

ADMINISTRATIVE UPDATE

February 8, '89

Recycling

Supercycle's Marketing Director called at 8:30 A.M. last Friday to inform us that they would not be picking up on that day as scheduled. The excuse was "it is too cold to send the drivers out for a ten hour day, and the diesel fuel will gum up the trucks". He explained that announcements had been on two radio stations and Supercycle would attempt to put a flyer in the Focus this week notifying residents of a pick-up on February 10th. This lack of dependable service is becoming an irritation and discouraging to participants (as well as City Staff). The Solid Waste Commission will be addressing this at the February 8th meeting.

The matter has been discussed with Rick Hlavka, Ramsey County Environmental Health. He confirms there is a problem which they feel is due to changes in personnel and lack of reliable vehicles. He does not recommend attempting to change haulers at this time, but would like to give the new owners of Supercycle time to learn the business.

In spite of the recent problems, our January tonnage broke all previous records.

Nov. '88	-----	22.38 Ton	----	764 households + Coffman
Dec. '88	-----	21.06 Ton	----	890 " "
Jan. '89	-----	24.52 Ton	----	857 " "

Hazardous Waste Collection Day

Co-sponsored by the cities of Falcon Heights, Roseville and Lauderdale and Ramsey County---has been scheduled for May 20. It will be located at Roseville's Public Works garage.

April 6 - Disaster Drill

The City will participate in a county-wide disaster drill at Co. Rd. C and Lexington (RV Central Park) 9 A.M.-12:00 noon. A local drill will be staged at Goodwill Industries from 1:00-3:00. Public officials are invited to attend.

City Newsletters - Should be delivered this week-end.

Bullseye Parking

Jan and Tim Malloy met with Dennis Hunt and Pauline Krueger of Towle Real Estate last week. They are going to come back with a proposal. (Tim Malloy suggested they hire a firm to advise them on a parking plan).

State Fair Parking

Staff met with representatives of the Minnesota State Fair and the Sheriff's Department to discuss this year's plans for the 4th of July and the State Fair. It was agreed that an additional squad car is necessary to patrol the entrance at Larpenteur and Underwood for both events. This additional car will be dedicated to that area and will not be available for back-up at accidents, etc. (Last year that presented a congestion problem when the car was gone for extended periods of time). It will be staffed by Water Patrol Reserve Unit volunteers at no additional cost.

Ice Rinks

Due to the unseasonably warm weather recently and resulting damage to the ice, the pleasure skating rink at the Community Park was determined to be "past the point of no return" and efforts to restore it have been terminated. However, the hockey rink will be scheduled for pleasure and hockey skating. The other rinks are all open and in good condition. Past experience has indicated that maintenance of the rinks usually becomes futile approximately Feb. 15.

Marcor Development

Representatives of Marcor Properties have requested a meeting next week with Mayor Baldwin and Jan.

Northome Fire Code Violations

The Fire Marshal has received plans to complete necessary modifications within 90 days.

Library plan review irks officials

By Forns staff

Plans to review the Ramsey County Public Library Board's suburban expansion plans have some local officials worried that the cities may not get new libraries.

The Mounds View City Council Monday night unanimously approved a resolution urging the Ramsey County Board of Commissioners to go ahead with plans to build a new branch library in that city.

The Roseville City Council Monday night considered, but tabled, a similar measure.

The actions came after the Library Board of Trustees last week asked the County Board's Policy and Planning Committee for permission to review expansion plans in light of new cost estimates.

Existing expansion plans may cost as much as \$5 million more than originally thought, library trustees told county commissioners. The county has authority to issue up to \$15 million in bonds for expansion projects.

The possibility that elements of the plans could be sealed down — or in some cases dropped — drew sharp

criticism from Mounds View officials.

"I think this is an example of their inefficiency," said Mayor Sue Hankner. "The longer they wait, the more expensive it's going to be."

"... The residents of this city are not being treated fairly," Hankner said.

Trustees last week told county commissioners that cost estimates had been based on the assumption that the cities involved would donate land for library sites. Mounds View officials disputed that claim.

LIBRARY: To Page 12

for the building... somebody would have to use the building."

But Wilson said he may be back if someone interested in buying the building came along.

"I would not like to preclude the fact that there may be at some future point in time something else brought before Concordia Academy by Brutger or by another developer," he said.

Westby acknowledged the association must still watch developments that could take place.

"We're right back to square one," Westby said.

"We'll be taking a look at everything else that comes

Heights calls for study of arcade permit policy

By Paula Roesler

A Falcon Heights Planning Commission moratorium on future video arcades is a tactic to delay approval of a proposed business in Northome Center, entrepreneur Joseph Sacco said Monday.

"I think it's absurd what they brought up. It's just a delaying method," said Sacco, who appeared before the Falcon Heights Planning Commission seeking a conditional use permit for the arcade he plans to establish in the center.

Commission Chairman David Black, who voted against the moratorium, said there may be some merit in Sacco's claim.

A majority of the commission would like to see

video arcades ruled out completely, based on their experience with Rock-a-fellas, an arcade which formerly operated in Northome Center, Black said.

"Rock-a-fellas caused a lot of problems with traffic, noise and drinking," Black said.

Commission members called for the moratorium to study whether video arcades fall under conditional use permit specifications, said commissioner Lee Barry, who suggested the moratorium.

The commission will recommend to the Falcon Heights City Council tonight (Wednesday) whether video arcades should be given conditional use status.

ARCADE: To Page 12

City begins talk of recreation park improvement referendum

By Lisa Legge

Voters may soon decide whether to bring to Roseville an estimated \$6.5 million community recreation center and improvements to Central Park.

A Roseville Parks and Recreation Commission recommendation suggests putting to a vote construction of the community recreation center, additional land purchases for Central Park, and improvements to athletic fields in the park.

Bob Bierscheid, director of parks and recreation, presented the recommendation to the Roseville City Council for review at a work session Jan. 17. The council will discuss the recommendation further at its next work session Feb. 6.

More details should be available after the Feb. 6 ses-

sion, Bierscheid said, such as how much the referendum could cost to property owners and what improvements could be included in the referendum.

If all goes as planned, Bierscheid said, the council could call for the referendum in February and the election could be held in late May.

"If it were to go at the schedule we're at now, the ground could probably be broken in real late fall," he said, adding construction for the recreation center could take a year.

A year ago, the commission drew plans for the recreation center, locating it next to the existing Roseville Ice Arena.

But the proposal was sidetracked by a plan to convert Concordia Academy, 2400 N. Dale St., into a recreation center. The city council rejected that proposal because of costs

and her husband Scott were married three months before

ure interpretive er near Dale

Heights commission rejects request for proposed restaurant's parking

By Paula Roesler

Lack of adequate parking has halted plans for a restaurant and bar in Bullseye Plaza Shopping Center.

The Falcon Heights Planning Commission Monday told Dennis Hunt, owner of the center, that adequate parking space for his proposed bar and restaurant is unavailable.

The decision was enough to discourage Hunt from taking the project any further.

"We're just probably not going to open the business," Hunt said Tuesday. "You can't have a business without parking."

Hunt planned to establish the restaurant and take-out deli on the center's west side, where a Remco store once was. The restaurant proposal

was an attempt to fill the 7-unit center, Hunt said, which is half-empty because of "high taxes" tenants must pay.

Hunt had proposed expanding Bullseye's remote lot south of Crawford Street by 33 spaces. But the commission told Hunt his plan to add to the existing lot could not accommodate customers the 72-seat restaurant would draw.

Overflow parking would spill into lots of other businesses or residential areas, congesting traffic flow, said Planning Consultant John Urban, who suggested the commission reject the proposal.

"When we went through this proposal it became clear that this couldn't be done without hurting somebody," Urban said.

Henry Kristal, owner of Ember's Restaurant north of the shopping center already fills his lot.

"I'm with Ember's and our lot is 100 percent full of his customers," Kristal told the commission. "We haven't had any business; now I know why."

Kristal and Hunt, who owns Golf-O-Mat on the west end of the center, had an informal shared parking agreement.

Hunt said there would be adequate room for his new customers if the parking variance was granted.

"I honestly don't see any problem at all because it'll just be a small bakery, and a restaurant and bar where a guy can get a sandwich and a glass of beer," Hunt said.

Cities join forces to boost image

By Nan M. Williams

New Brighton and Columbia Heights have joined together with other northern suburbs to boost their image.

The two city councils voted to participate in a Northern Mayors Association (NMA) Joint Powers Board designed to promote economic development in the northern suburbs.

The board, consisting of representatives from each participating city, plans to adopt an aggressive marketing campaign designed to improve the image of the northern suburbs and attract new business development

area," said Joseph Strauss, executive director of the NMA.

"We want to pull together all the assets of the communities," said Strauss, "so that we can all benefit."

The Joint Powers Board will meet late in February after all members of the NMA have voted on their participation on the board.

The board's first task is to create a central data base, or directory, for north suburban services, programs and potentials. That may take almost a year to complete, Strauss said.

Communication programs designed to increase north

Strauss said. The board will work closely with economic development commissions and private business groups in order to attract both industrial and commercial business, Strauss said.

Columbia Heights, New Brighton, Brooklyn Park, Brooklyn Center, Champlain and Coon Rapids have voted to join the board.

Each community has paid varying membership dues, adjusted to their populations. New Brighton's dues are \$12,990, Columbia Heights' are \$10,092. The total budget has not yet been determined.

