

ADDENDUM TO CONSENT AGENDA OF JANUARY 10, 1990

E-6 Planning Commission Minutes of January 8, 1990

ACTION: _____

ADDENDUM TO POLICY AGENDA OF JANUARY 10, 1990

F-12 Resignation of Pat Bush from the City Council

ACTION: _____

ADDENDUM TO UPDATES

G-1 Assistant Police Chief, Tom Alleva will attend Council Meeting
to give a brief (5 min.) update on the transition of police services.

MINUTES
REGULAR PLANNING COMMISSION MEETING
JANUARY 8, 1990

Chairman Black called the meeting to order at 7:30 P.M.

PRESENT

Black, Boche, Daykin, Duncan, Finegan, and Nestingen. Also present was Council Liaison Ciernia and Planner Susan Hoyt Taff.

ABSENT

Barry, Carroll and Grittner.

DECEMBER 4, 1989 MINUTES APPROVED

Nestingén moved, seconded by Finegan, approval of the December 4, 1989 Minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON PROPOSED CHANGES TO 9-2.04, SUBDIVISION 1(b) AND 1(f) OF THE CITY CODE RELATING TO THE DEFINITION AND THE PLACEMENT OF ACCESSORY STRUCTURES

Black opened the Public Hearing at 7:35 P.M. and presented the Affidavit of Publication.

Since no one requested to be heard and the fact that the Planning Commission had thoroughly discussed the Code changes at the previous meeting, Black closed the Public Hearing at 7:40 P.M.

Daykin moved, seconded by Duncan, approval of the following changes to the City Code:

9-2.04 Accessory Building and Structures. Subdivision 1. General. (b) An accessory building shall be considered as an integral part of the principal building if it is located less than twelve (12) feet from the principal building with respect to firewall and other requirements of the Building Code ~~and this Code.~~

(f) No detached garages or other accessory building shall be located nearer to the front lot line than the principal building on that lot with the exception of an attached garage in an R-1 Zone.

The motion carried unanimously.

DISCUSSION ON NUMBER OF PLANNING COMMISSION MEMBERS AND ELECTION OF OFFICERS

Planner Susan Hoyt Taff advised that the issue of the possibility of reducing the size of Commissions was on the January 10, 1990 Council agenda. She noted that the Code required seven to nine Planning Commission members; historically, nine members are appointed.

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REGULAR PLANNING COMMISSION MEETING
JANUARY 8, 1990
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Councilmember Ciernia stated that the Commission has many active, engaged and dedicated people serving on Commissions. When considering the issue, representation will be part of the discussion as all parts of Falcon Heights should be represented. Also, whether or not the numbers of members make discussions unnecessarily cumbersome will be discussed. Mayor Baldwin suggested that the number of members on the Commission should be reduced to expedite the decision-making process. He suggested that other communities may have smaller Commissions. It makes for a more efficient group. When choosing members for Commission appointment, representation is reviewed and greatly considered. He said he did not want to fall back to seven Commissioners by just not re-filling vacancies because this action might be misinterpreted.

Nestingen and Black agreed that all parts of the City should be represented and should be consciously considered when appointments are made. The Planning Commission works well with its present number of members and did not feel a reduction is in order.

Daykin was not opposed to a reduction but felt a larger number allowed subcommittee assignments to be filled more easily.

After further discussion, Finegan moved, seconded by Daykin, that it was the concensus of the Planning Commission that it would be difficult to maintain representation of the entire City, that diversity of opinion has not created difficulties, and, therefore, the Planning Commission recommends that its present size be maintained. The motion carried unanimously.

Finegan moved, seconded by Nestingen to nominate Leonard Boche as Chairperson of the Planning Commission. The motion carried unanimously.

Nestingen moved, seconded by Finegan, to nominate Donna Daykin as Vice-Chair/Secretary. The motion carried unanimously.

STAFF UPDATE ON THE PROPOSED SHOPPING CENTER BY PROFESSIONAL VENTURES AT THE SOUTHEAST CORNER OF LARPENTEUR AND SNELLING AVENUES IN A B-2 ZONE

Planner Susan Hoyt Taff advised that the City Council entered into a Preliminary Development Agreement with Professional Ventures Developers on December 13, 1989. She reviewed the site plan, type of construction, types of probable tenants, traffic patterns and parking for the 66,000 square foot, one-story commercial structure. She also advised that a Code change will be necessary to accommodate a day care center as a conditional use, as well as other areas where conditional uses and variances may be required. One of the major constraints on the site

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REGULAR PLANNING COMMISSION MEETING
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is the available parking, which would fall short of the City's Code requirements by 73 spaces. She will keep the Commission abreast of the progress of the proposal. It may be on the agenda for the February Commission meeting.

MEETING DATE CHANGE

Boche requested that Planning Commission meetings be held on the second Monday of the month due to members' conflicts. Next meeting will be February 12, 1990.

ADJOURNMENT

Black declared the meeting adjourned at 8:50 P.M.

Submitted by:

Katherine J. Zimmerman

APPROVED: _____

Edgar Finegan, Secretary

Consent _____

ADDENDUM

Agenda Item: F-12

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: _____

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Resignation of Pat Bush from the City Council

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Today Councilmember Pat Bush submitted the attached letter of resignation from the City Council. By statute, the City Council must pass a resolution that it has received and accepted the resignation and that a vacancy exists. A special election is not necessary since the resignation has occurred in the second two years of the term.

Excerpts of LMC's handbook regarding filling vacancies are attached for your information.

ACTION REQUESTED:

Pass Resolution (attached)
Discuss procedures for filling vacancy

 JW

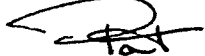
TO: Mayor Baldwin and Councilmembers
FROM: Pat Bush
DATE: January 10th, 1990

I hereby resign my position on the Falcon Heights City Council. The past two years have been an interesting and challenging experience and I have greatly appreciated the opportunity to work with the council and city staff.

While it was not an easy decision to make, my family and I will be moving out of the community. We have been residents of Falcon Heights for 13 years and it will be difficult to leave a community we have liked so well and have very much felt a part of.

Once again, I have enjoyed the opportunity to work with such a talented group of people. I wish you much success.

Sincerely,



Pat Bush

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

Date January 10, 1990

A RESOLUTION ACCEPTING THE RESIGNATION OF PAT BUSH
FROM THE CITY COUNCIL AND DECLARING A VACANCY ON THE
COUNCIL

WHEREAS, Pat Bush has tendered her resignation from the Falcon
Heights City Council effective _____, and

WHEREAS, approximately two years remain of the regular four-
year term,

BE IT THEREFORE RESOLVED, by the City Council that the resigna-
tion be accepted, and

BE IT FURTHER RESOLVED, that a vacancy exists on the Falcon
Heights City Council.

Moved by _____

Approved by _____
Mayor

YEAS Nays

BALDWIN
CIERNIA _____ in Favor
CHENOWETH
WALLIN _____ Against
BUSH

_____ Date

Attested by _____
City Clerk

_____ Date

Adopted by Council _____

Special Provisions for Military and Citizens Residing Outside the Country ³⁴

Minnesota law has different requirements for absent voters in the military or people residing outside the United States. These apply to:

1. Members of the armed forces whether serving inside or outside the boundaries of the United States;
2. Individuals connected in any military or civilian capacity with the armed forces;
3. All employees of the United States government serving outside the United States;
4. All residents of Minnesota temporarily or permanently residing outside the territorial limits of the United States;
5. All spouses and dependents of individuals in the above four categories if they reside with them.

The major differences for administering this particular law are as follows:

1. Individuals listed above do not need to comply with the permanent registration law in order to qualify as voters;
2. An application for ballots for the primary is also valid for the general election;
3. Either the voter or the voter's parent, spouse, brother, sister, or child over the age of 18 years may request registration information and ballots from the office of the county auditor or the city clerk for a city election;
4. The voter must return the ballots by mail in the same manner as other absentee ballots, either to the precinct election judges or to the auditor or city clerk, who then is responsible for delivering them to the election judges before the closing of the polling places on election day; and
5. The precinct judges should handle these ballots in the same manner as ballots from other absent and disabled voters, except that voters under this law need not be registered. Election judges must keep a separate record of the number of ballots they receive from people voting under this law.

B. Candidates for City Offices

A candidate for elective office in a city or town must be a qualified voter in the State of Minnesota and must be 21 years of age on the date he or she would take office. ³⁵ Further information on qualifications for elective office is in Chapter 6.

A candidate may file for only one office in any given election. ³⁶ Even so, an individual could be elected to more than one office by write-in votes. When this happens, if the offices are incompatible, the candidate must choose between them. Individuals already holding one elective office may, without resigning, file for a second office even if it is incompatible with the first. ³⁷ Election and qualification to the second position automatically results in a vacancy in the first position unless the two jobs are not incompatible.

Nomination

The following provisions apply to statutory cities. While many of these provisions apply also to home rule cities whose charters are silent on procedures, ³⁸ a home rule city should check its charter on this subject.

Any person's name may appear on the official ballot as a candidate if the person files an affidavit of candidacy and pays the filing fee, by application of the voters, or by winning this right in a city primary (in cities which have primaries).

The first two means are alternates, the third is not. If the city has a primary, candidates must qualify in that primary to obtain a place on the city general election ballot.

The law requires filing of affidavits or applications of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the election. At least two weeks before the first date to file affidavits of candidacy, the clerk must publish a notice stating the first and last days to file and the closing time for filing on the last day. The clerk must also give at least ten days posted notice.

A candidate who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petition in person to the filing officer along with a written reason for being unable to submit the affidavit during the filing period. This may be done during the seven days preceding the filing period. ^{38a}

the charter is silent on the method, the council may call for special elections on authorized subjects by either of two methods.

1. The council may, by a majority vote of a quorum, pass a resolution calling for a special election.
2. The council must order a special election if it receives a petition requesting such. The petition must contain the signatures of a number of voters equal to 20 percent of the total number of people who voted at the last city general election. ¹⁰⁷

While only the council may set the date for a special election, it may not use this prerogative to postpone a special election by refusing to set a date, or by setting a date too far in the future. Special elections may take place on any day except Sunday or a legal holiday. However, some questions, such as the wet or dry liquor option may only go on the ballot on the date of the city general election. If the city holds a special election at the same time as a primary or state general election, it is considered a separate election. This means that election judges must keep separate ballot boxes even though the same individuals serve as officials for both elections.

Unless a charter provides otherwise, special elections must be preceded by two weeks published notice; 10 days posted notice is optional, except it is necessary in fourth class cities which choose not to publish. ¹⁰⁸ Both notices must clearly state the question. The city must follow all other requirements for the city general election. The election judges who served at the last election may serve for the special election. ¹⁰⁹ The county auditor, upon request, may authorize a city to conduct an election by mail with the only polling place being the office of the auditor or city clerk. ¹¹⁰ No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election and the special mail procedure must be given at least six weeks before the election. Ballots must be mailed no earlier than 20 nor later than 18 days before the election.

Unless the statutes or charter state otherwise, a majority vote of those voting on the issue is sufficient for passage. Blank ballots do not affect the outcome. In the case of a tie vote, the question fails. If voters defeat a question at any general or special election, the voters may not petition to

place it on the ballot at any other general or special election that takes place within six months of the first election, unless a charter provides otherwise. This restriction does not apply to the council, which may call a special election on any question, ¹¹¹ except when the law specifically prohibits it, as in resubmission of bond issues. ¹¹²

Vacancies in City Offices

Statutory cities must hold a special election to fill a vacancy in the office of council member, or mayor with a four-year term, if the vacancy occurs in the first two years of a term. ¹¹³ The special election must take place at the time of a city general election. Vacancies that occur at other times are filled by council appointment until the city holds a special election or the term expires.

Names of candidates to fill a vacancy in the office of council member go on the regular ballot under the separate heading "*Special election for councilmember to fill vacancy in term expiring . . .*" and any other information necessary to distinguish the office. The same is true for a vacancy in the office of mayor.

F. Fair Campaign Practices Act

Activities of Candidates

Experience has shown that the law must restrict the activities of candidates and parties in order to insure complete honesty in the election and the conduct of government itself.

To help keep elections free of fraudulent practices, the law requires the performance of certain acts and forbids others. These laws apply to city elections unless they are inconsistent with the city situation or city charter.

Election officials should acquaint themselves with fair campaign practices and the penal provision laws. ¹¹⁴ Because they are in the center of all activity on election day, they have the best opportunity to observe and prevent violations, reducing the likelihood of contested elections.

In 1982, the legislature repealed expenditure limits for candidates for city office. ¹¹⁵ However, in 1988, the legislature amended state law to require a statement of contributions and expenditures from candidates or other people and

elected terms of the clerk and treasurer had ended). A Plan A city can abolish the position of treasurer even if an appointed person holds the position. Under either the standard plan or Plan A, the council may re-establish separate offices of clerk and treasurer by ordinance.

If the city has combined the offices of clerk and treasurer, the council must order an annual audit of the city's financial affairs by either the state auditor or a public accountant. This audit must follow the minimum audit procedures which the state auditor has prescribed.

Eligibility for Office

Qualifications for elective office are set forth in the Minnesota Constitution.² All eligible voters 21 years of age or older may hold elective office in Minnesota.³ For city offices, elective officers must be qualified city voters, at least 21 years of age on the date of their taking office, U.S. citizens,⁴ and residents of the state for at least 20 days.⁵ An individual who has been convicted of a felony under either state or federal law cannot hold elective office in Minnesota unless his or her civil rights have been restored.⁶

Individuals the council appoints to fill vacancies must satisfy these same requirements.

