \_\_\_ In Favor  
GUSTAFSON  
BROWN THUNDER   \_\_\_ Against  
MELANIE LEEHY  
MARK MIAZGA

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator

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CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

RESOLUTION NO. 18-11

**A RESOLUTION AUTHORIZING ADMINISTRATIVE CITATIONS  
FOR CERTAIN TRAFFIC OFFENSES PURSUANT TO MINN. STAT. §169.999**

**WHEREAS**, the City is authorized to provide for the issuance of administrative citations for specific traffic offenses designated at Minn. Stat. §169.999, subd. 1(b)(1), (2) and (3) in the amount designated at Minn. Stat. §169.999, subd. 5, as it may be amended from time to time; and

**WHEREAS**, the authority to issue administrative citations authorized by this resolution is reserved by law exclusively to licensed peace officers; and

**WHEREAS**, the City peace officers may not issue administrative traffic citations in violation of Minn. Stat. §169.999; and

**WHEREAS**, the City is required to notify a recipient of an administrative traffic citation of his or her right to contest the citation and to appoint a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution; and

**WHEREAS**, Minn. Stat. §169.999 contains numerous requirements related to the issuance of administrative traffic citations, including but not limited to prescribing a uniform traffic citation form, use and sharing of fine revenues, and other administrative measures.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS, MINNESOTA:**

1. The City hereby authorizes the issuance of administrative citations for traffic offenses designated at Minn. Stat. §169.999, subd. 1(b)(1), (2) and (3), as it may be amended from time to time.
2. The City hereby sets the fine for committing an administrative traffic violation designated by Minn. Stat. §169.999 and this resolution at the amount designed by Minn. Stat. §169.999, subd. 5, as it may be amended from time to time.
3. The City hereby directs that only licensed peace officers may issue administrative traffic citations authorized by this resolution.
4. The City hereby directs that no licensed peace officer may issue an administrative traffic citation in violation of Minn. Stat. §169.999.

5. The City hereby directs that no administrative traffic citation authorized by this resolution may be issued to a holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed.
6. The City hereby adopts the uniform administrative traffic citation form prescribed by the Commissioner of Public Safety.
7. The City designated its law enforcement agency, the Ramsey County Sheriff's Department and its licensed peace officers ("RCS"), as the manager of the City's administrative traffic citation program. Specifically, the RCS shall:
  - A. Operate the City's administrative traffic citation program in compliance with the provisions of Chapter 30 Article III of the, as amended from time to time.
  - B. Issue administrative traffic citations on forms approved by the Commissioner of Public Safety.
  - C. Provide recipients of an administrative traffic citation with a response form that includes the following information and other information as deemed appropriate by the RCS:
    - (1) The recipient's right to challenge the citation;
    - (2) The process for handling challenges to administrative traffic citations;
    - (3) The location, dates and times designated to hear administrative traffic citation challenges;
    - (4) The process for paying an administrative traffic citation;
    - (5) The effect of an administrative traffic citation on the recipient's driving record; and
    - (6) The time within which to submit a response to the RCS.
  - D. Assign a neutral third party designated by the RCS to hear and rule on challenges to administrative traffic citations fines.
  - E. Collect and administer the revenue and expenses of administrative traffic citations programs.
  - F. Account for the portion of the administrative traffic citation fine revenue that must be applied to law enforcement expenditures.

- G. Provide the City with the administrative fine program information that needs to be included in the City’s financial reports, summaries and audits in keeping with common accounting practice and standards.
- 8. City staff is hereby directed to inform the Commissioner of Public Safety of the passage of this resolution.

**ADOPTED** this 11th day of April 2018 by the City Council of Falcon Heights, Minnesota.

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Moved by:

Approved by: \_\_\_\_\_

Peter Lindstrom  
Mayor

LINDSTROM           \_\_\_ In Favor  
GUSTAFSON  
BROWN THUNDER   \_\_\_ Against  
MELANIE LEEHY  
MARK MIAZGA

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator

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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Consent F1
<b>Attachment</b>	General Disbursements and Payroll
<b>Submitted By</b>	Roland Olson, Finance Director

<b>Item</b>	General Disbursements and Payroll
<b>Description</b>	General Disbursements through: 4/05/18 \$85,264.23 Payroll through: 3/31/18 \$19,390.61
<b>Budget Impact</b>	The general disbursements and payroll are consistent with the budget.
<b>Attachment(s)</b>	· General Disbursements and Payroll
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

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PACKET: 01733 MARCH 27 PAYABLES  
VENDOR SET: 01 City of Falcon Heights  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

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POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
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01-0322	BP						
I-201803296609		FEBRUARY AND MARCH FUEL	2,118.24				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		FEBRUARY FUEL		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	884.59	
		FEBRUARY FUEL		101 4124-74000-000	MOTOR FUEL & LUBRICANTS	108.19	
		MARCH FUEL		101 4124-74000-000	MOTOR FUEL & LUBRICANTS	45.00	
		MARCH FUEL		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	1,080.46	
		=== VENDOR TOTALS ===	2,118.24				
=====							
01-03089	CASH						
I-201803296611		OFFICE SUPPLIES AND POSTAGE	38.97				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		OFFICE SUPPLIES		101 4131-70110-000	SUPPLIES	14.27	
		POSTAGE		101 4112-70500-000	POSTAGE	24.70	
		=== VENDOR TOTALS ===	38.97				
=====							
01-03123	CINTAS CORPORATION #470						
I-4004715084		SHOP TOWELS, CLEANING SUPPLIE	301.76				
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N			
		SHOP TOWELS, CLEANING SUPPLIES		101 4131-70110-000	SUPPLIES	301.76	
		=== VENDOR TOTALS ===	301.76				
=====							
01-06290	CITY OF ROSEVILLE						
I-224327		MARCH IT SERVICES	2,431.00				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		MARCH IT SERVICES		101 4116-85070-000	TECHNICAL SUPPORT	2,431.00	
I-224362		MARCH TELEPHONE	315.81				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		MARCH TELEPHONE		101 4116-85010-000	TELEPHONE	315.81	
		=== VENDOR TOTALS ===	2,746.81				
=====							
01-03122	CITY OF ST PAUL						
I-201803276605		HUMAN RIGHTS DAY MAILER	3.00				
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N			
		HUMAN RIGHTS DAY MAILER		101 4116-70420-000	NEWSLETTERS/INFORMATION	3.00	
		=== VENDOR TOTALS ===	3.00				

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01-05179	J61	FALCON HEIGHTS FIRE RELIEF				
I-201803276604		FIREFIGHTER REIMBURSEMENT	1,000.00			
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N		
		FIREFIGHTER REIMBURSEMENT		101 4125-64040-000	FIRE RELIEF AID	1,000.00
		=== VENDOR TOTALS ===	1,000.00			
01-05179		FIRE SAFETY USA, INC				
I-201803276606		HAZMAT PARTS	410.00			
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N		
		HAZMAT PARTS		101 4124-87025-000	HAZMAT EQUIPMENT MAINT	410.00
		=== VENDOR TOTALS ===	410.00			
01-05013		KROELL, SONJA				
I-201803276607		REISSUE CHECK 85049	115.00			
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N		
		REISSUE CHECK 85049		201 34310-000	RECREATION FEES	115.00
		=== VENDOR TOTALS ===	115.00			
01-05549		MELANIE LEEHY				
I-201803296612		CONFERENCE REIMBUSREMENT	35.19			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		CONFERENCE REIMBUSREMENT		101 4111-86100-000	CONFERENCES/EDUCATION/TR	35.19
		=== VENDOR TOTALS ===	35.19			
01-05555		MEDICS TRAINING				
I-201803296610		EMT/EMR TRAINING	550.00			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		EMT/EMR TRAINING		101 4124-86020-000	TRAINING	550.00
		=== VENDOR TOTALS ===	550.00			
01-05843		MN NCPERS LIFE INSURANCE				
I-201803296610		MARCH LIFE INSURANCE	64.00			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		MARCH LIFE INSURANCE		101 21709-000	OTHER PAYABLE	36.64
		MARCH LIFE INSURANCE		201 21709-000	OTHER PAYABLE	4.00
		MARCH LIFE INSURANCE		204 21709-000	OTHER PAYABLE	1.60
		MARCH LIFE INSURANCE		601 21709-000	OTHER PAYABLE	15.52
		MARCH LIFE INSURANCE		602 21709-000	OTHER PAYABLE	6.24
		=== VENDOR TOTALS ===	64.00			

PACKET: 01733 MARCH 27 PAYABLES  
VENDOR SET: 01 City of Falcon Heights  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

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01-07218		NEXTEL COMMUNICATIONS, INC					
I-177		CELL PHONE TIM P	130.26				
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N			
		CELL PHONE TIM P		101 4121-85015-000	CELL PHONE		24.75
		CELL PHONE TIM P		101 4131-85015-000	CELL PHONE		13.03
		CELL PHONE TIM P		101 4141-85015-000	CELL PHONE		13.03
		CELL PHONE TIM P		101 4132-85015-000	CELL PHONE		13.03
		CELL PHONE TIM P		601 4601-85015-000	CELL PHONE		48.20
		CELL PHONE TIM P		602 4602-85015-000	CELL PHONES		18.22
		=== VENDOR TOTALS ===	130.26				

01-07218		SAFE ASSURE CONSULTANTS					
I-1336		2018 OSHA TRAINING	1,335.00				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		2018 OSHA TRAINING		101 4131-86100-000	CONFERENCES/EDUCATION/AS		667.50
		2018 OSHA TRAINING		601 4601-86100-000	TRAINING		667.50
		=== VENDOR TOTALS ===	1,335.00				

01-06544		TIM SANDVIK					
I-201803296613		MILEAGE AND CONFERENCE REIMBU	755.27				
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N			
		MILEAGE REIMBURSEMENT		101 4112-86010-000	MILEAGE & PARKING		19.87
		MCMA CONFERENCE & LODGING		101 4112-86100-000	CONFERENCES/EDUCATION/AS		735.40
		=== VENDOR TOTALS ===	755.27				

01-06590		TRUCK UTILITIES MFG CO.					
I-1213		COUPLER SET	17.00				
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N			
		COUPLER SET		101 4132-70120-000	SUPPLIES		17.00
		=== VENDOR TOTALS ===	17.00				

01-06901		ULTIMATE SAFETY CONCEPTS					
I-176348		HAZMAT SUPPLIES	204.26				
3/27/2018	APBNK	DUE: 3/27/2018 DISC: 3/27/2018		1099: N			
		HAZMAT SUPPLIES		101 4124-87025-000	HAZMAT EQUIPMENT MAINT		204.26
		=== VENDOR TOTALS ===	204.26				

