

ADDENDA TO THE AGENDA OF OCTOBER 24, 1990

Consent Agenda:

E-9: Election Judges

E-10: Planning Commission Minutes of October 22, 1990

ACTION: \_\_\_\_\_

Policy Agenda:

F-11: Funding of 1991 Recycling Program

ACTION: \_\_\_\_\_

F-12: Administrator's Compensation

ACTION: \_\_\_\_\_

Consent X

Agenda Item: E-9

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/  
90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DESIGNATION OF ADDITIONAL ELECTION JUDGES

SUBMITTED BY:

Shirley Chenoweth, City Clerk

REVIEWED BY:


EXPLANATION/SUMMARY (attach additional sheets as necessary):

Due to the unexpected complexity of the upcoming election, we feel it would be prudent to have extra election judges on hand. The plan is to have 2 additional judges come in at noon and work until the counting is completed. Also, two staff members, Pat Phillips and Susan Hoyt and senior volunteer, Bernice Lindeman, are eligible to serve as judges and have volunteered to be on call after working hours in the event of an emergency. Dee Swenson has offered to help with phones, etc. In addition to these three people, we also request that you designate Kathleen Staffa and Janet Wallin as judges in Precinct 1 and Helen Brown and Dorothy Grittner as judges in Precinct 2.

Attached is an update on items complicating the election process which resulted in the need for additional judges.

ACTION REQUESTED:

Approval

  
\_\_\_\_\_

1. Sticker Campaign

The Optech III vote tabulators are not designed to process stickers and these could damage the machine. BRC, the firm which sells and services the machines, have run tests and found that the stickers can and will come off as the ballot is being read. The sticky material can gum up the interior by covering the "read heads" , wrapping around rollers, or melting within the machine. Any of these will make the machine inoperable. These problems will not be covered by the maintenance agreement.

After several meetings with Ramsey County election personnel and representatives from neighboring communities, we have decided to adhere to the following guidelines:

Voters will place their ballots in a ballot box and these ballots will be sorted by two judges (one from each party). Ballots without stickers affixed will be put through the machines by the judges. Those with stickers will be duplicated by the judges and the duplicate processed through the machine. This arrangement has been endorsed by the Ramsey County Election Division and is the method being used by a majority of the cities in Ramsey County.

2. An anticipated increase in the absentee ballots  
This is due to the absentee ballot request form in the "Victory 90" brochure and the availability of ballot request forms wherever hunting licenses are sold. Ramsey County is experiencing problems with duplicate ballot requests, as some persons assume they must complete the forms in order to be eligible to vote. Our judges will be required to carefully screen for any duplicates missed by the County.
3. Withdrawal of a Candidate  
Should a candidate withdraw (this could happen as late as Friday, November 1), paper emergency ballots will be printed for that particular office and these will require counting by hand.
4. Anticipation of a Heavy Write-in Vote  
The scanners will count all votes on a write-in ballot except the write in. The machines will then automatically place the ballots in a separate compartment. It will be necessary for the judges to remove the ballots, list all write-in names and hand count the write-in votes.

Consent   X  

Agenda Item:   E-10  

Policy           

CITY OF FALCON HEIGHTS

Meeting Date:   10/24/90  

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PLANNING COMMISSION MINUTES OF OCTOBER 22, 1990

SUBMITTED BY:

Planning Commission

REVIEWED BY:

Susan Hoyt

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached draft of Minutes of October 22, 1990.

ACTION REQUESTED:

Information Only. (NOTE: See Page 1 of Minutes for recommendation on garage setback variance at 1457 Idaho).

*[Handwritten signature]*

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
OCTOBER 22, 1990  
7:30 p.m.

Meeting was called to order at 7:35 p.m. by Chairperson Boche.

PRESENT:

Barry, Boche, Finegan, Duncan, Daykin, Gibson Talbot, Ciernia

ABSENT:

Nestingen

**DRAFT**

APPROVAL OF MINUTES

Minutes of the August 27, 1990 meeting was unanimously approved as written.

REQUEST FROM DAVID & GRACE GORRINGE FOR A VARIANCE FROM 9-2.04(1)(c), THE CORNER SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 1457 IDAHO IN AN R-1 ZONE.

City Planner Hoyt briefed the commission on a request from the Gorrings for a variance of 14 ft. 6 inches from the 15 ft. minimum corner side yard setback required in 9-2.04(1)(c) of the zoning code. The variance is necessary to construct a new two car 24 ft. by 24 ft. garage with the garage entrance in the same location as the existing garage. She also explained the proposed garage conforms to other setbacks on the street, and that the variance appears to meet all standards for granting a variance in 9-15.03.

Mr. Gorrings, owner of the property at 1457 Idaho, explained moving the garage back 15 ft. from the property line would require removing the playground, landscaping, fence, and tree. It is now necessary for them to park in the street or driveway. This arrangement makes it difficult for traffic to see around the corner and also leaves their vehicles open to vandalism.

\* Commissioner Duncan made a motion to grant the variance. All were in favor with no opposition. Chairperson Boche then recommended an amendment be attached to prohibit parking on the entire garage apron to increase visibility from the adjacent alley. After discussion, a motion was made by Commissioner Barry to amend the previous motion granting the variance to include an amendment stating no parking on the northern half of the apron. Five yes, one no. Motion was passed.

PRE-APPLICATION PROCEDURE FOR A SUBDIVISION OF TWO EXISTING LOTS INTO THREE LOTS AT 1794 ALBERT ST. AND 1800 ALBERT ST. IN AN R-1 ZONE.

Request was withdrawn. Possibly to be reconsidered at a future planning commission meeting.

which the sale takes place, or by friends of such occupant, and where the sale is conducted by such occupant or friends. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale.

133 Sale - Residential Boutique

A residential boutique sale is the sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.

The commission felt in 9-4.01 the phrase, "limited to ONE calendar year" was too restrictive. A suggestion was made to amend it to read:

9-4.01 Subdivision 3 Permitted Accessory Uses

- (1) Garage and residential boutique sales limited to two sales each calendar year per residential unit, not to exceed ten consecutive days or two consecutive weekends.

A motion was made and seconded to accept 9-1.02 132 and 133 as written and 9-4.01 as amended. A public hearing will be scheduled for November 26, 1990.

REPORT ON THE CITY COUNCIL POLICY REVIEW OF SECTION 9-14.01  
SUBDIVISION (B) (D) AND (E) OF THE ZONING CODE REGARDING REAR AND  
SIDE YARD SCREENING BETWEEN BUSINESS AND RESIDENTIAL ZONES.

Planner Hoyt explained the city council will be discussing the policy of retroactive screening of businesses included in section 9-14.01, subd. 5(b)(d)(e) of the zoning code and will provide direction on this issue.

PLANNING WORKSHOPS

Two planning workshops (The Basics and Beyond the Basics) are available to learn more about decision-making and laws governing planning commissions.

Members of the council were requested to let Susan or Dee know if they would like to attend one. The city will be responsible for registration costs.

Meeting adjourned 8:50 p.m.

October 4, 1990

Sue Hoyt - City Planner  
City of Falcon Heights  
Falcon Heights, Mn.

Dear Sue,

I would like to apply for a variance so that I can build a new 2-car garage where our existing one car garage now rests.

The main reason for the 2-car garage is to get both of our cars off the street to prevent vandalism, to prolong the life of the cars, and to make our corner lot safer. Currently one of our cars impedes visibility of local traffic and children when it rests in the driveway or on the street.

We feel we need the variance so that we can build the new garage the same 16 feet from the curb and one foot from the alley for several reasons:

1. We have a small backyard which we do not want to make smaller.
2. We have two children and a large dog who use the backyard daily.
3. We have expensive shrubbery, fencing, and a large tree that would be eliminated if we had to build further into the yard.
4. We have a permanently cemented-in children's gym/swing/playhouse that would have to be eliminated.
5. Because of the reasons above, we don't feel an alley entrance would work.

I am planning to match the aluminum siding to the siding on our house so that the garage will blend in and enhance the look of our neighborhood.

Please approve this variance as soon as possible as I would like to complete construction this fall.

Sincerely,

*Dave & Grace Gorringer*

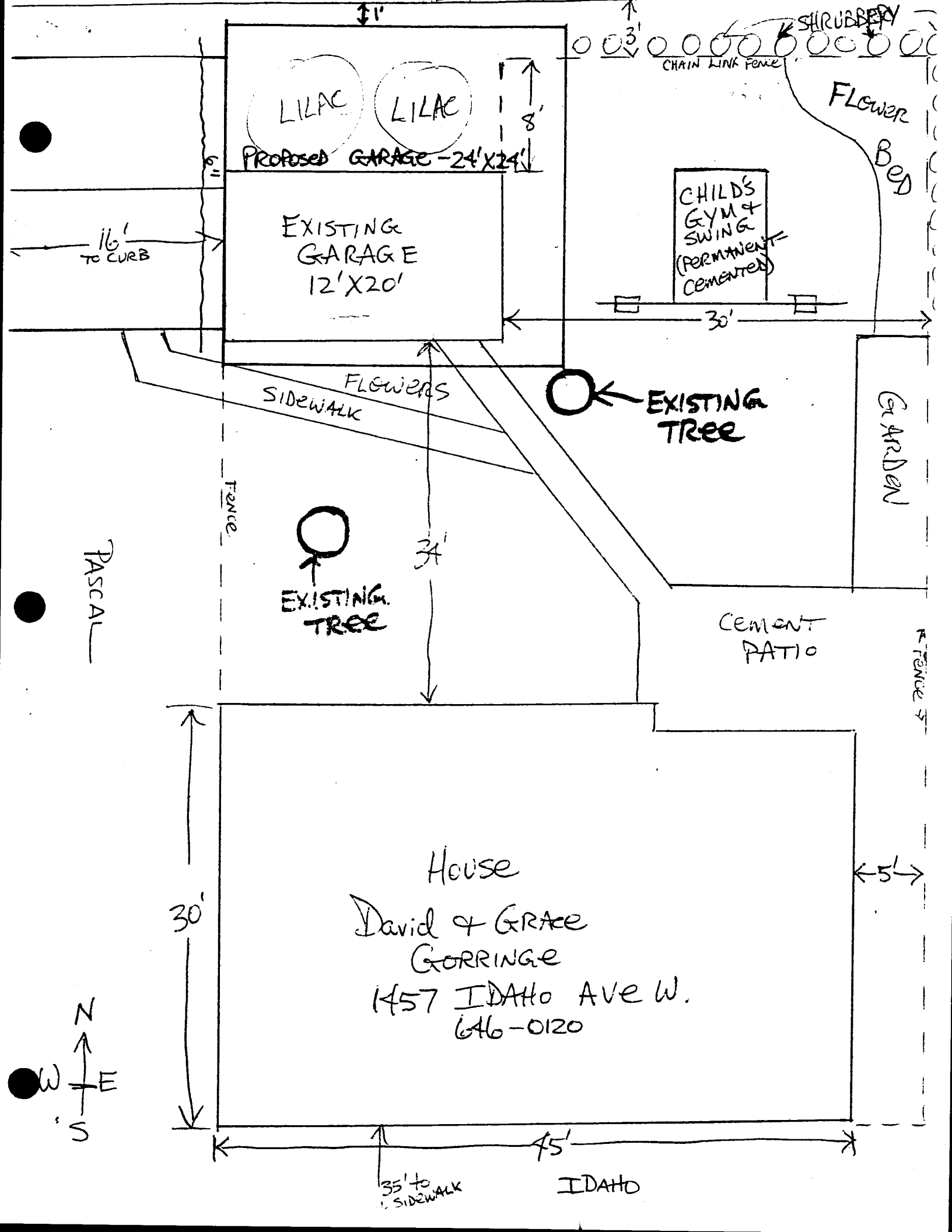
Dave and Grace Gorringer  
1457 Idaho Ave. W.  
646-0120

*paid*



1457 Idaho





Meeting Date 10-22-90  
Agenda Item E-1  
Attachment 3

MEMORANDUM

TO: Planning Commission

FROM: Susan Hoyt, City Planner

RE: Request for a variance from 9-2.04(1)(c), the corner side yard setback from 1457 W. Idaho

The Gorrings are requesting a variance of 14 ft. 6 inches from the 15 ft. minimum corner side yard setback required in 9-2.04(1)(c) of the zoning code. The variance is necessary to construct a new 24 ft. by 24 ft. garage with the garage entrance in the same location as the existing garage.

Mr. Gorrings explained, and site inspection confirms, that moving the garage back 15 ft. from the property line, or re-directing the entrance toward the east parallel to the alley, would require removing the playground, landscaping, fence, and tree. The proposed garage conforms to other setbacks on the street. The variance appears to meet all standards for granting a variance in 9-15.03.

## CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

## REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CONSIDER OPTIONS FOR FUNDING 1991 RECYCLING PROGRAM

SUBMITTED BY:

Shirley Chenoweth

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Ramsey County Solid Waste Division has informed us that we must submit a request by Friday, October 26th, to be exempt from the 1991 recycling portion of the waste management sewer charge of \$13. per year which appears on property taxes. This would allow the item to be placed on the County Board's agenda in ample time to process the exemption request.

In order to request exemption, we must meet their established criteria of achieving the established goals, and assuring an alternative method of long term funding. We seem to qualify except for the funding requirement.

Several funding mechanisms have been discussed by the Council, including (a) direct billing for recycling on a quarterly basis, (b) organized and integrated collection with the hauler billing the customer, or (c) amending the present Code to require haulers to provide all solid waste collection including recycling as a licensing requirement. Options (b) and (c) would result in direct billing by the hauler. Our present grant with Ramsey County expires December 31, 1990. Our contract with SuperCycle expires Jan. 31, 1991.

Another option, (d), is to continue with our present system for one more year. This would allow more time to adopt and implement a plan. This would require leaving the service fee charges under the County's jurisdiction, applying for a County grant for 1991, and negotiating a contract for recycling collection. The County has indicated they are not able to extend the City grants for an entire additional year. This would likely involve implementing a city service charge or providing more support from the City budget. The Solid Waste Commission discussed all options in the past; however, had focused on organized collection. The County's deadline prevents the Commission from re-addressing the other options.

(.see Page 2)

Page 2

ACTION REQUESTED: Staff concurs with the Solid Waste Commission that organized/integrated collection would be the most cost effective. However, if Council does not care for this option, staff would recommend "Option C", integration through licensing.

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*Spr*

**1991 RECYCLING FUNDING OPTIONS**

<u>Option</u>	<u>Annual Cost/Household</u>	<u>Annual Cost to City</u>	<u>Action Steps/Estimated Time to Implement</u>
(a) Direct Billing	\$4.60/quarter = \$18.40/year to replace county grant amount	\$43,128 - 31,206 <u>\$11,922</u>	<ul style="list-style-type: none"> <li>New charge would require public hearing, notice to residents</li> <li>2 months to implement (Jan., 1991)</li> </ul>
(b) Organized and Integrated Collection	<p>Little Canada residents currently pay:</p> <p>30 gal. 10.22/mo. 60 gal. 12.02/mo. 90 gal. 13.38/mo. 150 gal. 17.00/mo.</p> <p>(Starting Jan. 1, '91, each household will pay an additional \$1.94/mo. recycling fee. Little Canada is requesting exemption from the County fee)</p>	Unknown	<ul style="list-style-type: none"> <li>Organized collection would require 2 month bidding or negotiation process, 1 month public hearing and notice, 1 month contract implementation (March, 1991)</li> </ul>
(c) Require Haulers to Integrate through License	<p>Unknown - cost would no doubt increase as a recycling charge would be added to present refuse hauling charge</p>	- 0 -	<ul style="list-style-type: none"> <li>1 month to amend license requirements in City Code</li> </ul>
(d) Extend Current System	\$13.43 County Service Charge (1990) 1991 charge unknown	\$43,128 - (grant amount unknown)	

Consent \_\_\_\_\_

Policy   X  

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/

Agenda Item: F-12<sup>90</sup>

**REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION:

ADMINISTRATOR'S COMPENSATION

SUBMITTED BY:

Tom Baldwin

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Proposed compensation for City Administrator:

Salary: \$45,000 per year, retroactive to 6/1/90

Vehicle Allowance: \$165.00 per month

Professional Development  
Allowance: \$2,000

Other Fringe Benefits: As provided by Personnel Policy  
and existing Employment Agreement.