Removal by Operation of Law

In most situations, it is not possible to remove statutory elected officials before the end of their term, for cause or otherwise. Statutory city voters have no recall authority. Some charters give voters this option.

In some situations, removal by operation of law can occur. A vacancy occurs if an elected official is convicted of any infamous crime.⁷ An infamous crime is a felony;⁸ that is, a crime for which the court may impose a sentence of imprisonment for more than one year.⁹ Bribery is a felony.¹⁰ Misconduct of a public officer or employee, as defined by law,¹¹ is a gross misdemeanor,¹² so a misconduct conviction does not create a vacancy on the grounds that it is an infamous crime.¹³

A vacancy occurs when an elected official is convicted of an offense involving a violation of the individual's official oath.¹⁴ The official oath is in the Constitution.¹⁵ Many offenses which are not felonies would seem to involve a violation of the

individual's oath.¹⁶ For instance, if a person is convicted of misconduct in office which violates his or her official oath, a vacancy occurs, even though it is not an infamous crime.¹⁷

The governor also has the power to remove certain officials from public office. The governor may remove any collector, receiver, or custodian of public moneys, when the governor receives evidence that the person has been guilty of malfeasance or nonfeasance in performing official duties.¹⁸ Individuals convicted of violating municipal ordinances or misdemeanors remain eligible for office unless the offense involves violation of the individual's oath.

An individual loses his or her civil rights if convicted of a misdemeanor, gross misdemeanor, or felony.¹⁹ Discharge restores that individual's civil rights including the individual's full right to hold office, except an individual convicted of bribery can never qualify to hold public office.²⁰

City officials should consult an attorney when they are considering removal of a public official.

Resignations

An official should submit a resignation, in writing, to the officer who has authority to appoint a replacement. In cities, all resignations should go to the council. After receiving a resignation, the council should pass a resolution stating that it has received and accepted the resignation and that a vacancy exists. If the resignation states that it takes effect on a specified date, the vacancy occurs on that date whether or not the council has accepted it.²¹

Vacancies

Whatever the reason for a vacancy, the council should fill the office as soon as possible.

When an office entailing responsibility for handling city funds becomes vacant, the council must provide for an examination of the retiring officer's accounts. If the examination shows any shortage or irregularity, the council must immediately notify the retiring officer and the sureties on his bond (the insurance company which underwrites the official bond covering the officer). This notice must be in writing and must be served go to the officer and his sureties by mail to their residences, if known.

Elected Officials, City Councils, and Advisory Bodies

Because the council must fill vacancies in elective offices, it must also determine whether a vacancy exists. After investigating the facts, the council must pass a resolution stating them and declaring that a vacancy exists.

Vacancies in an elective office in a statutory or home rule charter city may occur for any of the following reasons: ²²

1. **Death.** The vacancy exists as of the date of death unless the elected officer had not yet begun his term of office in which case the vacancy exists from the date the term would have started.
2. **Resignation** (See previous discussion).
3. **Removal** (See previous discussion). ²³
4. **Termination of city residency.** Residence is a factual question which the council must determine in each case. Voting in the city is only one indication of residence. The office holder's intent and his or her availability to perform official duties are additional criteria. A member of the council becomes a non-resident when the property on which the member lives is detached from the city.
5. **Failure to qualify for office.** Failure to qualify may consist of refusal or neglect to take oath of office, failure to give or renew an official bond or to deposit such oath or bond within the time prescribed by law, or an indication of an intent not to qualify. This type of vacancy is not automatic. A newly elected official may qualify at any time prior to the council declaring the office vacant.
6. **Abandonment.** Whether or not an abandonment actually occurs is difficult to determine because the intent of the officeholder is the controlling factor. The attorney general, while cautioning that this is a question of fact, has indicated that failure to participate in the activities of the council for three months is sufficient grounds for declaring an abandonment of office. ²⁴
7. **Qualifying for a second or incompatible city office.** Incompatible offices are any

public offices which an individual may not hold simultaneously.

8. **Termination of elected term.** Generally, of course, the vacancy occurring at the conclusion of an incumbent's term of office is filled immediately by the successor. If no one has been elected, the office is filled by the incumbent until the council appoints a successor and that person qualifies for the office.

The recall of an elective officer to active duty in the military service of the United States does not create a vacancy in a person's office. ²⁵

Filling Vacancies

In statutory cities, the council fills vacancies in elective offices by appointment for the portion of the term remaining until the next city election. ²⁶ To fill a vacancy, the council must pass a resolution naming the appointee and the office. A majority of the council voting on the question must pass the resolution. A quorum must be present. ²⁷ The council may appoint any individual who would be eligible for election to that office. The council is not obligated to appoint any candidate previously defeated in an election for the office.

If the vacancy occurs before the elected officer assumes duties, the appointee's term runs from January 1 until the next city election. If the vacancy occurs during the first two years of a four-year term, the appointee serves until the next city election when a special election is necessary to fill the remaining two years of the term. ²⁸ If the next city election is in November, the newly elected councilmember would take office the following January, just as if it were a normal election. If the vacancy occurs in the last two years of a term, the appointee serves for the remainder of the term.

A retiring council member may not vote on the appointment of the successor to that vacancy. ²⁹ However, if the retiring member does vote on the appointment, the appointee may still serve as an officer. ³⁰ A council member who is elected mayor may, as mayor, participate in the appointment to fill the vacancy on the council. ³¹

If the council votes on an appointment, and the vote results in a tie, the mayor may make the appointment without council approval, even when the mayor has voted on the appointment. The mayor

X

may select any eligible person for the position; he or she does not need to choose from those the council considered. The mayor should make the appointment in writing and file it with the city clerk. ³² When the vacancy is for mayor and the council casts a tie vote, the acting mayor should make the appointment as by law he or she may perform all duties of the mayor in case of a vacancy. ³³

Council Members Ineligible to Fill Certain Vacancies

City council members, including mayors and elected clerks, may not fill vacancies in other elective offices in the city. ³⁴ This rule applies even though a council member resigns the position on the council before the council makes the appointment. There are two exceptions to this rule. First, the governor may appoint council members to the office of municipal judge. Second, the council may appoint one of its members to the office of either mayor or clerk, but in such a case the person up for appointment may not vote. ³⁵

B. Mayor

As the head of the city, the mayor speaks officially for both the government and the community as a whole. In all statutory and most charter cities, the mayor is the presiding officer and a regular member of the city council and has all the powers and duties for the office of council member in addition to those of mayor.

In a home rule charter city, the charter spells out the duties and responsibilities of the mayor. This chapter deals with mayors of statutory cities.

Official Head of the City

This role gives the mayor three very important responsibilities.

First, the mayor usually serves as the city's representative before the state legislature, federal agencies, and other local governments.

Second, the mayor performs ceremonial duties on behalf of the community. The mayor usually greets important visitors, gives formal and informal talks, and takes part in public events. Because local civic groups frequently ask the mayor to speak, he or she must be prepared to explain and defend city problems and programs.

A third responsibility is to exert leadership in city affairs. Because the mayor in statutory cities lacks significant individual authority, this responsibility frequently calls for tact rather than for any overt acts of direction or supervisory control.

Executing Official Documents

The mayor of a statutory city must sign ordinances, contracts which the council has authorized, and written orders for payment of claims which the council has audited and allowed. These are ministerial duties, and the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

Power to Make Appointments

This power usually resides in the council. The mayor of a statutory city may not hire nor fire city employees. A popular misconception is that the mayor is automatically the chief of police, whereas, in fact, final authority over the police department belongs to the council as a whole. The mayor has no special supervisory duties over the department apart from membership on the council.

The mayor does have authority to make appointments to the following subject to council approval:

1. Park board members; ³⁶
2. Library board members; ³⁷
3. Civil defense director; ³⁸
4. Hospital board members; ³⁹
5. Police civil service commission; ⁴⁰
6. Housing and redevelopment authority members; ⁴¹
7. Assistant weed inspectors. ⁴²

The mayor also fills vacancies in elective offices without council confirmation, if the council, in filling the vacancy, casts a tie vote. ⁴³

Presiding Officer at Council Meetings

A statutory city council is composed of five members including the mayor and four council members (three, plus an elected clerk, in standard plan cities). ⁴⁴ This means that the mayor has ex-

REGULAR CITY COUNCIL MEETING

CITY OF FALCON HEIGHTS

AGENDA

JANUARY 10, 1990

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

B. ROLL CALL: CIERNIA _____ BALDWIN _____ WALLIN _____ BUSH _____
GEHRZ _____ WIESSNER _____ S. CHENOWETH _____
ATTORNEY _____ ENGINEER _____

C. APPROVAL OF MINUTES OF DECEMBER 13, 1989

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA

1. Disbursements
 - a. Disbursements through 1/10/90 - \$37,062.41
 - b. Payroll 12/16/89-12/31/89, \$9,809.71
2. Check Cancellations - #23072, #23038, #23102
3. Designation of Contractual Inspectors
4. Solid Waste Commission Minutes
5. Licenses

ACTION: _____

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1.(a) Resolution R-90-1 Designating Official Depository

ACTION: _____

(b) Certify Official City Signators

ACTION: _____

2. Designation of Official Newspaper

ACTION: _____

3. Review and Reaffirm or Amend City Council Standing Rules Adopted October, '87.

ACTION: _____

4. Council Assignments

ACTION: _____

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

5. Commission Re-Appointments

ACTION: _____

6. Capital Note and Improvement Bond Issue

ACTION: _____

7. Amendments to Chapter 9-2.04, Subdivision 1(b) and 1(f) of the City's
Zoning Code Relating to the Definition and Placement of Accessory Structures

ACTION: _____

8. Authorize Purchase of New Pick-Up Truck for the Public Works Department

ACTION: _____

9. Smoking Policy for City Facilities and Vehicles

ACTION: _____

10. Proposed Ordinance Amending Personnel Policy

ACTION: _____

11. Schedule Council Workshop to Discuss City Compensation System

ACTION: _____

G. ANNOUNCEMENTS AND UPDATES

H. ADJOURNMENT

ACTION: _____

MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 13, 1989

Baldwin called the meeting to order at 7:00 P.M.

ALL MEMBERS PRESENT

Baldwin, Bush, P. Chenoweth, Ciernia and Wallin. Also present were Wiessner and S. Chenoweth.

MINUTES OF 11/29/89 APPROVED

The Minutes of November 29, 1989 were approved by unanimous consent.

CONSENT AGENDA APPROVED

Council unanimously approved the following Consent Agenda:

1. Disbursements
 - a. Disbursements through 12/13/89, \$33,387.18
 - b. Payroll, 11/16/89-11/30/89, \$9,476.87
2. Cancellation of Check #22990 issued 10/25/89 to Ramsey County Conciliation Court in the Amount of \$32.00
3. Commission Minutes
 - a. Parks and Recreation Minutes of 11/13/89
 - b. Planning Commission Minutes of 12/4/89
4. Review of Conditional Use Permit for JJ's Pool and Game Arcade at 1544 W. Larpenteur

APPROVAL OF PRELIMINARY DEVELOPMENT AGREEMENT WITH PROFESSIONAL VENTURES, INC. FOR PROPOSED REDEVELOPMENT OF SE CORNER OF LARPENTEUR AND SNELLING

Dave Selligren with the firm of Larkin, Hoffman, Daly and Lindgren addressed Council on behalf of Professional Ventures, Inc., the developer interested in redevelopment of the southeast corner of Larpenteur and Snelling. Mr. Selligren presented the site plan and a drawing of the proposed 66,000 square foot retail mall and explained that several variances will be necessary to make the proposed plan feasible. He also indicated the developer will be requesting Tax Increment Financing for the project which is estimated to increase the tax base by \$275,000 per year and create approximately 41 new jobs. Ron Krank, KKE Architects, explained the proposed exterior design and color scheme of the building. Selligren indicated they plan to negotiate with the Department of Transportation for use of a portion of the right-of-way along Snelling Avenue. The presentation was interrupted to open a public hearing scheduled for 7:30 P.M.

7:30 P.M. - PUBLIC HEARING ON VACATION OF THE WESTERLY 25 FEET OF THE FOLWELL AVE. EXTENSION IN AUDITOR'S SUBDIVISION #90

Baldwin opened the hearing at 7:30 P.M., noted the Affidavit of Publication, and asked for comments from those in attendance. There being no one wishing to be heard Baldwin closed the hearing at 7:33 P.M. Ciernia moved adoption of Resolution R-89-26 which carried unanimously.

RESOLUTION R-89-26

A RESOLUTION VACATING THE WESTERLY 25 FEET OF LOT D NORTH OF FOLWELL AVENUE AS CONSTRUCTED (AUDITOR'S SUBDIVISION #90, UNIVERSITY GROVE)

PRESENTATION BY PROFESSIONAL VENTURES, INC. RESUMED

Planning Commissioner, Don Grittner, asked if it was necessary to obtain the Clark's Submarine Sandwich property in order to go forward with the development. John Grossman, PVI, replied that it is important to the project and that negotiations for acquisition are going well. Sellergren asked Council if the developer is on the right track and wanted to know if any major obstacles are foreseen. After a brief discussion, P. Chenoweth moved that the City enter into a preliminary development agreement with PVI and that the matter be deferred to the Planning Commission for review and recommendations. Motion carried unanimously.