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POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0814	WEMYSS INC					
I-20180327		NAMETAGS	30.00			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		NAMETAGS		101 4124-70100-000	SUPPLIES	30.00
=== VENDOR TOTALS ===			30.00			
01-05870	XCEL ENERGY					
I-585159876		CIVIL DEFENSE SIREN	7.87			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		CIVIL DEFENSE SIREN		101 4121-85020-000	ELECTRIC	7.87
I-585178583		AUTO PROTECTIVE LIGHT	28.83			
3/29/2018	APBNK	DUE: 3/29/2018 DISC: 3/29/2018		1099: N		
		AUTO PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	19.71
		AUTO PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	9.12
=== VENDOR TOTALS ===			36.70			
=== PACKET TOTALS ===			9,891.46			

-----ID-----			GROSS	P.O. #			
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
01-050		AMERIPRIDE SERVICES					
I-1004096529		LINEN CLEANING	47.63				
4/04/2018	APBNK	DUE: 4/04/2018 DISC: 4/04/2018		1099: N			
		LINEN CLEANING		101 4124-82011-000	LINEN CLEANING		47.63
		=== VENDOR TOTALS ===	47.63				
01-06290		CITY OF ROSEVILLE					
I-224320		FEBRUARY ENGINEERING	414.93				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		FEBRUARY ENGINEERING		101 4133-80100-000	ENGINEERING SERVICES		194.60
		FEBRUARY ST PROJ ENGINEERING		427 4427-92098-000	2017 STREET PROJECT - GR		220.33
		=== VENDOR TOTALS ===	414.93				
01-05819		DANIELSON, CAREY BOLLINGER					
I-201804056619		REC SPORTS REFUND	45.00				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		REC SPORTS REFUND		201 34310-000	RECREATION FEES		45.00
		=== VENDOR TOTALS ===	45.00				
01-04027		EMERGENCY APPARATUS MAINT					
I-98606		REPAIR 752	529.94				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		REPAIR 752		101 4124-87029-000	REPAIR OTHER EQUIPMENT		529.94
I-98607		REPAIR 753	529.24				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		REPAIR 753		101 4124-87029-000	REPAIR OTHER EQUIPMENT		529.24
I-98608		REPAIR 757	494.14				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		REPAIR 757		101 4124-87029-000	REPAIR OTHER EQUIPMENT		494.14
		=== VENDOR TOTALS ===	1,553.32				
01-05818		FEDERAL SIGNAL CORPORATION					
I-6844504		EMERGENCY SIREN	14,170.00				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		EMERGENCY SIREN		402 4402-91000-000	MACHINERY & EQUIPMENT		14,170.00
		=== VENDOR TOTALS ===	14,170.00				

-----ID-----			GROSS	P.O. #			
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
01-05143	HINRICHS,RICH						
I-201804056614		SUPPLIES REIMBURSEMENTS	19.78				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		REIMBURSE CHIEFS MEETING SUPPL		101 4124-70100-000	SUPPLIES		13.08
		REIMBURSE POSTAGE		101 4124-70500-000	POSTAGE		6.70
		=== VENDOR TOTALS ===	19.78				
01-05153	HOME DEPOT CRC/GECF						
I-201804056615		FAUCET AND PAINT	232.96				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		KITCHEN FAUCET		101 4131-87010-000	CITY HALL MAINTENANCE		159.00
		PAINT		101 4124-70100-000	SUPPLIES		73.96
		=== VENDOR TOTALS ===	232.96				
01-05235	JAN-PRO CLEANING SYSTEMS						
I-74500		MARCH AND APRIL CLEANING SERV	410.00				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		MARCH AND APRIL CLEANING SERVI		101 4131-87010-000	CITY HALL MAINTENANCE		410.00
		=== VENDOR TOTALS ===	410.00				
01-05058	JOSH JORDAN						
I-201804056616		TAE KWON DO INSTUCTOR	1,571.20				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: Y			
		TAE KWON DO INSTUCTOR		201 4201-87700-000	INSTRUCTOR-SPECIALTY CLA		1,571.20
		=== VENDOR TOTALS ===	1,571.20				
01-05272	LILLIE SUBURBAN NEWSPAPER						
I-201804056617		NOTICES	54.64				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		NOTICES		101 4111-70410-000	LEGAL NOTICES		54.64
		=== VENDOR TOTALS ===	54.64				
01-05665	METROPOLITAN COUNCIL						
I-1080876		MAY SANITARY SEWER	39,846.43				
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N			
		MAY SANITARY SEWER		601 4601-85060-000	METRO SEWER CHARGES		39,846.43
		=== VENDOR TOTALS ===	39,846.43				

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01- /48	MN	BOARD OF FIREFIGHTER TRAINI				
I-201804056618		FIREFIGHTER LICENSE RENEWALS	225.00			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		FIREFIGHTER LICENSE RENEWALS		101 4124-86020-000	TRAINING	225.00
		=== VENDOR TOTALS ===	225.00			
=====						
01-07263		NEXTEL COMMUNICATIONS, INC				
I-172868921157		CELL PHONES	16.90			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		CELL PHONES		101 4124-85015-000	CELL PHONE	16.90
		=== VENDOR TOTALS ===	16.90			
=====						
01-05531		OFFICETEAM				
I-50543410		BILLED RATE FOR JANET	696.24			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		BILLED RATE FOR JANET		101 4112-80340-000	ADMINISTRATIVE SUPPORT	696.24
		=== VENDOR TOTALS ===	696.24			
=====						
01-06024		ON SITE SANITATION				
I-560119		COMM PARK TOILETS	75.00			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		COMM PARK TOILETS		601 4601-85080-000	PORTABLE TOILET PARKS	75.00
		=== VENDOR TOTALS ===	75.00			
=====						
01-06185		RAMSEY COUNTY				
EMCOM006793		MARCH FLEET SUPPORT	81.12			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		MARCH FLEET SUPPORT		101 4124-86800-000	RADIO MESB/FLEET SUPPORT	81.12
I-RISK001916		APRIL DENTAL/DISABILITY/LIFE	1,007.76			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		APRIL DENTAL/DISABILITY/LIFE		101 4112-89000-000	MISCELLANEOUS	1,007.76
		=== VENDOR TOTALS ===	1,088.88			

PACKET: 01736 APRIL 4 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
01-05374	184	RAMSEY COUNTY - POLICE AND 911				
I-EMCOM006823		MARCH CAD	499.10			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		MARCH CAD		101 4122-81200-000	911 DISPATCH FEES	499.10
I-EMCOM006837		MARCH 911 DISPATCH	2,557.68			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		MARCH 911 DISPATCH		101 4122-81200-000	911 DISPATCH FEES	2,557.68
		=== VENDOR TOTALS ===	3,056.78			
01-05374		TENNIS SANITATION LLC				
I-2081621		FEB AND MARCH RECYCLING	11,624.54			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		FEB AND MARCH RECYCLING		206 4206-82030-000	RECYCLING CONTRACTS	11,624.54
I-2081622		FEB AND MARCH WASTE REMOVAL	134.00			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		FEB AND MARCH WASTE REMOVAL		101 4131-82010-000	WASTE REMOVAL	134.00
		=== VENDOR TOTALS ===	11,758.54			
01-05737		VERIZON WIRELESS				
I-9804178440		POESCHL PHONE	19.52			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		POESCHL PHONE		101 4124-85015-000	CELL PHONE	19.52
I-9804300337		CAD DISPATCH WIRELESS	70.02			
4/05/2018	APBNK	DUE: 4/05/2018 DISC: 4/05/2018		1099: N		
		CAD DISPATCH WIRELESS		101 4124-85015-000	CELL PHONE	70.02
		=== VENDOR TOTALS ===	89.54			
		=== PACKET TOTALS ===	75,372.77			



EMP #	NAME	AMOUNT
01-0013	PETER C LINDSTROM	304.93
01-0022	RANDALL C GUSTAFSON	262.05
01-0023	MELANIE M LEEHY	262.05
01-0024	MARK J MIAZGA	262.05
01-1005	SACK THONGVANH	3,198.63
01-1017	TIMOTHY J SANDVIK	1,736.07
01-1136	ROLAND O OLSON	2,380.23
01-2246	BRANDON C NELSON	798.93
01-2154	MAUREEN A ANDERSON	253.78
01-1018	PAUL A MORETTO	2,478.32
01-0086	RICHARD H HINRICHS	884.82
01-0095	MICHAEL J POESCHL	396.24
01-0097	PATRICK GAFFNEY	128.61
01-0105	ANTON M FEHRENBACH	347.91
01-0123	BRYAN R SULLIVAN	92.24
01-0124	MICHAEL D KRUSE	126.40
01-1030	TIMOTHY J PITTMAN	2,062.95
01-1033	DAVE TRETSEVEN	1,626.64
01-1143	COLIN B CALLAHAN	1,525.71

TOTAL PRINTED: 19 19,128.56

3-29-2018 9:09 AM  
 PAYROLL NO: 01 City of Falcon Heights  
 PAYROLL CHECK REGISTER

PAGE: 1  
 PAYROLL DATE: 3/29/2018

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
000	BROWN THUNDER, JOSEPH C	R	3/29/2018	262.05	087381

3-29-2018 9:09 AM  
 PAYROLL NO: 01 City of Falcon Heights  
 PAYROLL CHECK REGISTER

PAGE: 2  
 PAYROLL DATE: 3/29/2018

\*\*\* REGISTER TOTALS \*\*\*

REGULAR CHECKS:	1	262.05
DIRECT DEPOSIT REGULAR CHECKS:	19	19,128.56
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	20	19,390.61

\*\*\* NO ERRORS FOUND \*\*\*

\*\* END OF REPORT \*\*

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Consent F2
<b>Attachment</b>	Grant Application
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Ramsey County Emergency Management and Homeland Security 2018 Grant Project Request for Investment Application
<b>Description</b>	
<b>Budget Impact</b>	There is no match required by the City.
<b>Attachment(s)</b>	· 2018 Grant Request for Investment
<b>Action(s) Requested</b>	Staff recommends submitting and grant application to the Ramsey County Emergency Management and Homeland Security Grant Project Request for Investment and authorize the City Administrator to execute all necessary documents.