ACTION REQUESTED:

*TB*

REGULAR CITY COUNCIL MEETING

CITY OF FALCON HEIGHTS

AGENDA

OCTOBER 24, 1990

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

B. ROLL CALL: WALLIN \_\_\_\_\_ BALDWIN \_\_\_\_\_ GEHRZ \_\_\_\_\_  
CIERNIA \_\_\_\_\_ JACOBS \_\_\_\_\_ WIESSNER \_\_\_\_\_  
CHENOWETH \_\_\_\_\_ ATTORNEY \_\_\_\_\_ ENGINEER \_\_\_\_\_

C. APPROVAL OF MINUTES OF OCTOBER 10, 1990

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA

1. Disbursements
  - a. Disbursements through 10/24/90, \$140,075.20
  - b. Payroll, 10/1/90 - 10/15/90, \$10,692.96
2. Request for a Variance from 9-2.04 (1)(c), the Corner Side Yard Setback to Construct a Garage at 1457 Idaho in an R-1 Zone.
3. Donations for Community Park Amenities
4. Lions Club Christmas Tree Sales
5. Solid Waste Commission Minutes of October 4, 1990  
Parks and Recreation Commission Minutes of October 8, 1990
6. Appointment of After School Sports Instructor
7. City Hall Lobby - Monitor for Cable TV
8. Licenses

ACTION: \_\_\_\_\_

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. City Tree Planting Guidelines

ACTION: \_\_\_\_\_

2. City Flag

ACTION: \_\_\_\_\_

3. Policy Direction Re: Requirement of Existing Businesses to Screen Side and Rear Yards from Adjacent Residential Zones. (City Code CH. 9-14.01, Subd. 5(b)).

ACTION: \_\_\_\_\_

4. Review Sanitary Sewer Billing Policy for Apartment Buildings

ACTION: \_\_\_\_\_

5. 1991 Fire Protection Services Contract with City of Lauderdale

ACTION: \_\_\_\_\_

6. Request to Waive License Certificate Requirement for Mechanical Contractor's License

ACTION: \_\_\_\_\_

7. Update on Hamline Avenue Project

ACTION: \_\_\_\_\_

8. Schedule Public Information Meeting for 1991 Street Improvement Project

ACTION: \_\_\_\_\_

9. Proposed Resolution R-90-41 Authorizing Falcon Heights to Join an Environmental Cities Group

10. Sewer Backups and Sewer Stub Repairs

ACTION: \_\_\_\_\_

G. ANNOUNCEMENTS AND UPDATES

H. ADJOURNMENT

ACTION: \_\_\_\_\_



MINUTES  
REGULAR CITY COUNCIL MEETING  
OCTOBER 10, 1990

Baldwin called the meeting to order at 7:05 P.M.

PRESENT

Baldwin, Ciernia, Gehrz and Wallin.

ABSENT

Jacobs.

MINUTES OF 9/26/90 APPROVED

The Minutes of September 26, 1990 were approved by unanimous consent, as corrected.

CONSENT AGENDA ITEMS APPROVED

Council approved the following Consent Agenda items by unanimous consent:

1. Disbursements
  - a. General Disbursements through 10/10/90, \$42,359.05
  - b. Payroll, 9/16/90 - 9/30/90, \$9,933.56
2. Solid Waste Commission Minutes of 9/6/90
3. Awarding 1990 Fall Street Sweeping Contract to Mike McPhillips, Inc. at a Cost not to Exceed \$2,786.00
4. Licenses

CONSENT ITEM RELATING TO LOWERING SPEED LIMIT ON LARPENTEUR AVENUE MOVED TO POLICY AGENDA

Ciernia requested that the Consent Agenda item relating to a request for lowering the speed limit on Larpenteur Avenue, Cleveland to Fulham, be removed from the Consent Agenda and placed on the Policy Agenda. Council agreed.

RECOGNITION EVENT FOR CITY VOLUNTEERS TO BE PLANNED

Council briefly discussed the possibility of holding a recognition event for City volunteers as has been done in the past, after which Gehrz volunteered to organize the event to be held in the new Community Park Building in January of 1991.

RED RIBBON CAMPAIGN UPDATE

Gehrz gave an update on the progress of the Red Ribbon Campaign, and presented a schedule of events for Red Ribbon Week, October 20th through October 26th. Gehrz then moved the adoption of Resolution R-90-40 which carried unanimously.

RESOLUTION R-90-40

A RESOLUTION PROCLAIMING OCTOBER 20-26, 1990 AS  
RED RIBBON WEEK AND ENCOURAGING CITIZENS TO  
PARTICIPATE IN DRUG PREVENTION EDUCATION ACTIVITIES

**DRAFT**

MINUTES  
OCTOBER 10, 1990  
PAGE 2

DISCUSSION - REQUEST TO LOWER SPEED LIMIT ON LARPENTEUR AVENUE,  
CLEVELAND TO FULHAM

Council addressed a request from Thor Kommedahl on behalf of the 1666 Condominium Association that the speed limit on Larpenteur Avenue, Cleveland to Fulham, be reduced from 40 to 30 miles per hour for the safety of persons crossing the street to play golf, etc. Ciernia commented on the fact that the street was built to move traffic and stated he was uncomfortable with requesting Ramsey County to reduce the speed on their street as it would seem the Council was endorsing the reduction. A discussion ensued regarding the County's rationale for the various speeds on Larpenteur, the effect on traffic if the speed limit is lowered, other possible methods of providing pedestrian safety and accident history in the area. Council directed staff to request that Ramsey County address the items discussed without giving the impression that the Council endorses the change as requested by Mr. Kommedahl.

ADJOURNMENT

The meeting was adjourned at 7:57 P.M.

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Tom Baldwin, Mayor

ATTEST:

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Shirley Chenoweth, City Clerk

Consent   X  

Meeting Date: 10/24/90

Policy \_\_\_\_\_

Agenda Item:   E-1  

CITY OF FALCON HEIGHTS

**REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION:

DISBURSEMENTS

SUBMITTED BY:

Tom Kelly

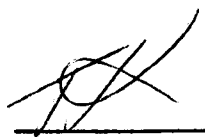
REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) General Disbursements through 10/24/90, \$140,075.20
- (b) Payroll, 10/1/90 - 10/15/90, \$10,692.96

ACTION REQUESTED:

Approval



GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
24517	PERA	Pera deduction/benefits	\$893.79
24518	Andy Driscoll-Sensible Land Use	Seminar-Susan Hoyt	95.00
24519	Suburban Area Chamber of Commerce	Membership Meeting-Jan W.	11.00
24520	Ramsey EMS	Medical Technician Refresher Course - 2 persons	200.00
24521	Minnesota PRIMA	Insurance meeting	15.00
24522	Applied Training Technology	Grant writing workshop - T. Kelly	59.00
24523	IIMC	Membership	75.00
24524	Franklin Intn'l Institute	Time Management Seminar - C. Kriegler	145.00
24525	AT&T	Monthly Maintenance	49.00
24526	AT&T	Phone Lease-Fire Dept.	22.23
24527	AT&T Credit Corp.	Phone Lease	127.73
24528	American Linen	Linen Cleaning	63.74
24529	BFI	Garbage pickup-park and City Hall	205.15
24530	BFI	Porta Potty Service	143.63
24531	Pat Butala	Non resident reimbursement	24.00
24532	Robert Burns	Band for Open House/Halloween Party	150.00
24533	Brighton Veterinary Hospital	Administration fees-September	25.00
24534	C&G Office Supplies	Office supplies	577.46
24535	Copy Duplicating Products	Typewriter repair	75.00
24536	Kay Dowdell	Non-resident reimbursement	20.00
24537	Emergency Medical Products	Adult Electrodes	36.43
24538	Sue Gehrz	Chamber meeting/luncheon expenses	62.00
24539	Gopher State One-Call	Location for September calls	5.00
24540	Harvest States Cooperative	Fuel	195.13
24541	Hoisington Group	September Comp. Plan	995.00
24542	Hermes Floral	Flowers - Phil Chenoweth	29.50
24543	Insty-Prints	Printing charges, letterhead, newsletter, voter misc.	797.79
24544	Jensen, Hicken, Gedde & Scott	Aug., Sept. Legal fees	4,243.10
24545	Jefferson Construction	August park bldg. construction fees	8,800.32
24546	Dick Larson	Retainer	350.00
24547	League of MN Cities	Membership	3,027.00
24548	Nat'l League of Cities	Membership	697.00
24549	LaHass Corp.	Autocrane plug	25.58
24550	M.R. Sign	Crimewatch signs	426.36

CHECK NO.	ISSUED TO	REASON	AMOUNT
24551	MN Suburban Publications	Legal Publications	\$81.00
24552	M-75 Bldg. Maintenance	Sept. cleaning (5 Saturdays)	195.00
24553	MNDot	1st payment-Snelling Avenue	45,436.67
24554	Metropolitan Waste Control	November service	39,616.35
24555	N.S.P.	Gas, electricity, City Hall, Park	1,048.73
24556	Oxygen Service Co.	Medical oxygen	36.43
24557	PERA	Life insurance	9.00
24558	City of Roseville	November police	19,326.83
24559	Ramsey County	Polling place notifications	24.13
24560	SuperCycle Inc.	September recycling	1,912.80
24561	St. Croix Recreation	2 grills, 10 park benches	2,495.00
24562	Suburban Hardware	Cleaning supplies, tools and bolts	152.86
24563	T.R.F. Supply	2 bags snow melt	53.20
24564	Texgas	Fuel for mutual aid drill	219.90
24565	U.S. West	Phone service	313.93
24566	Janet Wiessner	Mileage	150.00
24567	Precision Computer Systems	Computer & software purchase	5,445.75
24568	MN State Treasurer	3rd quarter surcharge	301.68
24569	Metropolitan Waste Control	Aug. & Sept. SAC charges	594.00
TOTAL:			\$140,075.20

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Description	Check Amount	Check Date	Status
018787			0			0.00	15-Oct-90	VOID
018788			0			0.00	15-Oct-90	VOID
018789	000000002	Wiessner, Janet R.	19	01	semi-monthly	1,227.79	15-Oct-90	Outstanding
018790	000000004	Kriegler, Carol J.	19	01	semi-monthly	389.92	15-Oct-90	Outstanding
018791	000000011	Chenoweth, Shirley G.	19	01	semi-monthly	757.63	15-Oct-90	Outstanding
018792	000000020	Iverson, Terry D.	19	01	semi-monthly	781.69	15-Oct-90	Outstanding
018793	000000027	Morgan, Jay M.	19	01	semi-monthly	693.51	15-Oct-90	Outstanding
018794	000000038	Wright, Vincent D.	19	01	semi-monthly	766.38	15-Oct-90	Outstanding
018795	000000063	Phillips, Patricia A.	19	01	semi-monthly	649.69	15-Oct-90	Outstanding
018796	000000065	Kelly, Thomas R.	19	01	semi-monthly	863.90	15-Oct-90	Outstanding
018797	000000079	Hoyt Taff, Susan L.	19	01	semi-monthly	534.46	15-Oct-90	Outstanding
018798	000000081	Staffa, Gregory	19	01	semi-monthly	10.79	15-Oct-90	Outstanding
018799	000000091	Swenson, DeLoris J.	19	01	semi-monthly	538.88	15-Oct-90	Outstanding
018800	000000003	Baumann, Nicholas B.	10	02	monthly 1	277.78	15-Oct-90	Outstanding
018801	000000005	Berndt, Ross	10	02	monthly 1	105.63	15-Oct-90	Outstanding
018802	000000006	Bianchi, David P.	10	02	monthly 1	81.88	15-Oct-90	Outstanding
018803	000000008	Brown, Raymond F.	10	02	monthly 1	252.01	15-Oct-90	Outstanding
018804	000000013	Clarkin, Michael D.	10	02	monthly 1	54.50	15-Oct-90	Outstanding
018805	000000014	Dow, Michael J.	10	02	monthly 1	161.38	15-Oct-90	Outstanding
018806	000000015	Dowdell, Ralph L.	10	02	monthly 1	33.75	15-Oct-90	Outstanding
018807	000000016	Fuller, James D.	10	02	monthly 1	117.00	15-Oct-90	Outstanding
018808	000000018	Holmgren, John M. Sr.	10	02	monthly 1	53.13	15-Oct-90	Outstanding
018809	000000021	Kurhajetz, Clement M.	10	02	monthly 1	105.63	15-Oct-90	Outstanding
018810	000000023	LeMay, Douglas	10	02	monthly 1	118.30	15-Oct-90	Outstanding
018811	000000024	Lindig, Leo	10	02	monthly 1	105.38	15-Oct-90	Outstanding
018812	000000025	McDermond, Cindy K.	10	02	monthly 1	18.75	15-Oct-90	Outstanding
018813	000000026	McNabb, Gerald	10	02	monthly 1	6.25	15-Oct-90	Outstanding
018814	000000029	Dison, Joseph E.	10	02	monthly 1	83.75	15-Oct-90	Outstanding
018815	000000032	Schaefer, Richard A.	10	02	monthly 1	40.63	15-Oct-90	Outstanding
018816	000000033	Schauffert, Craig F.	10	02	monthly 1	62.50	15-Oct-90	Outstanding
018817	000000034	Smida, Gail	10	02	monthly 1	98.51	15-Oct-90	Outstanding
018818	000000039	Morgan, Jay	10	02	monthly 1	93.88	15-Oct-90	Outstanding
018819	000000040	Kayser, Douglas	10	02	monthly 1	132.63	15-Oct-90	Outstanding
018820	000000042	Stolz, Steven P.	10	02	monthly 1	28.13	15-Oct-90	Outstanding
018821	000000045	Gilbert, Jerome J.	10	02	monthly 1	75.63	15-Oct-90	Outstanding
018822	000000046	Holmgren, John H. Jr.	10	02	monthly 1	188.50	15-Oct-90	Outstanding
018823	000000047	McNabb, Kevin	10	02	monthly 1	112.50	15-Oct-90	Outstanding
018824	000000049	Anderson, Kevin L.	10	02	monthly 1	229.26	15-Oct-90	Outstanding
018825	000000064	PETERSON, GREGORY S.	10	02	monthly 1	211.63	15-Oct-90	Outstanding
018826	000000069	Martinez, Joseph L.	10	02	monthly 1	69.38	15-Oct-90	Outstanding
018827	000000084	Hassel, Richard	10	02	monthly 1	140.63	15-Oct-90	Outstanding
018828	000000085	Herold, Nathaniel	10	02	monthly 1	136.26	15-Oct-90	Outstanding
018829	000000087	Iverson, Terry D.	10	02	monthly 1	132.50	15-Oct-90	Outstanding
018830	000000093	Niles, Dirk F.	10	02	monthly 1	150.63	15-Oct-90	Outstanding

nd Total

10,692.96

Consent   X  

Agenda Item:   E-2  

Policy           

CITY OF FALCON HEIGHTS

Meeting Date:   10/24/90  

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REQUEST FOR A VARIANCE FROM 9-2.04(1)(c), THE CORNER SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 1457 IDAHO IN AN R-1 ZONE.