STAFF AUTHORIZED TO ADVERTISE FOR BIDS FOR PURCHASE OF PICK-UP TRUCK FOR PUBLIC WORKS

Wiessner explained that the purchase of a 3/4 ton pick-up truck in the year 1990 was included in the Capital Improvement Plan and recommended that staff be authorized to proceed with the purchase. Council unanimously authorized staff to proceed.

ITEM F(3), AGREEMENT WITH MN/DOT REGARDING SNELLING AVE. PROJECT, WITHDRAWN FROM AGENDA

The proposed agreement with MN/DOT for the City's Share of the Snelling Avenue Project cost was withdrawn as requested by City Engineer Maurer.

DORSEY WHITNEY LAW FIRM RETAINED FOR 1990 BOND SALE

Wiessner explained that it will be necessary for the City to retain a bond approving attorney in order to proceed with the plan to issue bonds to finance the Hamline Avenue street project (\$115,000) and the proposed 5 Year Capital Improvements (335,000). Council briefly discussed the quotes obtained by Fiscal Consultant Apfelbacher, (Dorsey, Whitney, \$2,000 and Holmes & Graven, \$3,000) and unanimously agreed to retain the Dorsey, Whitney firm.

CITY TO REQUEST AN EXTENSION OF TIME FOR UPDATING COMPREHENSIVE PLAN

Baldwin explained that the City is required by Metropolitan Council to update portions of the Comprehensive Plan by January, 1990 and since the City plans to update the entire Plan over the next year, it would be reasonable to request an extension to December 31, 1990 for completion. Wallin then moved adoption of Resolution R-89-27 which carried unanimously.

RESOLUTION R-89-27

A RESOLUTION REQUESTING THE METROPOLITAN COUNCIL TO GRANT AN EXTENSION TO DECEMBER 31, 1990 FOR UPDATING THE COMPREHENSIVE MUNICIPAL PLAN

REGULATION OF CATS - SECTION 5-1.01 OF THE CODE REPEALED

Wallin explained that he felt that requiring the belling of cats is mostly unenforceable and felt the City should not have anything in the Code that does not affect public safety, health and welfare. He was of the opinion that many sections of the Code fall into this unenforceable category. Baldwin felt it was inappropriate to attempt to regulate natural behavior of animals such as belling cats to protect the birds. Following the discussion, Wallin moved adoption of Ordinance O-89-19 repealing Section 5-1.01 in its entirety. Motion carried unanimously. New language relating to regulation of cats will be drafted in the near future.

ORDINANCE O-89-19

AN ORDINANCE REPEALING SECTION 5-1.01 OF THE MUNICIPAL CODE RELATING TO REGULATION OF CATS

CANCELLATION OF 12/27/89 MEETING

Council unanimously approved cancellation of the Council Meeting scheduled for December 27, 1989.

ADJOURNMENT

The meeting was adjourned at 8:32 P.M.

Tom Baldwin, Mayor

ATTEST;

Shirley Chenoweth, City Clerk

Consent X

Agenda Item: E-1

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DISBURSEMENTS

SUBMITTED BY:

Tom Kelly

REVIEWED BY:


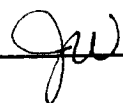
EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) General Disbursements through 1/10/90 - \$37,062.41
 - (i) Paid through Dec. 31, 1989 - \$34,262.74
 - (ii) Paid through Jan. 10, 1990 2,799.67

- (b) Payroll - 12/16/89 through 12/31/89, \$9,809.71

ACTION REQUESTED:

Approval

GENERAL DISBURSEMENTS - PAID IN 1989

CHECK NO.	ISSUED TO	REASON	AMOUNT
23120	Minn. Ambulance Assoc.	Conference, Holmgren, Kayser, '90 Mbrshp Dues	\$288.00
23121	Bill's Art & Signs	Sign for Idaho/Snelling rink	82.99
23122	Dick Larson	Dec. fees plus xtra hours, Plan Check fees	911.74
23123	William Walsh	4th Quarter fees	222.75
23124	Gene Pakoy	4th Quarter fees	1,143.75
23125	State Treasurer	Surcharge	45.66
23126	Shirley Chenoweth	Mileage	12.60
23127	United Way	Pledge	14.00
23128	Ramsey County	Dec. Law Contract and insurance	21,744.19
23129	ICMA Retirement Trust	Retirement	1,095.03
23130	PERA	Retirement	882.49
23131	Comm. of Revenue	State Withholding Tax	727.16
23132	North Star State Bank	Federal Withholding Tax	4,430.78
23133	C&G Office Products	Office Supplies	265.96
23134	Rochelle Lunde	Non-resident reimbursement	8.00
23135	Sharon Eberhard	" " "	24.00
23136	Deborah Trent	" " "	4.00
23137	Liz Kortz	" " "	8.00
23138	City of Fridley	RMAA	10.00
23139	BRC Elections-Midwest Region	Forms	13.59
23140	Barton-Aschman Assoc.	November, '89 services	29.90
23141	Northern States Power	Street lights, electricity	1,897.25
23142	Post Publications	Publishing planning	127.35
23143	Board of Water Comm.	Water	29.45
23144	Witt Financial	Investment fees	244.10

TOTAL: \$34,262.74

GENERAL DISBURSEMENTS - PAID IN 1990

CHECK NO.	ISSUED TO	REASON	AMOUNT
23145	League of Minnesota Cities	Subscription-Cities Bulletin	\$126.00
23146	Ciatti's Restaurant	Refund for overpayment of License fee	25.00
23147	Terry Iverson	Mileage	112.85
23148	Janet Wiessner	Expenses	214.54
23149	Browning Ferris Ind.	Rental of Warming House	95.86
23150	M-75 Bldg. Maintenance	December cleaning	145.00
23151	Post Publications	Publishing of Zoning Amendments	6.75
23152	U.S. Postmaster	Stamps	500.00
23153	Assoc. of Metro Municipalities	Membership	1,356.00
23154	Franklin Inter'l Institute	Supplies	23.45
23155	Ramsey Co. League of Local Govt's.	Meeting - Holiday Banquet	59.00
23156	Suburban Chamber of Commerce	Breakfast meeting-Carol Carlson	9.00
23157	City of Roseville	2 truck licenses	27.00
23158	SuperAmerica	Streets, Ambulance	99.22
		TOTAL:	\$2,799.67

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Description	Check Amount	Check Date	Status
	018036		0			0.00	31-Dec-89	VOID
	018037		0			0.00	31-Dec-89	VOID
	018038		0			0.00	31-Dec-89	VOID
	018039	000000002 Wiessner, Janet R.	24	01	semi-monthly	1,165.24	31-Dec-89	Outstanding
	018040	000000004 Kriegler, Carol J.	24	01	semi-monthly	494.48	31-Dec-89	Outstanding
	018041	000000011 Chenoweth, Shirley G.	24	01	semi-monthly	739.21	31-Dec-89	Outstanding
	018042	000000020 Iverson, Terry D.	24	01	semi-monthly	812.71	31-Dec-89	Outstanding
	018043	000000027 Morgan, Jay M.	24	01	semi-monthly	703.33	31-Dec-89	Outstanding
	018044	000000035 Zimmerman, Katherine	24	01	semi-monthly	427.28	31-Dec-89	Outstanding
	018045	000000038 Wright, Vincent D.	24	01	semi-monthly	799.48	31-Dec-89	Outstanding
	018046	000000063 Phillips, Patricia A.	24	01	semi-monthly	637.17	31-Dec-89	Outstanding
	018047	000000065 Kelly, Thomas R.	24	01	semi-monthly	802.69	31-Dec-89	Outstanding
	018048	000000070 Sell, Matthew W.	24	01	semi-monthly	79.33	31-Dec-89	Outstanding
	018049	000000071 Bosshardt, Brian	24	01	semi-monthly	51.74	31-Dec-89	Outstanding
	018050	000000072 Carlson, Carol	24	01	semi-monthly	397.03	31-Dec-89	Outstanding
	018051	000000079 Hoyt Taff, Susan L.	24	01	semi-monthly	323.73	31-Dec-89	Outstanding
	018052	000000001 Baldwin, Thomas W.	12	03	monthly 2	346.84	31-Dec-89	Outstanding
	018053	000000003 Baumann, Nicholas B.	12	03	monthly 2	50.71	31-Dec-89	Outstanding
	018054	000000005 Berndt, Ross	12	03	monthly 2	41.50	31-Dec-89	Outstanding
	018055	000000007 Bianchi, Joseph D.	12	03	monthly 2	101.75	31-Dec-89	Outstanding
	018056	000000008 Brown, Raymond F.	12	03	monthly 2	63.00	31-Dec-89	Outstanding
	018057	000000009 Bush, Patti J.	12	03	monthly 2	295.65	31-Dec-89	Outstanding
	018058	000000010 Chenoweth, Philip E.	12	03	monthly 2	293.00	31-Dec-89	Outstanding
	018059	000000012 Ciernia, Paul C.	12	03	monthly 2	250.00	31-Dec-89	Outstanding
	018060	000000018 Holmgren, John M. Sr.	12	03	monthly 2	135.00	31-Dec-89	Outstanding
	018061	000000022 LeMay, Dennis G.	12	03	monthly 2	56.00	31-Dec-89	Outstanding
	018062	000000024 Lindig, Leo	12	03	monthly 2	303.34	31-Dec-89	Outstanding
	018063	000000033 Schauffert, Craig F.	12	03	monthly 2	135.00	31-Dec-89	Outstanding
	018064	000000034 Smida, Gail	12	03	monthly 2	63.00	31-Dec-89	Outstanding
	018065	000000037 Wallin, Gerald E.	12	03	monthly 2	200.00	31-Dec-89	Outstanding
	018066	000000039 Morgan, Jay	12	03	monthly 2	41.50	31-Dec-89	Outstanding

Grand Total

9,809.71

Consent X

Agenda Item: E-2

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Check Cancellations

SUBMITTED BY:

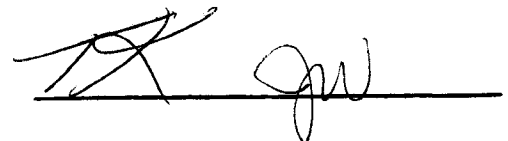
Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) Check #23072 dated 12/12/89 issued to Ameri-Star Lighting, in the amount of \$43.18, duplicate payment.
- (b) Check #23038 dated 12/12/89 issued to RC Beverage in the amount of \$69.30 - duplicate payment.
- (c) Check #23102 dated 12/21/89 issued to Maier, Stewart & Assoc. in amount of \$1,307.07 - duplicate payment.

ACTION REQUESTED:

Handwritten signatures of Tom Kelly and another individual, possibly a council member or official, over a horizontal line.

Consent X

Agenda Item: E-3

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DESIGNATION OF CONTRACTUAL INSPECTORS

SUBMITTED BY:

Shirley Chenoweth

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Designation of Bill Walsh, Plumbing Inspector; Gene Pakoy, Mechanical Inspector and Dick Larson, Building Inspector.

Compensation for the inspectors is computed as follows:

	<u>Total 1989 Compensation</u>
Gene Pakoy, 75% of permit fee	\$3,900.75
Bill Walsh, 75% of permit fee	655.90
Dick Larson, \$350/mo. retainer plus 25% of plan check fees and \$35/hour for inspections after 3rd inspection on a project	6,884.47

ACTION REQUESTED: Approval of Inspector Appointments



Consent X

Agenda Item: E-4

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SOLID WASTE COMMISSION MINUTES

SUBMITTED BY:

Solid Waste Commission


REVIEWED BY:

Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Minutes Attached.

ACTION REQUESTED:



MINUTES
SOLID WASTE COMMISSION MEETING
December 7, 1989

The meeting was called to order by Chairperson John Thompson at 7:10 P.M.

COMMISSION MEMBERS PRESENT: Leo Kli'sch, Marty McCleery, John Thompson, Terry Iverson, Michael Haglund and Shirley Chenoweth, Staff Representative.

COMMISSION MEMBERS ABSENT: John Hustad, Nancy Misra, Lyle Wray and Laura Kuettel.

AGENDA: The agenda was approved with the addition of business recycling which was added after multi-housing recycling.

COUNCIL/COMMISSION WORKSHOP: John Thompson gave an overview of the workshop held November 15th at City Hall. It was the overall consensus of the Commission members who attended the workshop that it was a success and reaffirmed the fact that the Commission is moving in the right direction. Shirley Chenoweth noted that the City Council would like to see a major effort in educating the public on solid waste concerns--especially in areas such as organized collection, new laws regarding waste disposal, composting and use of lawn waste. The Commission decided to cover some of the more pressing solid waste issues in the upcoming City newsletter, which will be published in January. This will be followed by a more extensive and in-depth coverage of these issues in the Solid Waste Newsletter set to come out in March.

ORDINANCE: A brief discussion by Commission members on the composting Ordinance. The major concern which is to educate the public as suggested by the City Council.