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# RAMSEY COUNTY

## Emergency Management & Homeland Security

90 Plato Blvd. West, Suite 220  
 Saint Paul, MN 55107  
 Phone: (651) 266-1020  
 www.co.ramsey.mn.us

2018 Grant Project Request for Investment	
Short Project Description	
Contact/Responsible Person	Name, Email and Phone Number <i>Rich.Hinrichs@FalconHights.org</i>
Agency	<i>FALCON HEIGHTS FIRE Dept</i>
Start Up Cost (1 time)	<i>\$ 6000.00</i>
	Operations Cost <i>0</i>
	Equipment Cost <i>\$ 6000.00</i>
Who will maintain going forward	<i>FHFD</i>
Annual Maintenance Cost	<b>NO GRANT FUNDS!</b>
Which Capability Target does this address? For List See: <a href="http://www.fema.gov/core-capabilities">http://www.fema.gov/core-capabilities</a>	<i>CBRNE OPERATION detection 07CD-01-MONO / 07SE Equipment kits (MCI) 09ME-01-MCIK</i>
Specific Itemized Descriptions of what you want to purchase and HOW YOU WILL GO ABOUT spending the funds.  NOTE: You MUST follow regular Competitive open purchasing requirements and you cannot make purchases until you have been notified of grant funding approval.	<i>RAO system HCN, CL 07CD-01-MONO / 07SE - GAS DETECTION with LITE STATION  GAS DETECTION and CALIBRATION STATION FOR CBRNE EVENTS.  09ME-01 MCIK - 2 RESCUE TACTICAL VEST KITS with AS/MCI Response Supplies</i>

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Consent F3
<b>Attachment</b>	Award Letter
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Accept Cable-Style Gun Locking Device
<b>Description</b>	<p>The City of Falcon Heights has participated in the past with providing the residents of Falcon Heights with gunlocks. As required, a law enforcement agency is required to make the request. Ramsey County Sheriff's Office made the request on our behalf.</p> <p>Project ChildSafe continues to be funded by the firearms industry, as it has since its inception in 1999. Beginning in 2017, however, some progmn operations were funded through a cooperative agreement between the U.S. Department of Justice/Bureau of Justice Assistance and NSSF.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Award Letter</li> </ul>
<b>Action(s) Requested</b>	Staff recommends accepting 100 cable-style gun-locking devices as part of the Project ChildSafe.

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## NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road, Newtown, CT 06470-2359

203-426-1320 Fax 203-426-1087 nssf.org



Dear Project ChildSafe Partner:

Thank you for your support of Project ChildSafe, the firearm safety education program developed by the National Shooting Sports Foundation, the trade association of the firearms industry.

Your shipment of Project ChildSafe safety kits, which include a cable-style gun locking device and safety brochure, has either been delivered to you or will be shortly. *Groups that have partnered with Project ChildSafe in the past will note that gun locks being shipped to them might have a different color padlock case and logo. Locks with a dark gray casing allow the use of the "Own It? Respect It. Secure It." logo to help convey this important gun safety message. These safety devices are identical to the traditional Project ChildSafe yellow-case cable-style locks except for the difference in case color. Both the dark gray and yellow case locks meet the ASTM and California DOJ standards for cable-style gun locks.*

Project ChildSafe continues to be funded by the firearms industry, as it has since its inception in 1999. Beginning in 2017, however, some program operations were funded through a cooperative agreement between the U.S. Department of Justice/Bureau of Justice Assistance and NSSF.

To assist you with your firearms safety initiatives, please take advantage of materials in our law enforcement handbook here:

[http://www.projectchildsafe.org/sites/default/files/PCS\\_LawEnforcement\\_NoBAJ\\_Toolkit\\_v7.pdf](http://www.projectchildsafe.org/sites/default/files/PCS_LawEnforcement_NoBAJ_Toolkit_v7.pdf)

The following materials and more are available at [www.projectchildsafe.org/resource-library](http://www.projectchildsafe.org/resource-library).

- A [Child Safety Pledge](#) to copy to use as a handout
- "[Safe Gun Storage Options](#)" infographic to copy to use as a handout
- Safety videos such as "[How to Talk to Your Kids about Gun Safety](#)"

Educational brochures like [Firearms Responsibility in the Home](#) are online and available in hard copy, too, by contacting Cari Arena, Project ChildSafe's National Coordinator, at [carena@nssf.org](mailto:carena@nssf.org).

NSSF appreciates your dedication to encouraging firearms safety. Through your efforts, Project ChildSafe has distributed more than 37 million firearm safety kits that include a gun lock. Together, we're making a difference. The National Safety Council 2017 Injury Facts Report shows that unintentional firearms-related deaths declined by 24 percent from 2006 to 2015.

By working together to promote firearms safety, we truly can help save lives.

#60063



THE FIREARMS INDUSTRY TRADE ASSOCIATION | NSSF.ORG |



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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Policy G1
<b>Attachment</b>	Resolution & Supporting Documents
<b>Submitted By</b>	Paul Moretto, Community Development Coordinator

<b>Item</b>	1454 Roselawn Ave Variance Application
<b>Description</b>	<p>Request for a variance from the City of Falcon Heights Zoning Code. Request to decrease front yard setback requirement to 20 feet for the demolition and reconstruction of an accessory, detached garage.</p> <p>1454 Roselawn Avenue West, Falcon Heights, 55113, PIN 152923310046, is located on the northeast corner of the intersection of Roselawn Avenue and Pascal Street North. The legal description is Ex S 75 Ft The W 24 4/10 Ft Of Lot 2 And Ex S 75 Ft Lot 3; Blk 1 Lot 2 of Block 1 of the Barthel Villas Addition. The parcel is zoned R-1 Residential.</p> <p>The neighborhood predates most of the present City Code, and the existing primary and accessory structures, which has been in place since in one form or another since 1910, is considered a legally nonconforming use, “grandfathered” at the time the 1993 city code was adopted and later updated.</p> <p>The applicant wishes to demolish the existing garage and replace it on the same footprint as the current garage. The garage and principle structure is located 20 feet from the front yard setback; the required setback is 30 feet. Therefore, the applicant seeks a setback variance of 10 feet in order to build the ten foot addition.</p> <p>Notice of a public hearing on this matter was published in the Roseville Review on March 14, 2018. On March 14th, notice was mailed to the owners of all properties within 500 feet as required by statute.</p> <p>On March 27<sup>th</sup>, 2018, the Planning Commission convened a hearing on the issue. None spoke in opposition. The Planning Commission voted 4-0 to recommend approval of the application for a variance.</p> <p><b>In reference to Section 113-62 Variances, staff finds the following:</b></p>

**a. That the variance would be in harmony with the general purposes and intent of Chapter 113.**

Staff finds that the variance requested is in harmony with the purpose and intent of the zoning chapter as stated in Section 113-1.

**b. That the variance would be consistent with the comprehensive plan.**

Staff finds that the variance requested is consistent with the comprehensive plan and that it will not impair or diminish property values or improvements in the area.

**c. That there are practical difficulties in complying with this chapter.**

Staff finds that there are practical difficulties in complying with the letter of Section 113-174 R-1 Residential Districts. 1454 Roselawn is unique because the subdivision occurred after the construction of the home and the history of the subdivision and the age of the house provides for a unique circumstance. This house was built in 1910, whereas the Barthel Villa subdivision was established in the late 1940's early 1950's. The lot was divided in a way that was appropriate for the development pattern at that time. The current code was not in place at that time. The current code does not provide adequate flexibility for the type of development that is standard on other lots in the city.

It would be difficult to address the rebuilding of the garage without violating the city code by placing the structure somewhere else on the property. The historical impervious service to the rear of the property, that has been stated to be extremely difficult to remove, would be difficult or impossible to build on. Additionally, if the garage were to be placed legally setback from the required front yard it would cause the garage to then be placed in the required rear yard. This places the garage closer the rear neighbor and would create a conflict were none exists now.

If the garage were to be placed on other parts of the property, it would create an increase in impervious surface as the driveway would need to be extended. This would create a new variance issue as the property would be over the impervious surface requirement.

The replacement of the garage at the historical location is the best alternative to all other possible actions.

**d. That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.**

Staff finds that the variance will not impair an adequate supply of light and

	<p>air to adjacent properties, will have no effect on traffic on the public street and will not increase the danger of fire or endanger the public safety.</p> <p><b>e. That the requested variance is the minimum action required to eliminate the practical difficulties.</b></p> <p>Replacing the garage on the original footprint is the minimum action required to eliminate the practical difficulty. All other options would create another need for a variance.</p> <p><b>f. The provisions regarding earth-sheltered construction and temporary use stated in Section 113-62(e)(6) do not apply to this variance.</b></p>
<b>Budget Impact</b>	None
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Resolution R18-12 Approving the Application Granting a Variance at 1454 Roselawn Ave</li> <li>· Variance Application</li> </ul>
<b>Action(s) Requested</b>	Staff recommends approval of attached resolution approving the variance application at 1454 Roselawn Ave

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- Rec. 34597  
- 315118



# City of Falcon Heights Planning Application

**PAID**

**Action Requested By:**

Name of Property Owner John + Kris Robertson-Smith

Phone (h) 651-646-1853 (w) \_\_\_\_\_

Address of Property Owner 1454 Roselawn Avenue West

Name of Applicant (if different) \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Property Involved:**

Address 1454 Roselawn Avenue West

Legal Description EX S 75 FT THE W 24 4/10 FT OF LOT 2 AND  
EX S 75 FT LOT 3 BLK 1

Property Identification Number (PIN) 152923310046

**Present Use of Property (check one):**

- Single Family Dwelling
- Duplex/Two Family Dwelling
- Multi Family Complex
- Business/Commercial
- Government/Institutional
- Vacant Land

**Action Requested (NON-REFUNDABLE):**

- Variance (\$500.00)
- Conditional Use Permit (\$500.00)
- Rezoning, Zoning Amendment (\$500.00)
- Comprehensive Plan Amendment (\$550.00)
- Lot Split (\$250.00)
- Site Plan Review (\$100.00)
- Subdivision (Fee on request)
- Other (Please Specify) \_\_\_\_\_

The above Application Fees do not include any additional fees that might be required, including legal, engineering, consulting and additional City services. Applicants should meet with City Staff prior to submitting application to discuss applicable ordinances, required attachments, timelines and fees.

**Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):**

Due to historical nature of our property (farm house built in 1910) and the changing city property ordinances since 1910, we are in noncompliance with city codes. We seek a variance to resolve this situation in order to replace our garage.