SUBMITTED BY:

Dave and Grace Gorringer, Property Owners

REVIEWED BY:

Susan Hoyt, City Planner

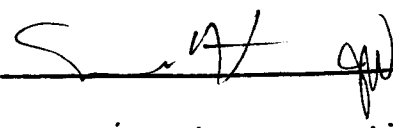
EXPLANATION/SUMMARY (attach additional sheets as necessary):

Mr. and Mrs. Gorringer of 1457 Idaho are requesting a variance of 14 ft. 6 inches from the fifteen foot corner side yard setback required in Section 9-2.04 (1)(c) of the zoning code to construct a new 24' by 24' garage on the same site as the existing garage.

The variance appears to meet all standards for granting a variance in 9-15.03 of the zoning code. The variance may be granted on grounds that without it the residents would substantially alter their landscaping, remove their play equipment and reduce their landscaped open space.

ACTION REQUESTED:

Accept Planning Commission recommendation.

  
\_\_\_\_\_

Consent   X  

Agenda Item:   E-3  

Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   10/24/90  

**REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION:       DONATIONS FOR COMMUNITY PARK AMENITIES

SUBMITTED BY:         Carol Kriegler

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The following organizations have committed funds for the purchase of various amenities at the Community Park.

North Suburban Youth Association, \$2,465.00  
 (Spring toys, Sand Box, Diggers, Sand Table)

Falcon Heights Lauderdale Lions Club, \$1,000.00  
 (Park Entrance Sign)

Roseville Jaycees, \$340.00  
 (Picnic Table)

These organizations will be contacted and informed that their gifts will be formally accepted at the October 24th council meeting. I would recommend putting this item on the Policy Agenda should representatives be present. Their contribution could be acknowledged and appreciation expressed.

ACTION REQUESTED:    Acceptance of gifts for the purchase of Community Park amenities.

\_\_\_\_\_  
*JKW*



Consent  X

Agenda Item:  E-4

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

LIONS CLUB CHRISTMAS TREE SALES

SUBMITTED BY:

Carol Kriegler

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

In view of City staff's concern for potential damage to the hockey rink during Christmas tree sales and the subsequent proposed agreement, the Falcon Heights/Lauderdale Lions Club has requested use of an alternative site within the park. The proposed site is the area adjacent to and south of the hockey rink. This area has established turf and should not present any significant problems.

ACTION REQUESTED:

Authorization for use of Community Park for Lions Club Christmas tree sales.

JW ck

Consent X

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SOLID WASTE COMMISSION MINUTES  
PARKS AND RECREATION COMMISSION MINUTES

SUBMITTED BY:

Solid Waste Commission  
Parks and Rec Commission

REVIEWED BY:

Shirley Chenoweth  
Carol Kriegler

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Solid Waste Minutes of October 4, 1990 attached.  
Parks and Rec Minutes of October 8, 1990 attached.

ACTION REQUESTED:

Information Only

*SAU*

# DRAFT

**MINUTES**  
**Solid Waste Commission Meeting**  
**4 October 1990**

The meeting was called to order by Chairperson John Thompson at 7:00 pm.

**COMMISSION MEMBERS PRESENT:** John Thompson, John Hustad, Terry Iverson, Marty McCleery, Mike Haglund, Lyle Wray and Shirley Chenoweth, Staff Representative.

**COMMISSION MEMBERS NOT PRESENT:** Nancy Misra, John Brynildson and Laura Kuettel.

**APPROVAL OF AGENDA:** The agenda was approved, with Mayor Tom Baldwin speaking to the Commission on directions from the City Council for the Commission. Also, time line and meeting with haulers to be discussed together as one subject on the agenda.

**APPROVAL OF MINUTES:** The cost of the can crushers in the third paragraph on page two (2) of the 6 September 1990 minutes of the Solid Waste Commission should read ten dollars (\$10) not five dollars (\$5). Motion was made by John Hustad to approve the minutes of the 6 September 1990 meeting after the above change. It was seconded by Marty McCleery. Motion passed.

**DIRECTIONS FROM THE CITY COUNCIL:** Mayor Tom Baldwin spoke to the Commission on the establishment of a coalition of cities to address environmental issues confronting them. The idea behind the coalition is to share ideas on these issues and save time and money. The coalition is comprised currently of twenty five (25) Minnesota cities.

The mayor also discussed having a workshop with the City Council and the Solid Waste Commission.

**CURBSIDE COLLECTION FUNDING:** Shirley Chenoweth told the Commission that funding for the recycling program would be \$4.57 a quarter per house. This fee would replace funding from the county.

**TIME LINE:** Haulers will be invited to the Solid Waste Commission meeting on 1 November 1990. The Commission would like to get ideas from the haulers on garbage hauling and recycling issues.

The Commission will have a workshop with the City Council on 14 November 1990.

**MILTI-HOUSING RECYLING:** Marty McCleery and John Hustad will update the Commission on issues in this area at the next meeting.

**SOLID WASTE COMMISSION**  
**4 October 1990**  
**page two**

**RECYCLING BIN GRANT:** Motion was made to apply for the recycling bin grant by John Hustad. It was seconded by Lyle Wray. Motion was passed.

**ADJOURNMENT:** John Thompson made motion to adjourn meeting. It was seconded by Marty McCleery. Motion passed. Meeting adjourned at 8:40 pm.

**Respectfully Submitted,**

**Michael W. Haglund**  
**Acting Secretary**

Minutes of the Parks and Recreation Commission Meeting  
7:00 P.M., Monday, October 8, 1990

Members present: Connie Lasser, Linda McLoon, Deborah Weiland, Carol Huso, Jeff Johnson, Lloyd Jacobson, Sam Jacobs, Council Liason, Carol Kriegler, Park Director, Jyneen Thatcher, Steve Schugel

1. Park Building Update

Carol K. went over a list of 13 items with Scott Midness and the contractor on the park building. The most immediate things outside included: fixing the ponding at the skating sites, the southwest corner that they have ignored, the lack of sod in a number of other areas, the strip along the boulevard. There is another list of indoor items that need to be corrected. Carol K. stated that she felt the contractor would finally take care of these things. Carol also indicated that Vince had sunk posts in order to put a chain over the pedestrian paths. We all agreed that it was ridiculous to impede walking along these paths, and that the posts should be removed. Vince has been instructed NOT to put up these chains.

Carol received a quote for the staining and painting of the inside of the building, the exterior trim and a second exterior coat. This should be done in the next several weeks.

Linda asked if there was some way to have the bathrooms open on a trial basis on the weekend afternoons. Carol thought a ParkWatch program should be instituted. With that in place, it might be an appropriate time to try to open the bathrooms and see what happens. Then we can say we tried. Both Carol H. and Linda indicated that they would talk to neighbors about a Parkwatch program. Connie thought Jerry Rudiman might be a person to talk to. He is the Roseville Neighborhood watch coordinator.

2. Open House/Halloween party

The open house/Halloween party is set for Tuesday, October 23. There is a full page ad for it in the Newsletter, due to be delivered this weekend. The open house is from 6-8. Bob the Beachcomber will perform from 6:30 - 7:15. We will serve the big cake from the Falconeer. Carol K asked for ideas for games etc. Carol H recommended a pumpkin carving or decorating contest (the pumpkins will be brought already decorated or carved). Other ideas: a basket toss, a haunted fire engine etc. Carol asks that we call her if we get any brainstorm.

6. Lion's Tree Sale

Sam asked if there was another site besides the hockey rink where they could set up trees. They were going to be constrained by removing ALL snow from the hockey rink by contract and Sam felt the Lions couldn't sign such an agreement. A number of ideas were offered. We all agreed again that we were in favor of them using the Community Park as their tree sale site and hoped Sam could find a spot they liked.

7. As there was no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

*Linda McLoon*

Linda McLoon, Secretary

Consent  X

Agenda Item:  E-6

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:  10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

APPOINTMENT OF AFTER SCHOOL SPORTS INSTRUCTOR

SUBMITTED BY:

Carol Kriegler

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

A vacancy exists for fall recreational after school programs. A vacancy exists for soccer, bowling and basketball skills.

Carol Kriegler recommends the appointment of Laura Hanson to the position at a rate of \$10 per hour.

ACTION REQUESTED:

Appointment of Laura Hanson to the recreational program staff.

*Jan Wiessner* *CK*

Consent X

Agenda Item: E-7

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: \_\_\_\_\_

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CITY HALL LOBBY - MONITOR FOR CABLE TV

SUBMITTED BY:

Carol Kriegler

REVIEWED BY:

Jan Wiessner

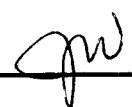
EXPLANATION/SUMMARY (attach additional sheets as necessary):

A 20" monitor and wall bracket can be purchased at a cost of \$485.00 (\$367 for monitor/\$118 for wall bracket). This will allow for a monitor to be hung in the lobby of the City Hall.

There is \$500 available in Account #87090 "Repair Other Equipment".

ACTION REQUESTED:

Authorization to purchase and install a monitor in the lobby of City Hall.

  
\_\_\_\_\_



Consent   X  

Agenda Item:   E-8  

Policy           

CITY OF FALCON HEIGHTS

Meeting Date:   10/24/90  

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	
	LICENSES
<u>SUBMITTED BY:</u>	Shirley Chenoweth
<u>REVIEWED BY:</u>	
<u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u>	
<u>Mechanical</u>	
Hedler Plumbing Inc.	#0607
2519 4th St. N.E.	
Mpls., MN 55418	
<u>General Contractor</u>	
Alex Blair Carpentry	#0602
6168 Colfax Lane	
Mpls., MN 55419	
Minnesota Landmark Construction	#0606
4000 Beard Ave. So.	
Mpls., MN 55410	
Ken Anderson Construction	#0605
6140 132nd Way	
Apple Valley, MN 55124	
ALL ARE NEW	
<u>ACTION REQUESTED:</u>	Approval

*SJK*

Consent \_\_\_\_\_

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CITY TREE PLANTING GUIDELINES

SUBMITTED BY:

Linda Treeful

REVIEWED BY:

Shirley Chenoweth  
Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City has not previously had written guidelines regarding tree planting. In response to some recent questions from Council Members, we've attempted to write down the operating guidelines and asked Linda Treeful to make recommendations.

ATTACHMENTS:

- A. Present Guidelines and Proposed Changes
- B. Information from other cities

ACTION REQUESTED:

Discussion

SMC      JW

JULY, 1990

PRESENT TREE PLANTING GUIDELINESPROPOSED POSSIBLE CHANGES/CORRECTIONS  
FROM LINDA TREEFUL

## 1. Avoid underground utilities

- (a) wiring
- (b) 9 feet from storm sewer
- (c) 9 feet from sanitary sewer

\*No clearance—St. Paul doesn't check location because tree roots will grow where cracks in pipe are whether roots are close or far away.

- (d) gas lines to the property
- (e) water lines to the property
- (f) avoid water mains if at all possible. If tree is planted on water side, it must be placed in such a position that it would not interfere with water line repair.

\*5 foot clearance

\*10 foot clearance

## 2. Avoid planting beneath overhead utilities. \*15–20 ft. from street lights.

## 3. Avoid area 10 feet from either side of stump/roots where trees have been removed. (Stumps take 7 years to rot out).

## 4. 30 feet minimum distance from old or new trees (private or public) for the types of trees the City presently plants (they bush out)

\*\* 40 ft. average spacing; tall, narrow trees may be only 20–25 ft. apart; 20 ft. from private trees; never under overhanging branches of public or private trees

20 ft. from corner of intersection. 60 ft. from corner of busy intersection.

\*\* 7–8 ft. from fire hydrants (text says 10 ft. for utility poles and hydrants)

\*\* 5 ft. from driveway (text says 15 ft. for alleys and driveways)

\*\* 5 ft. from carriage walk (sidewalk that runs through boulevard)

\* City of St. Paul regulations

\*\* Urban Forestry: Planning & Managing Urban Greenspaces. R. W. Miller, 1988

## BOULEVARD TREES

10/90

Roseville

Do not replace

Arden Hills

Do not replace

Shoreview

Did not reach the forester (Gene 490-4665)

St. Anthony

Yes - starting next year as money becomes available. A waiting list has been started and trees are replaced from this list. They have 30 on the list to be replaced so far.\*

New Brighton - (Rick 633-8906)

Starting in the fall of '90, the city will begin replacing trees with the property owner paying 1/2 the cost of the tree which is approximately \$15.00. The trees are purchased from Cross Nursery - bare root - for \$25.00-\$30.00. They have always replaced blvd trees adjacent to parks or on street widening projects.\*

Little Canada

Trees with Dutch Elm disease were replaced by the city at one time but no longer.

Maplewood

Do not replace

Stillwater

Do not plant trees on boulevard

\* St. Anthony - No written guidelines, at least not at this time.

\* New Brighton - They have nothing in writing as far as planting guidelines. 15' easement - usually plants 8-10' back to allow for snow plowing, sweeping, future curbing - no sidewalks

Consent \_\_\_\_\_

Agenda Item: F-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CITY FLAG

SUBMITTED BY:

Jan Wiessner  
Shirley Chenoweth

REVIEWED BY:

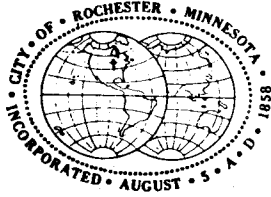
EXPLANATION/SUMMARY (attach additional sheets as necessary):

Chuck Hazama, Mayor of Rochester, has requested a City Flag for the opening ceremony of the 1991 LMC Conference in Rochester (see attached letter). Since we do not presently have a city flag, we would like to know if council is interested in pursuing the creation of such a flag. If so, some possible ways to implement this procedure might be to request a graphics firm to prepare an original design, establish a local committee to develop ideas, or use the present logo which is readily available through the firm which designed the logo. We are attempting to obtain some estimated costs.

ACTION REQUESTED:

Consider creating a city flag for use in civic events.





Mayor  
Chuck Hazama  
Rochester, Minnesota  
55902



October 5, 1990

Dear Mayor:

The seeds for the 1991 League of Minnesota Cities Conference to be held in Rochester, June 11-14, have been planted. The local planning committee has met twice, and the state planning group of forty eight volunteers met for its first meeting in September.

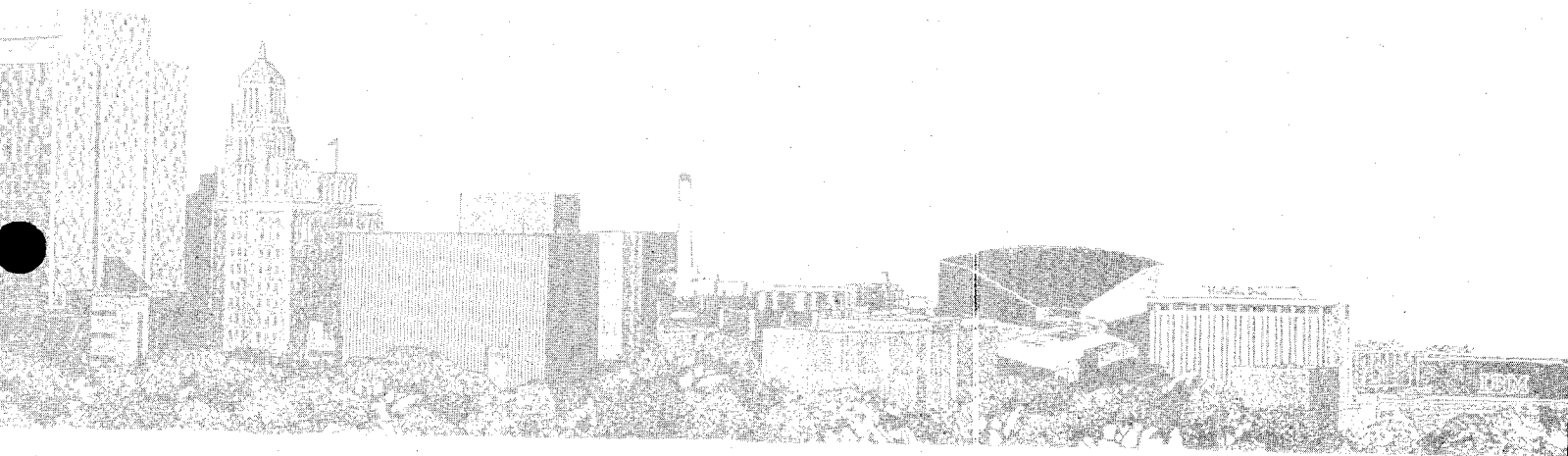
We need to now sow a few of the seeds and cultivate them with care. We are planning an opening ceremony involving youth. We are asking all the cities to send us your city flag by May 15, 1991 to the Mayor's Office, Room 200, City Hall, Rochester, MN 55902. We would like to have them 3' x 5' standard size. We plan to begin the conference with young people marching in with all the flags from cities throughout the state.