IDEAS FOR EDUCATING THE PUBLIC ABOUT UPCOMING CHANGES: The Commission opened the floor to suggestions as to what are areas in which we can keep the public informed on solid waste issues and concerns. Many of the suggestions will be covered in upcoming Solid Waste Newsletters as part of an ongoing public awareness program. Following is a list of suggestions by various Commission members: (1) Multi-housing units and their recycling efforts, (2) Printing the addresses and hours of operation of businesses that collect recyclable items, (3) Listing prices individuals will get for recyclable items, (4) Updating the public on new Ordinances dealing with composting/use of lawn clippings, etc., (5) Listing businesses that recycle, (6) Printing the scavenging Ordinance, (6) Household hazardous waste problems and concerns, (7) Explain problems encountered using old incinerators; and (8) Disposal of batteries and tires.

Commission members selected various topics from the suggestions to research and submit articles for the March Solid Waste Newsletter. This list by no means exhausts the many areas of concerns and issues but are some of the more important ones.

MINUTES
SOLID WASTE COMMISSION MEETING
December 7, 1989

APPROVAL OF MINUTES: Minutes for November approved. Motion made by Michael Haglund and seconded by Leo Klisch. Motion passed after the word "October" deleted from the Minutes.

MULTI-HOUSING RECYCLING: The Commission discussed implementing the multi-housing recycling program. John Thompson mentioned that a new state law will come into effect soon on multi-housing recycling. He suggested that the Solid Waste Commission draft an Ordinance to cover the upcoming changes. The Commission also discussed the possibility of starting a pilot program for multi-housing recycling. Shirley Chenoweth noted that there are 25 multi-housing units in Falcon Heights.

BUSINESS RECYCLING: Marty McCleery brought up for discussion businesses and the efforts they are making to recycle. Shirley Chenoweth and Terry Iverson noted some of the problems in this area. This was followed by a general discussion of Commission members on this topic. As in other areas, education will be an important tool in making businesses aware of changes that are coming and will affect them. Marty McCleery will do a follow up on North States Power and its use of recyclable materials.

1990 GRANT FUNDS: Shirley Chenoweth told the Commission that the grant for the new year will most likely be approved by Ramsey County. The budget for the new year will be \$33,360, this is up substantially from last year's budget of about \$13,000. This upward trend reflects the many changes in the recycling costs.

ADDITIONAL MEETINGS: The scheduling of additional meetings was set aside until the January meeting. It was noted that additional meetings will be necessary to meet various deadlines--some of which include publication of the March Solid Waste Newsletter and putting the organized collection program into operation.

John Thompson moved, seconded by Leo Klisch, to adjourn the meeting at 9:50 P.M. Motion carried unanimously.

Respectfully submitted,

Michael Haglund
Acting Secretary

Consent x

Agenda Item: E-5

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

LICENSES

SUBMITTED BY:

Katherine Zimmerman

REVIEWED BY:


Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached list. All licenses are renewals.

ACTION REQUESTED:

Approval.



Keith Krupenny and Son Disposal Service 457-3680
1214 Hall Avenue
West St. Paul, MN 55118

1 can = 30 gallons (2 bags)	\$45.00 quarter
2 cans = 60 gallons	\$48.00 quarter
Greater than 60 gallons	\$64.00 quarter

Gene's Disposal Service 426-1224
6808 - 117th Street North
White Bear Lake, MN 55110

1 can or 2 bags = 32 gallons	\$33.00 quarter
2 cans or 4 bags	\$41.00 quarter
3 cans or 5 bags	\$43.00 quarter
5 cans or 6 bags	\$48.00 quarter

Bellaire Sanitation, Inc. 429-2019/429-6766
8678 - 75th Street North
Stillwater, MN 55082

1 - 90 gallon	\$15.00 monthly
1 - 60 gallon	\$13.00 monthly
1 - 30 gallon	\$11.00 monthly

BFI - Woodlake Sanitary Service, Inc. 784-2104
8661 Rendova Street, Box #39
Circle Pines, MN 55014

1 - 30 gallon	\$12.75 monthly
2 - 30 gallon	\$15.75 monthly
Over 60 gallons (Unlimited)	\$18.75 monthly

LICENSES

Falcon Heights Businesses

Tung Kwan, Inc. dba Chinatown Restaurant #20 (Wine) and #389 Restaurant
On Sale

Packaging Store #418
Chin's Kitchen #415
Sandy's Corner Stylists #414
Marca Diversified dba One Hour Martinizing #404
Guardian Photo #405
HML Corporation (Food Service at 1666 Coffman) #400
Minnesota Made Boutique and Gallery #395
Thatcher Chiropractic Clinic P.A. #393
Suburban Credit Plan, Inc. #392
Falcon Heights Dental Center #391
Hair Designs Unlimited #390
Furniture Plus #426
Ann's Tailoring #429
Noer's Barber Shop #431
Hamline Hoyt Service #434
Hewlett Packard #436 (Office, Car Wash, Gas and Lunchroom)
Grocer's Choice #406
Mr. EMS System, Inc., dba Embers #447
Clark's Submarine Sandwiches, Inc. #446 (Restaurant and Cigarette)
Falcon Barbers #443
Insty Prints #442
Falcon Heights Pharmacy #440

Tree Trimming and Removal

A-1 Walsh, Inc. #401

Refuse Hauling

BFI - St. Paul Action Disposal #422 (Commercial)
Vasko Rubbish Removal, Inc. #421 (Commercial)
Metro Refuse, Inc. #449 (Commercial)
Walter's Rubbish, Inc. #452 (Commercial/Residential)

General Contractor

Valley Interior Products, Inc. #399
Milton L. Johnson Roofing and Sheet Metal Co. #412
Asphalt Driveway Co. of St. Paul #409
American Remodeling #424
Buck Blacktop, Inc. #410
Wayne Concrete #394

Sewer Connection Cleaners

Ken's Sewer Service Co. #451

Mechanical Contractor

Northeast Sheet Metal, Inc. #417
The Snelling Company #403
Boedeker Plumbing and Heating #398
Equipment Supply, Inc. #397
Harris Mechanical Contracting Company #413
Minnegasco, Inc. #427
Apollo Heating & Venting Corporation #423
AAA Plumbing by Newstrom #425
Boehm Heating Company #396
Standard Heating and Air Conditioning Co. #408
Kath Brothers Heating and Air Conditioning #430
Sedgwick Heating and Air Conditioning #435
Ray N. Welter Heating Company #445
American Burner Service, Inc. #448
McQuillan Bros. Plumbing and Heating Co. #444
Paul Falz Co. #450
Midwest Equipment Company, Inc. #407

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

Date January 10, 1990

A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORY FOR THE
GENERAL AND SINKING FUNDS OF THE CITY OF FALCON HEIGHTS

RESOLVED, that the City of Falcon Heights does designate the North Star State Bank of Roseville as depository for the funds of the City of Falcon Heights, and the Administrator or Designee is authorized to deposit general and other funds therein. Collateral shall be furnished by the North Star State Bank as required by law.

Moved by _____

Approved by _____

Mayor

January 10, 1990

Date

YEAS Nays

BALDWIN

CIERNIA

CHENOWETH

WALLIN

BUSH

_____ in Favor

_____ Against

Attested by _____

City Clerk

January 10, 1990

Date

Adopted by Council _____

Consent _____

Agenda Item: F-1(b)

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CERTIFY OFFICIAL CITY SIGNATORS

SUBMITTED BY:

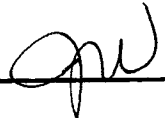
Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached Proposed Resolution.

ACTION REQUESTED:



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

Date January 10, 1990

A RESOLUTION CERTIFYING OFFICIAL CITY SIGNATURES

RESOLVED, that the City Council of Falcon Heights certifies
that the following names are required as official signatures for:

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Contracts, Licenses, Checks, Loans
and/or Debts
 2. Ordinances and Resolutions | <ul style="list-style-type: none"> 1. Tom Baldwin, Mayor and 2. Janet R. Wiessner, City
Administrator
 1. Tom Baldwin, Mayor and 2. Shirley Chenoweth, City Clerk |
|---|--|

Moved by _____

Approved by _____
Mayor

YEAS Nays

BALDWIN _____ in Favor

CIERNIA _____ Against

CHENOWETH

WALLIN

BUSH

_____ Date

Attested by _____
City Clerk

_____ Date

Adopted by Council _____

Consent _____

Agenda Item: F-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DESIGNATION OF OFFICIAL NEWSPAPER

SUBMITTED BY:

Shirley Chenoweth and Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City has received proposals from Post Publication's The Focus and the Lillie Suburban Newspaper's The Review. For the past several years, the City has designated The Focus as its official paper. The Focus has provided us with prompt, efficient service and has fax service which is very convenient.

ATTACHMENTS:

- A. Proposal from Post Publication
- B. Proposal from Lillie Suburban Newspaper
- C. Cost Comparison

ACTION REQUESTED:

Designate Post Publication's The Focus as official City newspaper.

JW

December 1, 1989

Dear Legal Advertiser:

Effective January 1, 1990 we are increasing our legal advertising rates.

The new rate structure will be as follows:

1 column width

\$.50 per line - first insertion

\$.27 per line - subsequent insertions

1/15/1989

2 column width

\$1.07 per line - first insertion

\$.58 per line - subsequent insertions

We will continue to provide, at no charge, two notarized affidavits on each of your publications. Additional affidavits, on request, will be furnished at \$2.00 each.

All publications should reach this office by Thursday noon preceding our Wednesday publications. However, we would appreciate receiving any large quantities of legals or any lengthy legals at an earlier time.

In order to expedite our services to you, it is requested that you direct your publications to the attention of Audrey Broda, Legals Department, 8801 Bass Lake Road, New Hope, MN 55428.

For your convenience, we also have a Fax (537-3367) machine.

We are pleased to serve you and we thank you on behalf of all of our readers.

Sincerely,



Walter Reach
General Manager

POST PUBLICATIONS

WR/ab

POST

PUBLICATIONS

8801 BASS LAKE ROAD
MINNEAPOLIS, MINN. 55428

612-536-7500

Lillie Suburban Newspapers

2515 E. Seventh Avenue
North St. Paul, MN 55109
(612) 777-8800

November 20, 1989

Honorable Mayor Tom Baldwin and City Council
City of Falcon Heights
2077 W. Larpenteur Avenue
Falcon Heights, Minnesota 55113

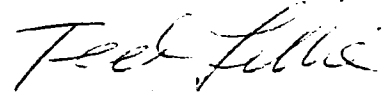
Dear Mayor Baldwin and Council Members:

We ask that you designate the Roseville Review as the legal newspaper for the City of Falcon Heights for the year of 1990. We ask that the designation be made at your first council meeting of 1990.

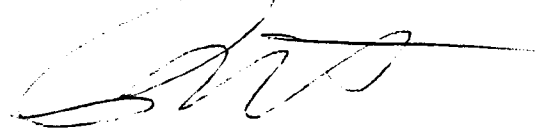
Legal publication rates for minutes of regular and special meetings, bids, etc., are \$5.80 per column inch, \$7.74 per column inch tabulated and \$3.87 per column inch for each additional publication.

Thank you for considering us for your legal newspaper.

Very truly yours,



N. Theodore Lillie



Raymond J. Enright

NTL/RJE:1kr



RAMSEY COUNTY REVIEW — MAPLEWOOD REVIEW — OAKDALE-LAKE ELMO REVIEW — NEW BRIGHTON BULLETIN — SHOREVIEW BULLETIN
ST. ANTHONY BULLETIN — SHOPPING REVIEW — SHOPPING REVIEW EAST — ROSEVILLE REVIEW
SOUTH-WEST REVIEW — WOODBURY-SOUTH MAPLEWOOD REVIEW — FRIDLEY SHOPPING BULLETIN — NORTH SHOPPING BULLETIN

1990 COST COMPARISON

Based on a typical Public Hearing Notice:

Post Publication's "The Focus"

60 words = 12 lines @ \$.50 = \$6.00

Lillie Newspapers "The Review"

60 words = 1½" @ \$5.80 = \$8.70

Consent _____

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REVIEW AND REAFFIRM OR AMEND CITY COUNCIL STANDING RULES
ADOPTED OCTOBER, 1987.

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Each year the City Council should review the operating procedures it
intends to use and decide whether changes are warranted.

ACTION REQUESTED:

Reaffirm Council Standing Rules.

 Jan Wiessner

FALCON HEIGHTS CITY COUNCIL
COUNCIL MEETING STANDING RULES

October 14, 1987

INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special council meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The council process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

MEMBERSHIP

The formal Council membership consists of the four councilmembers and the mayor. All five have one vote each and all five can introduce motions. For purposes of leading the meeting the mayor, or in the absence of the mayor the acting mayor, will be considered the chairperson.

RULES

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the council members and any other persons having responsibility for an item at least three working days prior to the meeting. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
2. An item can be moved from the consent agenda to the action agenda at the request of any council member.
3. Since there will be audience and cable TV viewers not familiar with each item, the chair will give a brief explanation of each item as it is addressed.

4. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:

a. Filling in time before a scheduled item, i.e. a public hearing.

b. Grouping several items to best make use of consultant time.

c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

Process - Regular and Special Council Meetings

1. For these proceedings the Council will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the Clerk-Administrator, Executive Secretary and any of the consultants who may have an interest in or can contribute to the item at hand.

2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.

3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgement of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, ... stands approved (or denied)." If any council member has an objection then the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions.

4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.

5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.

6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt the secretary can request a clarification.

7. The meeting will be audio taped and the tape will be retained for 6 months following approval of the minutes for that meeting. The standard retention can be extended if in the judgement of the mayor, clerk-administrator, executive secretary or any councilmember such action is warranted. When possible, the meeting will also be video taped. The general retention of the video tape will be 2 months. The executive secretary will keep a log of retained audio and video tapes.