**I certify that all statements on this application are true and correct:**

John Robertson-Smith, Kris Robertson-Smith  
**Signature of Property Owner (required)**

\_\_\_\_\_  
**Signature of Applicant (if applicable)**

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## HOME OWNERS' STATEMENT IN SUPPORT OF A VARIANCE

Property Address: 1454 Roselawn Avenue West, Falcon Heights

Owners Names: John and Kris Robertson-Smith

Date Submitted to City of Falcon Heights: March 5, 2018

We are requesting a variance to existing code in order to replace our current aging garage with one exactly like it. We have learned our garage is not in compliance with current codes, specifically it is not set far enough back from the road and our home exceeds the limit for impermeable surface area.

These code violations are a result of our home's historic and unique nature as one of the oldest, if not the oldest, homes in Falcon Heights. Our home was built in 1910, decades before Falcon Heights was founded. It was a farmhouse with several outbuildings; consequently, there are remnants of old foundations or impermeable surface throughout the yard one of which we enhanced by covering it with a patio. Given the historical nature of our lot, granting a variance would seem to cause minimal disruption to the existing codes.

We have developed the remaining green space, adding numerous trees and flowers, and spending our free time enhancing and maintaining the gardens and lawn. The Barthel family who originally built our home grew and sold flowers, and we attempt to honor that legacy. Our limited "green space" is precious to us and it's value cannot be overstated. Neighbors frequently comment how "nice" our yard looks

To comply with all current codes, we would need to completely move the house and garage which is not reasonable and would be quite a hardship. Compounding the situation is the dilemma that if it were reasonably possible to correct for either violation, the result would enlarge the scope of the other violation. It is not possible to relocate our garage to comply with setback codes without adding to the driveway and increasing our impermeable surface area.

We have lived in our home since 1986 and have continually worked to enhance the house and yard. We do most of the work ourselves and are invested in having an aesthetically pleasing home and yard. To alter anything that would decrease our treasured green space or longstanding property configuration would be an emotional hardship to a degree that is hard to put into words.

In conclusion we are asking for a variance to the city codes which will allow us to replace our existing garage with one that is more structurally sound. Given the unique and historical character of our homestead and the reasons we have cited, we believe a variance is warranted.

Thank you for your consideration of this important matter.

John and Kris Robertson-Smith

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**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

April 11, 2018

No. 18-12

-----  
**RESOLUTION TO APPROVE THE APPLICATION GRANTING A VARIANCE AT 1454  
ROSELAWN AVE**

**WHEREAS**, the owner of 1454 Roselawn Ave., Falcon Heights, MN 55113 Ex S 75 Ft The W 24 4/10 Ft Of Lot 2 And Ex S 75 Ft Lot 3; Blk 1 Lot 2 of Block 1 of the Barthel Villas Addition PIN 152923310046 applied for a variance from the City of Falcon Heights Zoning Code number 113-174 (e)(3) Front Yard Setback of 30 feet; and

**WHEREAS**, the owner wishes to rebuild their detached garage on the same footprint and size as the existing garage; and

**WHEREAS**, the existing garage is ten feet closer than is allowed in R-1 districts; and

**WHEREAS**, the Planning Commission convened a hearing on the application for variance on March 27, 2018; and

**WHEREAS**, the Planning Commission and City Staff made recommendation for APPROVAL of the application for a variance;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Falcon Heights, Minnesota:

1. Approve the application to GRANT A VARIANCE of ten feet to allow a detached structure to be located twenty feet from the property line.

Moved by:

Approved by: \_\_\_\_\_

Peter Lindstrom  
Mayor

LINDSTROM           \_\_\_ In Favor  
GUSTAFSON  
BROWN THUNDER   \_\_\_ Against  
MELANIE LEEHY  
MARK MIAZGA

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Policy G2
<b>Attachment</b>	Resolution & Supporting Documents
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	1354 California Ave Court Order Resolution
<b>Description</b>	Over the last three years, the property has received numbers of city code violates that include, but not limited to tall grass, noxious weeds, and snow removal. Attached to you are two letters from the City Building Official outlining building code violations and one letter from the City Fire Marshal outlining fire code violations.
<b>Budget Impact</b>	The budget impact will be dependent on the process used to abate the property. The City is allowed to assess the property for abatement and legal cost associated with abatement of the property.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Resolution 18-13 Ordering Correction or Removal of Hazardous Conditions or Razing or Removal of Buildings</li> <li>· Building Official Letters</li> <li>· Fire Marshal Letter</li> <li>· Final Abatement Notice Letter from the City Administrator</li> </ul>
<b>Action(s) Requested</b>	Staff approval of attached resolution and authorize the City's legal counsel, Campbell Knutson, PA to draft and serve an order to correct or remove the hazardous conditions present in and around Subject Building. Council also authorize the City Administrator to execute all necessary documents.

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**FALCON HEIGHTS CITY COUNCIL  
FALCON HEIGHTS, MINNESOTA**

A general meeting of the City Council of the City of Falcon Heights, Minnesota was called to order by Mayor Peter Lindstrom at 7:00p.m. in the Council Chambers of City Hall, Falcon Heights, Minnesota, on April 11, 2018.

The following Council Members were present:

A motion to adopt the following resolution was made by Council Member \_\_\_\_\_.

**FALCON HEIGHTS CITY COUNCIL  
RESOLUTION NO. 2018-13**

**RESOLUTION ORDERING CORRECTION  
OR REMOVAL OF HAZARDOUS CONDITIONS  
OR RAZING OR REMOVAL OF BUILDINGS**

**WHEREAS**, the City of Falcon Heights has attempted without success to have the owner of certain property at 1354 California Avenue, Falcon Heights, Minnesota, in the County of Ramsey (“Subject Property”), remedy the hazardous condition of the Subject Property and residential home thereon (“Subject Building”).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Falcon Heights, Minnesota:

1. The City has fully considered all evidence relating to the hazardous condition of the Subject Property and Subject Building.
2. After fully considering all of the evidence pertaining to the hazardous condition of the Subject Property and Subject Building, the City finds:
  - a. The Subject Building is in severe disrepair. The building is currently unoccupied and has been for a significant period of time. The front stairs are crumbling due to water intrusion. The side stairs are deteriorating and the wood is rotting away. Water has penetrated the inside of some walls of the building. Mice and rats have infested the building. Boxes of debris are stacked over five feet high around the furnace and water heater. The overall amount of clutter and debris on all levels of the house places excessive weight on the supporting structural frame.

- b. There is a detached garage on the Subject Property, which is also dilapidated, deteriorating, and structurally unstable. The garage foundation is cracked and separating at the door location. The brick / masonry wall on the south side of the garage is falling apart, leaning outward at the top of the wall, and is not plumb. The north wall of the garage has openings where brick support has fallen out. The masonry grout is shrinking away from the block, leaving space for water intrusion. The roof of the garage is sagging in the middle of the roof span. Many of the asphalt shingles on the roof of the garage are missing or damaged.
- c. The City Fire Marshall has noted approximately 15 fire code violations, including:
- unsafe conditions
  - obstructions of corridors
  - exits and aisles with large accumulations of combustible materials preventing egress from the building in some areas
  - doors not readily able to open due to accumulation of materials
  - building unoccupied and not safeguarded or maintained
  - storage is not neat and orderly
  - stacks of materials throughout the interior of the home are unstable
  - materials are stacked to the ceiling without adequate ceiling clearance
  - combustible materials are located in exits, enclosures, and stairways
  - combustible materials are stored in boiler, mechanical, and electrical rooms
  - fire alarm and detection systems inoperable, not present, or inaccessible for testing due to accumulation of materials
  - appliances and fixtures appear to be inoperable
  - electrical panel is inaccessible
  - large amounts of rat / mouse droppings present hazard to health and safety
  - accumulation of materials presents both a fire hazard and egress hazard
- d. As of the date of this Resolution, the hazardous conditions of the Subject Property and Subject Building have not been remedied.
- e. Because of the inadequate maintenance, dilapidation, physical damage, abandonment, and unsanitary condition, the Subject Property and Subject Building constitute a fire hazard and a hazard to public safety and are therefore a Hazardous Property and Hazardous Building within the meaning of Minn. Stat. § 463.15, subd. 3.



3. The City hereby directs its legal counsel, Campbell Knutson, P.A., to draft and serve an order to correct or remove the hazardous conditions present in and around Subject Building, to raze or remove the attached garage, and to take all other steps available to prevent the property and building from posing a continuing hazard to the public, including, but not limited to, initiation of a hazardous building action under Minnesota Statutes § 463.15 *et seq.*

Adopted by the City Council on the 11<sup>th</sup> day of April 2018.

---

**Mayor Peter Lindstrom**

Attest:

---

**Sack Thongvanh, City Administrator/City Clerk**

The following Council Members voted in favor:

The following Council Members voted against or abstained:

**Whereupon the motion was duly passed and executed.**

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CITY OF  
**FALCON HEIGHTS**

2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113-5594

email: [mail@ci.falcon-heights.mn.us](mailto:mail@ci.falcon-heights.mn.us)  
website: [www.ci.falcon-heights.mn.us](http://www.ci.falcon-heights.mn.us)

Phone - (651) 792-7600  
Fax - (651) 792-7610

August 30, 2017

Sack Thongvanh  
City Administrator, City of Falcon Heights  
2077 West Larpenteur Ave.  
Falcon Heights, MN 55113

RE; 1354 California Ave.

**BACKGROUND:**

On June 29, 2017 and on July 25, 2017 I conducted inspections of the property as requested by Paul Moretto, Community Development Coordinator for the City of Falcon Heights. The dwelling had become vacant and I was called in to inspect the condition of the dwelling on California Avenue and the detached garage to the rear of the property. I found the dwelling unit to be vacant and it appeared abandoned due to the condition of overgrowth on the property. I did not receive an answer to my ringing of the doorbell or knocking on the door and the yard was unkept.

**OBSERVATIONS:**

Dwelling- The overall condition of the dwelling I would describe as being in total disrepair. The brick veneer on the exterior is covered in vines and a few places were showing signs of spalling. The front stair landing and steps appears to be constructed of slate and is starting to come apart and is crumbling due to water intrusion. A small wooden landing and stairs on the west side of the house is deteriorating and is rotting away, I believe to lack of maintenance. Both landings and stairs are part of the exit discharge to the public way.

In several places, plastic sheathing or a plastic tarp like material has been placed between the dwelling and the top of grade. It does not appear to be the type of product normally used for landscaping and appears to me to be placed there to keep the rain water and snow melt from entering the home. The plastic material is torn and crumpled. Visually the asphalt shingled roof appears normal however the gutters and downspouts are most likely filled with leaves and debris.