If you don't have a city flag, why not initiate a flag selection committee and select one for your city.

Hope you'll send us your flag by May 15, 1991.

Sincerely,

Chuck Hazama, Mayor  
City of Rochester



Consent \_\_\_\_\_

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

**ITEM DESCRIPTION:** POLICY DIRECTION RE: REQUIREMENT OF EXISTING BUSINESSES TO SCREEN SIDE AND REAR YARDS FROM ADJACENT RESIDENTIAL ZONES. (CITY CODE CH. 9-14.01, SUBD. 5(b)).

**SUBMITTED BY:** Jan Wiessner, City Administrator  
Susan Hoyt, City Planner

**REVIEWED BY:** Jan Wiessner, City Administrator  
Susan Hoyt, City Planner

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Due to a complaint from a resident regarding a business use adjacent to his neighborhood, the staff would like the City Council to review existing City policy regarding screening between businesses and adjacent residential land uses. Section 9-14.01, Subd. 5 of the zoning code states that all existing land uses shall comply with the screening requirements set out in the zoning code by January 1, 1989. The code states that the Council "may require" existing businesses to provide screening along rear and side yards that are adjacent or across the street or alley from a residential zone. This section of the code has not been retroactively enforced to date. Retroactive enforcement of such measures raises several policy questions.

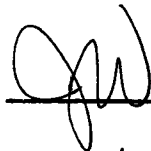
**ATTACHMENTS:**

1. Section 9-14.01, Subd. 5 (b), (d) and (e).
2. Planner's report on the retroactive application of rear and sideyard screening for existing businesses, 10/15/90.
3. City Attorney's opinion on code enforcement.

A brief slide presentation of some Falcon Heights businesses will accompany this agenda item.

**ACTION REQUESTED:** 1. Review and discuss: (a) What constitutes screening and, therefore, non-conformance; (b) when should the code be retroactively enforced -- on a complaint basis, in all cases?; (c) how should it be administered? Planning Commission/Council review? Revise effective date?

2. Provide staff with guidance on all of the above.



## PLANNING AND DEVELOPMENT 9-14.01

c. Chemical insecticides or herbicides shall be stored, handled and utilized as per the standards set forth by the Minnesota Pollution Control Agency.

→ Subdivision 5. Screening. (All existing uses shall comply with this standard by January 1, 1989).

a. Screening shall be required in residential zones where:

1. Any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of residential zone; and

2. Where the driveway to a parking area of more than six (6) parking spaces is within five (5) feet of an adjoining residential use or zone.

→ b. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.

c. All exterior storage shall be screened. The exceptions are:

1. Merchandise being displayed for sale;

2. Materials and equipment currently used for construction on the premises; and

3. Merchandise located on service station pump islands.

→ d. The screening required in this section shall consist of earth mounds, berms, or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

→ e. Required screening shall be as approved by the City Council. Existing land uses may be required to install screening if so ordered by the City Council following public hearing.





CITY OF  
**FALCON HEIGHTS**

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

TO: Jan Wiessner, City Administrator  
FROM: Susan Hoyt, City Planner  
RE: The Retroactive Application of Rear and Sideyard Screening for Existing Businesses

#### INTRODUCTION

Inevitably some residential neighborhoods are located next to non-residential land uses. Sometimes there is a comfortable co-existence. Other times the non-residential land use creates a visual and/or aural blight for adjacent residents. Buffering or screening has become a standard practice to reduce the impact on residential zones from adjacent transportation, industrial and commercial land uses. These man-made buffers can enhance the aesthetics of a neighborhood by visually obscuring the non-residential use and diminishing the noise. Site plans for proposed new developments routinely include setbacks and screening prior to receiving project approval (e.g. SuperAmerica, Hewlett Packard). However, retroactively requiring screening between land uses that have co-existed for several years, even decades, raises two policy questions — (1) what constitutes screening? and (2) when should existing businesses be required to provide such screening? A number of constraints enter into making these decisions.

#### 1. WHAT CONSTITUTES SCREENING?

First, it is necessary to set general guidelines for acceptable screening between existing businesses and residential zones. This information will be used to determine which businesses currently conform and which businesses do not. It will also determine how non-conforming businesses may come into conformance. (The City Council gives final approval to individual screening plans; (see Attachment 1).)

According to the zoning code, the purpose of screening is to "block direct visual access to an object" using fencing, landscaping and construction materials singly or in combination (see Attachment 1). "Direct visual access" is vague. It may be interpreted to mean that standing at ground level looking toward the business, the view of the business is obscured by landscaping (e.g. the northside of the Thatcher Clinic) or a six foot high cedar fence (e.g. Embers). Some businesses have three to four foot high chain link fencing along rear property lines (e.g. Falcon Center). This would not impair the site line from adjacent properties in height, density or visual appeal, so it would not meet this requirement.

HOME OF THE MINNESOTA STATE FAIR AND THE U OF M INSTITUTE OF AGRICULTURE



TREE CITY USA



PRINTED ON RECYCLED PAPER

Requiring future screening to meet the "block direct visual access" criterion in the code may be important in defining what is appropriate screening and what isn't. Encouraging businesses to spend money on fencing and/or landscaping to meet the code, yet not provide an aesthetic visual screen, would be pointless.

An example of a well-done retroactive screening project appears in Figure 1 below. This Roseville single family homeowner buffered the residence from a busy street with burming and landscaping. (Front yard screening like this is not allowed in the Falcon Heights zoning code.)

FIGURE 1

2. WHEN SHOULD EXISTING BUSINESSES BE REQUIRED TO PROVIDE SCREENING?

According to the zoning code, all existing businesses either "shall conform" as of January 1, 1989 or "may be asked by the City Council" to screen after a public hearing (see Attachment 1). This may be done in two ways. The first is on a complaint basis only. The second is in an overall screening code enforcement program.

### Complaint Basis Only

If done on a complaint basis only, it may be argued that retroactive conformance will necessarily occur only in cases where an uncomfortable business/residential relationship exists. Complaints identify this discomfort. Clearly this is a more manageable approach for the City, and may provide the desired results. City Attorney Gedde explains that enforcement on a complaint basis is done for reasons of practicality, and rarely, creates problems. However, if possible, it is ideal to consistently and uniformly enforce the code throughout the City (see Attachment 3).

### Citywide Screening Code Enforcement Program

If done as a citywide screening code enforcement program, all businesses in the city are potentially affected. It requires reviewing all properties, for their compliance with acceptable screening practices, contacting the property owners and working out the most reasonable screening solution for each individual site. Some properties may be unable to be screened due to the location of the buildings on the site. In these cases, the constraints must be clearly recorded or it reduces the claim that this is an equitable code enforcement program.

### Factors to Consider

As in any policy decision, there are many constraints in making these decisions. These include:

1. Existing fencing. Is existing fencing, like chain link acceptable even if it doesn't act as a screen? Or must these property owners replace the fencing with something that acts as a visual barrier. If acceptable now, is it acceptable for proposed screening?
2. Existing screening. If the adjoining residential properties have created rear and side yard screens through landscaping or fencing, do these fulfill the code requirement even if the business did not provide them?
3. Aesthetics. The most efficient, least expensive screening is usually fencing. Therefore, it is important to decide if fencing is an adequate solution to the screening requirement. Frequently six foot high wood privacy fences are constructed as screening. These are designed to take on an aged, weathered look. In landscaped residential properties this aging often complements an existing deck, garden, trees and lawn. However, in a commercial area, the presence of a tall cedar fence in a heavily brick, stucco, concrete and asphalt environment may look out of place.

4. Security. Obscuring views of businesses from adjacent residential zones is generally positive. However, in some cases it can pose a security problem. Semi-opaque or opaque screening to the rear of a business may pose a security risk. Visible entrances to the property are more easily patrolled by police cars.
5. Ingress/Egress. Access to a site for service, police and emergency vehicles is vital. In most cases a fence along a property line may not affect ingress and egress to the site. However, this varies for each business use. For example, the delivery doors for Bullseye nearly abut its rear lot line. It would be impossible to construct a landscaping or a fencing barrier along the rear lot line without making deliveries impossible. (Bullseye may have been exempt from this screening requirement during the development review).
6. Expense. Screening costs money. For example, a homeowner recently had a six foot high, 50 ft. treated cedar fence installed in his sideyard for \$1,038. A basic perimeter, chain link fence in a residential rear and side yard costs between \$1,000 and \$1,500. These are prices based on installation in soil, not concrete or asphalt which might be the case on commercial property. Attractive landscaping is more expensive. With the perception of "hard times" ahead, particularly for the retail sector, the cost-benefit of enforcing the code must be carefully considered.
7. Administration. Implementing an enforcement program requires working closely with business and neighboring residential property owners whether on a complaint basis or a citywide program. Contacting property owners, explaining the requirements in a non-threatening manner, evaluating the unique property needs and working with property owners to come to the most reasonable long term solution takes time.

#### CONCLUSION

The overall goal of providing screening or buffering between residential and business zones is laudible. The retroactive enforcement of this requirement in the zoning code may result in improved transitions between these two potentially conflicting land uses. However, there are a number of constraints underlying this enforcement. Council guidance is necessary before proceeding.

AUG 22 '90 14:05 JENSEN HICKEN GEDDE SCOTT, L.P.A.

## JENSEN, HICKEN, GEDDE &amp; SCOTT, P. A.

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.  
 GEDDE, THOMAS A.  
 HICKEN, JEFFREY P.  
 HOWARD, ROBERT A.  
 JENSEN, DAVID L.  
 MATTHEW, PAUL E.  
 SCOTT, MICHAEL J.

300 ANOKA OFFICE CENTER  
 2150 THIRD AVENUE  
 ANOKA, MINNESOTA 55303-2296

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

OF COUNSEL  
 HADLEY, CHARLES S.  
 LUTHER, RICHARD L.  
 HOWSE, G. CRAIG

August 22, 1990

Ms. Susan Hoyt  
 Falcon Heights City Planner  
 City of Falcon Heights  
 2077 West Larpenteur Avenue  
 Falcon Heights, MN 55113-5594

RE: Screening Requirements

Dear Ms. Hoyt:

I have your letter of August 20 wherein you raised certain questions regarding Section 9-14.01 Subd. 5 of the Falcon Heights City Code.

An auto repair shop is located in a B-2 zone adjacent to a residential neighborhood. You ask whether the City may selectively enforce the screening requirements. As a practical matter, municipalities often enforce various Code provisions on a complaint basis, rather than actively seeking out violations and, generally speaking, this is not a problem. However, the best legal approach for a municipality is to have a goal of enforcing all of its Code provisions. If any existing Code requirements go beyond what the City is comfortable enforcing, the best solution is to amend the Code. Otherwise, it can be argued that the equal protection clause of the Constitution is violated if the City picks and chooses violations to pursue and intentionally ignores others.

You also ask whether the City Council must approve all screening arrangements required under this section of the Code. My interpretation of Subd. 5 is that all screening must be approved by the Council and therefore wherever such screening is required it would be appropriate for the owner to submit for City approval a proposed screening plan. For new uses, this issue could be dealt with when the conditional use permit or building permit is obtained. For existing uses which are not in compliance, but where the owner is willing to submit a plan, no public hearing is necessary. For existing uses where

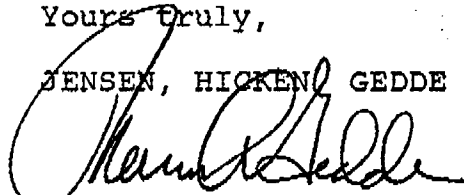
Ms. Susan Hoyt  
Page 2  
August 22, 1990

the owner is not cooperative, the City may initiate the process by scheduling a public hearing. Again, changes to the Code could be considered if the City is not comfortable with these procedures.

Please call if you have other questions.

Yours Truly,

JENSEN, HICKEN GEDDE & SCOTT, P.A.



Thomas A. Gedde  
Falcon Heights City Attorney

TAG/abg

cc: Janet R. Wiessner

Consent \_\_\_\_\_

Agenda Item: F-4

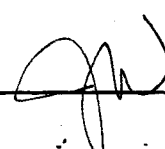
Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

<b><u>ITEM DESCRIPTION:</u></b>	REVIEW SANITARY SEWER BILLING POLICY FOR APARTMENT BUILDINGS
<b><u>SUBMITTED BY:</u></b>	Bruce and Maureen Misgen 1707 Tatum
<b><u>REVIEWED BY:</u></b>	Tom Kelly, City Accountant Vince Wright, Public Works Foreman Jan Wiessner, City Administrator
<b><u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u></b>	<p>The Misgens own the apartment building at 1707 Tatum and feel the current billing policy is unfair- (see Attachment A). The City's current procedure is to read commercial building water meters to determine sanitary sewer rates. All other accounts are billed a flat fee of \$22.00 (\$27.00 in 1991) per quarter. The multi-unit housing is charged the flat rate times the number of units in the building.</p> <p>Staff recommends continuation of existing policy (see Attachment B). The Misgens were told that the policy would be brought to the Council for review.</p>
<b><u>ACTION REQUESTED:</u></b>	Discuss sanitary sewer billing policy for apartment buildings.

  
\_\_\_\_\_

August 7, 1990

Ms. Janice Weissner  
City of Falcon Heights  
2077 W. Larpenteur Avenue  
Falcon Heights, Mn 55113

Dear Ms. Weissner:

We own an eleven-unit apartment building at 1707 Tatum on which we feel we are being overcharged for sewage disposal because of your flat-rate per household method of determining usage. Our billing was for \$242.00 which we feel is excessive because seven of our 11 units are occupied by one person and four units are occupied by two people.

Because we are being charged the same amount per unit as the average residential user with a household of four or more people, we would ask you to petition the city council for some other more equitable method of determining sewer usage. The most accurate and fair method would be to determine actual water usage.

Would you please inform us on your decision concerning this matter.

Sincerely,

*Bruce & Maureen Misgen*

Bruce & Maureen Misgen

cc: Tom Kelly





CITY OF  
**FALCON HEIGHTS**


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

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August 10, 1990

TO: Jan Wiessner

FROM: Tom Kelly 

RE: Recommendation on Sewer Bill of Apartment Buildings

Bruce and Maureen Misgen have requested that their bill at 1707 Tatum be billed other than a flat fee because they feel they are overcharged for sewer this way. (see attached). In response, I would recommend that we continue to bill the flat rate for the following reasons:

First, it would be unfair and improper to bill one apartment complex differently than all others. Therefore, we need to change to a meter reading system for all apartment complexes or none. For the City to read apartment building meters it would add one full day to the job of reading meters. Apartment buildings have not been required to install the outside meters; therefore the City would have some difficulty in obtaining the readings.