"It's an opportunity for ex-

of the foundation, said the Harriet is named after a late Roseville the entire amount — and then on.

through the park and she loved the ave all she had (to preserve it.)"

for the building call for room for ex-

ached, paras and recreation direc-

ate next winter, he said.

be used to fund a "sea of flowers" ue, as well as irrigation and other ark.

to concerts this summer there will instead of the dried-up hayfield area,"

ore the council Monday was Gail etown American Legion Post 542.

ed the council with a check for \$3,971 to help supply "Annie's" to the ire Department for learning CPR aseball.

the donations through charitable

plan contest lake's ice

Sportmen's Club will hold its 40th anniversary from 2 p.m. to 4 p.m. Sunday, in New Brighton.

and oldest ice fishing contests in the s provide funds for many club pro- in local community activities and in efforts.

chased from any club member prior donation. At the contest, tickets are seniors and children.

rded for the largest game fish and e given away. For more information, t-9855, or Gary Jones at 789-7000.

ills' Woodburn bred at fete

ills mayor Robert Woodburn will be on from 4 to 6 p.m. Tuesday, Jan. 31, ll, 1450 W. Highway 96.

ician, retired earlier this month after ce 1981. He had been a member of the



Staff Photo / Rita Reed

A rectangular modern house and a more traditional-looking Tudor are typical neighbors in the University Grove area of Falcon Heights, near the University of Minnesota St. Paul campus.

Men's group seeks to change attitudes that foster battering

By Karin Whnegar/Staff Writer

Chuck Niessen-Derry has seen men who do "just about everything to women from throwing them out second-story windows to shooting them, stabbing them to throwing them down stairs. I've seen women beaten in the face, kicked in the stomach, choked, women with broken noses and ribs, houses torn apart by these men."

One in four American women is beaten regularly, one in three is sexually assaulted during her lifetime, and half to two-thirds have been hit by a boyfriend or spouse. In total, some 15 million American women have been physically or sexually abused or raped, according to

WENJ Continued on page 2E

Free rein of faculty imagination is revealed in U-sponsored University Grove housing tract

By Linda Lee/New York Times

You have traditional homes and Brave New World things, a fondness for Gropius and a Breueresque look," said Tom Martinson, referring to the conglomeration of styles in University Grove, a neighborhood of 102 homes built in Falcon Heights by University of Minnesota faculty members and administrators.

"To have these babies lined up and down the street is really something. After a while, it gets so screwy, it's pure Minnesota."

"As soon as the avant-garde was accepted, it was seen here," added Martinson, a co-author with David Gebhard of "A Guide to the Architecture of Minnesota."

"It's not a gracious neighborhood or a tract neighborhood. In University Grove, you have a case study of unrestrained regional modernism."

Land was first set aside for University Grove in 1926 by the regents at the university, who were convinced that affordable housing close to the St. Paul campus would attract faculty members.

Tenured professors and university administrators were offered mortgages starting at 3 percent, but had to abide by a ceiling on costs, including architects' fees, of \$10,000 in the '20s and '30s, \$18,000 to \$27,000 in the '50s, and \$40,000 in the '60s and '70s. The university retains title to the individual lots and leases them to homeowners at rates that now range from \$75 to \$200 a year.

What distinguished University Grove was the requirement that each home be designed by an architect and not picked out of a builder's catalog of ranch houses and split levels.

As a result, every new architectural style of the past 60 years is represented in eight blocks of Falcon Heights.

GROVE Continued on page 6E



Noel Holston

Television

Sajak rides Carson's familiar formula

Pat Sajak said his new CBS talk show wouldn't be radically different from Johnny Carson's NBC institution, and if Sajak was guilty of anything, it was understatement.

Anybody who stumbled onto Sajak's debut Monday night (11:05 p.m., WCCO-Ch. 4) easily could have assumed that the "Wheel of Fortune" emcee was sitting in for Carson on "The Tonight Show."

Sajak opened by doing some jokes while standing in front of a curtain, just like Carson. He poked with his banjo, just like Carson. The two shows' sets are practically identical, right down to the pencils — a Carson trademark — on the desk.

The similarity wasn't lost on Sajak's first guest, comedian and actor Chevy Chase. Shaking hands with Sajak's deep-voiced announcer-

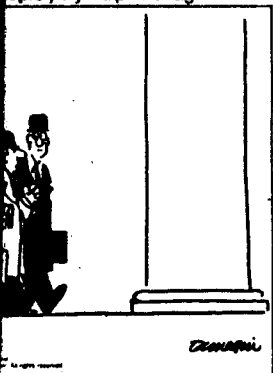
sketch, Dan Miller, Chase quipped, "Ed — good to see ya," a reference to longtime Carson foil Ed McMahon.

There was one more similarity — a big surprise that bodes well for Sajak's future: He was funny, just like Carson.

Although Sajak, a former disc jockey, HOLSTON Continued on page 10E

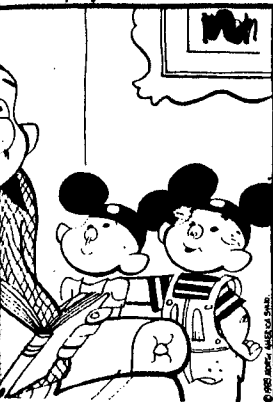


people / By Ralph Dunagin



by I march right in there and ask
feel!"

Menace / By H. Ketcham



to be just like me!

ed Martin



Grove Continued from page 1E

Neil Bakkenist, assistant provost of the university, said modern homes in the Grove sell for \$125,000 to \$150,000. Some of the traditional homes sell for slightly more. "I only know of one house, to be frank, that ever sold for below \$100,000," he said. "A house from the '50s."

The Grove, as it is known to its neighbors, is located just south of Larpenteur Av. near the University Golf Course. It is bounded on the east by Cleveland Av., which borders the University's St. Paul campus, on the south by Hoyt Av. and on the west by Fulham St.

From 1929 to 1935 the western end of the Grove was developed with substantial two- and three-story Colonial and English Tudor homes, finally numbering about 30.

Sue Gehrz, president of the University Grove Homeowners' Association, moved to the neighborhood three years ago with her husband, Robert, a professor in the astronomy department. They bought the oldest house in the Grove, a four-bedroom, 2,500-square-foot English Tudor built in 1929.

"We had never owned an older home before," Gehrz said. "It's a sturdy house. Nothing could blow it down. My husband broke four drill bits trying to drill a hole in the basement wall."

The Gehrz home — with its handsome molded plaster ceiling — is just down the street from a quintessential 1956 orange, white and yellow house. "I think the landscaping and the mature trees tie it all together," Gehrz said.

In 1935 the dignified but ordinary neighborhood was shaken up when the first modern home was built by the architectural firm of Jones and Robertson.

The house, which was built for Richard M. Elliott, a psychology professor, was influenced by the modest scale of the worker houses designed by Bauhaus architects.

Today the house is no longer shocking. It seems an anachronism, the extroverted '30s vernacular home, built of beige brick with a flat roof, casement windows that poke through the walls at unexpected places, two horizontal bands of gray brick, and Moderne wrought-iron house numbers.

"Faculty members were ready for something other than Colonial; quite ready," said Winston Close, an architect who with his wife, Elizabeth, designed 14 modern houses in the Grove, the first in 1939.

Within those modern houses, the professors wanted the comforts of Minnesota life — easy access to nature and a view of the birds — as well as cozy studies and places in which to entertain.

"Everyone loves a fireplace," Close said, "but professors love them more. I don't think we built one house that didn't have a fireplace in it. Some had two."

In the 1950s, when additional land was made available for University Grove, the architectural styles took off in two directions: aggressively modern, white-painted homes built in the International Style, with blank faces to the street, and horizontal homes with the natural wood siding

dining zones by counters, and dining zones flowed into living zones.

Some of the houses had the look of television sets gone blank. Others looked like branch offices of banks.

One is a takeoff on Frank Lloyd Wright's Jacobs II House in Madison, Wis., with a wooden silo, a concrete-block silo and a wooden lid holding the whole together.

Carl Jessen, associate dean of the College of Veterinary Medicine at the University of Minnesota, was not thrilled with the idea of moving into one of the modern houses four years ago.

"When I first saw it I said, 'Marge, I don't know, flat roof, one-story ...'" he said. "My wife and I are classic, two-story Colonial types. Early American, that's what we love. I just close my eyes when I walk up the driveway."

After four years the Jessens have made peace with their white stucco one-story house, built in 1968.

"If you walk up to our house, I don't think you'd expect to see this on the inside," Jessen said, showing the way to an Early American dining room. His wife added that the interior wooden beams were the perfect place to display their collection of duck decoys, wooden cats, wreaths, plates and old ice skates. "The beams made the house for us," she said.

Pauline Boss, a professor of family social science at the university, and her husband, Dudley Riggs, producer and director of Minneapolis' Brave New Workshop, bought a house in the Grove two years ago; a two-bedroom stucco-and-wood house, designed by Winston and Elizabeth Close in 1958, with a 20-foot-square, two-story atrium.

"We use the atrium for juggling balls," Boss said.

In 1956 William G. Shepherd, who was then head of the department of electrical engineering, asked architect Ralph Rapson to design a home for him.

The result, with its distinctive tangerine, lemon and white square front panels, won an Honor Award from the Minnesota Society of Architects in 1958. Anyone who attended a new elementary school in the '50s will recognize the style.

The exterior, originally sided with masonite, was re-sided with unpainted redwood when the masonite cracked and warped, but the interior remains as it was when the house was built.

Rapson, architect of the Guthrie Theater, designed several other homes in the Grove, including one for Pat Sethna. It was built in 1967, with a bold yellow circle painted on the garage door. "I wanted to paint it red, but Pat thought that would be too violent," Rapson said. "He thought yellow was more cheerful."

One of the last houses erected in the Grove was built in 1972 by architect Tom Van Housen.

Van Housen described the house as very simple: "It's California style, regionalized, warm and woody." The house suggests hot tubs, spider plants and water beds.

CITY OF FALCON HEIGHTS
AGENDA
FEBRUARY 8, 1989

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

B. ROLL CALL: CIERNIA ✓ BALDWIN ✓ P. CHENOWETH ✓ WALLIN ✓
BUSH ✓ WIESSNER ✓ S. CHENOWETH ✓ ATTORNEY ENGINEER

C. APPROVAL OF MINUTES OF JANUARY 25, 1989

ACTION: _____

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA:

1. Fire/Ambulance Runs
2. Disbursements
 - a. General Disbursements through 2/8/89, \$20,515.76
 - b. Payroll 1/16/89 - 1/31/89, \$8,347.32
3. Cancel Lost Check #22220
4. Resignation of Robert Lamb from Human Rights Commission
5. Licenses

ACTION: _____

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Conditional Use Request, Joseph A. Sacco and James G. Sacco *m/w Wallin w/ amendments to Pl. Comm Rec.*

ACTION: 5-0

2. Review City Code RE: Foster Care and Group Homes in Residential Districts

ACTION: _____

3. Extension of Park Leases with University of Minnesota

ACTION: _____

4. Recommendation for Contracting Park Planning Services from Barton-Aschman Associates, Inc., and For Contracting Surveying Services for the City Parks

Barry Warner
ACTION: Scott Midness

5. Fire Marshal Position Description

ACTION: _____

*1 change

6. PERSONNEL POLICY FOR CITY EMPLOYEES

ACTION: _____

7. CHARITABLE GAMBLING ORDINANCE

ACTION: _____

8. *Schedule Str. Pl. Workshop*
G. ANNOUNCEMENTS AND UPDATES:

H. ADJOURNMENT:

ACTION: _____

MINUTES
CITY COUNCIL MEETING
JANUARY 25, 1989

Baldwin convened the meeting at 7:00 P.M.

ALL MEMBERS PRESENT

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

ADDENDUM TO AGENDA

Council approved the addition of Item E(7), Planning Commission Minutes of January 23, 1989, to Consent Agenda.

MINUTES OF JANUARY 11, 1989

Council accepted the Minutes of January 11, 1989 as presented.

CONSENT AGENDA APPROVED

Council approved the following Consent Agenda:

1. Disbursements
 - a. General Disbursements - January 12, 1989 through January 25, 1989 - \$59,396.89
 - b. Payroll - January 1, 1989 through January 15, 1989, \$11,145.36
 - c. Dahlgren, Shardlow & Uban - 12/1/88 - 12/31/88 \$833.33 (Technical Assistance)
 - d. Dahlgren, Shardlow & Uban - December, 1988 \$639.17
 - e. Jensen, Hicken, Gedde & Soucie, Legal Services, 12/88 - \$3,495.85
2. Solid Waste Commission Minutes
3. Ramsey County Sheriff's Reports
4. Licenses
5. MSA Five Year Construction Plan
6. Parental Leave Request
7. Planning Commission Minutes of January 23, 1989

NO PRESENTATION GIVEN ON NORTHWEST YOUTH SERVICES

The representative of Northwest Youth Services was not in attendance to give the presentation.

GAME ARCADE - CONDITIONAL USE REQUEST REFERRED BACK TO PLANNING COMMISSION

Wallin explained that on January 23, 1989, the Planning Commission held a Public Hearing on the Conditional Use Request plus a lengthy discussion. Following that discussion, a motion was made (carried 5 to 4) to adopt a moratorium on such businesses to allow time to study whether or not game rooms should be included under conditional

MINUTES
CITY COUNCIL MEETING
JANUARY 25, 1989
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uses in the Code.

Baldwin stressed that Council understood their possible options were as follows: (1) the enterprise would cause no problems and should be a permitted use, (2) the business is such a danger to the health, safety and welfare that Council could not deal with it, and it should be completely restricted, or (3) some things inherent in the business ~~do~~ cause concern but Council feels it can be controlled with appropriate conditions. However, by recently adding game arcades as a conditional use (January 11, 1989) they did indicate they felt that businesses of this type could be controlled by appropriate conditions. Gedde explained that by allowing commercial uses in that district a problem could be created by disallowing a similar use in a district.

Following the discussion, Baldwin called for a motion on a moratorium. No motion followed. After a brief discussion with Joseph Sacco, the prospective proprietor of the game room, Ciernia moved that the matter be referred back to the Planning Commission with the request that the Commission focus on establishing conditions for the business, as game rooms are presently a legal use under the Code. Motion carried unanimously.

DISCUSSION ON PARKING VARIANCE REQUEST FROM DENNIS HUNT FOR A RESTAURANT/BAR IN BULLSEYE PLAZA

Wiessner presented background information on the original parking variance granted when the building was constructed and reviewed her memorandum dated January 25, 1989 giving recommendations on how the parking problems in the center should be handled as new businesses are established.

Wallin explained that the Planning Commission had unanimously recommended denial of the variance following the Planner's recommendation (memorandum dated January 19, 1989).

Mr. Hunt was of the opinion that there is not a parking problem; however, Henry Kristal, owner of the Embers, stated the lot was full that evening and his restaurant could not provide parking for their customers.

Following a discussion, Council offered Mr. Hunt two options: (1) go on as at present, which requires a variance with each new business, or (2) meet with the Administrator and Planner in an attempt to re-calculate

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CITY COUNCIL MEETING
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and put a cap on the parking for a combination of businesses, with the understanding that businesses which can operate within the cap would not require another variance. A new parking plan and variance for the center will then be presented to the Planning Commission.

NO ACTION ON DENNIS HUNT'S REQUEST FOR LIQUOR LICENSE FOR RESTAURANT/BAR

No action was taken on this item due to the previous parking discussion.

FUNDS AUTHORIZED FOR ONE DAY HAZARDOUS WASTE COLLECTION

Following a brief discussion, Wallin moved the expenditure of up to \$350.00 from the Contingency Account for the City to participate in the One Day Collection Project being sponsored by Ramsey County. Motion carried unanimously.

RESOLUTION ADOPTED AUTHORIZING SIGNATURES FOR CHECKS, ETC. (TOM BALDWIN/JANET WIESSNER/THOMAS KELLY)

Ciernia moved adopted of Resolution R-89-3, which carried unanimously.

RESOLUTION R-89-3

A RESOLUTION CERTIFYING SIGNATURES FOR CHECKS, LOANS, AND/OR DEBTS

RESOLUTION ADOPTED AUTHORIZING THE USE OF FACSIMILE SIGNATURE

Wallin moved the adoption of Resolution R-89-4, which carried unanimously.

RESOLUTION R-89-4

A RESOLUTION RELATING TO THE USE OF A FACSIMILE SIGNATURE FOR SIGNING CITY CHECKS

RESOLUTION ADOPTED CREATING AN INVESTMENT TRUST FUND

Bush moved Resolution R-86-5 which would allow the pooling of all city cash balances with quarterly distribution to the respective accounts. Motion carried unanimously.

RESOLUTION R-89-5

A RESOLUTION CREATING AN INVESTMENT TRUST FUND

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CITY COUNCIL MEETING
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ORDINANCE ADOPTED RELATING TO WORKER'S COMPENSATION/INSURANCE
FOR ELECTED OFFICIALS

Wiessner explained that elected officials have been included under Worker's Compensation; however, a new ruling requires an ordinance/resolution be adopted verifying the inclusion. She also informed Council that there is a new accident insurance policy available for elected officials for a total cost of \$63.75.

Wallin moved the adoption of Ordinance O-89-4, which carried unanimously.

ORDINANCE O-89-4

AN ORDINANCE ADDING SUBDIVISION 3 TO CHAPTER
2, SECTION 2-1.02 OF THE MUNICIPAL CODE

APPROVAL OF ACCIDENT INSURANCE POLICY FOR ELECTED
OFFICIALS

Council agreed to add the accident insurance policy as presented by Wiessner.

SALE OF USED TORO SNOWBLOWER APPROVED

Wiessner presented an offer from Jay Morgan to purchase the old Toro Snowblower for \$40.00. She explained it was purchased for the City Liquor Store and is too small for present snow removal needs. Council approved the sale.

ADJOURNMENT

The meeting was adjourned at 8:40 P.M.

Tom Baldwin, Mayor

ATTEST:

Shirley Chenoweth, Clerk

Consent X

Agenda Item: E-2

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

DISBURSEMENTS

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) Disbursements through 2/8/89, \$20,515.76
- (b) Payroll 1/16/89 - 1/31/89, \$8,347.32

ACTION REQUESTED:



Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Group Description	Check Amount	Check Date	Status
017196			0					
017199			0			0.00	31-Jan-89	VOID
017200			0			0.00	31-Jan-89	VOID
017201			0			0.00	31-Jan-89	VOID
017202			0			0.00	31-Jan-89	VOID
017203			0			0.00	31-Jan-89	VOID
017204			0			0.00	31-Jan-89	VOID
017205			0			0.00	31-Jan-89	VOID
017206			0			0.00	31-Jan-89	VOID
017207			0			0.00	31-Jan-89	VOID
017208	000000002	Wiessner, Janet R.	2	01	semi-monthly	1,155.95	31-Jan-89	Outstanding
017209	000000004	Kriegler, Carol J.	2	01	semi-monthly	341.92	31-Jan-89	Outstanding
017210	000000011	Chenoweth, Shirley E.	2	01	semi-monthly	700.10	31-Jan-89	Outstanding
017211	000000020	Iverson, Terry D.	2	01	semi-monthly	801.32	31-Jan-89	Outstanding
017212	000000027	Morgan, Jay M.	2	01	semi-monthly	668.24	31-Jan-89	Outstanding
017213	000000035	Zimmerman, Katherine	2	01	semi-monthly	395.08	31-Jan-89	Outstanding
017214	000000038	Wright, Vincent D.	2	01	semi-monthly	661.60	31-Jan-89	Outstanding
017215	000000050	Kubes, Jon E.	2	01	semi-monthly	170.43	31-Jan-89	Outstanding
017216	000000051	Tretsven, Dave A.	2	01	semi-monthly	194.74	31-Jan-89	Outstanding
017217	000000054	Ammann, Martin T.	2	01	semi-monthly	17.74	31-Jan-89	Outstanding
017218	000000062	Thompson, Mike F.	2	01	semi-monthly	230.74	31-Jan-89	Outstanding
017219	000000053	Phillips, Patricia A.	2	01	semi-monthly	610.47	31-Jan-89	Outstanding
017220	000000055	Kelly, Thomas R.	2	01	semi-monthly	770.50	31-Jan-89	Outstanding
017221	000000001	Balown, Thomas W.	1	03	monthly 2	345.84	31-Jan-89	Outstanding
017222	000000005	Bush, Patti J.	1	03	monthly 2	236.65	31-Jan-89	Outstanding
017223	000000010	Chenoweth, Phillip E.	1	03	monthly 2	293.00	31-Jan-89	Outstanding
017224	000000012	Cienna, Paul C.	1	03	monthly 2	250.00	31-Jan-89	Outstanding
017225	000000037	Wallin, Gerald E.	1	03	monthly 2	300.00	31-Jan-89	Outstanding

Grand Total

8,347.32

GENERAL DISBURSEMENTS

AMOUNT

REASON

ISSUED TO

CHECK NO.

CHECK NO.	ISSUED TO	REASON	AMOUNT
22779	Wholesale Club	Office Supples	\$312.13
22780	Dick Larson	Jan. Fees, 4th Qtr. Insp. Fees	605.65
22781	State Register & Doc. Div.	Updated Code Book	6.50
22782	Kevin Anderson	Rink flooding	17.50
22783	Bill Kubes	Temp. salary	451.13
22784	Joe Butala	Temp. salary	492.00
22785	Scott Fitzgerald	Temp. salary	266.29
22786	NSP	Gas, electricity, street lights	3,966.14
22787	Midwest Business Products	Office Supplies	175.83
22788	Mary Sue McGroarty	Refund	4.00
22789	Chris Thiers	Refund	4.00
22790	Rita Ryan	Refund	4.00
22791	Sue Wycoff	Non-resident reimbursement	12.00
22792	Ingrid Eggert	" "	12.00
22793	Jon Lunde	" "	24.00
22794	Pamela Becker	" "	14.00
22795	Ramona Jorgenson	" "	7.00
22796	Margaret Yeakel	" "	12.00
22797	Joseph Greenstein	" "	20.00
22798	Cathie Wikstrom	" "	12.00
22799	William J. Davis	" "	7.00
22800	Lynn Allen	" "	12.00
22801	Georgia Heisserer	" "	12.00
22802	Roxanne Stordahl	" "	12.00
22803	Margaret Barnum	Purchase of snow shovel	36.00
22804	Dave Tretsven	Temp. salary-Cable TV	27.55
22805	Mark Eggert	Non-resident reimbursement	40.00
22806	Lizabeth Boger	Published notices	12.00
22807	Post Publications	Seminar-Vince	28.80
22808	MN Urban Traffic Eng. Council	Hockey rink-repair of lights	13.00
22809	Ameri-Star Lighting	CPR Manual	311.59
22810	American Heart Assoc.	Cable	8.24
22811	Blumberg Communications	Repair of Garage Door	24.86
22812	Metro Garage Door	Trash Removal	92.00
22813	Browning-Ferris Industries	Typewriter and office supplies	69.00
22814	Copy Duplicating Products	Santa Claus Suit	\$2,025.00
22815	FH Fire Dept. Relief Assoc.	Furnace repair & 4th Qtr. inspection fees	100.00
22816	Gene Pakoy	Feb. fee	1,983.86
22817	Dick Larson		350.00

CHECK NO.	ISSUED TO	REASON	AMOUNT
22818	Bill Walsh	4th Qtr. Plumbing Inspection Fees	\$90.40
22819	State Treasurer	4th Qtr. surcharge, plumbing and mech. permits	72.36
22820	Kriss Premium Products	Towels for lavatories	41.37
22821	Mrs. P. Loos	Delivery of Newsletter	100.00
22822	Midway Ford	Door handle-truck	14.04
22823	Minnesota Benefit Assoc.	Cancer coverage	5.85
22824	Patch & Monogram	City Pins-Solid Waste Commission	110.82
22825	FMAM	Dues for '89	20.00
22826	City of St.Paul-Water Utility	Water bill	115.07
22827	US West	Monthly phone	48.87
22828	LMHRC	Solid Waste-Seminar (replaces lost check #22220	175.00
22829	Witt Financial	Commission	305.15
22830	Accountemps	Paula Williams	128.70
22831	Global Computer Supplies	Office Supplies	144.07
22832	SuperAmerica	Fuel	157.65
22833	Blomberg Pharmacy	Film & Picture development	5.56
22834	Roseville Rotary Club	1st Qtr.-'89 Dues & Meals	105.00
22835	Colonial Life & Accident Ins.	Accident insurance	48.00
22836	United Way	Contribution via payroll deduction	14.00
22837	Comm. of Revenue	State Withholding	582.72
22838	PERA	Retirement fund	1,571.81
22839	North Star State Bank	FICA	3,812.10
22840	PERA	Retirement fund-T.Iverson	9.00
22841	ICMA Retirement Trust	Retirement fund	783.05
22842	Terry Iverson	Mileage, Jan. '89	41.60
22843	MAMA	Meeting, Jan. 25, '89	10.50
22844	Mankato State University	Development seminar	40.00
22845	National League of Cities	Congressional City Conference	380.00
		TOTAL:	\$20,515.76

Consent X

Agenda Item: E-3

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CANCEL LOST CHECK #22220

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

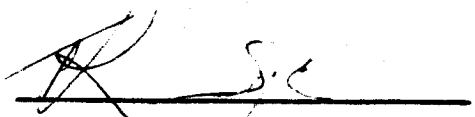
Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Check #22220, issued to the League of Minnesota Human Rights Commissions, dated 9/16/88, in the amount of \$175.00 was apparently lost in the mail.

ACTION REQUESTED:

Authorize cancellation of check #22220.

A handwritten signature in black ink, appearing to be 'R. J. C.', is written over a horizontal line at the bottom right of the page.

Consent _____

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CONDITIONAL USE REQUEST

SUBMITTED BY:

Joseph A. Sacco and James G. Sacco

REVIEWED BY:

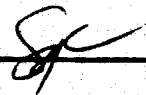
Planning Commission

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Please bring documentation provided for the January 25th meeting. The Planning Commission Minutes will be available following the January 6th Commission meeting.

ACTION REQUESTED:

Recommendation will be available after Planning Commission meeting.



ADDENDUM TO CONSENT AGENDA

February 8, 1989

E (6) Planning Commission Minutes of February 6, 1989

Add'l Conditions:

#13 Whelan
at least 50% designated
→ Add → No Smoking

Sacco ↓
* will not have a
cig. machine on the
premises

#12 Paul → all adv. emphasize family oriented
signage, advertisements + ? refer to

#14 Sacco - 10a. — change
→ prefer to delay from 5 → 7pm (2 staff)

#15 Baldwin (Add to #1)
→ Proprietors are resp. for enforcing existing curfew laws

Kordak
→ Don't want to restrict back parking after 9pm
- other tenants need to use it.
delete 2nd sentence = (a)

The purpose of these reviews will be
to review these conditions
and all appropriate

Review - #11
• 1st review after 3 mo.
Annual reviews thereafter

(11) This cond. use permit will be reviewed upon change of
proprietorship or change of ^{principal business} focus.

MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 6, 1989

Chairman Black called the meeting to order at 7:35 P.M.

Black, Boche, Daykin, Grittner, Finegan, Barry and Carroll. Also present was Mayor Baldwin.

PRESENT

Duncan and Nestingen.

ABSENT

Boche moved, seconded by Carroll, to approve the Special Planning Commission Minutes of January 23, 1989 as presented. Motion carried unanimously.

JANUARY
23
MINUTES
APPROVED

Mayor Baldwin reviewed the conditional use process and reviewed the rights of landowners. The rights of landowners must be balanced with the public health, safety and welfare of residents. If a zone has been designated as such in a particular area, it is the City's responsibility to deal with it by placing it into categories such as permitted, conditional or neither. He further stated the position the City Council took on the game room issue.

MAYOR
BALDWIN

The Planning Commission then reviewed conditions which might be appropriate for the game room use proposed by Joseph A. and James G. Sacco. The landowner/lessor was not present.

CONDITIONA
USE
REQUEST
JOSEPH A.
AND JAMES
SACCO

The following conditions were proposed:

- (1) Maximum hours of operation will be 10:00 A.M. to 12 Midnight seven days a week.

PROPOSED
CONDITIONS

Duncan arrived at 8:35 P.M.

- (2) Restrictions on use of back parking lot after 9:00 P.M. will be adequately posted by property owner:
 - (a) Game Room parking will be restricted to front and side parking lots after 9:00 P.M. No entrance to rear lot will be permitted after 9:00 P.M. (Signage will be the requirement of the property owner.)
 - (b) All Arona exits from parking lot shall be posted "left turn only after 9:00 P.M."

(#2 condition was made by motion of Boche, seconded by Daykin. Upon a vote being taken, the following voted in favor thereof: Black, Boche, Daykin, Grittner, and Carroll, and the following voted against the same: Barry and Finegan. Duncan abstained. Motion carried.)

3. The back door will be an exit only, conforming to Fire Code.

4. No less than present level of illumination in the rear parking

MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 6, 1989
PAGE 2

lot will be provided.

5. No alcoholic beverages (included 3.2 beer or wine) or controlled substances without a prescription shall be sold, possessed, or consumed on the premises of the game room, the common areas within the building, or the parking areas.
6. The property owner will post on the exterior of the premises "No Loitering" and will prevent any loitering in common areas within the building or in the parking areas and sidewalks adjacent to the building.
7. Any person who has been convicted of a felony, controlled substance abuse, or gambling law violation within the past five years is prohibited from working as an attendants at the game room.
8. The interior of the game room will be free of obstructions to visual supervision by attendants and will have adequate lighting.
9. Game room management will take all reasonable action to expel intoxicated persons and will allow no disorderly conduct on the premises, parking areas and adjacent sidewalks.
10. Adequate adult supervision will be provided until one-half hour after closing to ensure that the health, safety and welfare and existing community standards of peace and quiet are maintained.
 - a. a minimum of two adult attendants will be on duty after 5:00 P.M.
 - b. at Council's discretion, additional supervisory and/or security personnel may be required.
11. First review period of this conditional use will be within three months after opening. Next review period within one year of opening, and additional reviews as needed.
12. Next review within one year of opening, upon change of business ownership, and any other time, if needed.

Finegan moved, seconded by Carroll approval of the conditional use by Joseph A. and James G. Sacco with the above conditions being met. Motion carried unanimously.

Meeting recessed at 9:00 P.M.

Meeting reconvened at 9:10 P.M.

Tim Malloy reviewed his January 9, 1989 memorandum regarding residential

CONDITIONAL
USE REQUEST
APPROVED

MEETING
RECESSED/
RECONVENED

MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 6, 1989
PAGE 3

setback variances. After discussion, the following motions were made:

Carroll moved, seconded by Finegan, that the side yard setback for principal structures or dwelling units should remain at five feet but flexibility could be provided by allowing the side yard to be decreased to a minimum of three feet if a maintenance easement is recorded on the deeds of all affected properties. (No fences or significant landscaping could be installed in the easement areas.) Motion carried unanimously.

SETBACK
VARIANCES
APPROVED

Boche moved, seconded by Carroll, that a 20 percent lot width calculation will be allowed for side yard setbacks on corner lots. Finegan moved a friendly amendment to state that the setback could be up to a maximum of fifteen feet. Motion died for lack of second. Main motion approved unanimously.

Barry moved, seconded by Carroll, allowance of side and rear yard setbacks for accessory structures to be reduced to a minimum of one foot if the structure is located in the rear 20 percent of the lot. Motion carried unanimously.

Barry moved, seconded by Carroll, that a maximum percentage of 35 percent may be used for lot coverage of the rear 20 percent of the lot for accessory structures. Motion carried unanimously.

Carroll moved, seconded by Duncan, the following slate of officers for 1989: Black - Chairman, Finegan, Vice-Chairman and Secretary. Motion carried unanimously.

OFFICERS
ELECTED

Finegan moved, seconded by Barry, the starting time for the Planning Commission meetings will be 7:30 P.M. and the ending time will be 10:00 P.M. Meetings can be extended only by unanimous vote. Motion carried unanimously.

STARTING/
ENDING
TIMES SET

Black declared the meeting adjourned at 10:20 P.M.

ADJOURNMENT

Submitted by:

Katherine J. Zimmerman

Approved: _____

Edgar Finegan, Secretary

Item No. 2

MEMORANDUM

TO: Jan Wiessner

FROM: Thomas Gedde

DATE: February 9, 1989

RE: Follow-up to February 8, 1989 Council Meeting

My understanding is that you and the Council would like to postpone any action on amending our ordinances regarding foster care and group homes in residential districts until the Planning Commission has studied the issue and we know what the Legislature does this year.

With regard to the extension of park leases, the Council approved an extension of the leases with the University. The Council is satisfied with the 30-year term and it appears that the University would agree. The Council directed us to review the existing lease and draft a proposed new one. Could you please provide us with a copy of the existing lease or leases.

Phil Chenoweth asked for an update on the Stratford property and you gave him information from the Bank that the Bank is or has done some improvement work to the buildings and is in the process of marketing them. We will check with the Bank's attorneys to see if we can get additional information to pass on to the Council at the next Council meeting.

Finally, we will prepare a proposed final draft of the charitable gambling ordinance. With regard to the options discussed in Paul's memorandum of February 3, I understand that the Council would like to add as a condition for approval that the premises be located in commercial zones and the other recommendations by Paul in the third paragraph of his memo, the Council will not attempt to restrict licenses to local organizations and will not attempt to restrict the number of licenses by ordinance.

TAG/sjk

HAVE A GOOD DAY!

TAG

All 3

Also - various law suits w/ or been named as co-def.

Also - cond use language Paul mentioned

Consent _____

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/88

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Extension of park leases with U of M

SUBMITTED BY:

Jan Wiessner and Carol Kriegler

REVIEWED BY:

Park and Recreation Commission

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City currently has three lease agreements with the University of Minnesota for park purposes. The lease for the property at Cleveland and Roselawn has an expiration date of 1993. Before proceeding with plans to replace the park building, it is important to obtain a long term commitment from the U of M.

Carol and I have met with University representatives to determine their willingness to extend the existing leases. The attached correspondence indicates a hesitancy to extend the leases longer than necessary.

*m/walkin
lc 4-0 (Chenoweth not present)*

ACTION REQUESTED:

Authorize attorney to review old lease and draft new lease for Community Park property for 30 years.

JW



UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the Associate Vice President

Physical Planning
340 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 625-7355

January 17, 1989

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

Re: U-117: 14.5 Acres, Southeast Quadrant of the
Intersection of Roselawn and Cleveland
Avenues, Falcon Heights

Dear Ms. Wiessner:

I am responding to your letter of December 15, 1988 to the Board of Regents requesting the University consider granting the City of Falcon Heights an extension of the subject lease for as long a term as possible. You indicate that on September 12, 1988 the park building located on these premises was lost as the result of a fire, and the City is hesitant to replace the building without a long-term lease commitment. A 50 or 100 year extension is suggested to provide the City a feeling of security in planning high quality park improvements.

In December of 1973, this lease was extended 20 years in response to the City's request to erect more permanent improvements upon the premises, including tennis courts, a picnic area and other permanent recreational facilities, together with accompanying shrubbery and landscaping. The period of the extension was largely determined by the time necessary to amortize the general obligation bonds used to finance these improvements.

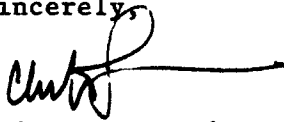
I would suggest that the City of Falcon Heights consider an additional lease extension for a similarly-determined period of time. If bond financing is not required for this project, an alternative period would be the time frame used by the private sector to depreciate buildings for tax purposes, 30 years I believe.

Your desire to obtain as long a lease extension as possible is understandable, but it is difficult for the University to commit this land for use by the City of Falcon Heights for even the next 20 years. New academic requirements develop over a much shorter period of time and, as planners, we must retain as much flexibility as possible in our leasing arrangements to allow returning the land to University use when required.

Ms. Janet R. Wiessner
January 17, 1989
Page Two

Please let me know if you have any questions regarding the above or if you'd like further information.

Sincerely,



Clinton N. Hewitt
Associate Vice President
for Physical Planning

CNH:scw

cc: President Nils Hasselmo
Board of Regents
Acting Vice President Carol N. Campbell
Barbara Muesing, Secretary, Board of Regents
Susan Carlson Weinberg, Real Estate Coordinator



CITY OF
FALCON HEIGHTS

2077 W. LARPEUTEUR AVENUE

FALCON HEIGHTS, MN 55113-5594

PHONE 612-644-5050

December 15, 1988

University of Minnesota
Board of Regents
220 Morrill Hall
100 Church St. S.E.
Mpls., MN 55455

Dear David M. Lebedoff and Members of the Board of Regents:

The City of Falcon Heights is very appreciative of the cooperation the University has extended in the past in allowing the City to lease property for public park purposes.

As you probably know, a considerable number of Falcon Heights residents are students or employees of the University of Minnesota. In fact, the vast majority of the "St. Paul Campus" is actually located within the corporate limits of the City of Falcon Heights.

This September 12, 1988, the City's park building located at the Falcon Heights Community Park on Roselawn and Cleveland was burned. Authorities have determined that the fire was caused by arson. This building has played a major role in community recreational activities and its loss is deeply felt. This building was located on property leased to the City by the University of Minnesota in an agreement dated December 31, 1973 with an expiration date of December 31, 1993. I'm sure you can understand our hesitation to replace the building on property without a long term commitment.

We respectfully request that you consider extending the park lease for as long a term as possible. We feel that 50 or 100 years would be desirable to provide a feeling of security in planning high quality park improvements.

Don't hesitate to call me if you have any questions.

Sincerely,

Janet R. Wiessner
City Administrator

CC: Sue Weinberg
Real Estate Dept.

Consent _____

Policy X

Agenda Item: F-4

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

RECOMMENDATION FOR CONTRACTING PARK PLANNING SERVICES FROM BARTON-ASCHMAN ASSOCIATES, INC., AND FOR CONTRACTING SURVEYING SERVICES FOR THE CITY PARKS

SUBMITTED BY: Carol Kriegler and the Park and Recreation Commission

REVIEWED BY: Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Park and Recreation Commission recommends that Barton-Ashman Associates be contracted to provide Park Planning Services to the City of Falcon Heights. The services proposed by this firm include a comprehensive analysis of the City's park system followed by a resulting long-range master plan for park improvement. The final product of these services will be a reference document for guiding long-term, as well as day to day, park and recreation decisions.

The Park and Recreation Commission has spent much time and energy reviewing several proposals that were submitted for consideration by qualified park planning agencies. After a considerable amount of thought and deliberation, the Commission feels strongly that Barton-Ashman's proposed services will prove to be very valuable to the City.

Prior to the February 8th Council meeting, Councilmembers will receive a copy of the proposal for planning services as submitted by Barton-Ashman, Inc. along with additional information concerning the costs of the specific services to be provided, tasks to be accomplished and the qualifications of this company. Barton-Ashman will make a presentation at the Council meeting.

To efficiently and effectively do park planning and park improvements, it is necessary to have access to topographic and site element data for the respective park properties. Some investigating has revealed that the City has only a very limited amount of such data. To complete a topographic and site element survey at each of the City's park facilities, producing 1:50' scale mapping, would result

ACTION REQUESTED: in a cost of \$3,200 - \$4,000.

Authorize expenditure of \$15,000 for park planning services from Barton-Ashman Associates, Inc. and up to \$4,000 for surveying services from Maier-Stewart for the city parks. An amount of \$7,000 has been budgeted for this project for 1989. The remaining \$12,000 is recommended to be allocated out of the Park Capital Improvement Fund. *Contingency Fund.*

*JB 8,000 out of
Paul C -> intire amt.*

CK

Consent _____

Policy X

Agenda Item: F-6

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PERSONNEL POLICY FOR CITY EMPLOYEES

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

Human Rights Commission
City Staff

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attached is draft #4 of a written City Personnel Policy.

*Ch 2
Part 2 - Reserved for future use.

ACTION REQUESTED:

Approve policy adoption or recommend changes.

m/s/c Ordinance

[Signature]

CITY OF FALCON HEIGHTS
PERSONNEL ADMINISTRATION

SECTION 1 PURPOSE. The purposes of this chapter are to establish a uniform and equitable system of personnel administration for the employees of the City of Falcon Heights, to define the rights and responsibilities of the City and each of its employees and to give fair and equal opportunity to all qualified persons to enter into and remain in City employment on the basis of merit and fitness.

SECTION 2 POSITIONS COVERED. This chapter will apply to all employees in all positions, except the following:

1. Elected Officials
2. Members of all Boards and Commissions
3. Consultants and personnel paid on a fee basis
4. Volunteer personnel and personnel appointed to serve without pay
5. Any other person specifically exempted by the City Council.

No provision of this chapter is intended to violate, supercede or conflict with any applicable federal law or regulation or state statute or local ordinance. In the event of conflict or violation of any such regulation, the offending provision of this chapter will be void, but all remaining provisions will remain in effect.

SECTION 3 DEFINITIONS The following words and phrases will have the following meanings and will apply throughout this chapter. All other words and phrases used in this chapter will be the same as in generally accepted common usage.

1. **REGULAR FULL-TIME EMPLOYEE** - an employee retained on a permanent basis who works at least forty hours per week on a regular schedule throughout the year.
2. **REGULAR PART-TIME EMPLOYEE** - an employee retained on a permanent basis who works under forty hours per week on a regular schedule throughout the year.
3. **TEMPORARY OR SEASONAL EMPLOYEE** - an employee retained to fill a position, full or part time, which is of a temporary or seasonal nature on a non-permanent basis.

SECTION 3 DEFINITIONS

8. EXEMPT EMPLOYEE - The following employees will be considered exempt as administrative, executive, or professional employees: The City Administrator, the City Clerk, the City Fire Marshal, and the City Accountant. All other employees shall be considered non-exempt.

4. **INDEPENDENT CONTRACTOR/CONSULTANT** - person or firm contracted by the city who determine their own hours of operation and/or use of their own resources in the performance of their duties and are not directly employed by the city.
5. **OVERTIME** - time worked by employees in excess of forty hours per week.
6. **GOOD STANDING** - not under suspension or given notice of discharge by the City Council.
7. **TERMINATION** - a complete separation of an employee from employment as a result of discharge, resignation, retirement or death.

* SECTION 4 APPOINTMENTS

Subdivision 1.- Selection Criteria. Appointments for all municipal positions shall be made by the City Council. All appointments will be made according to merit and fitness and will in no way discriminate against any person because of race, creed, color, national origin, age, sex, handicap, political affiliations, marital status or beliefs.

Subdivision 2 - Employment of Relatives of Municipal Personnel. Whenever possible, the City Council will avoid appointing any person to a municipal position when such person is related to any elected or appointed officer or employee of the City. Appointment or assignment of persons related to any elected or appointed officer or employee in the same department is prohibited.

Subdivision 3 - Physical Examinations. Employees must be medically and psychologically fit for a position which they occupy in the City. A satisfactory physical examination shall be a condition of employment. Such examination shall be conducted by a medical facility designated by the City Council within one month of commencing employment.

Symptoms of physical illness or psychological problems will form the basis for requesting an examination by the designated City Clinic at the discretion of the City Administrator. Routine examinations shall be required at the discretion of the City Council. If a physician or psychologist certifies that the applicant or employee is not able to perform the duties of the position, the individual may be transferred to a position for which the employee is determined by the City to be qualified, provided such a position is vacant. If an employee is unable to qualify for an existing position, or if no position is vacant, such employee will be discharged.

Subdivision 4.- Probationary Period- All regular appointments in the City service will be subject to the serving of a probationary period. This probationary period will be regarded as an integral part of the initial selection and examination process and will be utilized for closely observing the employee's work, for securing the most effective adjustment of the employee to their position and for rejecting any employee whose performance does not meet the required work performance standards.

The probationary period for all City employees will be six months from the date of employment or promotion. A probationary employee may be discharged from their position at any time during the probationary period by the City Council. Promotional probationary employees, if found to be unsuited for the position to which promoted, may be reinstated to the position and rate of pay from which the employee was promoted.

At least twenty days prior to the expiration of the probationary period, the employee's supervisor will conduct a probationary interview and make a written report to the City Council as to whether the services of the employee have been satisfactory and whether the employee should be retained in the appointed position. Subsequent to the end of the probationary period, the City Administrator will designate the employee for regular appointment, reduce to original position, or discharge the employee. The decision of the City Administrator is final and will be provided to the employee in writing.

SECTION 5 REGULAR WORK HOURS

The normal hours of work for all employees will be established by the City Council with specific work schedules approved by the City Administrator.

Department heads and supervisory employees are required to put in any time necessary to perform their duties.

SECTION 6 EMPLOYEE BENEFITS

Only regular employees are eligible for benefits. These benefits may be changed, amended, clarified, altered or rescinded at any time by the City Council.

Regular full-time employees are eligible for full benefits. Regular part-time employees are eligible for holiday, vacation and sick leave benefits in proportion to their hours worked per week rated on the following scale:

Under 20 hours per week	No benefits
20-29 hours per week	1/2 benefit
30-35 hours per week	3/4 benefit
Over 35 hours per week	Full benefit

The number of hours worked per week will be determined at the time of hiring and will be reviewed quarterly by the City Administrator.

Temporary and seasonal employees and independent contractors/consultants are not eligible for any benefits provided by the City.

Subdivision 1 - Holidays The following days are observed paid holidays:

- New Year's Day, January 1
- Martin Luther King's Day, the third Monday in January
- Presidents Day, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- The day following Thanksgiving Day
- Christmas Day, December 25
- Floating Holiday, to be used at employee's discretion

(Must be used before the end of the year)

Whenever one of the above holidays falls on a Saturday, the preceding day will be observed as a holiday. Whenever one of the above holidays falls on a Sunday, the following day will be observed as a holiday.

Subdivision 2 Vacation Leave - Vacation may be used as earned.

(a) Accumulation. The following is the schedule for accumulation of vacation, based on the number of years of city service:

0 - 5 years of service	10 days per year
After 5 years to 10 years of service	15 days per year
After 10 years of service	One additional day per year not to exceed 20 days per year

Employees may accumulate up to a maximum of twice their annual vacation leave. Employees must use at least one week of vacation leave per calendar year.

(b) Requests. Vacation leave must be requested at least 48 hours in advance. Vacation requests are subject to the approval by the employee's supervisor and may be denied in the event of an emergency or if the taking of vacation would result in insufficient manpower to carryout City business.

(c) Legal Holidays during Vacation Leave. Whenever a legal holiday falls on a working day during an employee's vacation leave, that holiday will not be counted as a vacation day,.

Subdivision 3. Sick Leave Sick leave will be accumulated for all regular full time employees at the rate of one day per calendar month and may be accumulated to a maximum of 120 days.

(a) Use of Sick Leave. Sick leave may be used only in the event of personal illness, legal

quarantine, disability or serious emergencies such as death or critical illness in the immediate family of an employee. An employee must request sick leave from their immediate supervisor prior to the start of the employee's work day on each day sick leave is used. An employee with an extended absence of three days or more may be requested to file a physician's statement, signed by the employee, indicating the nature of their illness. Up to three days of sick leave may be used to attend to an ill family member of an employee.

- (b) Use for Funerals. When necessary, sick leave may be used by an employee because of a death in the employee's family. Funeral leave may be granted according to the following schedule:

Spouse, children, parents, parents-in-law
- Up to five days -

Brothers, sisters, grandparents, brothers-in-law,
sisters-in-law
- Up to three days -

Uncles, aunt, cousins
- One day -

Funeral leave must be taken on consecutive working days, one of which is the day of death or the day of the funeral. Any deviations from this policy will be at the discretion of the City Administrator.

Subdivision 4 Leaves of Absence with Pay Any regular employee who is required to serve as a juror or who is under subpoena as a witness in court related to city business, shall be granted leave with pay while serving in such capacity. Upon completion of jury service, the employee shall reimburse the city for the amount of jury duty pay, less the amount received for traveling expenses.

Subdivision 5 Leaves of Absence without Pay Upon request, a leave of absence without pay may be granted by the City Administrator for a period not to exceed 90 days. No benefits will accrue or be paid out during a period of a leave of absence without pay. An employee may elect to continue group health and/or life insurance coverage during a leave of absence, the entire cost of which will be borne by the employee.

An extension of a leave of absence may be granted by the City Administrator not to exceed a total of 180 days.

Subdivision 6 Parental Leave - An employee who works 20 or more hours per week and has been employed more than one year is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed 12 months and must begin not more than six weeks after the birth or adoption of the child. The employee is entitled to return to work at the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. City paid health insurance coverage will remain in effect during the month the child is born and until the end of the following month. The employee will have the option to continue coverage at his or her own expense for the remainder of the leave.

Requests for parental leave must be made in writing to the employee's supervisor at least two months prior to the requested leave's starting date.

Subdivision 7. Health Insurance. Group health insurance will be provided to all regular full-time employees and their dependents by the City. Each year the City Council will determine the amount to be contributed by the City.

Subdivision 8. Life Insurance Basic life insurance will be provided to all regular full-time employees at a rate of one times their annual salary by the City.

Subdivision 9. Dental Insurance Group dental insurance will be provided to all regular full-time employees and their families by the City.

Subdivision 10. Tuition Reimbursement. To encourage individual career development and improved work performance, all regular full-time employees shall be eligible for reimbursement for 75 percent of tuition and book expenses incurred in post-high school level courses or programs which are work related or part of a formal degree or certification program. Prior supervisory approval is required and the course must be successfully completed with a grade of B (or equivalent) or better for reimbursement.

Subd. 11 - ~~Retiree~~ Employees -

SECTION 7 COMPENSATION

Subdivision 1 Rates of Pay All pay rates will be set by the City Council.

Subdivision 2 Overtime Pay All non-exempt employees shall be eligible for overtime pay. Overtime will be paid at a rate of one and a half times the regular hourly rate of pay for any hours worked over 40 hours in a given work week. Overtime work must have prior approval by an employee's immediate supervisor.

Subdivision 3 Compensatory Time Off Exempt employees shall be eligible for time off to compensate for hours worked in excess of 40 hours per week with supervisor's approval. Comp time must be used within 30 days of accrual unless permission is received from supervisor.

Subdivision 4 Pay Days Paydays for all employees will be semi-monthly. Employees will receive a paycheck on the 15th and the last day of each month. In the event that either day falls on a weekend or holiday, paychecks will be distributed on the day preceding the weekend or holiday.

SECTION 8 PERFORMANCE EVALUATION

There will be a written performance review completed annually for each regular employee. Performance evaluation forms will be completed by the employee's immediate supervisor. A personal interview between the employee and the immediate supervisor will be conducted.

The evaluation will include a review of the employee's principal responsibilities, an appraisal of the employee's job performance, a discussion of problem areas and a plan of action to set objectives for performance and to assist in alleviating any problem areas.

All evaluations will be submitted to the City Administrator for review and made a part of the employee's personnel records.

SECTION 9 DISCIPLINARY ACTIONS

Employees will be subject to disciplinary action for failing to fulfill their duties and responsibilities as employees of the City. The City will administer disciplinary action uniformly and without discrimination. Disciplinary action may include action up to and including termination. Discipline will be based on the nature and severity of the infraction and conditions surrounding the incident.

Subdivision 1 Disciplinary Steps

The employee's immediate supervisor will inform the employee promptly and specifically of the cause for disciplinary action. Disciplinary action against any employee will be progressive and follow the steps listed below:

1. Oral Reprimand - The supervisor will inform the employee that "This is an oral reprimand" and will state the reason for the reprimand.
2. Written Reprimand - The supervisor will submit a written reprimand to the employee and place a copy of the reprimand in the employee's personnel file.
3. Suspension - In those cases where one or more written reprimands have not proven to be effective, or in those cases where the seriousness of the events or conditions warrant it, the supervisor may suspend an employee without pay for a period not to exceed thirty days in any one calendar year.
4. Demotion or Discharge - When other forms of disciplinary action have proven ineffective, or where the seriousness of the offense or condition warrants it, the City Council may demote or dismiss the employee.

These subsections are intended only to provide examples of types of discipline and are not meant to be exclusive, nor to require the City to exhaust these steps in any particular instance.

Subdivision 2 Temporary Relief from Duty A supervisor may temporarily relieve an employee from duty if the employee is unfit to perform his or her duties. Sick leave will be utilized when an employee is sick.

Subdivision 3 Grievance Procedure It is the policy of the City, whenever possible, to prevent the occurrence of grievances and to deal promptly with those which should occur. The following will be the Grievance Policy of the City:

Step 1 - Should an employee wish to file a grievance, the grievance will be filed in writing within ten working days of the occurrence of the grieved issue with the employee's supervisor.

Step. 2 - The grieving employee's supervisor will immediately consider and examine the causes of the grievance and attempt to resolve it within five working days of receipt of the grievance.

Step 3 - If the grievance is not satisfactorily dealt with at the supervisory level, it can be appealed within five working days to the City Administrator.

Step 4 - Upon receipt of the grievance appeal the City Administrator will review the grievance and respond within five working days.

Step 5 - If the grievance is not satisfactorily dealt with at the City Administrator level, a petition for the City Council to hear the grievance must be filed within ten working days with the City Administrator who will then place the grievance on the next available City Council agenda. The City Council will have final authority on all grievances.

Any time limits may be extended by written mutual agreement between the employee and the City Administrator.

SECTION 10 TERMINATION OF EMPLOYMENT

Subdivision 1 Resignation Any employee leaving municipal service must give at least fourteen days written notice of resignation. Upon leaving service an employee will be compensated for all accrued vacation time.

Failure to comply with this procedure may be considered cause for denying such employee future employment by the City and termination benefits. Unauthorized absences from work for a period of three working days may be considered as a resignation without notice.

Subdivision 2 Involuntary Termination Regular employees may be involuntarily terminated for any reason not prescribed by law at the will of the City Council. The City Council will give the employee fourteen days written notice of termination or the financial equivalent thereof.

drop
~~Subdivision 3 Retirement The mandatory retirement age will be 70 years of age. On an individual basis, at the discretion of the City Council, an extension may be granted beyond the mandatory retirement age.~~

~~Within thirty days of the date on which an employee has reached the age of seventy years or the date to which their retirement date has been continued as provided in this section, the employee may apply for and be granted a continuation of employment as follows:~~

- ~~1. The employee will make application to the Council setting forth the date to which they wish their period of employment to be continued, and will submit to the council a satisfactory report of physical fitness by a physician approved or designated by the City Council. Such report will be at the employee's expense and will show physical and mental adequacy of the employee to perform assigned work.~~

2. Such application will contain any other information necessary or required by the City Council regarding the employee applying to the merits of the matter.
3. The City Council may grant the application for continued employment for all or a part of the period requested in the application subject to such conditions as the City Council deems reasonable.

Subd. 11 } Retired city employees may continue to participate in the city's health, dental and life insurance programs, at the prevailing appropriate group rate, at the retiree's expense.

Subdivision 4 Lay-Offs The City Council may lay off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization, provided, however, that fourteen days written notice be given. No regular employee will be laid off while there are temporary, provisional or probationary employees serving in the same class of positions for which the regular employee is qualified, eligible and available. Length of service in the same position class will determine the order of making lay-offs when all job relevant qualification factors are equal.

Any regular or promotional probationary employee upon receiving a layoff notice may elect to be reduced to a lower position within the same department provided the employee has greater seniority than the employee being replaced or the lower position is vacant and the employee has previously held the position within the last three years.

The decision to be reduced must be submitted in writing within seven calendar days of receipt of the notification of layoff.

Subdivision 5 Severance Pay Regular full-time employees leaving municipal service in good standing or at retirement will receive a severance payment at the following rate;

1-5 years of service	1 weeks salary
6-10 years of service	2 weeks salary
11-15 years of service	4 weeks salary
Over 15 years service	6 weeks salary

SECTION 11 MISCELLANEOUS REGULATIONS

Subdivision 1 Travel Expenses. Employees traveling on municipal business will be reimbursed for work related expenses incurred. The employee, upon returning to work, will fill out and submit the appropriate claim form, along with corresponding receipts, for reimbursement of such expenses.

Subdivision 2 Car Expenses. An employee authorized to use their personal car on municipal business will be reimbursed for car expenses at a per mile rate set by the City Council. Claims for mileage expense will include the date of travel, the purpose or destination, and number of miles traveled.

Subdivision 3 Uniforms When employees are required to wear uniforms in the performance of city duties, such uniforms will be provided by the City.

Subdivision 4 Political Activity The political activities listed below are specifically prohibited by city employees. Employees engaging in any of these activities are subject to disciplinary action.

1. Campaigning for a candidate or issue during prescribed working hours or while on city business.
2. Attempting to influence a campaign by specifically alluding to the employee's position with the City.
3. Participating in a campaign where such participation constitutes a conflict of interest between the employee and the carrying out of duties prescribed in the employee's job description.

No employee of the City will hold any other office or employment under the City, County, State or Federal government, or any division thereof, except such office or employment which does not interfere with the impartial discharge of duties or result in the wielding of legislative or executive authority over conditions of employment or over service supervisors.

Subdivision 5 Employee Participation in Fire Department

Fulltime employees of the City of Falcon Heights are encouraged to participate in the Falcon Heights Fire Department.

1. During regular work hours Employees will be allowed to respond to fire/ambulance calls as determined by the City Administrator based upon the relative needs of the Fire Department and the needs of their regular work assignments. There will be no compensation in addition to regular employment compensation

*not a
call by call
basis*

for providing Fire Department services during regular work hours, nor will employees be docked regular pay for Fire Department service.

2. Outside of regular work hours. Full-time City employees will be treated the same as any other member of the Fire Department, including training compensation and retirement benefits.

Consent _____

Agenda Item: F-7

Policy x

CITY OF FALCON HEIGHTS

Meeting Date: 2/8/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CHARITABLE GAMBLING ORDINANCE

SUBMITTED BY:

Paul Mattke, Assistant City Attorney

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attached is a memorandum from Paul Mattke addressing concerns raised by the Council at the January 11, 1989 Council meeting.

ACTION REQUESTED:

Discussion and direction to staff regarding ordinance.

JW

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

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

MEMORANDUM

TO: Falcon Heights City Council

FROM: Paul E. Matthe, Assistant Falcon Heights
City Attorney

DATE: February 3, 1989

RE: Charitable Gambling Ordinance

This memo is in response to the questions raised at the January 11, 1989 Council meeting concerning the extent of permissible local control over charitable gambling.

First, you asked whether the City could initiate any procedure to suspend or revoke an organization's license during its one-year term. Under Minn. Stat. §349.16, suspension or revocation is a state administrative procedure which would be commenced by the Charitable Gambling Control Board which referred me to their attorney, Mary Magnuson, of the Attorney General's Office (296-7575) because the Board has had no experience in such suspensions or revocations. Magnuson stated that any problems experienced by the City could be reported to the Board but, as a practical matter, licensed organizations usually bend over backwards to comply with all regulations in order to remain licensed, because gambling is so lucrative. The one certain remedy that the City has for violations of any of its conditions is not to approve the renewal application for the next year.

Second, you wondered whether gambling could be a conditional use, subject to the terms and procedures of the permit process. Minn. Stat. §349.213, forbids the City from requiring a permit for organizations licensed by the Board. Furthermore, the City has only 60 days to act on a pending application to the Board and complying with public hearing requirements and Planning Commission action might make timely response difficult in some cases. An approach which probably

Memorandum to Falcon Heights City Council

Page 2

February 3, 1989

would satisfy your desires in this regard would be to add as a condition for approval that the premises be located in commercial zones and that the general conditions of Section 9-15.04, Subd. 3.a.(1),(2),(5), and (6), be met by the licensed premises.

Third, you asked whether licenses could be restricted to local organizations. Cloquet pitched this same question at the Attorney General's Office, which ducked it by saying that it raised constitutional issues but then did not answer whether or not it could be done. Magnuson and I both believe that a challenge under the 14th Amendment Equal Protection Clause would be likely if such a restriction were adopted. Additionally, restricting licenses to local organizations might be viewed as an attempt to circumvent the Section 349.213, Subd. 1 restriction on designation of profits to ten percent. Nevertheless, such a restriction would be presumed valid until challenged.

Last, you wondered whether the number of licenses could be limited. There is no specific statutory authority for a number limitation, as there is in the case of on-sale liquor licenses, but Section 349.213, Subd. 1, does permit cities to exercise "more stringent regulation" of gambling than does the statute. That arguably might include the number of licenses, but the City would have to have a rational basis (a reasonable consideration based on fact) for the limitation in order to avoid being arbitrary.

Attached, for your reference is a copy of Minn. Stat. §349.213. As soon as you provide further direction as to your desires, we will prepare an appropriately redrafted ordinance for your consideration.

PEM/abg

Attachment

GAMES OF CHANCE

7390

7391

BINGO, GAMBLING DEVICES, AND VIDEO GAMES OF CHANCE 349.214

arrested, the court shall issue an order have any right, title or interest in, or lien known claiming any right, title, interest, (1) stating that it was seized and that a caption, has been filed with the court, (2) administrator their answer to the complaint, right or title to, interest in, or lien upon of the order, and (3) notifying them in er within the time, the property will be rt shall cause the order to be served upon nt, title, interest, or lien as in the case of wn persons by publication, as provided nswer is filed within the time prescribed, nistrator, setting forth the fact, order e proceeds of the sale, after deducting the costs of sale, must be paid into the state nswer is filed within the time provided, shall be not less than ten nor more than es. At the time fixed for hearing, unless d and determined by the court, without

ny part of it, was used in the violation roperty unlawfully used, sold as provided tion. The court that the owner had no the property was used or intended to be e, after deducting the expense of keeping of the sale, shall pay all liens according hearing as being bona fide and as existing edge that the property was being used or with the violation specified in the order e proceeds into the state treasury to be ection shall free the property sold from r of the district court will lie as in other rticles specified in this subdivision, and must be returned to the owner or person ecution of a good and valid bond to the less than \$100 and not more than double l by the court in which the case is triable, r and the judgment of the court, and to f the seizure. The seizing authority may ision when the seizing authority consido so.

n shall with intent to defraud the state, r stamp provided for in this chapter, or rered stamps, with the intent, or with the ed by this chapter.

n. No person, other than a licensed ossession with intent to sell or offer for a accordance with the provisions of this

erson required by section 349.212. ns shall falsify or fail to keep the records

Subd. 4. Transporting unstamped deals. No person shall transport into, or receive, carry, or move from place to place in this state, any deals of pull-tabs or tipboards not stamped in accordance with this chapter except in the course of interstate commerce, unless the deals are moving from one distributor to another.

History: 1988 c 719 art 9 s 15

349.213 LOCAL AUTHORITY.

Subdivision 1. Local regulation. A statutory or home rule city or county has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction, including the prohibition of any form of lawful gambling, and may require a permit for the conduct of gambling exempt from licensing under section 349.214. The fee for a permit issued under this subdivision may not exceed \$100. The authority granted by this subdivision does not include the authority to require a license or permit to conduct gambling by organizations or sales by distributors licensed by the board. The authority granted by this subdivision does not include the authority to require an organization to make specific expenditures of more than ten percent from its net profits derived from lawful gambling. For the purposes of this subdivision, net profits are profits less amounts expended for allowable expenses. A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except as authorized under section 349.16, subdivision 4, or section 349.212.

Subd. 2. Local approval. Before issuing or renewing an organization license, the board must notify the city council of the statutory or home rule city in which the organization's premises are located or, if the premises are located outside a city, by the county board of the county and the town board of the town where the premises are located. If the city council or county board adopts a resolution disapproving the license and so informs the board within 60 days of receiving notice of the license, the license may not be issued or renewed.

History: 1984 c 502 art 12 s 18; 1986 c 467 s 25; 1987 c 327 s 21; 1988 c 705 s 1

349.214 EXEMPTIONS.

Subdivision 1. Bingo. Bingo may be conducted without a license and without complying with sections 349.17, subdivision 1, and 349.18 if it is conducted:

- (1) in connection with a county fair, the state fair, or a civic celebration if it is not conducted for more than 12 consecutive days in a calendar year; or
- (2) by an organization which conducts four or fewer bingo occasions in a calendar year.

Subd. 1a. Bingo; certain organizations. Bingo may be conducted within a nursing home or a senior citizen housing project or by a senior citizen organization without compliance with sections 349.11 to 349.213 if the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, no more than two bingo occasions are held by the organization or at the facility each week, only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, a manager is appointed to supervise the bingo, and the manager registers with the board. The gross receipts from bingo conducted under the limitations of this subdivision are exempt from taxation under chapter 297A.

Subd. 2. Lawful gambling. (a) Raffles may be conducted by an organization as defined in section 349.12, subdivision 12, without complying with sections 349.11 to 349.14 and 349.151 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed \$750.

(b) Lawful gambling may be conducted by an organization as defined in section 349.12, subdivision 12, without complying with sections 349.11 to 349.14 and 349.151 to 349.212 if:

February 6, 1989

ADDENDUM TO AGENDA FOR FEBRUARY 8, 1989

F-8 Schedule Workshop on Strategic Planning

ACTION: _____