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Garage- The garage foundation is cracked and separating at the door location. The brick/masonry wall on the south side is coming apart at a location that appears to have been repaired at one time and is leaning outwards at the top and is not plumb. The north side wall has openings where the brick support has fallen out. All the masonry grout is shrinking away from the brick and leaving space for water intrusion. The roof structure is sagging in the middle of the roof span and would indicate to me overstressed lumber support. The roof covering is asphalt shingles and several are missing and many are damaged.

SUMMARY:

Based on my observations and past experience I believe there is water intrusion into the homes foundation as shown by the placement of plastic tarps and also into the wall spaces due to the overgrowth of vines and plantings around the home along with the clogged gutters and downspouts. The two exit landings and stairs on the dwelling are unsafe due to the deterioration and neglect and should be repaired or replaced. The garage structure is a total failure and is in imminent danger of collapse. Access to the inside of both buildings to complete a thorough inspection should be done to fully detail the extent of damage to the structures.

Sincerely,

Stephen Westerhaus  
Building Official #2022  
City of Falcon Heights





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*The City That Soars!*

Phone - (651) 792-7600  
Fax - (651) 792-7610

October 24, 2017

Sack Thongvanh  
City Administrator, City of Falcon Heights  
2077 West Larpenteur Ave.  
Falcon Heights, MN 55113

RE; 1354 California Ave.-Inside inspection

**BACKGROUND:**

On October 4, 2017 I was able to gain access to the interior of the dwelling through a search warrant obtained by the St. Anthony Police Department. Upon entering the front door it was obvious that the home was full of boxes, clothing, and possessions I assumed were acquired by the previous owner. The amount of material in the home made moving around difficult however I was able to enter each floor and get a look inside all rooms.

**FINDINGS:**

During my inside inspection I was inspecting for water intrusion, faulty electrical, mechanical, and plumbing. I was also looking for evidence of structural deficiencies.

1. Inside the foyer on the backside of the soffit abutting the living room, there was evidence that water had penetrated the inside of the wall and caused the plaster to separate from the lath. This is most likely due to the roof valley over that area to not drain properly causing a backup of water into the house. A gutter and downspout outside the foyer appeared to be plugged up with leaves and debris.
2. In the basement and on the stairways it appeared that rodents, possibly mice, had gotten into the dwelling.
3. In the basement, boxes and other debris was stacked over five feet high around the furnace and water heater area and I could not get close enough to fully explore whether or not a fire danger existed.
4. Overall the amount of clutter and debris on all levels increases the fuel load and is adding to the weight on the supporting structural frame.



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**CONCLUSION:**

Based on my past training and experience, I believe the homes structural components are good for now but continued water leaking around the foyer area will cause further damage and additional cost to repair. Someone should cleanout the gutters in the front entryway and check to make sure they are draining properly.

The inside clutter and debris needs to be cleaned out as soon as possible and the rodent/mice infestation addressed immediately.

Steps should be taken to clear out the basement area around the furnace and water heater and a contractor brought in to get the equipment operational or maintained so with colder weather coming no further damage will occur.

Sincerely,

Stephen Westerhaus  
Building Official #2022  
City of Falcon Heights



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January 17, 2018

1354 California Avenue

Falcon Heights, MN 55113

Notice to Homeowner:

The property at 1354 California Avenue was inspected and found to have these deficiencies:

**MSFC 110 Unsafe Buildings.** If during the inspection of premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life. Safety, or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**MSFC 110.1.1 Unsafe Conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard. Or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.

**MSFC 1030.3 Obstructions.** Exits, aisles, and corridors free of obstructions. Large accumulation of combustible materials prevent egress from the building in all areas.

**MSFC 1008.1.9 Door Operations,** doors to not readily open due to accumulation of materials.

**MSFC 804 Interior Finish Acceptable.** Materials stacked and attached to walls including but not limited to foam plastic and combustible trim that exceeds 10 percent of the specific wall and ceiling area.

**MSFC 311 Vacant Premises.** Building unoccupied is not safeguarded and maintained.

**MSFC 315 General Storage.** Storage is not neat and orderly, stacks of materials throughout the interior of the home of unknown nature and unstable.

**MSFC 315.3.1 Ceiling Clearance,** materials stacked to ceiling, not minimum 2 feet without sprinkler.

**MSFC 315.3.2 Means of Egress,** Combustible materials in exits, enclosures, and stairways.

**MSFC 315.3.3 Equipment Rooms,** combustible storage in boiler, mechanical, electrical rooms.





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MSFC 315.3.4 Attic, under-floor and concealed spaces. No fire rated protection for combustibles.

MSFC 907 Fire Alarm and Detection Systems, inoperable, not present, no indication of testing/inspection. Due to accumulation of materials many areas unable to be inspected.

MSFC 605 Electrical Equipment, Wiring and Hazards, Lacking working space and clearance inability to inspect due to accumulation of materials. Appliances and fixtures appeared to be inoperable, latch on refrigerator, stove top covered with material presenting additional hazards, unknown if lighting operable. Access to electrical panel is not provided.

The above items are referenced to the Minnesota State Fire Code 2015.

Other concerns: large amount of rat/mouse poison buckets of water. The building lacks maintenance and presents a significant detriment to health and safety. Appliances appeared non-operational, stove was covered. The accumulation of materials presents both a fire hazard and egress hazard.

Michael Poeschl

City of Falcon Heights

Fire Marshal

651-792-7629

[Michael.poeschl@falconheights.org](mailto:Michael.poeschl@falconheights.org)







# Inspection Report

CITY OF FALCON HEIGHTS

Fire Prevention • 2077 W. Larpenteur Ave. • Falcon Heights, MN 55113 • 651-792-7600

File No.		FDID		County		Property Name				Phone	
Property Address 1354 California Ave.				City Falcon Heights		Zip 55113		Owner Name			
Address				City		State		Zip		Const. Type	
Const. Year		No. of Stores		Use Code		Occupancy Class R-3		Addition Yr(s)		Total Sq. Ft.	
								Inspec. Type Fire		Date 10-26-17	
										Time 13:00	

N-Does Not Meet Requirements    Y-Appears to Meet Requirements    NA-Not Applicable    (See Additional Instructions On Back)

### N-Y-NA EXTERIOR:

- Fire Lanes marked/unobstructed - MSFC 503.3 & 503.4
- Address visible - MSFC 505.1
- Fire hydrants/water supply accessible - MSFC 508
- Combustible accumulations/storage acceptable - MSFC 304.1, MSFC 315.3
- F.D. keybox present - MSFC 506.1
- F.D. connections visible/good condition - MSFC 912
- Gas meter/piping protected against impact - MSFC 603.9, 312.1

### EXIT FEATURES/MEANS OF EGRESS:

- Adequate number of exits - MSFC 1003.2, 1003.2.3, 1004.2.1, 1005.2.1
- Exits, aisles, & corridors free of obstructions - MSFC 1011.3
- Exit doors openable from inside - MSFC 1003.3.1.8
- Exit signs present - MSFC 1003.2.10, MSFC 1010.3
- Emergency lighting present & operational - MSFC 1003.2.11.2, 1010.5
- Interior finish acceptable - MSFC 806.1.1, 806.3
- Exit corridors rated/sprinklered - MSFC 1004.3.2.1, 1010.17

### CONSTRUCTION FEATURES:

- Fire rated construction present/maintained - MSFC 703.1
- Hazardous (incidental use) areas separated/sprinklered - MSFC 705.3
- Rated fire doors operational - MSFC 703.2
- Vertical openings protected/sprinklered - MSFC 704.1

### STORAGE:

- Storage neat and orderly - MSFC 315.2
- Combustible storage prohibited in boiler, mechanical and electrical equipment rooms - MSFC 315.2.3
- Attic storage prohibited/sprinklered - MSFC 315.2.4
- Combustible storage prohibited under enclosed stairways - MSFC 1005.3.2.2
- Storage maintained 2' below ceiling (unsprinklered) / 18" (sprinklered) - MSFC 315.2.1
- Rubbish containers >40 gals have lids & are non-combustible - MSFC 304.2.3
- Oily rags protected against spontaneous ignition - MSFC 305.2
- Decorations to be flame resistant in Assembly Occ. (foams, curtains, drapes, hangings) - MSFC 805.1

### FLAMMABLE/COMBUSTIBLE LIQUIDS:

- Safety containers if used - MSFC 3405.2.4
- Not stored/kept near exits - MSFC 3404.3.3.4
- No sources of ignition - MSFC 3404.2.4, 3405.3
- Quantities >10 gals in cabinet - MSFC 3404.3.4.2, MSFC 3404.3.4.4

### N-Y-NA UTILITY/MECHANICAL/HVAC:

- Shut off valves present on gas appliances - MSFC 603.1
- Approved piping, connections & appliances used - MSFC 603.1.2
- Combustion air supply/venting present - MSFC 603.4, 603.7
- Adequate clearance between combustibles and appliances - MSFC 603.1, MSFC 305.1
- Ducts and filters are clean - MSFC 904.11.6.3

### FIRE EXTINGUISHERS:

- Readily accessible - MSFC 906.6
- Travel distance of 75' (or sprinklered) - MSFC 906.1
- Tested/inspected annually - MSFC 901.6.1

### SPRINKLER SYSTEM:

- Coverage is adequate - MSFC 903.3.1
- Controls are readily accessible - MSFC 903.3.1
- Valves locked open - MSFC 903.4.4
- System and valves supervised (>20 sprinklers, 100 in existing) - MSFC 903.4
- Heads in good condition - MSFC 903.3.1
- Wrench/spare sprinklers present - MSFC 903.3.1
- Tested/inspected annually - MSFC 901.6
- Riser/pump rooms labeled - MSFC 510.1

### FIRE ALARM & DETECTION SYSTEMS:

- Control panel & annunciator panel in normal condition (no trouble or alarm conditions) - MSFC 901.4.1, 901.7
- Detectors properly installed - MSFC 907
- Tested/inspected annually - MSFC 907.20

### OTHER FIRE PROTECTION SYSTEMS:

- Standpipes needed (>50 ft.) - MSFC 905.11
- Standpipes/hose in good condition - MSFC 905.2
- Adequate coverage - MSFC 905.2
- Hood system-fuel shutoff present - MSFC 904.11.2
- Properly serviced/maintained - MSFC 904.11.6

### ELECTRICAL:

- Proper wiring/connections - MSFC 605.1, 605.6
- Appliances/fixtures in good condition - MSFC 605.7
- Overcurrent protection present - MSFC 605.1
- Power taps not used - MSFC 605.4
- Extension cords not a substitute for fixed wiring - MSFC 605.5
- Power strips properly used - MSFC 605.4
- Access to electrical panels provided - MSFC 605.3

### HAZARDOUS MATERIALS:

- Compressed gas cylinders secured - MSFC 3004.1
- Rooms/areas properly labeled - MSFC 2703.5
- Acceptable quantities - MSFC 2703.1.1
- Separation of incompatible materials - MSFC 2703.9.8

Comments:

Dangerous conditions present, accumulation of materials, storage, many areas unable to inspect. Egress severely limited, blocked.