8. If the council action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

9. No Council meeting will extend beyond 10:30 PM except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manor the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.

2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.

3. All individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The Council may take up to 15 minutes to review written statements presented at the meeting. If the Council decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later then 1 week before the next meeting where a deciding vote is planned.

4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out-of-order.

5. The Council will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.

6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the Council will revert back to its open discussion mode of operation. From this point on public input will only be appropriate when solicited by the Council.

7. Voting on any motion that results from a public hearing will be by roll call. To eliminate any roll-call bias, the order will be rotated each month and will be reflected in the 'call to order' roll of the agenda.

8. It shall be the intent of the Council to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.

9. No public hearing will extend beyond 10PM.

10. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.

11. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

12. If the public hearing is to set an assessment rate, the assessment formula(s) under discussion cannot be altered. This implies that the Council has fully discussed any formulas prior to the hearing and that the appropriate legal, fiscal and engineering consultants have passed on formula(s) viability, legality and feasibility.

13. If the hearing is to set an assessment, it cannot be scheduled later than the first meeting in September. This is to allow time to correct any errors prior to the time needed to certify the rolls to the County.

ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:30 PM adjournment, can be adopted, modified or suspended in whole or in part by a 3/4 vote of the Council. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually at the first meeting in February.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any council member and can be overruled by a majority vote.

Consent _____

Agenda Item: F-4

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

COUNCIL ASSIGNMENTS

SUBMITTED BY:

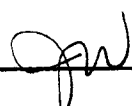
Tom Baldwin

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached.

ACTION REQUESTED:



1990 COUNCIL ASSIGNMENTS

MAYOR BALDWIN

Administration
Legislative Contact Person for AMM
Public and University Relations
Engineer and Legal Liaison
Alternate Liaison to Business Community
Representative to NW Suburban Youth Service
Bureau
Municipal Buildings and Grounds
Liaison to Legislature*
Weed Inspector**
Minnesota State Fair
*By State Statute
**Appointment made by Ramsey County Board

COUNCILMEMBER CIERNIA

Acting Mayor
Data Processing
Liaison to Planning Commission
Alternate Liaison to Legislature
Alternate to AMM

COUNCILMEMBER WALLIN

Second Acting Mayor
Representative to AMM
Representative to Cable Commission
Alternate to LMC

COUNCILMEMBER BUSH

Liaison to Parks and Recreation Commission
Representative to LMC
Alternate to Metro Government
Alternate to Youth Service Bureau
Alternate to RCLLG
Representative to Ramsey County Light Rail
Transit

COUNCILMEMBER GEHRZ

Liaison to Human Rights Commission
Liaison to Chamber of Commerce
Representative to RCLLG

WIESSNER

Departmental Administration and Supervision
Administrative Assistance on all Assignments
Deputy to Mayor on all Mayor Assignments
Roseville-Falcon Heights Chamber Division
Board

OTHER APPOINTMENTS:

Ramsey County Emergency Comm. Bd.
Leo Lindig, Fire Chief
2501 Long Lake Road 784-7278 (H)
New Brighton, MN 55112 633-0125 (W)

Consent _____

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

COMMISSION RE-APPOINTMENTS

SUBMITTED BY:

Tom Baldwin

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

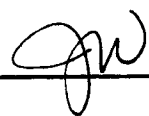
Mayor Baldwin has suggested that the size of City Commissions be re-considered and that a moratorium on appointments be made until the matter is resolved.

The Planning Commission has traditionally had 9 members but has 7 members at present due to expiration of two terms. Parks & Recreation presently has 8 members, Human Rights has 9 and Solid Waste has 9 (assuming re-appointment of all eligible members).

ATTACHMENTS:

- A. Commission members whose terms expired 12/31/89
- B. Portion of Code pertaining to Planning Commission, 2-4.01
- C. Portion of Code pertaining to Human Rights Commission, 2-6.02
- D. Portion of Code pertaining to Parks & Rec Commission, 2-8.02
- E. Portion of Code pertaining to Solid Waste Commission, 2-9.01

ACTION REQUESTED:



The following Commission members' terms expired 12/31/89. All are eligible for reappointment with the exception of David Black and Don Grittner who have served the maximum number of years.

HUMAN RIGHTS

Jim Olsen
Gwen Willems
Manly Olson

SOLID WASTE

John Hustad
Laura Kuettel
Mike Haglund

PARK & REC

Jeffrey Johnson
Jean Suppes
Jyneen Thatcher
Michael Smallpage (will let us know if he can continue--has conflict)
Linda McLoon

PLANNING COMMISSION

Carolyn Nestingen
David Black
Don Grittner

2-3.03 Service Pension and Death Benefit

Subdivision 1. Service Pension. The by-laws of the Fire Department Relief Association of the City may provide for payment of a lump sum service pension to any person who has performed active duty for 20 years or more as a volunteer firefighter of the fire department of the City and who has reached the age of 50 years. For all service prior to January 1, 1974, the amount of the pension shall not exceed \$400 for each full year of service. For all service after January 1, 1974, the amount of the pension shall not exceed \$600 for each full year of service.

Any increase resulting in a benefit in excess of \$400 for each full year of service shall apply only to service after October 10, 1974. Provided, however, that no person may perform active duty as a volunteer firefighter in excess of 20 years unless her/his service is approved jointly by a majority of the members of the council and a majority of the members of the association, and in no event shall any person perform service as a volunteer firefighter who has reached the age of 65.

Subdivision 2. Payment of Death Benefit Where Member is Entitled to Service Pension. The by-laws of the Fire Department Relief Association of the City may provide for payment of a lump sum death benefit to the widow/widower of a deceased member or dependent child in the event the wife/husband predeceases the employee, or to the estate of the member, in an amount not more than the benefit for which the member was eligible at the time of his/her death as authorized by subdivision 1 herein.

Subdivision 3. Payment of Death Benefit Where Member is Not Entitled to Service Pension and Dies Not in the Line of Duty. The by-laws of the Fire Department Relief Association of the City may provide for payment of a death benefit in a lump sum of not more than \$100 for each full year of service to the widow/widower of a deceased member who has not died in the performance of his/her duties as a volunteer fireman for the City and who has not become eligible for a service pension as authorized by subdivision 1 herein.

PART 4. PLANNING COMMISSION

2-4.01 Planning Commission

Subdivision 1. Establishment of Commission. A city planning commission is hereby established. The commission shall be the city planning agency authorized by Minn. Stat., Section 462.354, subd. 1 (1982).

*
Subdivision 2. Composition and Qualifications. The city planning commission shall consist of not less than seven and not more than nine citizen members. The members shall be eligible voters residing within the City, appointed by the mayor and approved by the council. One member may be a member of the council. *

Subdivision 3. Terms, Vacancies, Oaths. The term of office of all members of the Planning Commission shall terminate December 31, 1982. Three members shall then be appointed for an initial term of one year, three members shall be appointed for an initial term of two years and not less than one nor more than three members shall be appointed for an initial term of three years. Thereafter all members shall be appointed for terms of three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term of office. No member shall serve more than two consecutive three year terms or more than eight consecutive years on the Planning Commission and until an existing term of office expires. For purposes of calculating consecutive years of service, service on the Planning Commission in existence prior to January 1, 1981 shall be considered. Members shall hold office until their successors are appointed and qualified. Vacancies during the term shall be filled by the Mayor, subject to Council approval for the unexpired portion of the term. Every appointed member shall before commencing upon his or her duties take an oath for the faithful discharge of duties of the office. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the City Council.

Subdivision 4. Removal. Members shall be subject to removal only for cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.

Subdivision 5. Organization, Officers. The commission shall elect a chairman from among its appointed members for a term of one year. The commission shall appoint a secretary from among its members. The commission may create and fill such other offices as it may determine.

Subdivision 6. Meetings, Records, Reports. The commission shall hold periodic meetings, not less than one per calendar quarter. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before February 15 of each year the commission shall submit to the council a report of its work during the preceding calendar year. Expenditures of the commission shall be within amounts appropriated for that purpose by the council.

2-6.02 Human Rights Commission

Subdivision 1. Purpose. The purpose of the commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community by advising the council on long range programs to improve community relations in the City by:

- a. Advising the Council on long range programs to improve community relations in the City;
- b. Actively participating in the human rights programs and services sponsored by the City; and
- c. Conducting programs and activities to promote an understanding of human rights issues, needs and requirements in the City.

* Subdivision 2. Appointment. The commission shall consist of nine members to be appointed by the Mayor with the advice and consent of the Council as follows:

- a. Members of the Commission shall be appointed with due regard to their ability to contribute to and perform the functions, powers and duties vested in and imposed upon the Commission.
- b. One member of the Commission shall be chosen to represent the City's business community. If necessary, the City residency requirement will be waived for one Commission position to ensure such representation.
- c. Members of the Commission shall be appointed for terms of three (3) years, except that any person appointed to fill a vacancy for an unexpired term shall be appointed only for the remainder of such term. The maximum term of service on the Commission shall be two full terms plus a maximum of two (2) years filling an unexpired term. Upon the expiration of each term of office a member shall continue to serve until a successor is appointed.
- d. The members of the Commission shall serve without compensation and may be removed from office for cause by the Mayor.

Consideration will also be given to reflecting in the Commission's membership diversity among the Commission members in terms of race, sex, age, professional background, etc. from the City's population segments who can appropriately benefit from or contribute to the advancement of human rights within the City.

approved or designed by the Council. Such report shall be at the employee's expense and shall show physical and mental adequacy of the employee to perform assigned work.

2. Such application shall contain any other information necessary or required by the council regarding the employee applying to the merits of the matter.

3. The council may grant the application for continued employment for all or a part of the period requested in the application subject to such conditions as the council deems reasonable.

PART 8. PARKS AND RECREATION COMMISSION

2-8.01 Establishment of Commission

City Parks and Recreation Commission is hereby established.

2-8.02 Composition and Qualifications

* The Parks and Recreation Commission shall consist of nine (9) voting members. These members shall be chosen from the Falcon Heights community with even representation from each precinct of the City and shall also include a City Council member as a liaison member. All members of the Commission shall be appointed by the mayor and approved by the Council.

2-8.03 Terms, Vacancy, Oaths

Each member shall be appointed for a term of up to three (3) years; no member may serve more than two (2) consecutive terms. Each member shall hold office until his or her successor has been appointed to the Commission. Vacancies during the term shall be filled by the mayor, subject to Council approval for the unexpired portion of the term. Every appointed member shall, before commencing his or her duties, take an oath for the faithful discharge of duties of the office. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the City Council.

PART 9. SOLID WASTE COMMISSION

- 2-9.01 Establishment of Commission. A City Solid Waste Commission is hereby established.
- 2-9.02 Composition and Qualifications. The City Solid Waste Commission shall consist of not less than seven and not more than nine members appointed by the Mayor and approved by the Council.
- 2-9.03 Terms, Vacancies, Oaths. The term of office of all members of the Solid Waste Commission shall terminate December 31, 1988. Three members shall then be appointed for an initial term of one year, three members shall be appointed for an initial term of two years and not less than one nor more than three members shall be appointed for terms of three years. Thereafter all members shall be appointed for terms of three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term of office. No member shall serve more than two consecutive three year terms or more than eight consecutive years on the Solid Waste Commission. However, members hold office until their successors are appointed and qualified. Vacancies during the term shall be filled by the Mayor, subject to Council approval for the unexpired portion of the term. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the City Council.
- 2-9.04 Removal. Members shall be subject to removal only for cause, by four-fifths vote of the City Council. Failure to attend more than three consecutive meetings shall be one basis for removal.
- 2-9.05 Organization, Officers. The Commission shall elect a Chairperson from among its appointed members for a term of one year. The Commission shall appoint a Secretary from among its members. The Commission may create and fill such other offices as it may determine.
- 2-9.06 Meetings, Records, Reports. The Commission shall hold periodic meetings, not less than one per calendar quarter. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be public record. On or before February 15 of each year the Commission shall submit to the Council a report of its work during the preceding calendar year. Expenditures of the Commission shall be within amounts appropriated for that purpose by the Council.
- 2-9.07 Powers and Duties of the Commission. The Solid Waste Commission shall have the powers and duties conferred upon it by this Code and by the Council.

Consent _____

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: CAPITAL NOTE AND IMPROVEMENT BOND ISSUE

SUBMITTED BY: Steve Apfelbacher

REVIEWED BY: Jan Wiessner
Tom Kelly

EXPLANATION/SUMMARY (attach additional sheets as necessary):

During the 1990 Budget deliberations, the City Council agreed to consider issuing bonds to finance most of the 5 year capital needs due to the current favorable interest rates. In addition, it seems to be prudent to combine this with an Improvement Bond issue for the Hamline Avenue project, thereby saving additional bond issuance costs. Steve is also looking into the feasibility of refinancing other outstanding debt in conjunction with this issuance. He will be in attendance at the meeting to discuss this.

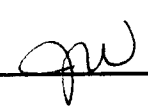
The City is required to publish the resolution determining to issue these notes and wait 10 days prior to issuance.

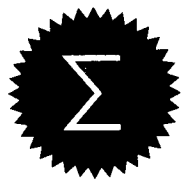
ATTACHMENTS:

- A. Apfelbacher letter dated 1/2/90
- B.B.Resolution Determining to Issue \$335,000 General Obligation Capital Notes of 1990
- C.Resolution Determining to Issue \$335,000 General Obligation Capital Notes of 1990.
- D.Resolution Relating to \$115,000 General Obligation Improvement Bonds of 1990; Authorizing the Issuance and Calling for the Public Sale Thereof.*

ACTION REQUESTED: Resolution to issue \$335,000 G.O. Capital Notes and \$115,000 G.O. 429 Improvement Bonds.

*E.Resolution Relating to \$115,000 General Obligation Improvement Bonds of 1990; Authorizing the Issuance and Calling for the Public Sale Thereof.





Ehlers and Associates, Inc.
LEADERS IN PUBLIC FINANCE

January 2, 1990

PRELIMINARY DRAFT

Ms. Jan Weissner
City Administrator
City Hall
2077 West Larpenteur Avenue
Falcon Heights, MN 55113

Re: City of Falcon Heights; Structure and Impact of \$335,000 G.O. Capital Note Issuance and \$115,000 G.O. 429 Improvement Bond Issue

Dear Jan:

Following is the revised sizing and sale details for the above capital note and improvement bond issues. Following are capitalization schedules and details for each issue.

G.O. CAPITAL NOTE ISSUE

<u>1990</u>	
Copy	\$ 10,000
Computer/Office Equipment	21,500
Pickup Truck	18,500
<u>1991</u>	
Sewer Jetter	20,000
<u>1992</u>	
Fire Truck	207,000
Fire Equipment	<u>68,436</u>
Project costs	\$325,436
Capitalized interest 1)	0
Finance related expenses	8,500
Discount allowance	<u>4,185</u>
Subtotal	\$338,121
Less: Interest earnings	<u>- 3,121</u>
G.O. CAPITAL NOTES	<u>\$335,000</u>

1) All principal and interest due on August 1, 1991 and February 1, 1992 are included in the 1989/90 levy.

Ms. Jan Weissner
Falcon Heights, MN

January 2, 1990
Page 2

A
The City is required to publish the Council resolution determining to issue these Notes if the amount exceeds .25% of the market value of the City. The proposed note issue exceeds this amount. The resolution must be published in the official newspaper of the City. If after ten days from the date of publication a petition is not signed by 10% of the voters in the last regular municipal election, the Notes can be issued.

Maturities: February 1, 1991 as follows:

<u>Year</u>	<u>Amount</u>
1991	\$75,000
1992	85,000
1993	85,000
1994	90,000

Date of Notes: February 1, 1990

First Interest: August 1, 1990 and semiannually thereafter

<u>Projected Tax Levy:</u>	<u>Levy Year</u>	<u>Tax Levy</u>
	1989/90	\$ 95,100
	1990/91	100,600
	1991/92	95,500
	1992/93	95,400

Exhibit 1.00 shows the tax capacity impact.

G.O. IMPROVEMENT BOND ISSUE

Amount to Finance	\$103,042
Finance related Expenses	5,800
Discount Allowance	1,725
Capitalized Interest (1 yr.)	<u>7,300</u>
Subtotal	\$117,867
Less: Interest Earnings	<u>2,867</u>
G.O. 429 IMPROVEMENT BONDS	<u>\$115,000</u>

Ms. Jan Weissner
Falcon Heights, MN

January 2, 1990
Page 3

Maturities: February 1 as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1992	\$10,000	1997	\$10,000
1993	10,000	1998	10,000
1994	10,000	1999	15,000
1995	10,000	2000	15,000
1996	10,000	2001	15,000

Date of Bonds: February 1, 1990
First Interest: August 1, 1990 and semiannually thereafter

The above assumes that special assessments will be levied in 1990 and collected in 1991.

Very truly yours,

EHLERS AND ASSOCIATES, INC.

Steven F. Apfelbacher, President

SFA:nad
Encl.

cc: Tom Kelly

1683a

EXHIBIT - 1.00
 COMPUTER RUN FOR CITY OF FALCON HEIGHTS, MN
 1989 CAPITAL NOTES

12/ 6/89

DEBT SERVICE PLANNING

PRINCIPAL 335,000

INTEREST RATE 6.0000% DENOMINATION BLK 5,000
 DATE OF BONDS 1989 FIRST MATURITY 1991
 INTEREST 1ST YR .500 TIMES YEARS INTEREST

OMR - MILL RATE ON OLD DEBT
 NDMR - MILL RATE ON NEW DEBT

*New Debt Capabilities
 (Multi Year)*

MAT YEAR	TAXABLE VAL(OO,S)	OLD DEBT	OMR	PRINCIPAL	INTEREST	TOTAL	NDMR	TOTAL	TMR
1990	4,178	0	0.00	0	10,050	10,050	2.40	10,050	2.40
1991	4,178	0	0.00	75,000	20,100	95,100	22.76	95,100	22.76
1992	4,178	0	0.00	85,000	15,600	100,600	24.07	100,600	24.07
1993	4,178	0	0.00	85,000	10,500	95,500	22.85	95,500	22.85
1994	4,178	0	0.00	90,000	5,400	95,400	22.83	95,400	22.83

TOTALS 335,000 61,650 396,650

AVG DEBT SERVICE FROM 1989 TO 1994 = 79,330
 AVG DEBT SERVICE FROM 1991 TO 1994 = 96,650

BOND YEARS 1,027.5000
 AVG MATURITY 3.0671

PROGRAM 'DSPLANXX' DATA FILE>> FH335 COPYRIGHT BY EHLERS & ASSOC., INC., 10/1/84

EXHIBIT - 2.00
 COMPUTER RUN FOR CITY OF FALCON HEIGHTS, MN
 1990 IMPROVEMENT BONDS

DEBT SERVICE PLANNING 1/ 2/90

PRINCIPAL 115,000
 INTEREST RATE 6.3000% DENOMINATION BLK 5,000
 DATE OF BONDS 1989 FIRST MATURITY 1992
 INTEREST 1ST YR .500 TIMES YEARS INTEREST

YEAR	PRINCIPAL	INTEREST	TOTAL
1990	0	3,622.50	3,622.50
1991	0	7,245.00	7,245.00
1992	10,000	7,245.00	17,245.00
1993	10,000	6,615.00	16,615.00
1994	10,000	5,985.00	15,985.00
1995	10,000	5,355.00	15,355.00
1996	10,000	4,725.00	14,725.00
1997	10,000	4,095.00	14,095.00
1998	10,000	3,465.00	13,465.00
1999	15,000	2,835.00	17,835.00
2000	15,000	1,890.00	16,890.00
2001	15,000	945.00	15,945.00
ALS	115,000	54,022.50	169,022.50

AUG DEBT SERVICE FROM 1989 TO 2001 = 14,085
 AUG DEBT SERVICE FROM 1992 TO 2001 = 15,815

BOND YEARS 857.5000
 AVG MATURITY 7.4565

x Bond Plan 6.3

EX. 3.00 ASSESSMENTS PROJECTED FOR>> CITY OF FALCON H
 OVER 10 YRS, @ 8.30%, 1ST YR FACTOR 1.00
 PROJECT>> 1990 ASSESSMENTS

01/02/90

ASSMTS>> YEAR	PRIN	2629.00 INTR	TOTAL	!	PRIN	2869.00 INTR	TOTAL	!
1990	262.90	218.20	481.10	!	286.90	238.12	525.02	!
1991	262.90	196.38	459.28	!	286.90	214.31	501.21	!
1992	262.90	174.56	437.46	!	286.90	190.50	477.40	!
1993	262.90	152.74	415.64	!	286.90	166.68	453.58	!
1994	262.90	130.92	393.82	!	286.90	142.87	429.77	!
1995	262.90	109.10	372.00	!	286.90	119.06	405.96	!
1996	262.90	87.28	350.18	!	286.90	95.25	382.15	!
1997	262.90	65.46	328.36	!	286.90	71.43	358.33	!
1998	262.90	43.64	306.54	!	286.90	47.62	334.52	!
1999	262.90	21.82	284.72	!	286.90	23.81	310.71	!

CERTIFICATE OF MINUTES RELATING TO
\$335,000 GENERAL OBLIGATION CAPITAL NOTES OF 1990

Issuer:: City of Falcon Heights, Minnesota

Governing body: City Council

Kind, date, time and place of meeting: a regular meeting held
on January 10, 1990 at _____ o'clock, p.m., at the City Hall.

Members present:

Members absent:

Documents attached:

Minutes of said meeting (pages): 1 and 2

RESOLUTION NO. _____

B. RESOLUTION DETERMINING TO ISSUE \$335,000
GENERAL OBLIGATION CAPITAL NOTES OF 1990

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said obligations; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer and the seal of the City this _____ day of January, 1990.

Shirley G. Chenoweth, City Clerk

The motion for the adoption of the foregoing resolution was seconded by Member _____, and upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Clerk.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

E. RESOLUTION RELATING TO \$115,000 GENERAL OBLIGATION IMPROVEMENT BONDS OF 1990; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF

BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota (the City), as follows:

1. Authorization. It is hereby determined that it is necessary for the City to issue and sell its General Obligation Improvement Bonds of 1990 in the principal amount of \$115,000 (the Bonds) to finance the cost of various improvements in the City being undertaken by the City pursuant to Minnesota Statutes, Chapter 429. \$1,725 of the principal amount of the Bonds represents interest as provided in Minnesota Statutes, Section 475.56.

It is hereby determined that the City Clerk shall receive and open sealed bids for the purchase of the Bonds on February 14, 1990, at _____ o'clock P.M., and this Council shall meet at 7:00 o'clock P.M. that same date to award the sale.

2. Sale. This Council shall meet at the time and place specified in the notice of sale hereinafter prescribed for the purpose of receiving sealed bids and awarding sale of the Bonds. The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said sale to be published at least ten days in advance of the bid opening in a legal newspaper having general circulation in the City, and in Northwestern Financial Review, published in Minneapolis, Minnesota, which notice shall be in substantially the following form:

Consent _____

Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: AMENDMENTS TO CHAPTER 9-2.04, SUBDIVISION 1(b) AND 1(f) OF THE CITY'S ZONING CODE RELATING TO THE DEFINITION AND PLACEMENT OF ACCESSORY STRUCTURES

SUBMITTED BY: PLANNING COMMISSION

REVIEWED BY: SUSAN HOYT TAFF, CITY PLANNER
PLANNING COMMISSION

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Planning Commission held a Public Hearing on January 8, 1990, on the following amendments to the Zoning Code:

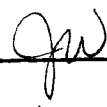
9-2.04 Accessory Building and Structures. Subdivision 1. General. (b) An accessory building shall be considered as an integral part of the principal building if it is located less than twelve (12) feet from the principal building with respect to firewall and other requirements of the Building Code ~~and this Code.~~

This will eliminate the confusion in conflicting definitions while still maintaining the Building and Fire Code Requirements.

9-2.04 Accessory Building and Structures. Subdivision 2. General. (f) No detached garages or other accessory building shall be located nearer to the front lot line than the principal building on that lot with the exception of an attached garage in an R-1 Zone.

If adopted, this change will allow new single family dwellings and new additions to existing single family dwellings to be constructed with an attached garage in front of the principal structure. The attached garage must conform to the required front and side yard setbacks. There are currently several examples of this building style throughout the City.

- ACTION REQUESTED:**
1. Review and discuss
 2. Approval



Consent _____

Agenda Item: F-8

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

AUTHORIZE PURCHASE OF NEW PICK-UP TRUCK FOR THE PUBLIC WORKS DEPARTMENT

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City advertised for bids for a 1990 pick-up truck with a bid opening scheduled for Wednesday, January 10th at 10:00 A.M. Staff will have a recommendation ready at the Council meeting re: purchase.

ATTACHMENTS:

- A. Letter to Potential Bidders
- B. Bid Specifications

ACTION REQUESTED:

Authorize Purchase of Truck

JW



CITY OF
FALCON HEIGHTS

2077 W. LARPELLE AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

December 14, 1989

TO: Interested Truck Dealers
FROM: City of Falcon Heights *JW*
Jan Wiessner, City Administrator
RE: Request for Bids: 1990 3/4 Ton, 4x4 Pick-Up Truck

The City of Falcon Heights is accepting sealed bids for the purchase of a 1990 3/4 Ton 4x4 pick-up truck for its Public Works Department.

Attached is a copy of the minimum specifications for this vehicle. If you have questions on these specifications you can call Vince Wright, Public Works Foreman at 644-5050.

If you are interested in providing a bid, please submit the requested information to the Falcon Heights City Hall by 10:00 A.M. on January 10, 1990.

Thank you for your interest.

JW:pp
attachment

City of Falcon Heights
Specifications for 1990 3/4 Ton, 4x4 Pick-Up Truck

This 3/4 Ton truck shall be the latest production model (1990) as currently advertised meeting the terms of this specification, new and complete in all details, furnished with all standard equipment advertised, whether or not specifically called for here, except where optional over standard or conflicting equipment is specified.

A. General Specifications

Parts Facilities

The continuous operation of this equipment is essential, and the successful bidder must be able to furnish replacement of parts promptly. An adequate supply of parts must be available on short notice within the immediate metropolitan area, and the bidder must be an authorized equipment dealer with adequate service facilities. The location of the parts and service facilities shall be specified.

Manuals (Operating, Servicing and Repair)

The successful bidder must furnish service and repair manuals. Manuals must be delivered to Falcon Heights City Hall, 2077 W. Larpenteur Ave., Falcon Heights, MN 55113.

Manufacturer's Specifications

No bid will be considered unless complete manufacturer's illustrated description and detailed specifications are submitted in duplicate, together with manufacturer's warranty and service policy. Complete attached questionnaire in detail and return with proposal.

Delivery

Bidder shall state earliest possible delivery date.

Warranty

Successful bidder shall warrant for a minimum period of one year any parts which fail due to defective material, improper workmanship or inadequate design and shall replace same for no cost to the City of Falcon Heights.

MODEL 1990 3/4 TON, 4x4 PICK-UP TRUCK

B. SPECIFIC SPECIFICATIONS:

PRICE

Engine EFI - 350 to 360
Engine Oil Cooler
HD Trans Oil Cooler
HD Springs (Front and Back)
Rear Axle - 3.55 to 3.73
5 Tires, 16" Snow and Mud
HD Rear-step bumper
2 mirrors below eye level
GVW 8300 Minimum
3-speed automatic transmission
2 gas tanks
Lock in hubs
2 batteries, 850 & up, cold CP
HD Generator
Power Steering and brakes
Positraction Rear-end only
Load Leveler Hitch - 18", 1 3/8" - 2"
Snow plow, 7½', all accessories and lights
3-speed wipers
HD Heater
Wheelbase 131"
Box - 8 feet
Gauges - amp, oil, temp, etc.
Color

TOTAL: _____

NOTE: Return this form with
Bid to:

TRUCK BID
CITY OF FALCON HEIGHTS
2077 West Larpenteur
Falcon Heights, Minnesota 55113

Consent _____

Agenda Item: F-9

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SMOKING POLICY FOR CITY FACILITIES AND VEHICLES

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

City Staff

EXPLANATION/SUMMARY (attach additional sheets as necessary):

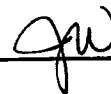
In September a staff committee recommended a Smoking Policy to the City Council. After discussion about whether the recommendations complied with the State Law, it was referred back to the staff to determine what the most permissive interpretation of the State Law would be. After considering the review by the City's mechanical inspector for air circulation requirements, the City Attorney's opinion for legal compliance, and the employees' input, it appears that the attached revised policy would conform to the intent of the law and be practical in our City.

The City Council may choose to be more restrictive now and/or identify a target date for total smoke free facilities if that is the intent. The signs to designate areas are expected to cost under \$50.

ATTACHMENTS:

- A. Revised Policy Recommendation
- B. Summary of Changes
- C. 12/26/89 Memo from G. Pakoy
- D. 12/6/89 Letter from T. Gedde
- E. Employee Survey
- F. Smoking Committee Report
- G. Summary of State Law

ACTION REQUESTED: Consider adopting a City smoking policy.



(AN AMENDMENT TO THE EMPLOYEE POLICY MANUAL - SECTION 12)

SMOKING POLICY

PURPOSE

To provide City officials, employees and general public with a work and meeting environment that is smoke free.

POLICY

Smoking in City facilities and vehicles shall be prohibited with the following exceptions:

- (1) Public Works Foreman's Office
- (2) Public Works Restroom
- (3) Fire Chief's Office
- (4) Fire Department Lounge
- (5) Fire Department Kitchen

Lighted smoking materials (cigarettes, cigars, pipes) must not be carried into any "no smoking" area.

Portable ashtrays must not be moved into a "no smoking" area.

An employee objecting to an area's designation can file a confidential formal request for reconsideration of the policy to the City Administrator.

IMPLEMENTATION

- (1) The effective date of this policy shall be January _____, 1990.
- (2) Ashtrays will be removed and signs stating "SMOKING IS PROHIBITED EXCEPT IN DESIGNATED AREAS" and "DESIGNATED SMOKING AREA" shall be installed as soon as possible after adoption of the policy.
- (3) An on-site Smoking Cessation Program shall be offered to employees in the City Hall during 1990.

VIOLATIONS

Violations to this policy shall warrant disciplinary actions as described in Section 9 of the Personnel Policy Manual.

SUMMARY OF CHANGES IN AREAS TO BE DESIGNATED AS "SMOKING PERMITTED"

Areas recommended by Smoking Committee to be designated as "Smoking Permitted":

1. Public Works Foreman's Office*
2. Public Works Restroom*
3. Fire Department Apparatus Room
4. Fire Department Training Room
5. Fire Department Lounge**
6. Fire Department Kitchen*
7. Fire Department Dorm
8. Fire Chief's Office*

*Areas determined by Mechanical Inspector to have adequate ventilation to permit smoking.

**Fire Department Lounge - A minimum area no less than 200 square feet (adjacent to the South wall for ventilation) would have to be designated as a "Non-Smoking" area which contains the commonly used facilities such as the TV set if anyone who uses the room objects to smoke.

MEMORANDUM

TO: Jan Wiessner
City Administrator

FROM: Gene Pakoy
Mechanical Inspector

DATE: December 26, 1989

SUBJECT: Designated Smoking Areas

I have inspected the city building and reviewed areas that could be designated smoking permitted. Based on my review, the area in the Fire Department that could be designated a smoking area is the lounge (on the south wall area). The private offices could also be designated smoking. The watch room could be designated smoking if the person on watch is a smoker and non-smoking if the person is a non-smoker. Other areas in the Fire Department do not meet the ventilation requirements.

The areas in Public Works that would qualify for smoking permitted are the office and bathroom.

Areas in the Administrative Office that would qualify for smoking permitted are the private offices.

1/3/90
Kitchen - OK, too

Gene Pakoy

JENSEN, HICKEN, GEDDE & SCOTT, P. A.

ATTORNEYS AND COUNSELORS AT LAW

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2150 THIRD AVENUE
ANOKA, MINNESOTA 55303-2296

TELEPHONE (612) 421-4110
TELECOPIER (612) 421-1040

OF COUNSEL
HADLEY, CHARLES S.
LUTHER, RICHARD L.

December 6, 1989

Ms. Janet R. Wiessner
Clerk-Administrator
City of Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, MN 55113-5594

VIA TELECOPY

RE: Smoking Policy at Falcon Heights City Hall

Dear Ms. Wiessner:

Some time ago you supplied me with a copy of the proposed Smoking Policy for the Falcon Heights Municipal Building. You asked me to advise you as to whether the proposed policy met the minimum requirements of state law, and if not, what additional restrictions would be necessary.

I have reviewed the provisions of Minnesota Statutes Chapter 144 and related Health Department regulations, and I have reviewed the floor plan of the municipal facility and discussed the matter at length with officials at the Minnesota Department of Health.

The proposed Smoking Policy would allow smoking in eight separate rooms in the Public Works and Fire Department portions of the building. Although the Public Works and Fire Department portions are not frequented by the general public, they are places of work and therefore are defined as a "public place". No person may smoke in a public place except in a designated smoking area. (The exception to this rule for factories, warehouses "and other similar places of work" does not apply, in the view of the Health Department).

Therefore the following minimum requirements apply:

1. Smoking areas may be designated in all rooms in the Public Works and Fire Department portions of the building if no employees in that part of the build-

Ms. Janet R. Wiessner
Page 2
December 6, 1989

ing object. Also, when any room is occupied by only one person, that person may smoke assuming that there is appropriate ventilation and subsequent users who object to smoke will not be exposed to smoke.

2. If any room is to be simultaneously occupied by a smoker and a person who objects to smoke, the room must either be designated as a non-smoking area in its entirety, or, a non-smoking portion of the room no less than 200 square feet in area, which contains the commonly-used facilities such as the TV set in the lounge, must be designated.

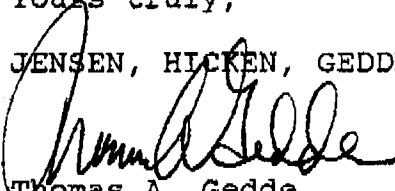
As you can see, application of the above minimum requirements to the proposal for eight rooms to be smoking-permitted depends on employee preference and whether smokers and people who object to smoke will be using the room simultaneously.

Notwithstanding the above minimum requirements, the City is of course free to impose stricter no smoking rules, and there may be good reason for the City to do so.

This letter does not address other potential concerns that might be raised regarding such matters as employee rights under union contracts and discrimination concerns. Please let me know if you have further questions.

Yours truly,

JENSEN, HICKEN, GEDDE & SCOTT, P.A.



Thomas A. Gedde
Falcon Heights City Attorney

TAG/abg

✓cc: Carol Carlson

QUESTIONS

RESPONSES

	Yes	No	Ocassionally Not at Work	Quitt Someti.
1. Are you a smoker?	<u>5</u>	<u>29</u>	5	2
2. If you are a smoker, would you quit smoking if the city funded or co-funded your participation in a smoking cessation program?	Yes <u>2</u>	No <u>9</u>	Maybe 2	N/A 11
3. Would you prefer that smoking be permitted in the following:				

CITY HALL

FIRE DEPT.

	YES	NO	DON'T CARE		YES	NO	DON CAR
Lobby	<u>13</u>	<u>22</u>	<u>5</u>	Lounge	<u>11</u>	<u>16</u>	<u>11</u>
Lunchroom	<u>8</u>	<u>26</u>	<u>6</u>	Bay	<u>9</u>	<u>21</u>	<u>8</u>
Conference Room	<u>5</u>	<u>31</u>	<u>3</u>	Dorm	<u>7</u>	<u>24</u>	<u>8</u>
Council Chambers	<u>4</u>	<u>34</u>	<u>3</u>	Training Room	<u>8</u>	<u>24</u>	<u>8</u>
Office-General	<u>4</u>	<u>33</u>	<u>3</u>	Restrooms	<u>7</u>	<u>23</u>	<u>9</u>
Private	<u>10</u>	<u>22</u>	<u>4</u>	Vehicles	<u>4</u>	<u>28</u>	<u>6</u>
Restrooms	<u>5</u>	<u>29</u>	<u>4</u>				
Storage Room	<u>4</u>	<u>33</u>	<u>3</u>				
Vault	<u>3</u>	<u>35</u>	<u>1</u>				

PARK BLDGS.

PUB. WORKS

	YES	NO	DON'T CARE		YES	NO	DON'T CARE
Comm. Park Bldg.	<u>4</u>	<u>30</u>	<u>4</u>	Storage Rooms	<u>2</u>	<u>25</u>	<u>1</u>
Idaho/Snelling				Office	<u>11</u>	<u>20</u>	<u>—</u>
(Warming House)	<u>4</u>	<u>30</u>	<u>3</u>	Bays	<u>9</u>	<u>27</u>	<u>—</u>
				Restrooms	<u>7</u>	<u>27</u>	<u>—</u>
				Vehicles	<u>6</u>	<u>26</u>	<u>—</u>
				Mezzanine	<u>7</u>	<u>25</u>	<u>—</u>

4. How would you handle conflicts between smokers and non-smokers in common shared spaces/areas such as vehicles, etc.

5. Would you like to see an on-going Employee Committee to address employee concerns?

Yes 24 No 14

6. If so, would you be willing to serve on such a committee?

Yes 11 No 21

Name (Optional)

COMMENTS

I find it disgusting you are considering turning me into a second class citizen because I smoke.

City funded or co-funding for a smoking cessation program would be beneficial. It might earn lower insurance rates for city employees and studies have also shown smokers are absent more from work and have more illnesses. If employees stopped smoking, the city might even save money.

Please have the meetings at time when more of us may attend.

As a volunteer firefighter who normally works during the day at a regular job, I feel the meetings during the daytime hours discriminate against those of us who do our civic duty at night. I am unable to attend any meetings during the daytime hours unless....of course....the city would like to compensate me for my time.

QUESTION 3

1. Should not allow smoking in unsupervised buildings.
2. Smokers have a right to smoke, but not at the expense of my health or rights not to breath smoke--this may mean dividing times, as well as proper ventilation.

Outside smoking on city property is o.k. with me if smoker does not drop butts on ground.

A designated smoking area outside of City Hall and other city buildings would best comply in my belief to attain or comply to Minnesotan's Smoke-Free environment in the workplace.

What about safety. Vault is fireproof with no ventilation. Storage areas could have flamables which might be considered.

QUESTION 5

I don't feel a committee has to be formed but maybe some volunteer as designated by city hall.

QUESTION 4

Confined spaces like vehicles, or, only if agreed to by occupants.
In large open areas, have a designated smoking section.

NOTE: Smokers, like flag burners, also have constitutional rights.

Defer to the non-smoker.

Get a no smoking policy and that is that.

Get some reasonable rules and stick to them.

Nobody has the "right" to smoke in any place another person must go to perform their jobs. Also, there should be no smoking in areas open to the public.

Don't allow smoking.

Don't know.

No smoking.

I would explain "In the interest of public safety" in hazardous areas.
I would say other areas infringe upon the health and well being of non-smoking employees.

There should be no smoking in vehicles - too confined and health hazard.

Open discussion and compromise re: designated smoking spaces.

No smoking.

It depends upon who it is.

It is my belief that non-smokers/^{rights}should be addressed first or take precedence in such disputes.

Smokers should be asked politely, firmly, and if necessary, ordered not to intrude on non-smokers workspace.

Have the individuals decide for themselves.

Ban smoking in such areas.

Establish a policy.

May the strongest person win.

Everyone has their own rights. I'm a taxpayer and they work for me.

Non-smokers have precedence.

QUESTION 4

Defer to the non-smokers rights in spaces/areas.....vehicles depend on the owner's wishes.

Common sense discussions.

Allow smoking if all in vehicle agree.

N/A to me.

There should be a no smoking policy in confined areas.

Any area with mixed response should be no smoking.

Smoker defers to non-smoker if a problem.

Ask them politely not to smoke.

Non-smoking prevails.

I have not had any conflicts with smokers nor do I intend to have any.

I have had no conflicts thus far.

Policy - No smoking in public buildings/places - not in public interest. Provide time/training to aid smokers in quitting, otherwise they must find time/place to smoke in non-public area.

No smoking at any time.

I think smokers should defer to non-smokers - allow times that alternate.

Publicly funded bldgs, vehicles --- clean air act prevails -- a completely smoke-free area/grnds. THIS IS A HEALTH ISSUE

September 18, 1989

TO: Falcon Heights City Council

FROM: Smoking Committee: Gail Smida, Kitty Zimmerman,
Jay Morgan, Carol Carlson

The Smoking Committee met on six occasions and discussed at great length how the City could comply with State Law regarding smoking in city owned facilities and vehicles. The Committee contacted the League of Minnesota Cities, neighboring communities and other cities that had adopted a "Smoking Policy". Also, the Committee's first task was to survey attitudes towards smoking in City buildings and vehicles. A questionnaire was sent to Councilmembers, Commissioners, and employees. Attached is a copy of the survey results.

The Committee after numerous hours of discussion voted 3 to 1 (Smida, Morgan and Zimmerman in favor; Carlson opposed) to recommend the attached Smoking Policy.

It was noted in the discussion that the Fire Department feels that a Fire Hall is not an ordinary work environment and is, in fact, a unique job site which creates much difficulty with compliance to State Law. At any given time, there may be one to 29 firefighters in the Fire Department and 95% of the time the number is between one and five. The Fire Department has found the smokers and non-smokers are most cooperative. The firefighters feel they are not affecting anyone and since there is currently no conflict, why solve a problem that does not exist. Firefighter meetings last only four hours and are held only once a week, (which limits the amount of contact they have together).

The firefighters also expressed concern that the City is writing a policy that applies 100 percent of the time when in fact it is needed only 5% of the time.

The minority vote reflects concern that not all the areas designated as smoking will comply with state law.

Costs for smoking cessation programs sponsored by the American Lung Association are: 1) \$7 for a self help program - "Freedom from Smoking" (20 days); 2) video with manual, \$60/video; 3) on-site program @ \$50 individual - minimum of 12 persons; and 4) off-site program @ \$50 person (hospital/community school, etc.).

The Fire Department also proposes to establish a three member Smoking Committee made up of firefighters to review changes to the Fire Department Smoking Policy and to hear any complaints regarding the Fire Department Smoking Policy. The firefighters feel the issue of workers compensation liability should not affect a smoking policy.

State Law

The Minnesota Clean Indoor Act (MCIAA) was passed in 1975. The law ensures that smoke-free areas must always be available in public places. It accomplishes this by prohibiting smoking everywhere except in designated areas and by forbidding any public place except a bar to be designated as a smoking area in its entirety.

The law has had an extremely good reception in Minnesota—mainly because it is reasonable. It does not prevent people from smoking; rather, it requires that certain measures be adopted to protect the health and comfort of nonsmokers.

Compliance through Public Action

Even though polls show that Minnesotans overwhelmingly favor the law and its intent, there is still not total compliance. The state, due to lack of funding and personnel, has had limited enforcement capabilities; so the public has had to take the active role, using education, public pressure, or both to encourage compliance.

Meaning of the MCIAA

Two out of three people do not smoke. The law protects the majority by forbidding smoking in all enclosed, indoor areas used by the general public or serving as a place of work unless it is expressly permitted. To a smoker that means that unless you see a sign that says you can, you cannot. And to businesses that means that the rules must be learned so that if a smoking area were designated (there does not have to be one), it must be properly located, marked, and supervised.

Introduction to the Requirements

There are two parts to the MCIAA; the law and the rules. The law is general. It grants people the right to smoke-free indoor air but leaves it up to the Minnesota Department of Health to determine the details. The rules are the details (such as the size of nonsmoking areas, signs, who must comply, etc.).

This brochure highlights the key requirements of the MCIAA. Each requirement will include a reference to the section of the law or the rule on which it is based. This guide is not exhaustive; further study of the actual rules or law is necessary for a full understanding of every provision.

Note: Federally-owned buildings are exempt from the MCIAA. Buildings operated but not owned by the federal government are not exempt.

Signs

1. If smoking-permitted areas are designated, signs must be posted telling people where smoking-permitted and nonsmoking areas are. Signs must be easy to see and read and they must clearly designate the boundary between a no-smoking and smoking-permitted area (Rules, 4620.0500).
2. The statement "SMOKING IS PROHIBITED EXCEPT IN DESIGNATED AREAS" must be posted at all major entrances to every public building. In public places where smoking is not allowed, the statement "NO SMOKING IS PERMITTED IN THIS ENTIRE ESTABLISHMENT" or a similar statement must be posted (Rules, 4620.0500, Subpart 1 and Subpart 2).

Area

3. A nonsmoking section must be a contiguous part of a room and must measure a minimum of 200 square feet (Rules, 4620.0100, Subpart 2). A nonsmoking section must be one side of the room, although it may be the entire room (Rules, 4620.0400, Subpart 3).
4. In a restaurant, at least 30% of the seats in the eating area must be designated as nonsmoking (Rules, 4620.1000).
5. If a smoking-permitted area is designated, there may be "one and only one" per room (Rules, p. 3 — "Smoking-Permitted Area"). (See "Places of Work" below for only exceptions).
6. "The size of the designated smoking-permitted area shall not be more than proportionate to the preference of users of that location." If the person in charge chooses to designate a smoking-permitted area, that person shall use a survey or other reasonable method to determine preference (Rules 4620.0400, Subpart 4).

Separation

7. The nonsmoking area must be separated from the smoking-permitted area by a barrier at least 56 inches high or by a four foot "buffer zone," unless the ventilation system provides 6 changes of air per hour and 6 cubic feet per minute per person of fresh air (Rules, 4620.0100, Subpart 2a).

General

8. "Portable ash trays are banned in all no-smoking areas" (Rules, 4620.0600)
9. In nonsmoking areas "ash stands and permanent ash trays shall be conspicuously labeled with the following message placed on or near the ash stand: **SMOKING IS PROHIBITED PLEASE EXTINGUISH ALL SMOKING MATERIALS IMMEDIATELY**" (Rules, 4620.0600).
10. "A restaurant or other public place which takes advance reservations shall ask the person's preference for a smoking-permitted or no-smoking area at the time the reservation is made" (Rules, 4620.0500, Subpart 6).
11. In restaurants, patrons must be asked their preference for a smoking-permitted or nonsmoking area (Rules, 4620.0500, Subpart 6). In health care facilities, prospective patients or residents must be asked their preference for a smoking-permitted or nonsmoking area (Rules, 4620.1200).
12. "The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in a public place" by asking smokers to refrain from smoking in nonsmoking areas (Minnesota Statutes, Section 144.416).
13. If a service or activity of public place is located in a smoking-permitted area, it must also be available in a nonsmoking area. The section for nonsmokers must comply with all the rules, including those regarding size and separation, or the entire area must be designated as nonsmoking. It is often more practical to designate as nonsmoking all common areas such as entry or exit areas, reception areas, cash register areas, hallways, or copy areas unless there are two comparable areas used for the same purpose, in which case one can be smoking-permitted (Rules, 4620.1400).
14. The carrying of lit cigarettes, pipes or cigars is considered smoking and is prohibited except in designated smoking areas (Minnesota Statutes, Section 144.413).

Definitions

1. **Place of Work.** Where individuals perform services gratuitously or for profit.
2. **Restaurant.** Area where other than prepackaged meals are served (may therefore include cafeterias within other types of establishments).
3. **Retail Establishment.** Those establishments where goods or services are purchased from employees on the premises (e.g., grocery stores, convenience stores, bowling alleys, barber shops, etc.).
4. **Health Care Facility.** (e.g., hospitals, clinics, nursing homes, etc.)
5. **Public Building.** Areas frequented by the general public where due to the nature of the building, lines, lounges, or common areas are key problems (e.g., schools, banks, laundromats, sports facilities, shopping centers, etc.).

Places of Work

A full-time worker spends approximately 2,000 hours each year on the job. Whether that person works with or near a smoker is often not a matter of choice.

Common Violations — Common violations range from unrestricted smoking in common areas, to area managers not enforcing the rules, to total noncompliance (smoking allowed throughout).

Exceptions to General Rules — With the permission of company management, the occupant of a private office may designate that office as a smoking-permitted area. Places of work that are not customarily frequented by the general public may have several, separate no-smoking and smoking-permitted areas within the same room provided each no-smoking area is at least 200 square feet. Such workplaces must post at least one sign per floor which states **SMOKING IS PROHIBITED EXCEPT IN DESIGNATED SMOKING AREAS** but otherwise are not required to post signs. In very large rooms (over 20,000 square feet) the person in charge may designate more than one smoking-permitted area, but must otherwise follow the rules.

Consent _____

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PROPOSED ORDINANCE AMENDING PERSONNEL POLICY

SUBMITTED BY: Jan WiessnerREVIEWED BY: StaffEXPLANATION/SUMMARY (attach additional sheets as necessary):1. Sick Leave

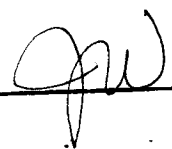
When the City's Personnel Policy was adopted, a portion of the Sick Leave section was inadvertently omitted. Since the Personnel Policy is a part of the Code, an ordinance amending the Code is necessary. The wording previously omitted is underlined below.

SECTION 6, EMPLOYEE BENEFITS.

Subdivision 3. Sick Leave. Sick leave will be accumulated for all regular full time employees at the rate of one day per calendar month and may be accumulated to a maximum of 120 days. In December of any year, an employee with at least 30 days of sick leave credited can sell back up to six days of sick leave minus the number of sick days used in that year. Upon termination, payment is at 50 percent of bank except in the case of termination for just cause.

2. Ethics (New Policy)

SECTION 13, ETHICS (See Attachment)

ACTION REQUESTED:

ADMINISTRATION-COUNCIL MEMO

DATE: February 2, 1987

FROM: STAFF

TO: COUNCIL

RE: SICK LEAVE, VACATION, SEVERANCE PAY

DATA: Listed below are the revisions discussed at the January 28, 1987, Council meeting:

1. Vacation

- (a) three weeks after five years, two weeks after one year, and one week after six months;
- (b) one day per year after ten years, up to 20 days maximum; and
- (c) maximum on accumulation - two years worth - must use at least one week per year.

2. Sick Leave

- (a) twelve days per year at a rate of one day per month up to 120 days accumulation;
- (b) in December of any year, an employee with at least 30 days of sick leave credited can sell back up to six days of sick leave minus the number of sick days used in that year;
- (c) upon termination, payment is at 50 percent of bank except in the case of termination for just cause.



Uses Permitted for Sick Leave
Illness

Bereavement

- 1) spouse, children, parents, parents in law --- up to five days
 - 2) siblings, grandparents --- up to three days
 - 3) uncle, aunt, cousins --- one day
- Personal Medical Disability

3. Severance Pay

We do not recommend changes in present severance pay schedule.

The above is effective January 1, 1987.

Approved February 11, 1987

CITY OF FALCON HEIGHTS
O R D I N A N C E

Date January 10, 1990

AN ORDINANCE ESTABLISHING AN ETHICS CODE FOR PERSONNEL

The City Council of the City of Falcon Heights ordains as follows:

Section 13. Acceptance of Gifts and Other Gratuities. It is imperative that all employees not only maintain the highest possible standards of ethical conduct in their transactions of public business but that such standards are clearly defined.

Subdivision 1. Solicitation. Employees shall not directly or indirectly solicit any personal gift and/or service.

Subdivision 2. Unacceptable gifts and gratuities. Gifts of any size are unacceptable under circumstances in which it could be reasonably expected to influence him or her in the performance of his or her official duties, or was intended as a reward for any official action on his or her part.

Subdivision 3. Acceptable gifts and gratuities. The following are examples of gifts and gratuities which may be acceptable:

- (1) Awards for meritorious civic service contributions;
- (2) Unsolicited items that are donated to and shared by the work group;
- (3) Unsolicited advertising or promotional materials such as pens or calendars;
- (4) Unsolicited gifts when the gift is in connection with widely attended gatherings such as receptions and grand openings where other dignataries have been invited, and

Moved by _____

Approved by _____
Mayor

Date

YEAS Nays

BALDWIN	_____	in Favor
CIERNIA	_____	
CHENOWETH	_____	Against
WALLIN	_____	
BUSH	_____	

Attested by _____
City Clerk

Date

Adopted by Council _____

where the official or employee is invited in his or her official capacity and where if he or she did not attend it would reflect negatively on the city.

Subdivision 4. Contributions to the City. All contributions to the City must be approved by the City Council.

Consent _____

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 1/10/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: SCHEDULE COUNCIL WORKSHOP TO DISCUSS
CITY COMPENSATION SYSTEM

SUBMITTED BY: Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

During the 1990 Budget discussions, the Council briefly discussed the Compensation System for City staff and asked that it be reviewed.

ACTION REQUESTED: Schedule Council workshop, Wednesday, January 24,
immediately following Council meeting (?)