Second, water meter readings are not always accurate for metering sewer usage. In the summer there is outside usage which does not enter the sewer system. Using the winter quarter reading all year long isn't accurate due to changing tenants.

Finally, the Misgens feel they are overcharged because most units have one or two tenants occupying them. This, however, does not necessarily mean the complex is using less water or sewer. By going to another system, the bill for the complex could go up.

My recommendation is to keep the system status quo.

TK:pp

Consent \_\_\_\_\_

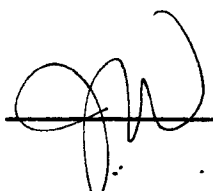
Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	1991 FIRE PROTECTION SERVICES CONTRACT WITH CITY OF LAUDERDALE
<u>SUBMITTED BY:</u>	Jan Wiessner
<u>REVIEWED BY:</u>	
<p><u>EXPLANATION/SUMMARY</u> (attach additional sheets as necessary):</p> <p>The City of Falcon Heights has been providing Fire Protection Services to the City of Lauderdale since 1980. The attached is a proposed rate adjustment which would result in approximately a 5% increase for 1991. The actual cost will be dependent upon the actual number of fire calls.</p> <p><u>ATTACHMENT:</u></p> <p>A. 10/9/90 correspondence to LaVanche Peterson with proposed rates</p> <p>NOTE TO COUNCIL: The attached rate structure corrects an error in the material presented at the Budget Workshop in the 1990 cost/call.</p> <p><u>ACTION REQUESTED:</u> Approve proposed Fire Protection Service 1991 Rate Adjustment for City of Lauderdale.</p> <div style="text-align: right; margin-top: 20px;">  </div>	



CITY OF  
**FALCON HEIGHTS**

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

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October 9, 1990

TO: Lavanche Peterson  
Lauderdale City Clerk

FROM: Jan Wiessner *JW*

RE: 1991 Lauderdale Fire Contract

The Falcon Heights City Council discussed the fire service to the City of Lauderdale at a Budget Workshop last Saturday. They informally agreed to a 5% overall increase in rates for 1991.

The enclosed proposed rate schedule will be on the October 24th Council meeting agenda for council action. Let me know if you have any suggested changes or if someone from Lauderdale would like to attend the meeting.

Thanks, Lavanche.

JW:pp  
enclosures

CC: S. Chenoweth  
T. Kelly

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HOME OF THE MINNESOTA STATE FAIR AND THE U OF M INSTITUTE OF AGRICULTURE

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PRINTED ON RECYCLED PAPER

CITY OF FALCON HEIGHTS

LAUDERDALE FIRE PROTECTION/CONTRACT

Proposed: January - December, 1991

A. Base Rate

	1988-89 Contract (1988MV)	1990 Contract (1989MV)	1991 Contract 5% Increase (1990MV)
Total MV	59,943,300	65,463,100	67,145,200
	x ( <u>\$92.6/million MV</u> )	x ( <u>\$92.6/million</u> )	x ( <u>(97.23/million)</u> )
	\$5,538	\$6,062	\$ 6,528

B. Inspection Rate: This cost includes routine fire inspections as well as other related plan reviews, certificate of occupancy and fire code activities.

	<u>1988-89</u>	<u>1990</u>	<u>1991</u>
1. Routine inspections of 60 businesses and apartments.	120	60*	60
*The Fire Marshal and Fire Chief recommended that starting in 1990 annual inspections should be adequate.			
2. Annual inspections of 4 tri-plex units	4	4	4
3. Annual inspections of 8 day care facilities	<u>8</u>	<u>8</u>	<u>8</u>
Total Inspections	132	72	72
Rate/Inspection	\$20	\$22	\$23
Total Cost:	<u>\$2,640</u>	<u>\$1,584</u>	<u>\$1,656</u>

C. Current Call Rate: \$275/truck/hour  
 Proposed 1991 Rate: \$285/truck/hour      \$27,500      \$28,500

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Estimated 1991 Total Cost: \$36,684

CITY OF FALCON HEIGHTS

LAUDERDALE FIRE CONTRACT RATE  
SUMMARY

<u>Total Contract Cost</u>	<u>Actual 1988-89</u>	<u>Est* 1990</u>	<u>Est* 1991</u>
A. Base Rate	\$ 5,538	\$ 6,062	\$ 6,528
B. Inspections	2,640	1,584	1,656
C. # Fire Calls	52	50*	50*
Cost/hour	\$ 220	\$ 275	\$ 285
# hours/call	2.19	2 hrs	2 hrs
Cost of Calls	\$25,060	\$27,500*	\$28,500*
<hr/>			
Total Cost	\$33,238	\$35,146*	\$36,684*

\*Estimate based on # of calls to date  
10/10/90

Consent \_\_\_\_\_

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

REQUEST TO WAIVE LICENSE CERTIFICATE REQUIREMENT FOR MECHANICAL CONTRACTOR'S LICENSE

SUBMITTED BY:

Mel Collova

REVIEWED BY:

Shirley Chenoweth  
Gene Pakoy  
Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

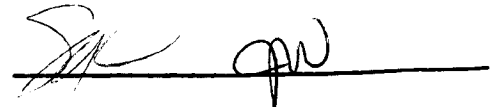
Mr. Collova is requesting that you issue a mechanical contractor's license to his firm even though he does not have a Certificate of Competency as presently required by the City. A code amendment would be in order if it is deemed this requirement is no longer necessary.

ATTACHMENTS:

- A. Collova letter
- B. Application Form
- C. S. Chenoweth memo

ACTION REQUESTED:

Deny license and continue enforcement of the competency requirement.

Handwritten signatures of Mel Collova and Shirley Chenoweth.

October 5, 1990

City of Falcon Heights  
City Council  
2077 Larpenteur Ave. W.  
Falcon Heights, MN 55113

RE: MECHANICAL CONTRACTOR'S LICENSE

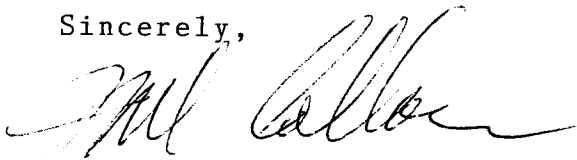
To Whom It May Concern:

Although I do not have a City of St. Paul license certificate, I have retained the services of Robert C. Simon, my father-in-law, a former employee of Northern States Power Gas Division, who was instrumental in the writing of the Northern States Power Gas Service Manual. This can be confirmed easily through Northern States Power Gas Division. I feel my knowledge and licenses held, plus his knowledge, qualify my firm for a mechanical license.

I feel our combined knowledge and experience greatly exceeds standards of the industry in all areas.

Thank you for your consideration on this matter.

Sincerely,



Mel Collova  
Collova HVAC

Member B.B.B.

Member Minnesota HVAC Assn.

Licensed in: South St. Paul, Maplewood, Little Canada,  
Fridley, Shoreview, Vadnais Heights, Roseville,  
City of Stillwater, and White Bear Lake

APPLICATION FOR  
MECHANICAL CONTRACTOR'S LICENSE

TO: City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, MN 55113  
644-5050

FEE: \$35.00

DATE COMPLETED: 10/5/90

LICENSE EXPIRES: 12/31/1990

NAME: Carmelo F. Collova

HOME ADDRESS: 3064 Labore Rd. Little Canada, MN 55109

FIRM NAME: Collova HVAC

BUSINESS ADDRESS: Same

TELEPHONE, BUSINESS: 612-484-5668

RESIDENCE: 612-481-1967

SATURDAY: same

OTHER DAYS AFTER 4:30 P.M. same

\* CITY OF ST. PAUL C OF C NUMBER: \_\_\_\_\_

\* CITY OF ST. PAUL LICENSE CERTIFICATE NUMBER: \_\_\_\_\_

LIST YOUR EXPERIENCE: 8 yrs. in heating, 26 yrs. air conditioning

7 yrs. sheet metal fabrication and installation. 2 yrs. dust collectors.

ITEMS REQUIRED FOR LICENSURE:

Insurance Minimum of \$300,000/\$500,000/\$100,000

(The City of Falcon Heights should be named as additional insured.)

State of Minnesota Tax ID Form

State of Minnesota Worker's Compensation Form

Proof of insurance must be furnished with application and must indicate 10 days notice before cancellation.

I swear that the above statements  
are true to the best of my knowledge  
and belief.



Signature





CITY OF  
**FALCON HEIGHTS**

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

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MEMORANDUM

DATE: October 16, 1990

TO: Jan

FROM: Shirley

The City of Falcon Heights has routinely required a St. Paul certificate of competency in order to issue a mechanical contractor license. Carmelo Collova, DBA Collova HVAC applied for a license in Falcon Heights and was informed we needed his St. Paul certificate of competency number. The attached letter from Mr. Collova was received requesting that council consider issuing a license without the C. of C. Mr. Collova has informed us that he needs a license to do some work on a commercial building in Falcon Heights, which concerns Gene. City code Section 4-6.01, Subd 7 states that council may require examination of applicants if they deem it necessary and may accept a C. of C. issued by St. Paul in lieu of such examination. (St. Paul has a reciprocal agreement with Duluth and Minneapolis, so those are also acceptable.) Apparently, this was deemed necessary by some past council and the requirement was placed on the license application.

Ray Schaefer, City of St. Paul Licensing Division, provided the following information regarding requirements for certification:

1. Application for participation
2. Apprenticeship under a Master - a four year program
3. Examination to become a Journeyman
4. Next step is Master, if desired

Mr. Schaefer says anyone can apply and obtain the training as the State of Minnesota makes it very easy to apply and be accepted for this training.

We have checked with several other suburban communities and find they do not have this requirement. Some larger communities have their own examining program. We also have checked the communities for which Mr. Collova indicated he is licensed and



Memo, Jan  
10/16/90  
Page 2

found this information correct, however, no information on his firm's performance was available. In fact, in Gene's contacts with other contractors and inspectors, he found that none were familiar with Mr. Collova or his work record. Both Gene and I have spent a good deal of time on this matter. Checking each applicant's record would be very time consuming for the staff. With the C. of C., we have some assurance that the contractor is well trained and competent.

Gene Pakoy states he is very uncomfortable with discontinuing the certification requirement as contractors could falsify experience, etc. He strongly recommends continuance of the requirement. Most mechanical contractors do have firm members who hold certificates so we have had no problems with compliance with the present requirement.

SC/ds  
Attachment

Consent \_\_\_\_\_

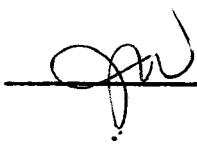
Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	UPDATE ON HAMLINE AVENUE PROJECT
<u>SUBMITTED BY:</u>	Terry Maurer, Maier Stewart & Associates City Engineer
<u>REVIEWED BY:</u>	Jan Wiessner
<p><u>EXPLANATION/SUMMARY</u> (attach additional sheets as necessary):</p> <p>Terry Maurer will be present to give an update on the Hamline Avenue project. Included in the update will be a discussion of Ramsey County's modified project timeline, the City of Roseville's progress, the right of way acquisition progress, and the expected impact of the pending CSAH standard changes.</p> <p><u>ATTACHMENT:</u></p> <p>A. Maurer correspondence, 10/16/90 B. Maurer correspondence, 10/18/90</p> <p><u>ACTION REQUESTED:</u></p> <p style="text-align: right;"></p>	



CONSULTING ENGINEERS

# Maier Stewart & Associates Inc.

October 16, 1990

File No: 330-016-53

Ms. Jan Wiessner  
 Administrator  
 City of Falcon Heights  
 2077 West Larpenteur Avenue  
 Falcon Heights, MN 55113

RE: HAMLINE AVENUE PERMANENT AND TEMPORARY EASEMENTS

Dear Ms. Wiessner:

Maier Stewart and Associates, Inc., has contacted the property owners along Hamline Avenue in Falcon Heights to have them sign the Temporary Construction Easements and Permanent Easements. The following is a list of each property owner by name and address and the status of their Easements.

Knott Enterprises, Inc. 1357 Larpenteur Ave. W

Signed Temporary Construction Easement

Property Owner had questions about Bus Stop shelter location, lighted, etc., and the maintenance of the sidewalk.

It is not definite but City plans to shovel sidewalk because it is part of pathway system. Bus shelter will be located in right-of-way between sidewalk and curb line.

Lammers 1697 Hamline Avenue

Would like sidewalk to be relocated to miss 5" and 8" maple trees on either side of his driveway.

The sidewalk relocation was agreed upon by Maier Stewart and Associates, Inc. and Ramsey County. The sidewalk will angle from station 2 + 80 to 1 foot from property line and follow property line to approximately 50 feet from Larpenteur Avenue where it angles toward the mid point of the Radius.

Property owner will sign when plans and temporary construction easement show this change.

Brauson            1707 Hamline Avenue

Signed Temporary Construction Easement

Riley              1709 Hamline Avenue

Signed Temporary Construction Easement

Property owner had questions regarding the maintenance of the sidewalk and liability for accidents that may occur on the sidewalk.

Hardy             1717 Hamline Avenue

Signed Temporary Construction Easement

Pinski            1723 Hamline Avenue

Signed Temporary Construction Easement

Kueppers        1727 Hamline Avenue

Signed Temporary Construction Easement

Kurhajetz        1733 Hamline Avenue

Signed Temporary Construction Easement

Save hedge on property lines if possible.

Holin             1737 Hamline Avenue

Signed Temporary Construction Easement with the following conditions that have been marked on plans.

- 1) Save concrete pillar and hedge at Northeast corner of lot.
- 2) Do not remove branches on 14" spruce tree without permission.

Wakefield      1749 Hamline Avenue

Signed Temporary Construction Easement

Machler      1757 Hamline Avenue

New Homeowners are Greg and Doris Machler  
Office # 638-8275  
Office # 782-4009  
Recently closed on home.

Have not signed Temporary Construction Easement

Soukup      1763 Hamline Avenue

Signed Temporary Construction Easement.

Property owner requested that we reduce the slope of the driveway to not be any greater than the existing slope and would like a separate driveway opening from the neighbors at 1771 Hamline Avenue. Presently 1763 and 1771 Hamline Avenue share the same driveway at the street. We reduced the slope on his driveway to match the existing slope and will widen the driveway opening at the street. It is not feasible to separate the driveways because they are so close together.

Hennes      1771 Hamline Avenue

Signed Temporary Construction Easement

Changed driveway slope so that the Driveway will be flatter.

Mattson      1775 Hamline Avenue

Has not signed Temporary Construction Easement

Contacted property owner on June 7, 1990 and explained the street construction project and temporary construction easement to Mrs. Mattson.

Mrs. Mattson made an appointment and a meeting was set up with Terry Maurer, Mrs. Mattson and her two sons. Terry Maurer showed the driveway cross section and re-explained the project and temporary construction easement.

Met with Mrs. Mattson on October 2nd and she said she would not sign the Temporary Construction Easement and would wait for Condemnation Proceedings.

Contractor will not be allowed to work outside of right-of-way to restore driveway and lawn.

Westlund            1781 Hamline Avenue

Has not signed Temporary Construction Easement

Property owner is in the process of selling property because grandfather died and son is Executor of will. Mr. Robert Westlund can sign easement.

McPartlin            1789 Hamline Avenue

Has not signed Temporary Construction Easement - can be contacted at 649-0850.

I have not been able to contact Ms. McPartlin, but I sent her a letter describing the project and Temporary Construction Easement. She called back, but I have not been able to contact her since she called.

Hager                1797 Hamline Avenue

Has not signed Temporary Construction Easement

First contact was made on June 8, 1990. Property owner said they had just purchased the house and the tile company did not inform them of the pending assessment.

Property owner would like alternative to steep slope of driveway from garage to back of sidewalk and what will happen if Maple trees are damaged and die due to construction.

We looked at changing the location of the sidewalk. The revised sidewalk locations changed the slope but increases the chance of bottoming out the vehicle. We concluded that the best place for the sidewalk was where it was proposed.

Ramsey County would be responsible for Maple trees should they be damaged, being they are outside of construction limits.

I contacted Property owner again in October, 1990 and they were told by their lawyer not to sign any Easement until the suit with the title company is completed. I informed the property owner that the contractor will not be allowed to work outside of the right-of-way.

Radefelt      1803 Hamline Avenue

Has not signed Temporary Construction Easement

The contact was made on June 8, 1990. The project and Temporary Construction Easement was discussed with the property owner. The property owner would like to be compensated for large Elm trees that will be removed. She does not use front yard, so property owner does not care how front yard is restored.

She was contacted again and still refused to sign the Temporary Construction Easement.

Pothen      1807 Hamline Avenue

Contact was made on June 18, 1990 to describe Temporary Construction Easement and Permanent Easement.

Property owner would like to know where to move his hedge. We told him to move hedge to the proposed property line and not to sign Temporary Construction Easement which will now prohibit the Contractor from damaging hedge or making property owner move them again.

This location should provide sufficient grade to the sidewalk.

Brockman      1811 Hamline Avenue

Contact was made in July, 1990 to describe Temporary Construction Easement and Permanent Easement.

Property owners feel that their land is worth more than the \$600.00 offered by the City of Falcon Heights for the permanent Easement.

Would not sign Temporary Construction Easement until a higher price is negotiated for their land with the City. They can be contacted at 642-9618. When the permanent easement is signed, they will sign the Temporary Construction Easement.



Walter                    1821 Hamline Avenue

Will sign Permanent Easement.

Signed Temporary Construction Easement

Brown                    1827 Hamline Avenue

Contacted June 18, 1990, by Terry Maurer and Bill Westerberg

Property owner will sign Permanent Easement and Temporary Construction Easement at City Hall. They said, they were at City Hall the end of June and no one at City Hall knew about the Permanent and Temporary Construction Easement.

Brown                    1835 Hamline Avenue

Contacted June 18, 1990  
Recontacted October, 1990

Property owners signed Temporary Construction Easement

They would like to save hedge on both sides of their home, if possible. Can remove hedge if it will die after ditch is filled in or water will not drain correctly because of the hedges location.

Pothen                    1843 Hamline Avenue

Contacted June 18, 1990

Signed Temporary Construction Easement

Property owner feels that his property is worth more than the \$600.00 the City of Falcon Heights is offering would prefer about \$1,000.00 We did discuss with the property owner the possibility of a three (3) foot Permanent Easement.

1849 Hamline Avenue

Contacted June 18, 1990

Signed Temporary Construction Easement

The property owner will sign the Permanent Easement.

The name under the signature line is wrong. It should be Chinh Mac instead of Giang Tran. The property owner contacted their attorney and the attorney recommended that the property owner sign the Permanent Easement.

Nguyen 1871 Hamline Avenue

Signed Temporary Construction Easement

Hockbein 1877 Hamline Avenue

Signed Temporary Construction Easement

Property owner would like to widen driveway to approximately 20 feet to allow for more off street parking. The driveway opening can be widened to twenty (20) feet but the property owner should verify with Susan Hoyt-Taft (City Planner) how close to the property line a driveway can be constructed.

Property owner could also like 15" Spruce tree removed. They believe that the street construction will damage the tree and die soon after construction is complete, leaving her responsible to remove it.

We have listed the 15" Spruce on our Clear and Grub Chart for removal.

Moser 1883 Hamline Avenue

Signed Temporary Construction Easement

Property owner would like Save or Protect to be labeled next to a 1" tree and 2" Maple on either side of his driveway on the plans. This has been included on the Easement.

Engelhart 1889 Hamline Avenue

Signed Temporary Construction Easement

Mazanec 1897 Hamline Avenue

Signed Temporary Construction Easement

Foley 1905 Hamline Avenue

Signed Temporary Construction Easement

Mei 1913 Hamline Avenue

Contacted on June 20, 1990 and explained Temporary Construction Easement.

We have made countless tries at contacting property owner again but have not succeeded.

The permanent easements are all necessary to construct the proposed pathway, therefore, any not acquired yet need to be acquired. Those property owners not signing temporary easements have been informed by us that modifications to the plans (i.e., steeper driveways and front yards) would be made to eliminate the need for the temporary easement. We also indicated the temporary easements would not be paid for by the City nor would condemnation proceedings be used. We will continue to attempt to get the remaining temporary easements signed.

If you have any questions or require further information, please contact us.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

*William K. Westerberg*

William K. Westerberg  
Staff Engineer

WKW/db



CONSULTING ENGINEERS

## Maier Stewart &amp; Associates Inc.

October 18, 1990

File No: 330-016-10

Ms. Jan Wiessner  
Administrator  
City of Falcon Heights  
2077 Larpenteur Avenue West  
Falcon Heights, MN 55113

RE: HAMLINE AVENUE

Dear Ms. Wiessner:

As directed by the City Council, I have met with Steve Gatlin of the City of Roseville and Paul Kirkwald and Wayne Leonard of Ramsey County Public Works Department regarding the Hamline Avenue project. As you are aware, there are a number of unanswered questions regarding the project. The following is the summary of the items we discussed.

1. The City of Roseville is required to hold another public hearing for the project because it has been over one year since they passed the resolution ordering the improvements. The date of that hearing is November 12, 1990.
2. The proposed State Aid rule changes will be going through a public hearing process. The Office of State Aid is requesting the assignment of an Administrative Law Judge and the establishment of a hearing date to continue the process. It appears likely the process will require some time to complete.
3. Under the proposed new rules, a 52 foot wide roadway will support two lanes of traffic, a center turn lane and a parking lane on one side. Ramsey County is willing to proceed with the project as is and discuss adding a parking lane by force account when the new rules are adopted. The discussion of adding a parking lane would include a large increase in City cost according to the County's cost participation policy. The City of Roseville staff is in favor of proceeding this way and will support this at their upcoming public hearing.

4. The County's proposed schedule for proceeding with the Hamline Avenue project is as follows:

Final Plan Changes	October 19, 1990
County Submittal to MnDOT	October 26, 1990
Roseville Public Hearing	November 12, 1990
Present Project to Ramsey County Public Works Committee	November 20, 1990
Present Project to County Board	November 27, 1990
First Advertisement for Bids	December 8, 1990
Open Bids	December 26, 1990
Present Bids to Finance Committee and County Board for Award	February 12, 1991

5. This schedule will eliminate any need for the City of Falcon Heights to hold another public hearing since the bids would be opened and awarded within one year of the City Council resolution ordering the project.
6. We will be meeting with Steve Gatlin separately to discuss several items in the County's proposed agreement. The County will make cost participation modifications based on our recommendations.

These items are for informational purposes only at this time. After the Roseville public hearing and our discussion of the agreement with Steve Gatlin, I will be prepared to make a recommendation to the City Council.

If you have any questions regarding this information, please call.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.



Terry J. Maurer, P.E.

TJM/km

Consent \_\_\_\_\_

Agenda Item: F-8

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SCHEDULE PUBLIC INFORMATION MEETING FOR 1991 STREET IMPROVEMENT PROJECT

SUBMITTED BY:

Jan Wiessner  
Terry Maurer

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

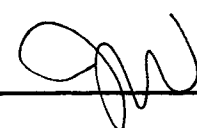
We suggest the Council schedule a public information meeting after the plans have been completed to give residents an opportunity to look at the project plans and ask more questions. This is not a required public hearing but an informal one. It could be scheduled as part of a regular council meeting or at a separate time altogether.

ATTACHMENT:

A. Maurer correspondence dated October 18, 1990

ACTION REQUESTED:

Schedule Public Information Meeting

  
\_\_\_\_\_



CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

October 18, 1990

File No: 330-019-20

Ms. Jan Wiessner  
Administrator  
City of Falcon Heights  
2077 W. Larpenteur Ave.  
Falcon Heights, MN 55113

RE: 1991 STREET IMPROVEMENTS

Dear Ms. Wiessner:

As we discussed, there have been a number of citizen issues raised relative to the proposed 1991 street improvement project. Rather than continue to attempt to deal with these on a one-to-one basis, I would suggest the inclusion of a public informational hearing in the project schedule. I would suggest a hearing similar to the Hamline Avenue project where full sized plans would be available and either a formal or informal presentation could be made.

Perhaps the 28th of November would work for such a hearing. It could be held either before or during the regular City Council meeting that evening. At that time, the plans would be nearly final but it would not be too late to make changes prior to bidding the project.

Please let me know your thoughts about this.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

Terry J. Maurer, P.E.

TJM/db

Consent \_\_\_\_\_

Policy X

Agenda Item: F-9

CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PROPOSED RESOLUTION R-90-41 AUTHORIZING FALCON HEIGHTS TO JOIN AN ENVIRONMENTAL CITIES GROUP

SUBMITTED BY:

Mayor Tom Baldwin

REVIEWED BY:

Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

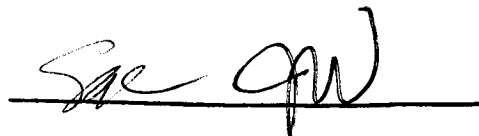
This cities environmental group resulted from informal discussions at the League of Minnesota conference in Duluth last summer. Possible participation in the organization was presented at the October 5, 1990 Solid Waste Commission meeting and that group responded favorably.

ATTACHMENTS:

- (a) Letter dated October 2, 1990 from St. Paul Councilmember Bob Long (and enclosures)
- (b) Proposed Resolution R-90-41

ACTION REQUESTED:

Adoption of Resolution R-90-41. If adopted, discuss how this new effort will be implemented (i.e. staff, council, commission assignments).







CITY OF SAINT PAUL  
OFFICE OF THE CITY COUNCIL

BOB LONG  
Councilmember

October 2, 1990

Dear ~~Friend~~, *Janet*,

Enclosed are the minutes of the September 20 meeting of the Environmental Cities Coalition. The meeting was used to identify and address issues with the four ordinances that ECO is planning to announce support for in mid-November. Because some ECO members had expressed concern that their cities would not be ready to move on the ordinances by mid-October, the date of the announcement has been pushed back a month to allow city staffs more time to become prepared. The ordinances are getting shaped up and will be ready in time for the new announcement date. We believe it is important to announce ECO's plans in November so that interested legislators can have time to use any of our ideas for statewide legislative proposals prior to this 1991 legislative session.

The next meeting has been scheduled for Thursday, October 25 at 4:00 at the Shoreview City Hall. I realize that many of you have been unable to attend the past meetings but that you remain committed to the work ECO is doing. It is very important for us to know whether your city will be involved in ECO before the ordinances are announced in November. To do this, we need you to do the following:

- 1) Pass the sample resolution (enclosed) if you have not already done so. Please let me know if you have passed the resolution or are planning to pass it so we may begin planning the official announcement of which cities have officially joined ECO.
- 2) Distribute materials to other city officials and staff to get their input prior to ECO's announcement of plans to work on the ordinances.
- 3) Review with appropriate staff the draft ECO announcement (enclosed).
- 4) Give your comments to my office before October 25 or at the October 25 ECO meeting. Please forward your staff's comments on the ordinances and the announcement and let me know if you will be attending the next meeting.

If you have any other questions or comments, or if you are unsure that you will be unable to participate in ECO's planned introduction of the ordinances, please let me know.

Best regards,

*Bob Long*  
Bob Long

For additional information contact  
BOB CUDAHY 298-4473  
fax 298-5030

November 16, 1990

\*\*\*\*\*PRESS RELEASE\*\*\*PRESS RELEASE\*\*\*PRESS RELEASE\*\*\*\*\*

## MINNESOTA CITIES FORM ENVIRONMENTAL CITIES COALITION, ANNOUNCE PLANS FOR LOCAL ENVIRONMENTAL INITIATIVES

City officials representing \_\_\_ cities from around Minnesota announced today that they have joined together to form an environmental group called the Environmental Cities Coalition (ECO). ECO has been meeting together for the past several months and plans to introduce a package of environmental initiatives in the next few weeks. The package consists of four ordinances concerning mandatory recycling, city procurement of recycled and recyclable materials, a sales ban on dish washing detergents that contain high levels of phosphorous, and a prohibition on the sale and use of lawn fertilizers that contain high phosphorous levels.

The environmental package is the first step in what ECO members describe as a local effort to deal with three core areas of environmental protection: water quality, solid waste abatement, and air quality. Although some of the ECO cities have already adopted some of these ordinances and others may pass them in the form of resolutions, ECO plans to have its legislative initiatives in place in member cities in the next several months. Following passage of these proposals, ECO plans to begin work on other local environmental initiatives including local plans to improve air quality and minimize global warming by reducing carbon dioxide (CO<sub>2</sub>) emissions through various transportation and energy conservation policies.

ECO is made up of cities from around the state including St. Paul, Minneapolis, Mankato, Duluth, Alexandria, Minnetonka, Shoreview, Eagan, St. Louis Park, Golden Valley, Robbinsdale, Falcon Heights, Maple Wood, Red Wing, Cottage Grove, Coon Rapids, Shakopee, Crystal, North St. Paul, Arden Hills, Winona, and Hastings. These cities have passed resolutions supporting the work ECO is doing, although no city is required to participate in every action the group takes. Members meet monthly to exchange ideas and work to shape policy. In the future ECO plans to take its local initiatives to the capitol to seek state wide environmental protection legislation based on the cities ordinances.

\*\*\*\*\*PRESS RELEASE\*\*\*PRESS RELEASE\*\*\*PRESS RELEASE\*\*\*\*\*

SAMPLE RESOLUTION

A RESOLUTION AUTHORIZING SAINT PAUL  
TO JOIN AN ENVIRONMENTAL CITIES GROUP

WHEREAS, the City of Saint Paul recognizes its leadership role in protecting the environment of those people living and working within the City; and

WHEREAS, the City has become frustrated with the length of time it takes the federal and state governments to act on many pressing environmental concerns; and

WHEREAS, the City recognizes that there is a need for governmental bodies to act quickly on many of the environmental problems facing them; and

WHEREAS, the City recognizes that local environmental initiatives often have a more immediate impact on the environment than those initiatives passed at higher levels of government; and

WHEREAS, the City understands that there is a need by business, other governmental bodies, and the public for uniform regulations across the state; and

WHEREAS, the City believes that one way to obtain this type of uniform regulation is to work closely with other cities in such a way as to coordinate the environmental legislation passed in these cities; and

WHEREAS, the City also believes that this type of inter-city cooperation may act to stimulate state environmental legislation dealing with the topics addressed by the cities and in a form acceptable to the cities;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Saint Paul authorizes the City to join an environmental cities group, to participate in its decision making processes, and to share information with other group members; and

BE IT FINALLY RESOLVED, that the City Council understands that, although the decisions of the group are not binding to the City, the City has a commitment to participate actively in the activities of the group to the fullest extent possible.

MINUTES  
ENVIRONMENTAL CITIES COALITION  
September 20, 1990

MEMBERS

PRESENT:

Karen Anderson, Councilmember, Minnetonka  
Joan Campbell, Councilmember, Minneapolis  
Tom Egan, Mayor, Eagan  
Bob Long, Councilmember, St. Paul  
Dick Wedell, Mayor, Shoreview

OTHERS

PRESENT:

Bob Cudahy, Policy Analyst, St. Paul

The meeting began at 4:20 in Conference Rooms A & B in Eagan City Hall. Minutes from the August 16, 1990 meeting were approved.

Bob Long opened the discussion by passing out a new version of the dishwashing detergent ordinance. The only change in the ordinance is a shift in the allowable level of phosphorous from 11% to 6.7%. This change reflects the lowest level currently found on store shelves. Long said that the impression he had received from speaking with ECO members and representatives of the St. Paul environmental community is that if the ECO cities are going to push for regulations in this area, they should go for the lowest standard possible. Dick Wedell pointed out that phosphorous reduction is becoming an increasingly important issue. One sign of this is a lawsuit that the MWCC is currently involved with.

Karen Anderson opened discussion on the procurement ordinance by stating that Minnetonka already has this type of procurement policy and added that all cities within Hennepin County were required to have similar policies in place by June 1, 1990. She said that each city will have to take the route most appropriate for its own situation. A city could pass an ordinance, a resolution, or an administrative order as long as it works towards solving the same problem. Minnetonka's procurement policy is an administrative policy that was never passed by the city council.

Joan Campell explained that Minneapolis has a policy as well, but that some departments are not fully committed to it. During the recent budgeting process the Mayor of Minneapolis had requested that all departments show ways that their budgets could be cut by 4%. The city clerk's office responded that one of the easiest ways for them to do that would be to stop using recycled, recyclable paper. Long said that costs should begin going down as more organizations begin using recycled, recyclable materials. He also mentioned that cities may be able to participate in the State's purchasing contract for recycled paper to help reduce costs.

Wedell said that Shoreview has no formal policy of this type, but that he would not be surprised if the Shoreview staff was already

participating in this type of purchasing. Long said that he has heard from staff that recycled, recyclable products may be too expensive and that they may be unavailable on a consistent basis. Egan said he had been told that there may be problems using these types of materials in older equipment. Wedell responded that the best way to handle this was to change the specs for new equipment so that any new equipment purchase would be able to use recycled, recyclable materials.

Long explained that one of the problems with this type of policy is getting effected departments to comply. In St. Paul there is currently a resolution mandating the use of these types of materials, but because very few people know about it and because it is very vague, there is a low rate of compliance. Wedell noted that one of the best ways to encourage cooperation is to "start at the top." If a recycling program is provided for city offices, then peer pressure begins to push departments to use materials that can be collected in the program. This type of effort must be pushed from within. Wedell also noted that one of the big violators of this type of policy is the Metropolitan Council. Long told people about the "glossy paper" letter he sends to organizations that send him material on non-recyclable paper. The letter thanks them for the information but requests that any other material that is sent to his office be sent on material that is recyclable. Long has received a number of positive responses from organizations that were surprised that anyone was interested in what type of material their reports were printed on. Some of these organizations are now looking into switching to using recyclable paper.

Egan told people that Eagan had passed a resolution two weeks earlier and would now be able to participate at a greater level. Long said that he thought that passage of a resolution served a good purpose in allowing staff to spend their time on the efforts of ECO, and said that a list of which cities had passed a resolution of this nature would be sent out before the next meeting.

Long then opened the discussion of mandatory source separation by noting that a number of communities have already passed this type of ordinance. He also said that many St. Paul businesses are ready to begin as soon as St. Paul passes an ordinance provided that they are given adequate time to put in an effective system of collection. Wedell said that separate systems are needed for residential and commercial recycling. Commercial recycling will have its own problems as well as its own strong points. An example of this is that commercial recycling programs will have a much larger amount of computer printouts and other paper products than will residential recycling. Long explained that the mandatory source separation law models the yard waste ban that is already in place. It is already illegal to put yard waste in the trash, and this law would make it illegal to put recyclable in the trash as well.

Campell pointed out that Minneapolis already dictates how recycling should be done, and they are getting an 80% rate of compliance. They are currently working to improve compliance levels in multi-family units. Campell asked if an ordinance of this nature would add anything to recycling efforts already going on. Long responded that this ordinance would make it illegal to place recyclables in the trash, and would thus add force of law to recycling requirements. The ordinance would also bring the commercial sector into the recycling program. By requiring that all commercial properties get involved, the ordinance will create a level playing field and will put no single business at a disadvantage. The ordinance will also get commercial garbage haulers involved.

Campell said that one of the areas of concern comes from multi-family units where owners are unwilling to put a recycling program into operation. Long said that the ordinance answers this problem by making the property owner responsible. Because many landlords have been unwilling to participate in recycling programs an ordinance of this nature has become necessary.

A general discussion about enforcement followed, with Anderson pointing out that communities like hers that do not licence haulers have trouble putting different solid waste initiatives like volume-based pricing in place. Wedell suggested that one of the most effective ways to get people to participate in any recycling or solid waste program is to appeal to their sense of community pride. He suggested the creation of a state-wide program, similar to the Star City Program, could be created. It could be called the Environmental City Program, and would be given out to cities that have met minimum environmental requirements. Egan and Wedell also mentioned "Cash for Trash" programs. The need to keep programs flexible was mentioned by a number of people.

Long then opened the discussion of the lawn fertilizer ordinance by pointing out that Shoreview already has an ordinance in place, and that the ordinance being considered by ECO is based on this ordinance. The ECO draft goes slightly further, however, by including language prohibiting the sale of fertilizers that do not meet ordinance requirements. Wedell said that this type of language was not needed in Shoreview because there were no retail sales taking place in Shoreview.

Long then began discussing a number of changes that had been made in the ordinance. Language concerning athletic fields and golf courses is being explored. In meeting with industry representatives, it has become apparent that higher one time use and higher seasonal use may be needed for these types of properties. The requirement for a fertilizer sample has also been changed to requiring a fertilizer label. This was done to ease the processing of licenses and because St. Paul staff and staff from the Department of Agriculture assured Long's staff that very little fertilizer mixing was taking place any more.

Language requiring annual training has also been added. The Department of Agriculture has indicated that this training could be easily done in conjunction with the annual training required for licenced pesticide use. Long mentioned that at a past meeting Mick Davis of Mankato suggested that ECO should look into using zoning laws to deal with pesticide use. Long still thinks this is a good idea, but believes that we should leave this for now and take it up later.

Long then asked members if they wanted to attempt to work to change the state law. ECO could work to require prior posting of spraying. Long said that his understanding was that PCA would be opposed to removing the state preemption on local laws concerning pesticide, but that the PCA might be willing to strengthen the state law. Wedell responded that it may be better to work at the city level now because of the intensity of lobbying at the state level. Long said he would be inclined to wait until the next session before ECO began lobbying. Wedell agreed, saying that it might be better to gain credibility by succeeding at the city level before moving to the next level.

Long pointed out an addition in language that would require information on fertilizer use be distributed at the point of sale. Johnson thought that this was a good idea, but wondered if the language requiring such material to come from the University of Minnesota or the Ramsey County Extension Offices might be too restrictive. She thought that the PCA might have valuable information that could be distributed. Bob Cudahy explained that the language limiting the source of the information was included because there was a feeling that the information should come from a source that has no interest in the amount or type of fertilizer sold. Johnson then suggested language that would read "agencies such as" so that the legislative intent was clear but there would be more flexibility as to the source.

Long asked members if they were comfortable with having the dates restricting application replaced with language restricting application onto frozen ground. Cudahy said that the industry representatives he had met with thought that this was a good idea. There was a general consensus that the ordinance should include specific dates because of the potential confusion over what actually constitutes frozen ground.

Anderson said that her staff is having a hard time finding information proving that there is actually a run off problem caused by fertilizers. Wedell responded that his staff had developed that information. If fertilizer is properly added in appropriate quantities to the proper soil type there will be no run off problem. The problems arise when application is not done properly. The ordinance will act as a public education tool to show more people how to properly apply fertilizers. Wedell said that when Shoreview first began looking at its fertilizer ordinance, educating staff was one of the biggest problems because they did not have a background in fertilizer use. Wedell

felt that efforts of this nature challenge staff to try new things.

The discussion then shifted back to dish washing detergents. Johnson asked if dishes are less clean with less phosphorous. Long said that the initial opinion of St. Paul's food inspectors is that there should be no problem. Wedell stressed that this must be verified before an ordinance is introduced. Long then asked if someone could have their staff check out how other states had handled public health concerns; Johnson volunteered her staff.

Long asked how ECO should structure the announcement of the ordinances. He felt that the October meeting should be used to finalize arrangements and that the announcement should come sometime in mid-November. This way the announcement would not get attached to any of the election rhetoric. Anderson requested that a draft of the announcement be sent out prior to the October meeting so that cities could review it. Members felt that it was important to use the term "regulation" instead of "ordinance" so that each city had the flexibility it needed to handle the issues in the manner best suited to their communities. It was agreed that any announcement would not only discuss the ordinances being looked at now but would also give some indication of where ECO is going in the future.

**The next ECO meeting will be at 4:00 p.m. Thursday, October 25 in the Upper Level Conference Room in the Shoreview City Hall. Directions will be sent out with the meeting agenda.**



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

Date October 24, 1990

A RESOLUTION AUTHORIZING FALCON HEIGHTS  
TO JOIN AN ENVIRONMENTAL CITIES GROUP

WHEREAS, the City of Falcon Heights recognizes its leadership role in protecting the environment of those people living and working within the City; and

WHEREAS, the City has become frustrated with the length of time it takes the federal and state governments to act on many pressing environmental concerns; and

WHEREAS, the City recognizes that there is a need for governmental bodies to act quickly on many of the environmental problems facing them; and

WHEREAS, the City recognizes that local environmental initiatives often have a more immediate impact on the environment than those initiatives passed at higher levels of government; and

WHEREAS, the City understands that there is a need by business, other governmental bodies, and the public for uniform regulations across the state, and

WHEREAS, the City believes that one way to obtain this type of uniform regulation is to work closely with other cities in such a way as to coordinate the environmental legislation passed in these cities; and

WHEREAS, the City also believes that this type of inter-city cooperation may act to stimulate state environmental legislation dealing with the topics addressed by the cities and in a form acceptable to the cities;

Moved by \_\_\_\_\_

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

Mayor

October 24, 1990

Date

YEAS                      Nays

BALDWIN	
CIERNIA	_____ in Favor
GEHRZ	
WALLIN	_____ Against
JACOBS	

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

City Clerk

October 24, 1990

Date

Adopted by Council October 24, 1990

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Falcon Heights authorizes the City to join an environmental cities group, to participate in its decision making processes, and to share information with other group members; and

BE IT FINALLY RESOLVED, that the City Council understands that, although the decisions of the group are not binding to the City, the City has a commitment to participate actively in the activities of the group to the fullest extent possible.

Consent \_\_\_\_\_

Policy X

## CITY OF FALCON HEIGHTS

Meeting Date: 10/24/90

## REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SEWER BACKUPS AND SEWER STUB REPAIRS

SUBMITTED BY:

Tom Kelly and Vince Wright

REVIEWED BY:

Jan Wiessner

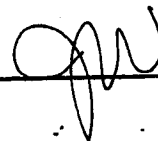
EXPLANATION/SUMMARY (attach additional sheets as necessary):

The current city code requires property owners to maintain the sewer service from the main to the structure (see Attachment A). Following Mr. DeMartino's request for reimbursement of sewer stub repair, some questions arose regarding possible changes in the code. Staff was asked to research typical sewer repair costs. Attachment D reports on costs and recommends that present policy be continued.

ATTACHMENTS:

- (a) Copy of the present code
- (b) Copy of Minutes of August 23, 1972 explaining the rationale for adoption of original Ordinance No. 121
- (c) LMC Loss Control quarterly information
- (d) Staff recommendation

ACTION REQUESTED: Discuss City's sewer repair policy



## SEWER, GAS &amp; ELECTRIC 4-1.08 to 4.10/2.01

discharges into the sewer system of the City, and such estimate shall be used in lieu of the metered volume of water from private sources to determine the sewer rental charges thereon and therefor, provided further that no appeal may be made from such estimates by the user other than by installation of a meter as provided above.

c. The council shall have the power to increase, decrease change the amount and basis of the sewer rental charges herein established as the same may be reasonably required; and, with respect to any waste unusual in either character or amount, in addition to all applicable charges hereunder, the council shall have the power to impose such supplemental sewage rate charge as said council shall determine as reasonable and warranted on the basis of all relevant factors.

**Subdivision 2. Sewer Rental Charge Statements.** Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer on the 20th day of December, March, June and September. Said statements shall be due and payable to the city treasurer on or before the last day of business of January, April, July and October. There shall be added to all statements not paid by that time a penalty charge of 10 percent of any unpaid balance.

**Subdivision 3. Collection of Charges.** Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the City; or the clerk may certify to the county auditor the amounts due for sewer charges, including penalty, together with the legal description of the premises served and the county auditor shall thereupon enter such amount with the tax levy on said premises collectible with the taxes for the next ensuing year.

\* 4-1.09 Maintenance of Individual Connections

It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building.

4-1.10 Penalties

Any person guilty of violating any provision of Part 1 of Chapter 4 shall be guilty of a misdemeanor.

PART 2. HOUSE SEWER CONNECTIONS

4-2.01 General

The plumbing inspector shall supervise all house sewer connections made

Sanitary Sewer  
Maintenance Costs:

Clerk-Administrator Barnes reported that he made a study of surrounding communities as to policy of sanitary sewer maintenance costs. ~~It was revealed that Falcon Heights is the only community sharing cost of maintenance of sewer service stubs and concluded that an Ordinance be adopted on the order of Roseville's to eliminate Falcon Heights Village responsibility.~~

Sewer Service  
Cost Maintenance -  
Ordinance No. 121:

Motion by Councilman Stone, seconded by Councilman Ecklund, for adoption of Ordinance No. 121 to amend Ordinance No. 46 to read as follows:

ORDINANCE NO. 121

IT SHALL BE THE RESPONSIBILITY OF THE OWNER  
OR OCCUPANT TO MAINTAIN THE SEWER FROM THE  
MAIN SEWER TO THE HOUSE OR BUILDING

AYES: Mayor Warkentien, Councilmen Black, Stone, Ecklund,  
Councilwoman Stocker. NAY: None. Motion carried.

(Official Publication)  
ORDINANCE NO. 121

AN ORDINANCE AMENDING ORDINANCE NO. 46, ENTITLED "AN ORDINANCE REGULATING THE OPERATION OF THE MUNICIPAL SANITARY SEWER SYSTEM REQUIRING CONNECTIONS TO BE MADE TO THE MUNICIPAL SANITARY SEWER SYSTEM ESTABLISHING REGULATIONS AS TO TYPES AND KINDS OF WASTES THAT MAY BE DISPOSED OF BY THE USE OF THE MUNICIPAL SANITARY SEWER SYSTEM PROHIBITING THE DISCHARGE OF ANY TYPE OR KIND OF SURFACE WATERS INTO THE MUNICIPAL SANITARY SEWER SYSTEM AND PRESCRIBING RATES AND CHARGES FOR DISPOSAL SERVICES," AS AMENDED BY ORDINANCE NO. 48, ORDINANCE NO. 58, ORDINANCE NO. 63, ORDINANCE NO. 82, ORDINANCE NO. 110 AND ORDINANCE NO. 113.

The Village Council of the Village of Falcon Heights does ordain as follows:

SECTION 1

The Ordinance No. 46 entitled "An Ordinance Regulating the Operation of the Municipal Sanitary Sewer System Requiring Connections to be Made to the Municipal Sanitary Sewer System Establishing Regulations as to Types and Kinds of Wastes That May be Disposed of by the Use of the Municipal Sanitary Sewer System Prohibiting the Discharge of any Type of Kind of Surface Waters into the Municipal Sanitary Sewer System and Prescribing Rates and Charges for Disposal Services," as Amended by Ordinance No. 48, Ordinance No. 58, Ordinance No. 63, Ordinance No. 82, Ordinance No. 110 and Ordinance No. 113 is hereby amended by adding a new Section 9 as follows:

"Section 9. Maintenance of Individual Connections. It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building."

and by renumbering Sections 9 and 10 to Sections 10 and 11, respectively.

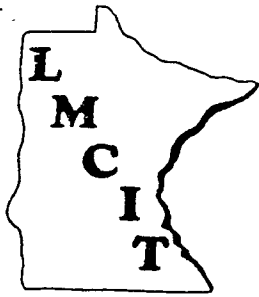
SECTION 2

This ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Village Council this 10th day of August, 1972.

WILLIS WARKENTIEN  
Mayor

Attest:  
DEWAN B. BARNES  
Clerk-Administrator  
(Aug. 23, 1972) -RLEL-20C



# LOSS CONTROL QUARTERLY



League of Minnesota Cities

Spring 1990

A publication of the League of Minnesota Cities Insurance Trust

No. 8

## More on sewer back-ups

by Peter Tritz, LMCIT Administrator

The January, 1990 Loss Control Quarterly contained an article discussing the factors that determine whether or not a city is liable for damages caused by a sewer back-up. The city is liable only if the city's negligence caused the sewer back-up. But many homeowners' insurance policies don't cover damages caused by sewer back-ups. When the back-up wasn't a result of city negligence, the homeowner might have to cover the damage from his own pocket. By shopping around with different companies and/or agents, the homeowner may be able to find a policy that will protect against this risk.

Some cities have considered adopting a policy of paying for all damages caused by sewer back-ups, whether caused by the city's negligence or not. The city probably has the legal power to adopt this kind of policy. You'd do it by making it part of the contract between the city and the sewer user. That is, you'd specify in the sewer ordinance that in return for paying the specified fee, the property owner would receive two things: sewer service and reimbursement for damages resulting from sewer back-ups. The city couldn't legally make the payments unless the city had contractually assumed a duty to do so; to make payments that are not owed either contractually or in tort is to make a gift of public funds.

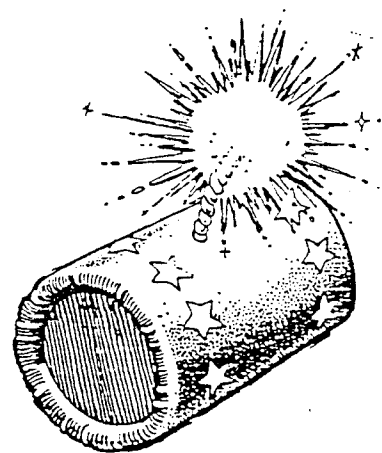
While the city probably has the legal authority to adopt a policy of reimbursing property owners for all sewer back-up damages, city officials should carefully consider the financial implications. There are several points to keep in mind before committing the city contractually to pay for sewer back-up damages.

1. The city would have to pay these

reimbursements from its own funds. The LMCIT liability coverage covers only the damages for which the city is liable in tort. It does not cover payments that the city commits itself by contract to make to another party. (LMCIT does cover contractually assumed tort liability, but that's a different issue. That coverage protects the city when the city assumes another party's tort liability to a third party—in an indemnification clause in a contract, for example.)

2. It is a potentially unlimited financial risk to the city. While the city could limit the amount it will reimburse each homeowner, there's no way to limit the number of homeowners that could be entitled to reimbursement. Imagine an exceptionally heavy storm that not only floods the sewers with infiltrated stormwater but also knocks out power to sewer lift stations. It's not hard to imagine a couple of hundred homes with \$5,000 or \$10,000 of damages apiece.
3. The city would have to develop a system for evaluating how much is owed each property owner. The city would face the potential for disputes about the actual value of the homeowner's damaged property. While a reimbursement policy might avoid some conflicts with citizens, it might create some others.
4. Some homeowners' insurance policies cover sewer back-up damage. In those cases, the city would have to reimburse the homeowner's insurer if the insurer paid the claim.
5. A reimbursement policy would create a conflict between the city and LMCIT. LMCIT would pay sewer back-up damage if the city was neg-

ligent, but the city would pay if something other than city negligence had caused the back-up. Thus, it would be to the city's advantage to have been negligent. LMCIT might find it difficult to get the information needed to defend a  
See "Sewer back-ups," page 27



## Special city events

by Patricia Deshler, LMCIT

With summer just around the corner, cities will no doubt have many activities or special events taking place. When considering liability coverage for these occasions, you can refer to Peter Tritz' article in the June 1989 edition of *Minnesota Cities* entitled, "Special Events: Does your city have liability coverage?" This article includes what events are covered, who is covered, and suggestions on what the city can do about these issues. If you have further questions, please contact LMCIT for information. If you would like copies of this article, call Patricia Deshler at 612-227-5600.

Have a safe and enjoyable summer.

**Sewer back-ups, continued**

negligence claim because much of that information would have to come from city officials—and it would be to the city's disadvantage to provide it. To minimize these problems, LMCIT would probably have to put a substantial deductible on the city's liability coverage for sewer back-up claims.

6. If the city is going to pay off anyway even when the employees have been doing a good job of maintaining the sewers, the employees quite reasonably might conclude that it doesn't really matter if they do a good job or not.

No city official enjoys having to say to a citizen, "The city's not responsible for your damages because the sewer back-up wasn't caused by city negligence. We're sorry but you're on your own." But paying for all sewer back-up damages regardless of fault isn't necessarily the best way for the city to address that problem. It's a substantial financial risk to the city, and while it might eliminate some conflicts with citizens, it could create other problems.

A better solution is to try to provide the citizens with the information they need in order to protect themselves. Property owners need to understand 1) that the city is not always legally responsible for damages caused by sewer back-ups; and 2) that protection against these kinds of damages is available from some, but not all, companies selling homeowners' insurance.

If more homeowners know that they might need this coverage and ask their insurance agents and companies for it, perhaps more insurance companies will respond to the demand. The risk to the homeowner of damage from a sewer back-up is, after all, a property risk. There seems no convincing reason for homeowners' insurers to exclude this risk or treat it any differently from any of the other risks to the homeowner's property.

Some states, in fact, require homeowners' insurers to include or at least offer this coverage. Companies that offer it in Minnesota often charge very little or no additional premium for the coverage. It seems preferable to try to

encourage more insurers to offer homeowners better property insurance rather than the city itself getting into the business of insuring the homeowner against one particular kind of property risk.

Cities are welcome to distribute copies of the article from the January Loss Control Quarterly to citizens to help inform them about this issue. If you'd like copies of that article to distribute, contact Kristi Haselman, LMCIT, 183 University Ave. E., St. Paul, MN 55101; 612-227-5600.

**Park Rapids implements new seat in police cars**

by David Volden,  
Chief of Police, Park Rapids

In 1987 after becoming concerned about the number of complaints and, in some cases, the loss of time from work from aggravated back problems, law enforcement officials began looking at the seating available in squad cars. Jennifer L. Kelsey, Ph.D., in the American Medical Association Book of Back Care stated that people who spend half or more of their job time driving a motor vehicle are up to five times more likely to herniate a disc than other people.) It became apparent that the car manufacturers demonstrated very little concern over proper seating in squad cars as the seats would break down in a very short time.

I found at that time the State Patrol was experimenting with two Recaro police seats. Recaro had been manufacturing seats for race cars. They have branched out to manufacturing seats for trucks, specialty seats, and now special seats for law enforcement.

The seats are constructed with steel and high density foam that will not break down. The seat is designed to be moved from squad car to squad car. The seat our department is using has been re-upholstered once and shows no sign of breaking down.

Response from patrol officers has been favorable. They feel they have had fewer back problems since we added the seat. The cost of the seat is approximately \$600.

**Loss Control Workshops Scheduled**

LMCIT is gearing up for its safety and loss control workshops again this spring. This year the all-day administrative track will feature:

- conciliation court
- dog and animal control
- festivals and special events
- injury management and dealing with the injured employee
- hiring and firing
- ergonomics
- sick building syndrome

The half day public works track will feature:

- common employee hazards
- wastewater treatment plants
- underground storage tanks
- snowplowing

The half day recreation track will feature:

- liability for groups using city-owned facilities
- training and certification of volunteer coaches
- skateboards
- ballfield issues

The half day firefighter track will feature:

- safety considerations for firefighters
- fire department fundraisers
- controlled burns
- racing to the fire
- hiring and firing of firefighters

Workshops will run from 8:30 a.m. to 3:30 p.m. at the following locations:

April 18	Shakopee
April 25	Grand Rapids
May 2	Austin
May 11	St. Cloud
May 31	St. Paul
June 6	Thief River Falls

If you haven't received your registration information or if you have questions, call Brenda Piatz at LMCIT, 612-227-5600.

# Sewer backups: What's a city to do?

Ellen A. Longfellow, LMCIT Staff Attorney

Someone calls the city and says that he has sewage in his basement. He wants the mess cleaned up and thinks that the city is responsible. He also wants the city to do something to guarantee that it won't happen again. What should the city do?

This is a common problem that occurs in Minnesota cities. The League of Minnesota Cities Insurance Trust has received numerous claims against cities for damages from sewer backups. Cities can do several things to avoid the legal liability for such occurrences and to reduce the chances of sewer backups happening.

After the city receives notice of a sewer backup, it should make a record of the incident noting the time and problem. The city should then investigate to see if there is an immediate problem in its sewer lines or system that can be corrected to stop the backup. It is important to respond as quickly as possible in order to avoid later finding that the city was negligent in not responding within a reasonable time.

The city must also report the claims to its insurance company or self-insurance pool as soon as possible. The claims investigators need to investigate claims as close as possible to the date of the incident in order to find witnesses and facts. City officials and employees should be careful as to what they say to the person making the complaint. Anything that an employee or official of the city says may be used later against the city. They can express sympathy but should avoid admitting liability of the city or promising that the city will pay for the damages. An adjuster will investigate and make a determination as to whether the city should be responsible for the claim.

There are various causes of the sewer backups. The problem may involve a blockage in the city's line or in the property owner's line. If it is in the property owner's line generally, the city would not be responsible. However, this depends on what the city's ordinance states in regard to

defining the city and property owner's responsibilities for maintenance and repair. If the city's policy is to only maintain the city's sewer main, the city's sewer ordinance should define what constitutes the city's sewer main. We have recently had a case where the focus was whether the connection of the private line to the main was part of the main.

For blockages or problems in the city's lines, the city would generally be responsible for removing the block. Removing the block does not mean that the city was necessarily legally negligent in the cause of the blockage. In some situations, the blockage may be the result of something that was put into the line by other users of the system. Common occurrences, for example, are grease from restaurants or household substances such as diapers. Generally, cities have ordinances prohibiting the discharge of many such substances into its sewer systems. If the city knows who discharged the substance, there may be a basis to have that person to pay for the damages.

The general legal analysis in Minnesota to determine who is responsible for the sewer backup damages uses a

negligence standard. The claimant must prove:

1. That there was a defect in the city's sewer line;
2. That the city had notice, actual or constructive, of that defect;
3. That the city failed to correct the defect within a reasonable time after receiving notice of it; and
4. That such failure was the cause of the damages.

To avoid being held liable for damages, the city should develop a regular inspection and maintenance program for its sewer system. This could involve regular inspection of manholes, cleaning lines with a jetter or rodder, or televising the lines. What methods the city uses may depend on the available financial and personnel resources. The city should document any such limitations.

There also is no definite requirement as to how often a city should inspect and maintain its system. The city should be able to argue that its maintenance shows "reasonable care." The city should keep records of all of its inspection and maintenance activities, which would include dates, names of the employees involved, location, and what the employees did. If employees



A St. Paul City Sewer Maintenance worker makes repairs on an old portion of storm sewer in downtown St. Paul.



discover problems, the city should correct them immediately or document why it is unable to correct them.

Other factors that may contribute to sewer backups are infiltration of storm water from homeowners drainage systems, or leaks in the lines that allow storm water to enter the sewer system. These factors could result in backups during heavy rainfalls. To avoid future backups related to such problems, the city could pass an ordinance stating that it is illegal to hook up storm sewer sources to the sanitary sewer system. To enforce such an ordinance, the city could publish a notice in the newspaper informing people of the restriction. If the published notice doesn't take care of the problem, the city could have employees inspect houses to see if there are illegal connections. Televising the lines may also help to detect unlawful connections. Rainfalls may also show where there are problems with the sewer lines.

Even with eliminating stormwater connections, the city may not be able to alleviate all of the storm water infiltration. In many situations the sewer system can handle normal sewage flow and normal rainfall. But, it may not be able to handle "extraordi-

nary rainfalls." However, if the cause of the backup is an extraordinary rainfall, the city may not be legally liable. The city may want to monitor rainfalls because official weather records may record rainfall at selected locations which occur far from the city.

Proper construction and maintenance of sewer lift stations are also important. The city should regularly inspect pumps and keep records of those inspections. The city should also have some kind of warning system if the pumps malfunction.

If sewer pipes or lift stations need repair, the city will have to determine ways to finance such repairs. Grants may be available from the Federal Wastewater Treatment Facilities Program or the Independent State Grants Program which the Minnesota Pollution Control Agency (PCA) administers. Generally, those grants are for wastewater treatment plants, and not sewer lines, according to Sharon Meyer, PCA. She said on rare occasions, however, PCA would give a grant to a collection system rather than a plant, if it is less costly to fund the collection system.

Grants are also available through the State Department of Trade and Economic Development (formerly DEED).

That department administers the Community Development Block Grant program and the State Economic Recovery Program.

The 1987 legislature created a new entity, the Minnesota Public Facilities Authority. The authority will set up a revolving fund to issue grants and loans to cities, to implement the 1987 Federal Clean Water Act. For information about the grant programs contact Sharon Meyer, PCA, (612) 296-8744; Dave Mocol, Minnesota Public Facilities Authority, (612) 297-1170; Michael Auger, State Economic Recovery Program, (612) 296-2394; and Lou Jambou, Community Development Block Grant Program, (612) 297-3172.

If a city cannot get grants to repair their sewer systems, it may have to rely upon other methods of financing improvements, such as assessments, general obligation and improvement bonds, and sewer rates. But remember, a city can do many things regarding inspection and maintenance of the sewer system that do not require a great deal of money. The city should be able to show that it made good efforts to maintain its system and that it used "reasonable care." ■

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MEMORANDUM

DATE: October 9, 1990  
 TO: Jan Wiessner  
 FROM: Tom Kelly  
 Vince Wright  
 RE: Sewer Backups and Sewer Stub Problems

Vince called some contractors to come up with some costs of sewer stub repairs. The cost can vary between \$800 to \$3,000. If just digging up dirt, it would cost \$800; if digging up tar, it would cost between \$1,000 to \$1,500; and for digging up cement, the cost would be \$2,700 to \$3,000. If the ground is frozen, there is a \$55.00/hour rate, and it would take about 7 to 8 hours to dig it up. All the costs are on lines buried 8 to 10 feet deep.

To clean out a sewer line, the average cost is \$94.00 (\$47.00/hr. for 2 hours) for a line 100 ft. long.

Vince recalls four lines breaking so far this year. Three were by the stub, the other one was by the house. Vince feels that in an average year, the city has three to four line breaks and that most breaks occur at or near the stub. To build this into the residential sewer rate, the cost would be approximately \$1.96 per house (1,148 homes, 3 breaks/year at \$3,000). This does not include commercial or multi-unit housing. It also does not leave any funds for basement cleanup for sewer backup.

Staff recommends no change in our ordinances for sewer repairs. The reasons for not changing are many, but some are:

1. When a break happens, it is hard to determine where it takes place.
2. The city would need to have someone on the job site when work is being done to try to determine where it broke.



Memo  
10/9/90  
page 2

3. Other problems as noted in LMC Loss Control Quarterly.
4. No other metropolitan city provides this service.
5. Vince states that during the years residents have asked if they are responsible for this type of repair or if the city would reimburse them for the cost. Upon being informed of the code requirement, the residents accepted responsibility with no resulting problems.

TK:VW/ds