Re-inspect Date

Inspector: Fire Marshal Division

Property Owner: Representative

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Living Room



Living Room



Kitchen



Basement



Bathroom



Attic



Attic



Stair to Attic

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February 27, 2018

**FINAL NOTICE**

Karen Greiner  
1354 California Ave W  
Falcon Heights, MN 55113  
PIN: 222923210071

RE: Reasonable Maintenance Required – 1354 California Ave

Dear Resident,

The City of Falcon Heights is committed to enhancing the livability of our neighborhoods by helping to maintain quality residential and business properties. This letter is to inform you that your property will need to be abated in accordance with the findings below.

The City of Falcon Heights has found the following deficiencies at the subject property 1354 California Ave:

1. After fully considering all of the evidence pertaining to the hazardous condition of the Subject Property and Subject Building, the City finds:
  - a. The Subject Building is in severe disrepair. The building is currently unoccupied and has been for a significant period of time. The front stairs are crumbling due to water intrusion. The side stairs are deteriorating and the wood is rotting away. Water has penetrated the inside of some walls of the building. Mice and rats have infested the building. Boxes of debris are stacked over five feet high around the furnace and water heater. The overall amount of clutter and debris on all levels of the house places excessive weight on the supporting structural frame.
  - b. There is a detached garage on the Subject Property, which is also dilapidated, deteriorating, and structurally unstable. The garage foundation is cracked and separating at the door location. The brick / masonry wall on the south side of the garage is falling apart, leaning

outward at the top of the wall, and is not plumb. The north wall of the garage has openings where brick support has fallen out. The masonry grout is chipping away from the brick, leaving space for water intrusion. The roof of the garage is sagging in the middle of the roof span. Many of the asphalt shingles on the roof of the garage are missing or damaged.

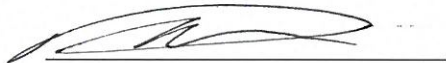
- c. The City Fire Marshall has noted approximately 14 fire code violations, including: unsafe conditions, obstructions of corridors, exits and aisles with large accumulations of combustible materials preventing egress from the building in some areas, doors not readily able to open due to accumulation of materials, building unoccupied and not safeguarded or maintained, storage is not neat and orderly, stacks of materials throughout the interior of the home are unstable, materials are stacked to the ceiling without adequate ceiling clearance, combustible materials are located in exits, enclosures, and stairways, combustible materials are stored in boiler, mechanical, and electrical rooms, fire alarm and detection systems inoperable, not present, or inaccessible for testing due to accumulation of materials, appliances and fixtures appear to be inoperable, electrical panel is inaccessible, large amounts of rat / mouse droppings present hazard to health and safety, accumulation of materials presents both a fire hazard and egress hazard.
  
- d. Because of the inadequate maintenance, dilapidation, physical damage, abandonment, and unsanitary condition, the Subject Property and Subject Building constitute a fire hazard and a hazard to public safety and are therefore a Hazardous Property and Hazardous Building within the meaning of Minn. Stat. § 463.15, subd. 3.

Please address the following:

1. Repair crumbling steps at front of house
2. Repair crumbling or rotting steps on side of house
3. Prevent future water intrusion into foundation of house
4. Repair any damage caused by existing water intrusion into foundation of house
5. Remediate overgrowth of vines, plantings, vegetation growth on and around house
6. Eradicate rodent infestations and clean up resulting hazardous conditions
7. Clear exits, aisles, corridors, stairs of obstructions and combustible materials
8. Remove large accumulation of combustible materials throughout house
9. Remove accumulated materials so that doors open readily and properly
10. Remove unstable stacks of material
11. Remove materials stacked to ceiling, create required ceiling clearance
12. Remove combustible materials stored in boiler, mechanical, electrical rooms
13. Install or make operable fire alarm and detection systems, test for proper operation
14. Create adequate working space and clearance for appliances and fixtures

**Please address all issues by contacting City Hall at 651-792-7600. You are current in the time allowed for abatement. You have twenty (20) days from the date of this letter to correct and abate the items list above. Attached you will see finding from our Building Official and Fire Marshall.**

Sincerely,



Paul Moretto  
City of Falcon Heights  
Community Development Coordinator



Sack Thongvanh  
City of Falcon Heights  
City Administrator

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August 30, 2017

Sack Thongvanh  
City Administrator, City of Falcon Heights  
2077 West Larpenteur Ave.  
Falcon Heights, MN 55113

RE; 1354 California Ave.

**BACKGROUND:**

On June 29, 2017 and on July 25, 2017 I conducted inspections of the property as requested by Paul Moretto, Community Development Coordinator for the City of Falcon Heights. The dwelling had become vacant and I was called in to inspect the condition of the dwelling on California Avenue and the detached garage to the rear of the property. I found the dwelling unit to be vacant and it appeared abandoned due to the condition of overgrowth on the property. I did not receive an answer to my ringing of the doorbell or knocking on the door and the yard was unkept.

**OBSERVATIONS:**

Dwelling- The overall condition of the dwelling I would describe as being in total disrepair. The brick veneer on the exterior is covered in vines and a few places were showing signs of spalling. The front stair landing and steps appears to be constructed of slate and is starting to come apart and is crumbling due to water intrusion. A small wooden landing and stairs on the west side of the house is deteriorating and is rotting away, I believe to lack of maintenance. Both landings and stairs are part of the exit discharge to the public way.

In several places, plastic sheathing or a plastic tarp like material has been placed between the dwelling and the top of grade. It does not appear to be the type of product normally used for landscaping and appears to me to be placed there to keep the rain water and snow melt from entering the home. The plastic material is torn and crumpled. Visually the asphalt shingled roof appears normal however the gutters and downspouts are most likely filled with leaves and debris.





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Garage- The garage foundation is cracked and separating at the door location. The brick/masonry wall on the south side is coming apart at a location that appears to have been repaired at one time and is leaning outwards at the top and is not plumb. The north side wall has openings where the brick support has fallen out. All the masonry grout is shrinking away from the brick and leaving space for water intrusion. The roof structure is sagging in the middle of the roof span and would indicate to me overstressed lumber support. The roof covering is asphalt shingles and several are missing and many are damaged.

SUMMARY:

Based on my observations and past experience I believe there is water intrusion into the homes foundation as shown by the placement of plastic tarps and also into the wall spaces due to the overgrowth of vines and plantings around the home along with the clogged gutters and downspouts. The two exit landings and stairs on the dwelling are unsafe due to the deterioration and neglect and should be repaired or replaced. The garage structure is a total failure and is in imminent danger of collapse. Access to the inside of both buildings to complete a thorough inspection should be done to fully detail the extent of damage to the structures.

Sincerely,

Stephen Westerhaus  
Building Official #2022  
City of Falcon Heights





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October 24, 2017

Sack Thongvanh  
City Administrator, City of Falcon Heights  
2077 West Larpenteur Ave.  
Falcon Heights, MN 55113

RE: 1354 California Ave.-Inside inspection

**BACKGROUND:**

On October 4, 2017 I was able to gain access to the interior of the dwelling through a search warrant obtained by the St. Anthony Police Department. Upon entering the front door it was obvious that the home was full of boxes, clothing, and possessions I assumed were acquired by the previous owner. The amount of material in the home made moving around difficult however I was able to enter each floor and get a look inside all rooms.

**FINDINGS:**

During my inside inspection I was inspecting for water intrusion, faulty electrical, mechanical, and plumbing. I was also looking for evidence of structural deficiencies.

1. Inside the foyer on the backside of the soffit abutting the living room, there was evidence that water had penetrated the inside of the wall and caused the plaster to separate from the lath. This is most likely due to the roof valley over that area to not drain properly causing a backup of water into the house. A gutter and downspout outside the foyer appeared to be plugged up with leaves and debris.
2. In the basement and on the stairways it appeared that rodents, possibly mice, had gotten into the dwelling.
3. In the basement, boxes and other debris was stacked over five feet high around the furnace and water heater area and I could not get close enough to fully explore whether or not a fire danger existed.
4. Overall the amount of clutter and debris on all levels increases the fuel load and is adding to the weight on the supporting structural frame.



CITY OF  
**FALCON HEIGHTS**

2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113-5594

email: [mail@falconheights.org](mailto:mail@falconheights.org)  
website: [www.falconheights.org](http://www.falconheights.org)

*The City That Soars!*

Phone - (651) 792-7600  
Fax - (651) 792-7610

CONCLUSION:

Based on my past training and experience, I believe the homes structural components are good for now but continued water leaking around the foyer area will cause further damage and additional cost to repair. Someone should cleanout the gutters in the front entryway and check to make sure they are draining properly.

The inside clutter and debris needs to be cleaned out as soon as possible and the rodent/mice infestation addressed immediately.

Steps should be taken to clear out the basement area around the furnace and water heater and a contractor brought in to get the equipment operational or maintained so with colder weather coming no further damage will occur.

Sincerely,

Stephen Westerhaus  
Building Official #2022  
City of Falcon Heights



CITY OF  
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Fax - (651) 792-7610

January 17, 2018

1354 California Avenue

Falcon Heights, MN 55113

Notice to Homeowner:

The property at 1354 California Avenue was inspected and found to have these deficiencies:

**MSFC 110 Unsafe Buildings.** If during the inspection of premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life. Safety, or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**MSFC 110.1.1 Unsafe Conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard. Or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.

**MSFC 1030.3 Obstructions.** Exits, aisles, and corridors free of obstructions. Large accumulation of combustible materials prevent egress from the building in all areas.

**MSFC 1008.1.9 Door Operations,** doors to not readily open due to accumulation of materials.

**MSFC 804 Interior Finish Acceptable.** Materials stacked and attached to walls including but not limited to foam plastic and combustible trim that exceeds 10 percent of the specific wall and ceiling area.

**MSFC 311 Vacant Premises.** Building unoccupied is not safeguarded and maintained.

**MSFC 315 General Storage.** Storage is not neat and orderly, stacks of materials throughout the interior of the home of unknown nature and unstable.

**MSFC 315.3.1 Ceiling Clearance,** materials stacked to ceiling, not minimum 2 feet without sprinkler.

**MSFC 315.3.2 Means of Egress,** Combustible materials in exits, enclosures, and stairways.

**MSFC 315.3.3 Equipment Rooms,** combustible storage in boiler, mechanical, electrical rooms.





CITY OF  
**FALCON HEIGHTS**

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MSFC 315.3.4 Attic, under-floor and concealed spaces. No fire rated protection for combustibles.

MSFC 907 Fire Alarm and Detection Systems, inoperable, not present, no indication of testing/inspection. Due to accumulation of materials many areas unable to be inspected.

MSFC 605 Electrical Equipment, Wiring and Hazards, Lacking working space and clearance inability to inspect due to accumulation of materials. Appliances and fixtures appeared to be inoperable, latch on refrigerator, stove top covered with material presenting additional hazards, unknown if lighting operable. Access to electrical panel is not provided.

The above items are referenced to the Minnesota State Fire Code 2015.

Other concerns: large amount of rat/mouse poison buckets of water. The building lacks maintenance and presents a significant detriment to health and safety. Appliances appeared non-operational, stove was covered. The accumulation of materials presents both a fire hazard and egress hazard.

Michael Poeschl

City of Falcon Heights

Fire Marshal

651-792-7629

[Michael.poeschl@falconheights.org](mailto:Michael.poeschl@falconheights.org)





# Inspection Report

CITY OF FALCON HEIGHTS

Fire Prevention • 2077 W. Larpenteur Ave. • Falcon Heights, MN 55113 • 651-792-7600

Filc No.		FDID		County		Property Name		Phone	
Property Address 1354 California Ave.				City Falcon Heights		Zip 55113		Owner Name	
Address				City		State		Zip	
Const. Year		No. of Stores		Use Code		Occupancy Class R-3		Addition Yr(s)	
						Total Sq. Ft.		Inspec. Type Fire	
								Date 10-26-17	
								Time 13:00	

N-Does Not Meet Requirements

Y-Appears to Meet Requirements

NA-Not Applicable

(See Additional Instructions On Back)

**N-Y-NA EXTERIOR:**

- Fire Lanes marked/unobstructed - MSFC 503.3 & 503.4
- Address visible - MSFC 505.1
- Fire hydrants/water supply accessible - MSFC 508
- Combustible accumulations/storage acceptable - MSFC 304.1, MSFC 315.3
- F.D. keybox present - MSFC 506.1
- F.D. connections visible/good condition - MSFC 912
- Gas meter/piping protected against impact - MSFC 603.9, 312.1

**EXIT FEATURES/MEANS OF EGRESS:**

- Adequate number of exits - MSFC 1003.2, 1003.2.3, 1004.2.1, 1005.2.1
- Exits, aisles, & corridors free of obstructions - MSFC 1011.3
- Exit doors openable from inside - MSFC 1003.3.1.8
- Exit signs present - MSFC 1003.2.10, MSFC 1010.3
- Emergency lighting present & operational - MSFC 1003.2.11.2, 1010.5
- Interior finish acceptable - MSFC 806.1.1, 806.3
- Exit corridors rated/sprinklered - MSFC 1004.3.2.1, 1010.17

**CONSTRUCTION FEATURES:**

- Fire rated construction present/maintained - MSFC 703.1
- Hazardous (incidental use) areas separated/sprinklered - MSFC 705.3
- Rated fire doors operational - MSFC 703.2
- Vertical openings protected/sprinklered - MSFC 704.1

**STORAGE:**

- Storage neat and orderly - MSFC 315.2
- Combustible storage prohibited in boiler, mechanical and electrical equipment rooms - MSFC 315.2.3
- Attic storage prohibited/sprinklered - MSFC 315.2.4
- Combustible storage prohibited under enclosed stairways - MSFC 1005.3.2.2
- Storage maintained 2' below ceiling (unsprinklered) / 18" (sprinklered) - MSFC 315.2.1
- Rubbish containers >40 gals have lids & are non-combustible - MSFC 304.2.3
- Oily rags protected against spontaneous ignition - MSFC 305.2
- Decorations to be flame resistant in Assembly Occ. (foams, curtains, drapes, hangings) - MSFC 805.1

**FLAMMABLE/COMBUSTIBLE LIQUIDS:**

- Safety containers if used - MSFC 3405.2.4
- Not stored/kept near exits - MSFC 3404.3.3.4
- No sources of ignition - MSFC 3404.2.4, 3405.3
- Quantities >10 gals in cabinet - MSFC 3404.3.4.2, MSFC 3404.3.4.4

**N-Y-NA UTILITY/MECHANICAL/HVAC:**

- Shut off valves present on gas appliances - MSFC 603.1
- Approved piping, connections & appliances used - MSFC 603.1.2
- Combustion air supply/venting present - MSFC 603.4, 603.7
- Adequate clearance between combustibles and appliances - MSFC 603.1, MSFC 305.1
- Ducts and filters are clean - MSFC 904.11.6.3

**FIRE EXTINGUISHERS:**

- Readily accessible - MSFC 906.6
- Travel distance of 75' (or sprinklered) - MSFC 906.1
- Tested/inspected annually - MSFC 901.6.1

**SPRINKLER SYSTEM:**

- Coverage is adequate - MSFC 903.3.1
- Controls are readily accessible - MSFC 903.3.1
- Valves locked open - MSFC 903.4.4
- System and valves supervised (>20 sprinklers, 100 in existing) - MSFC 903.4
- Heads in good condition - MSFC 903.3.1
- Wrench/spare sprinklers present - MSFC 903.3.1
- Tested/inspected annually - MSFC 901.6
- Riser/pump rooms labeled - MSFC 510.1

**FIRE ALARM & DETECTION SYSTEMS:**

- Control panel & annunciator panel in normal condition (no trouble or alarm conditions) - MSFC 901.4.1, 901.7
- Detectors properly installed - MSFC 907
- Tested/inspected annually - MSFC 907.20

**OTHER FIRE PROTECTION SYSTEMS:**

- Standpipes needed (>50 ft.) - MSFC 905.11
- Standpipes/hose in good condition - MSFC 905.2
- Adequate coverage - MSFC 905.2
- Hood system-fuel shutoff present - MSFC 904.11.2
- Properly services/maintained - MSFC 904.11.6

**ELECTRICAL:**

- Proper wiring/connections - MSFC 605.1, 605.6
- Appliances/fixtures in good condition - MSFC 605.7
- Overcurrent protection present - MSFC 605.1
- Power taps not used - MSFC 605.4
- Extension cords not a substitute for fixed wiring - MSFC 605.5
- Power strips properly used - MSFC 605.4
- Access to electrical panels provided - MSFC 605.3

**HAZARDOUS MATERIALS:**

- Compressed gas cylinders secured - MSFC 3004.1
- Rooms/areas properly labeled - MSFC 2703.5
- Acceptable quantities - MSFC 2703.1.1
- Separation of incompatible materials - MSFC 2703.9.8

Comments:

Dangerous conditions present, accumulation of materials, storage, many areas unable to inspect. Egress severely limited, blocked.

Re-inspect Date

Inspector: Fire Marshal Division

*Michael Powell*

Property Owner: Representative

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Policy G3
<b>Attachment</b>	Agreement
<b>Submitted By</b>	Anton Fehrenbach, Assistant Fire Chief

<b>Item</b>	East Metro Public Safety Training Facility Use Agreement
<b>Description</b>	<p>The Falcon Heights Fire Department once a year is required to have ALL members participate in Live Fire Training per the National Fire Protection Agency (NFPA). The FHFD has used the St. Paul Fire Training Center for the past 30 years; however, recently it was condemned for live fire due to deteriorating conditions. St. Paul has all of our info on hand for futures.</p> <p>The only other place to do live fire training is the East Metro Training Center in Maplewood. They require the FHFD and the City of Falcon Heights to send in “Proof of additional insurance.” This is a standard in the fire service. The NFPA has strict standards that the FHFD follows for live fire training.</p>
<b>Budget Impact</b>	
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· East Metro Public Safety Training Facility Use Agreement</li> </ul>
<b>Action(s) Requested</b>	Staff recommends approval of the East Metro Public Safety Training Facility Use Agreement and authorize the City Administrator to execute all necessary documents.

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## AGREEMENT

AGREEMENT made this 1<sup>st</sup> day of May, 2018 by and between the EAST METRO PUBLIC SAFETY TRAINING FACILITY, a Minnesota municipal corporation (“East Metro Public Safety Training Facility”), and City of Falcon Heights Fire Department (“Tenant”).

**1. Use Fire Training Facility.** East Metro Public Safety Training Facility hereby leases to Tenant and Tenant hereby leases from East Metro Public Safety Training Facility the fire training facility located at 1881 Century Avenue North, Maplewood, Minnesota 55109.

**2. Term.** The Tenant may use the facility as desired for a period of one (1) year from the date of execution of the this lease, subject to availability and pursuant to the terms contained herein regarding hourly-rates, consumables, insurance, etc. Tenant shall schedule with the Training Site Coordinator for use of the facility and Tenant-use will be on a first-come-first-served basis subject to availability. This Lease may be restated and/or amended and renewed annually.

**3. Fees.** For the use of the East Metro Public Safety Training Facility the Tenant shall pay for time and for all consumables listed in Appendix A (tenant will pay based on the facility actually used and for consumable items actually used). A training site manager must be on-site for all training and Facility shall provide one if needed by Tenant at the rate set in Appendix A. The total cost of such rental periods shall be determined and invoiced by Maplewood Fire. Payment shall be made no more than thirty (30) days

following the use of the facility by the Tenant or receipt of the invoice for the use, whichever is sooner.

**3a. Cancellation Fee.** A cancellation fee of \$200.00 will be charged if the cancellation is made within less than 24 hours of the scheduled rental; if more than 24 hours notice is given, there will be no charge for the cancellation.

**4. Insurance.** Tenant shall take out and maintain until six (6) months after use of the facility general liability insurance covering personal injury, including death, which may arise out of the Tenant's use of the fire training facility and equipment owned by East Metro Public Safety Training Facility. Limits for bodily injury and death shall not be less than \$1,000,000.00 for one person or occurrence (or the tort liability limits set by legislation for municipalities, currently set at \$1,500,000.00 (Minn. Stat. § 466.04). East Metro Public Safety Training Facility shall be named as an additional insured on the policy and the Tenant shall file with East Metro Public Safety Training Facility a certificate evidencing coverage at least ten (10) days before Tenant's use of the fire training facility. The certificate shall provide that East Metro Public Safety Training Facility must be given ten (10) days advance written notice of the cancellation of the insurance.

**5. Indemnification.** Tenant shall hold East Metro Public Safety Training Facility, cities and its officers, employees, and agents harmless from claims made by itself and third parties for claims including, but not limited to, personal injury, wrongful death, and property damage resulting from Tenant's use of the fire training facility and equipment owned by East Metro Public Safety Training Facility. Tenant shall indemnify East Metro Public Safety Training Facility, its officers, employees, and agents for all reasonable costs, damages, judgments or expenses which East Metro Public Safety Training Facility may pay

or incur in consequence of such claims, including attorney's fees. These indemnifications are subject to the tort liability limits set by legislation for municipalities, currently set at \$1,500,000.00 (Minn. Stat. § 466.04), for those Tenants that are municipalities.

**6. Maintenance.** Tenant shall maintain the fire training facility and equipment owned by East Metro Public Safety Training Facility in as good a condition as it was in before its use by Tenant. Tenant shall be responsible for any damage to the fire training facility and equipment as a result of its use and shall promptly reimburse East Metro Public Safety Training Facility for any cost of repair. Tenant shall clean the facility and equipment after use by Tenant. If facility is left in disrepair or unclean Facility shall be cleaned or caused to be cleaned by the site manager and the costs involved to Tenant,

**7. Policies and Procedures.** The Tenant shall follow the policies and procedures adopted by East Metro Public Safety Training Facility and disseminated to all lessees.

**8. Site Manager.** East Metro Public Safety Training Facility shall appoint a training site manager to monitor the use of the equipment and fire training facility for Facility and for Tenants that do not have sufficient staff to perform the training and monitoring required (per section 3 above). Tenant shall comply with all instructions received from the training site manager and in cases of conflicting instruction(s), the facility's appointed site manager's decision shall be final. This shall not relieve Tenant from any other undertaking and responsibility under the terms of this Agreement or requirements of the Policies and Procedures.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and  
year first above written.

EAST METRO PUBLIC SAFETY  
TRAINING FACILITY

BY: \_\_\_\_\_  
EMPSTF Board Officer

TENANT:  
\_\_\_\_\_  
\_\_\_\_\_

## East Metro Public Safety Training Facility Facility Fees and Rental Rates

Facility fees are for a **2-hour minimum** with an additional hourly rate for additional time. Rates are subject to change or review annually.

Live Burn Facility Rental	2-hour Minimum Fee	Additional Cost per Hour
*Burn Tower: Class A Live Fire <i>(Not including consumables)</i>	\$400	\$150
*Burn House: Class B Live Fire <i>(Includes Smoke/Propane)</i>	\$600	\$250
EMPSTF Site Manager <b>(Required*)</b>	\$150	\$75
Additional EMPSTF Safety Officer/Instructional Assistance	Per Hour	\$50
Facility ONLY Rental	2- hour Minimum Fee	Additional Cost per Hour
Burn Tower: Other Use	\$150	\$75
Burn House: Other Use	\$150	\$75
Drill Pad Only	\$100	\$50
Classroom	\$100	\$40
Discounts & Cancellations	Fee	
Facility Rental of 6 or more hours on a single, or consecutive days	25% Discount of Hourly rates	
Facility Cancellation Fee <i>(under 24-hours/no show)</i>	= 2 Hr. minimum not to exceed \$200	n/a
Fees - Props, Tools & Consumables		Add/Hr.
Pallets	Per Pallet	\$6/Per Pallet
Straw	Per Bale	\$10/Per Bale
Smoke Machine <i>(includes smoke fluid)</i>	Per rental session	\$50
Forcible Entry Prop	Per rental session	\$100

\*EMPSTF Site Manager is required to ensure compliance with EMPSTF policies and procedures. The site manager will check the renter in and confirm acknowledgement of rules and site use needs. At completion of any training evolution, the renter will be required to do a walkthrough of the training areas used with the Training Site Manager. Confirmation of site use, consumables use, and documentation of any damage or issues will be verified at the end of the time period.

The two hour minimum fee includes time actually spent using the buildings. Payment for instructor(s) includes total time spent.

If requested, the Training Site Manager will assist with operation of Class B props if the renter does not have an approved instructor.

Appendix A:  
Effective Date 4-1-2017

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	April 11, 2018
<b>Agenda Item</b>	Policy G4
<b>Attachment</b>	Resolution
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Approve a Resolution Supporting Local Decision-Making Authority
<b>Description</b>	<p>The League of MN Cities have encouraged cities to pass a resolution supporting local decision-making. Nearly 100 cities have passed a resolution in light of bills that continue to move through the legislative process this year that would pre-empt city authority.</p> <p>Community's as small Vesta, MN (pop. 301) and community's as large as Minneapolis, MN (pop. 419,952) has passed resolutions because they understand the importance of local control because the local unit of government is most equipped with the understanding of what is best for their communities.</p> <p>Proposed legislation in 2017 and 2018, for example, would have had the effect of:</p> <ul style="list-style-type: none"> <li>· Constraining local law enforcement authority.</li> <li>· Restricting a city's ability to set local ordinances.</li> <li>· Allowing certain businesses unfettered access to public rights of way while eliminating a city's ability to manage them.</li> <li>· Restricting a city's ability to use allowed fee structures.</li> <li>· Reducing local government aid (LGA) based on factors with no relation to the statutory LGA formula.</li> <li>· Restricting a city's ability to study a light rail transit project.</li> </ul>
<b>Budget Impact</b>	Undetermined
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Resolution 18-14 Supporting Local Decision-Making Authority</li> <li>· LMC Fact Sheet</li> <li>· List of Cities Supporting Local Control</li> </ul>

<b>Action(s) Requested</b>	Staff recommends approve of attached resolution.
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LEAGUE OF MINNESOTA CITIES

# CITY ISSUE FACT SHEET

## WAVE OF PRE-EMPTION LEGISLATION ERODES LOCAL AUTHORITY



### PROBLEM:

Several bills introduced during the 2017 legislative session collectively serve to undermine Minnesota's robust city-state partnership.

This historic principle is based upon a shared vision and must allow communities and locally elected officials to tailor that vision to the unique needs of their citizens.

Cities use a comprehensive, legal, and open process to develop ordinances. Through this process they often serve as laboratories for public policy. Obstructing this authority will impede innovation that has proven to result in statewide benefits.

### BACKGROUND:

The League has historically supported the principle of local control, and opposed threats to local control at federal and state levels. League legislative policy SD 1 states that "City government most directly impacts the lives of people and therefore, local units of government must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with local services."

A core value of the League is that locally elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents.

### LEAGUE-SUPPORTED SOLUTION:

- Reject legislation that erodes the fundamental principle of local control in cities across Minnesota.
- Continue to actively work together and communicate about our communities in a way that respects the authority each form of government is given by voters.

### DID YOU KNOW?

More than two dozen bills that restrict local decision-making—on issues ranging from prohibition of plastic bags to the authority to set a local minimum wage—were introduced in 2017 and could be acted upon in 2018.



### FOR MORE INFORMATION:

Anne Finn  
Intergovernmental Relations Asst. Director  
Phone: (651) 281-1263  
Email: [afinn@lmc.org](mailto:afinn@lmc.org)

Ann Lindstrom  
Intergovernmental Relations Representative  
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## Cities Supporting Local Control

*The following 104 cities have passed resolutions supporting local control in 2017 & 2018  
(see page 2 for sample resolution)*

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Alexandria	Hawley	Pequot Lakes
Audubon	Hewitt	Prior Lake
Baudette	Hinckley	Proctor
Belle Plaine	Hopkins	Rice Lake
Bemidji	Hoyt Lakes	Richfield
Big Lake	Hutchinson	Rochester
Blue Earth	Inver Grove Heights	Round Lake
Bricelyn	Isanti	Royalton
Buffalo	Jenkins	Sandstone
Cambridge	Kasson	Shoreview
Carver	Lake Bronson	Silver Lake
Centerville	Lake City	Springfield
Clarkfield	Lakefield	St. James
Climax	Lindstrom	St. Louis Park
Coates	Little Falls	St. Paul
Cold Spring	Lucan	Stewartville
Cottage Grove	Mahnomen	Sunfish Lake
Crosslake	Maplewood	Taylor Falls
Currie	Mazeppa	Thief River Falls
Dawson	Medford	Vesta
Dayton	Melrose	Wabasso
Deer River	Mendota Heights	Wadena
Delano	Minneapolis	Warren
Dilworth	Minnetonka	Warroad
Duluth	Moorhead	Watkins
Eagan	Mora	Waverly
Eden Valley	Morris	Wendell
Edina	Mountain Iron	Whakon
Ely	North Branch	Wheaton
Eyota	North St. Paul	White Bear Lake
Fosston	Northfield	Wood Lake
Franklin	Olivia	Worthington
Granite Falls	Oronoco	
Grant	Ottertail	Updated: 4/4/18
Ham Lake	Owatonna	
Hastings	Paynesville	

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**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

April 11, 2018

No. 18-14

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**RESOLUTION SUPPORTING LOCAL DECISION-MAKING AUTHORITY**

**WHEREAS**, local elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents; and

**WHEREAS**, just like state legislative leaders, local elected officials are held accountable through Minnesota’s robust elections process; and

**WHEREAS**, ordinances at the local level are enacted only after a comprehensive, legal and open process; and

**WHEREAS**, local units of government are required to publish notices about meetings where policies will be discussed and decisions will be made; and

**WHEREAS**, under the state’s Open Meeting Law, public policy discussions and decisions must occur in meetings that are accessible to members of the public; and

**WHEREAS**, cities are often laboratories for determining public policy approaches to the challenges that face residents and businesses; and

**WHEREAS**, preservation of local control in Minnesota has yielded statewide benefits such as the 2007 Freedom to Breathe Act, an amendment to the Minnesota Clean Indoor Air Act; and

**WHEREAS**, more than two dozen bills that restrict local decision-making have been introduced in 2017 – 2018 biennium.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF** Falcon Heights, Minnesota that this Council supports local decision-making authority and opposes legislation that removes the ability for local elected officials to respond to the needs of their businesses and constituents.

---

Moved by:

Approved by: \_\_\_\_\_

Peter Lindstrom  
Mayor

LINDSTROM            \_\_\_\_\_    In Favor

GUSTAFSON           \_\_\_\_\_    In Favor

BROWN THUNDER    \_\_\_\_\_    Against

MELANIE LEEHY       \_\_\_\_\_    Against

MARK MIAZGA         \_\_\_\_\_    Against

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator