

ADMINISTRATIVE UPDATE
May 9, 1989

Homestead Credit/TIF Legislation

A bill is moving through the legislative process which will provide Transition Aid to the Cities of Falcon Heights and Lauderdale for homesteaded properties in TIF districts which are at least 75% residential (Coffman but not Hewlett Packard). The amount will be either the comparable amount of Transition Aid for 1989 or the Annual Shortfall, whichever is less. Our representatives have assured us that there should be no problem with this bill passing. There will likely be some language changes in the Conference Committee because the 75% limitation does not help the troubled Lauderdale project.

Paul Ciernia has done some computerized projections showing how this will ultimately affect us. This scenario is based on a 2% increase in market value each year. (See attached)

St. Mary's Street Parking

The Falcon Center parking lot was restriped and "No Ciatti's Parking" signs were removed from in front of Tile International last Friday so the No Parking signs were removed at the north end of St. Mary's Street.

Reminder - Business Breakfast

Invitations have been mailed to local business and apartment owners to attend the meeting with the Council on Wednesday, May 17, at 7:30 A.M.

Spring Clean-Up

The clean-up was a huge success! Collections were as follows:

- Eight 40 cu. ft. dumpsters and two 20 cu. ft. dumpsters filled.
- Approximately 20 appliances. The recycler of these appliances, Major Appliance Pickup Service, Inc., will document tonnage as this can be used towards our Solid Waste abatement goal.
- Goodwill trailer was 3/4 full. Goodwill was pleased with the response.
- Approximately 40 tires will be taken to Norm's Tires for recycling.

A total of \$792.00 in dump fees was collected. This amount will cover most of the dump supervisor's salaries.

**Next Year
Post
Gues!*

Page 2

Street Sweeping

Total Asphalt Construction Company completed the street sweeping last week. The weather cooperated which helped speed up the process.

Spring Tree Planting

31 trees have been purchased for boulevard tree replacement. Planting is scheduled for the week of May 15th.

Bike Rodeo

Despite the bad weather last Saturday, about 125-150 kids attended the Bike Rodeo at Falcon Heights School. Carol Kriegler reports that everything went well.

*JW → MCMA W, Th, F

*JW → Pay. Review

J. Wallin - Conflict next mtg on ~~18~~ May

10/11/88

Impact of TIF Changes

TIF \$ Received 1989	194939	194939	194939	129946	194939	126084	128585	96	725	194586	198696	202896	207196
TIF \$ Received 1990	128064	+3% >>	129946	129946	126084	128585	96	725	194586	198696	202896	207196	
Difference	88875	State >>	88875	88875	126084	128585	96	725	194586	198696	202896	207196	
Band Pay Year		1989	1990	1991	1992	1993	1994	1995	1996				
Prin + Int		150200	146350	193575	186575	179375	196975	212475	200775				
End 1988 Bal ?	17500												
Mktg Val Increase	2%												
Original Plan													
Inc Value(prior yr)	2% ↓ →	179382	182366	186726	190866	194586	198696	202896	207196				
Investment		2121	4037	6753	6192	6610	8089	8643	8378				
Total		181503	186303	193479	196858	201206	206785	211539	215574				
Sur/(Def)		31303	39353	-96	10283	21831	9810	-936	14799				
Cum Sur/Def		48803	88756	88650	98943	120774	130584	129648	144447				
Current Law													
Inc Value(prior yr)		179382	194939	126084	128585	131157	133780	136456	139185				
Investment		2121	4037	5000	1000	0	0	0	0				
Total		181503	198976	131084	128585	131157	133780	136456	139185				
Sur/(def)		31303	52026	-62511	-58990	-48218	-63195	-76019	-61590				
Cum Sur/Def		48803	100829	38318	-18672	-66890	-130085	-206104	-267694				
New Law													
Base Inc Value		179382	194939	126084	128585	131157	133780	136456	139185				
Case 1				65093	85093	65093	85093	85093	85093				
Case 2				77190	67318	57187	73044	86643	71829				
Net Add (min(c1,c2))				65093	85093	57187	85093	85093	85093				
Total Inc recd		179382	194939	191157	193878	188344	199873	201549	204278				
Change from plan		0	12073	4431	3012	-8252	177	-1347	-2918				
Investment(5% bal)		2121	4037	4991	5095	5880	6387	6777	8544				
Total		181503	198976	196149	198773	184024	205261	208328	210822				
Sur/(def)		30803	51526	2074	11898	14149	7786	-4849	9547				
Cum Sur/Def		48303	99829	101903	113601	127750	135538	130888	140433				

1 shareholders or partners who are actively engaged in the
 2 business on behalf of the corporation or partnership. Homestead
 3 treatment applies even if legal title to the property is in the
 4 name of the corporation or partnership and not in the name of
 5 the person residing on it."

6 Page 87, after line 21, insert:

7 "Section 1. Minnesota Statutes 1988, section 477A.011,
 8 subdivision 1a, is amended to read:

9 Subd. 1a. [CITY.] City means a statutory or home rule
 10 charter city. City also means a town having a population of
 11 5,000 or more."

12 Renumber the sections in article 7 in sequence

13 Page 188, after line 16, insert:

14 "Sec. 13. [HOMESTEAD AND AGRICULTURAL CREDIT AID; TIF
 15 DISTRICTS; FALCON HEIGHTS AND LAUDERDALE.]

16 Subdivision 1. [PAYMENT OF AID.] The commissioner of
 17 revenue shall pay the cities of Falcon Heights and Lauderdale
 18 homestead and agricultural credit aid as provided by this
 19 section. The payments must be made at the times provided by
 20 Minnesota Statutes, section 273.1398.

21 Subd. 2. [DEFINITIONS.] For purposes of this section, (1)
 22 the definitions contained in Minnesota Statutes, section
 23 273.1398 apply, and (2) qualified tax increment financing
 24 district means a tax increment financing district comprised
 25 exclusively of class 1 and class 4 property with 75 percent of
 26 the market value of the district consisting of class 1 property.

27 Subd. 3. [CALCULATION OF AID AMOUNT.] (a) Homestead and
 28 agricultural credit aid for a qualified tax increment financing
 29 district for taxes payable in 1990 equals the lesser of the
 30 following:

31 (1) total tax increment revenues for the district for taxes
 32 payable in 1989, minus the product of (i) the qualified tax
 33 increment financing district's gross tax capacity rate; (ii) its
 34 net tax capacity based on payable 1989 market values and net tax
 35 capacity percentages in effect for taxes payable in 1990, and
 36 (iii) 1.02; or

*Increment
 - (Gross Tax Cap
 X.T.C. rate)
 X.1.03*

*1.03
 lesser of the calculated Homestead Credit for
 the net raised + bond obl.⁴ for the shortfall*

1 (2) 105 percent of the principal and interest, due during
2 the calendar year, on bonds that were issued before January 1,
3 1989, and to which the qualified district's increment revenues
4 are pledged, less the total tax capacity rate year multiplied by
5 the captured tax capacity of the tax increment financing
6 district.

7 (b) For 1991 and later years, the district must receive aid
8 equal to the amount it received in 1990 or the amount under
9 paragraph (a), clause (2), for the year, whichever is less.

10 Subd. 4. [APPROPRIATION.] The amount necessary to make the
11 payments required by this section is annually appropriated to
12 the commissioner of revenue.

13 Subd. 5. [CITY INFORMATION.] The cities of Falcon Heights
14 and Lauderdale must provide the commissioner of revenue with the
15 information necessary to make the calculations required under
16 subdivision 3, clause (2).

17 Sec. 14. [MOORHEAD TAX INCREMENT FINANCING.]

18 In the case of a tax increment financing district in the
19 city of Moorhead created prior to August 1, 1979, and used to
20 finance a hotel, parking facility, and conference project, the
21 date "April 1, 1992" must be substituted for "April 1, 1990" in
22 Minnesota Statutes, section 469.176, subdivision 1, paragraph
23 (e), each place it occurs."

24 Page 188, line 21, after the period insert "Section 14 is
25 effective the day after compliance with Minnesota Statutes,
26 section 645.021, subdivision 3, by the governing body of the
27 city of Moorhead."

28 Renumber the remaining section in article 10

29 Page 189, line 2, strike "or" and after "(d)" insert
30 "construction, improvement, expansion, maintenance and repair of
31 athletic fields and ice rinks and their appurtenances, owned by
32 the organization or a public agency or (e)"

33 Page 189, line 3, restore the stricken "imposed under"

34 Page 189, line 3, after the stricken "this chapter" insert "
35 section 349.212, subdivisions 1, 4, and 5"

36 Page 189, line 4, strike "the state or"

Hamline Ave. neighbors speak up

By Jet Glick-Anderson

Plans to widen Hamline Ave. and add bike paths on each side have angered many Falcon Heights residents who stand to lose up to 27 feet in front of their houses.

"This sounds like Hamline is going to become like another Spelling Avenue," said Bill Soukup of 1763 Hamline Ave.

"People going 35 [miles per hour] now will be going 50. We're worried about cars going faster.

"Not only that but we'll lose about half of our front yard. We wanted to sell the house but it's going to be harder now" with a smaller yard, faster traffic along Hamline and assessments that will be made on adjoining properties to help pay for the construction, he said.

"I think we should drop the whole project," added Ken

Moser, of 1883 Hamline Ave. "It'll take about 15 feet of what is now grass in my yard, and our bedrooms will be right on the street.

"They're also taking [much of] our driveways away so we won't have room to park. And the sidewalk will just give us something more to shovel."

Soukup, Moser and about 35 other Falcon Heights residents who live along Hamline Ave. voiced their concerns at an informational meeting on the project in April. A few residents voiced support.

"For me, losing some property is not an issue," said Judy Pinski of 1723 Hamline Ave. "I want a sidewalk because I want my children to be able to ride their bikes and walk to school, which they can't do now."

"I favor it for safety's sake," added Sharon Hardy, of 1717

Hamline Ave. "I really support the sidewalk for my children."

The \$1.5 million project would upgrade and widen Hamline from Carpenter Ave. to Roselawn Ave. in Falcon Heights and from Roselawn to County Road B in Roseville. Construction would begin in May, 1990.

Thirty-two households about Hamline Ave. in Falcon Heights but only seven — those from Ruggles to Garden Aves. — would actually lose any of their own property under the plan, said Thomas Madigan, consulting project engineer from Maler Stewart & Associates Inc.

The entire project — including the road, and the grass boulevards and bike paths on each side — requires 86 feet of right-of-way, which is 10 feet wider than existing right-of-way from Ruggles to Garden, Madigan said.

Others not losing private property are upset because "people consider the grass area in front of their houses that's not within their property lines as their front yards," Madigan said. "But in reality that's within the public right-of-way and they don't pay taxes on it."

In Falcon Heights, Hamline now carries 7,700 vehi-

cles a day, with up to 12,300 projected by the year 2009, said Terry Mauer, consulting engineer for the city of Falcon Heights and manager of the project for Ramsey County.

"When a road carries more than 10,000 cars per day, state aid design criteria requires a minimum 52-foot-wide street." Hamline is now a two-lane, 31-foot side street, he said.

Proposed in Falcon Heights is a three-lane road covering 52 feet from curb to curb. The center lane would serve as a turning lane and 7-foot side shoulders would border each traffic lane. An 11-foot-wide grass boulevard and a 5-foot-wide walk and bike path on each side of the street would bring the total width to 86 feet. No parking would be allowed on the road.

While the project is under Ramsey County's jurisdiction and construction will be done by the county, cost of the project will be divided three ways. Falcon Heights will be responsible for about \$102,500 of the total cost, Roseville for about \$205,000 and the county for the remaining \$1.2 million. The two cities must pay the entire cost of the bike paths and the right-of-way acquisitions along their sections of Hamline Ave., Mauer said.

The cities won't decide how to fund their shares until public hearings are held in late 1990 and 1991, he said. "But I would assume there would be some assessment to the abutting properties."

Commented Jim Hollin, of 1737 Hamline Ave.:

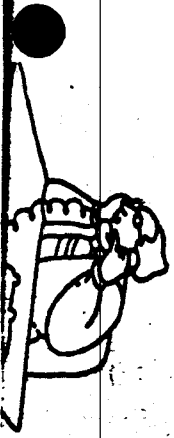
"If this is going to be built for other people's convenience, I don't think we should be assessed for it. It seems everyone in Falcon Heights wants this but us. Yet we're being asked to pay for it."

Several residents said they would like a parking lane added along Hamline, particularly since the expansion would shorten their driveways.

But Mauer responded that a parking lane would have to be built outside of the 52-foot-wide blackout reserved for traffic, leaving no space for a sidewalk. In addition, the city would have to pay 100% of the cost.

"It's a trade-off between a sidewalk and a parking lane," said Falcon Heights Mayor Tom Baldwin. "There's nothing to gain with a parking lane because there's a definite safety hazard once you put a parking lane in. When traffic is at its heaviest and fastest, that parking lane would become a traffic lane. From a safety standpoint, it wouldn't be safe to park there at those times of

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Tickets, at \$8 (\$4 student rush) are available at the Bibleshop in St. Anthony Park. For more information, call 644-4234.

The Color Purple

The Faith and Fiction Book Club will meet Sun., May 14, 7:30 p.m., for an informal discussion of Alice Walker's book, *The Color Purple*. Winner of the Pulitzer Prize and the American Book Award for fiction, this novel is the story of truths about men and women, blacks and whites, God and love. Newcomers are welcome to participate. Read the book and join the discussion at St. Anthony Park United Church of Christ, 2129 Commonwealth. For more information, call the church office at 646-7173.

Clean up Falcon Heights

Falcon Heights residents are urged to bring reusable items to the northwest corner of the Gibbs Farm parking lot on Cleveland just north of Lar-

Antony ages will be featured at the April 30 concert.

pentour until May 7. Hours are 1-9 p.m. Mon.-Fri., 9 a.m.-5 p.m. Sat. and noon-5 p.m. Sun.

Goodwill Industries will have a trailer at the cleanup site. Bring good clean clothing and household items for others to use. The Falcon Heights/Lauderdale Lions Club will assist senior and disabled residents by picking up and hauling their items on Wed., April 25, 10:30-11:30 a.m.

Call City Hall, 644-5050, for more information and fee schedule.

South St. Anthony Rec Center

Rec Center

Special thanks to all who helped with the 2nd annual potluck dinner in April. A lot of credit for the success of the dinner goes to the committee, Ken Holdeman and Ardith Duren, who spent many hours planning, getting door prizes and making community contacts. Summer brochures, listing recreation programs, will be available upon request after

May 8. A preview of activities:

• Arts & Crafts, Thurs., 2:30-3:30 p.m., \$2 (ages 6-11)

• Tennis for Fun, Mon., 3:30-4:30 p.m., free (ages 9-12)

• Bookstart, Mon.-Thurs., 9-10:30 a.m., free (ages 4-6)

After Bookstart:

• Kickball, Tues., 10:30-11:30 a.m., free

• I Can Make My Own Good Snacks, Tues., 11:30-12:30, \$12 (light lunches prepared)

• T-Ball, Thurs., 10:30-11:30 a.m., free (bring glove)

Arts & Crafts class begins on June 15, all other activities begin the week of June 19 and continue for six weeks.

MAY 19-20-21, 1989

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Dear Block Nurse,

Do I have to be sick to have a Block Nurse visit me? Maybe I have to be ready to go to a nursing home before you can come. I'm not even sure what you can do for me since I already have a doctor. Can you help me if I'm not sick? How do I reach you and just what do you do?

The STAP Block Nurse Program would like all STAP residents who are 65 or over to know about its services should they need them now or in the future. The program's primary purpose is to help older neighbors live independently at home. It's not necessary to be sick to participate. We:

- treat wounds
- administer & advise about medication management
- consult with families about appropriate care & adaptive equipment
- coordinate community referrals as needed for care in the home
- provide therapeutic exercises
- monitor vital signs
- work closely with clients' physicians
- help clients with all aspects of obtaining health care
- assist with bathing, hair care, foot care
- assist with meal planning & preparation, laundry, house-keeping & some chores & errands
- create links with the wider community
- help with transportation.

FALL FOLIAGE TOUR

Oct 2-Oct 9

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Tour the fabulous "Breakers," Cornelius Vanderbilt's 70-room summer home.

Board the "Mayflower" and visit the Witch Museum in Salem.

Plans begin for Arts Fair & Park Festival

The 20th annual Arts & Crafts Fair will be held on Sat., June 3, in front of the St. Anthony Park Branch Library, 2245 Como Ave., from 9 a.m.-4 p.m. The 1989 Art Fair Committee includes several chairwomen of previous fairs. The committee composed of Barb Cain, Jo DeJager, Judy Flinn, Flo Gerber, Madeline Johnson, Susan McIntyre, Laura Nelson, Evelyn Sonneck, Joan Dow Stowe and Lindy Westgard will be coordinated by Janet Quale.

Exhibitor registration forms for the Arts & Craft Fair and the Boutique can be picked up at the library desk. Registration closes on May 15. All items sold must be hand-made by the exhibitors. No imports will be allowed. Registration fee is \$15 and exhibitors are asked to donate ten percent of their Art Fair sales to the Library Association to be used for library needs. Last year the Library Association spent over \$5,000 on the renovation of the building. It has recently signed a contract for a new storage closet in the Community Interest Room which will cost over \$3,000.

Library Association officers are Warren Gore, president; Mary Manitt, vice president; Nowell Letzke, treasurer; and Janet Quale, secretary.

The St. Anthony Park Festival will also be held on Sat., June 3. While its history is not quite as long, this lively event sponsored by community merchants has provided early summer enjoyment for neighbors and visitors for 15 years. Food, music and a variety of goods to buy are again being prepared to litalize and please shoppers.

Chairperson of the event is again Robin Lindquist of St. Anthony Park State Bank. She'll be helped by Maureen Mariano of M. Mariano & Co. for Hair, Laurie Fltz of American Cancer Society, Frank Blomgren of the Post Office, Diane McGuire and Linda Ragland of Group Health, Inc., St. Anthony Park resident Susan Marschalk, Paula Arnold of Twin City Linnea Home, Paul Kirkegard of Family Dentistry, Wendy Hanson from St. Anthony Park United Methodist Church, Mary Nelsestuen with the Northern Lights 4-H Club, Steve Townley of Knudsen Realty, Stu McIntosh of Park Hardware, Tim Smith of Carter Avenue Frame Shop, and Roxanna Freese from The B&B.

Janet Quale
5-89

Falcon Heights is 40 !!

By Jett Gluck-Anderson

Falcon Heights turned 40 this year and the city is planning to celebrate.

The city's birthday bash runs throughout the month with festivities culminating May 20. Activities will range from an essay contest and fun runs to a recycling competition and a parade.

May 20 activities begin at 9 a.m. with the Spirit of Falcon Heights 1-kilometer and 5-kilometer fun runs. The runs begin and end at Falcon Heights Elementary School. Entry forms are available at Falcon Heights city hall.

At 10 a.m. a neighborhood parade will get under way. The person who has lived in Falcon Heights the longest is expected to participate, along with scout troops, community organizations, senior citizens' groups and others. Children are being asked to decorate their bikes and join in.

"We're also asking kids to get together with neighborhood friends to make floats, to dress up or to participate in some other sort of fun way," said Pat Bush, a member of the Falcon Heights anniversary steering committee and a city councilmember.

The parade will start at Falcon Heights United Church of Christ at Garden Ave. & Holton St., wind through neighborhood streets and end

at Falcon Heights Elementary School.

At 11 a.m., a community festival will begin at Falcon Heights School. Games, relays, demonstrations, a storyteller from Gibbs Farm, the Excelsior Rencing Club and displays on Falcon Heights' history will be among the featured events.

From noon-2 p.m. bands, dancers, singers and skits will provide entertainment. Mayor Tom Baldwin will speak. And Twin Cities' comedian and Falcon Heights resident Dudley Riggs will emcee. Bring blankets and lawn chairs.

Refreshments will be available throughout the day.

"Our intent is to get everyone involved," Bush said. "Our goals are to build and promote community spirit and involvement, to inform people of past and present-day Falcon Heights, and to recognize key people who serve and contribute to the community. Most of all, we want people to have fun."

Other birthday activities in May will include:

• A recycling contest. City officials will randomly draw the addresses of several Falcon Heights households.

Then on May 12, those households will be checked to see if they are participating in that day's citywide recycling. If they are, they will receive

prizes.

• A lawn sign contest. The week of May 15 residents are being asked to make happy anniversary cards for Falcon Heights and to display them on their lawns. The signs will be judged for creativity, and prizes will be awarded at the May 20 celebration.

• An essay contest. Elementary school students throughout Falcon Heights will be asked to write on the theme "If I Ran the City." Winning essays will be read May 20.

• A volunteer recognition dinner. On May 18, a dinner will be held at Falcon Heights city hall in honor of city commissioners and staff.

"This is a recognition and thank you for all the time and effort they put into the city," Bush said. "A small city like Falcon Heights couldn't survive without volunteers like our commissioners."

Next issue

May 25

Display ad deadline

May 11

Deadline - news & classifieds

May 15



rs

tor at five other part-time centers. She has many of the same responsibilities as Sundelius but she doesn't have as much day-to-day contact with the neighborhood.

Brown, who has been with the Division of Parks and Recreation for twenty years, was previously director at the Linwood, El Rio Vista and Wilder Recreation Centers. Her present position was created a year ago and she thinks it was a fortuitous decision.

"This gives each of these six part-time centers one extra person. It allows for better and increased programming and closer supervision of the centers," says Brown.

At South St. Anthony, the leader with whom Brown works is John Neely, a biology major at Augsburg College. Brown is at the center for two hours on Tuesdays and meets with him one other time during the week. They work together on programming, classes, athletics and special events. The rest of the time he's on his own.

"There aren't so many kids who use the rec center here," says Neely, "just about ten regulars." Still, he really enjoys interaction with them. He's had this job since June and worked at Dayton's Bluff and Frost Lake centers before that, but he doesn't intend to

make a career of it.

Carol Kriegler, who is on maternity leave from the parks in Falcon Heights, thinks she has the perfect career. Her part-time position allows her plenty of time with her three young boys and yet challenges her in many ways. She really likes the programming aspect of her job and loves to come up with unique



Photo by Truman Olson
Carol Kriegler knows Falcon Heights parks well - as a parent, a program director and she remembers them as an area youth.

programs that fit the community. That's a somewhat easier job for her because she grew up in Falcon Heights and played at some of the same parks she now supervises.

The University of Minnesota graduate, who has a degree in recreation, was previously recreational sports director at Hamline University for five years. She has been in her present position for a year and plans to return to work at the end of April. "I'm lucky in that I get to deal with people when they're ready to have fun. I enjoy recreating myself and like being able to give others the same opportunity."

Maybe that's the best definition of a recreation center director after all.

BY SELLECK



Michael Smith, Luthier

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MAY 6 & 7**

See the May 3 issue of
the Twin Cities Reader
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COMMUNITY
LEGAL

Falcon Heights studies community's park needs

By Jeri Gillick-Anderson

Falcon Heights is developing a long-range master plan for its parks to meet community needs over the next decade and to thwart vandalism on park property.

The plan, expected to be completed by July 1, will be the first long-range view of park needs ever conducted for the city.

"Parks improvements in Falcon Heights have always been done piecemeal," said Carol Kriegler, Falcon Heights recreation and community services director. "The parks and recreation commission recognized there's got to be a better way. The commission felt we needed to do some needs assessment and look at the bigger picture."

The commission also recognized that Falcon Heights has a poor track record of vandalism in its parks, Kriegler said. Falcon Heights Community Park's warming shelter was destroyed by arson last fall, and windows, security lights and light fixtures have been damaged at various times.

"Park planners can tell you how to build things and where to locate them so they are virtually indestructible. When we come up with our master plan, we want this vandalism issue to be addressed," Kriegler said.

Falcon Heights has three parks - Falcon Heights Community Park at Cleveland and Roselawn Avenues, University Grove Park on Cleveland Avenue south of the 1666 Coffman complex, and a park at Snelling and Idaho Avenues. It also has four skating rinks - one at each of the parks and one at Falcon Heights Elementary School.

The master plan will look at demographic, growth and development trends in Falcon Heights, and at existing parks and recreational facilities in and out of the city.

"We want to look at the entire region because it makes no sense to have a park that duplicates what another park

is doing down the street," said Falcon Heights Mayor Tom Baldwin. "We need to be cost-effective and we want to serve a definite niche, complementing services available at other parks and duplicating services only where necessary."

This information, coupled with a community survey and interviews with key parks officials and groups, will be used to determine current and future needs.

A community survey was sent out in April through the city newsletter to all Falcon Heights households. It is expected to tell the city what sort of activities people want; what sort of building should replace the destroyed warming shelter at Falcon Heights Community Park; whether maintenance at city parks is adequate; and whether the city's four skating rinks are needed.

"Skating rinks are expensive to maintain, they are a lot of work for our public works department and the skating season is short," Kriegler said. "In the past we tried to have a skating rink in every neighborhood. But we want to know if there is a need for these or if people would be willing to drive. We want to know: should we have two quality facilities or should we spread ourselves thinner over four."

The city hopes the bulk of the surveys will be returned early in May. Public meetings will follow. Then the long-range master plan - with individual plans for each park and skating rink - will be put together. An architect should be hired by early July and construction should begin in the fall, Kriegler said.

Developing the plan will cost \$19,000, with \$15,000 of that going to Barton-Aschman Associates Inc., a Minneapolis planning agency, and the remainder going toward related land surveying services. City contingency funds are covering the cost.

Cost of implementing the plan won't be determined

until specific recommendations are made, Baldwin said. However, one source of funding has already been identified.

The city received notice in February that it will be getting a \$25,000 grant from the state to help replace the burned warming house at Falcon Heights Community Park. To receive the grant, the city must put up \$75,000 of its own toward the project. The insurance payment from the fire, about \$73,000, will cover most of that, Baldwin said.

The grant is part of the governor's Celebrate Minnesota 1990 initiative. Last year the legislature appropriated \$700,000 in grant money for community improvement projects statewide that would be completed by 1990. The purpose was to beautify the state before 10,000 visitors pour into Minnesota in July 1990 for the U.S. Olympic Festival, said Dorothy Waltz, executive director of Celebrate Minnesota 1990.

Almost 330 communities applied for the grant funds. Of those, Falcon Heights was one of only 84 to receive funding and one of only six to receive the \$25,000 maxi-

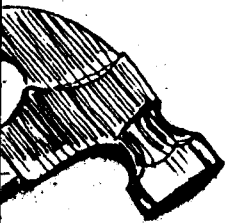
Master plan recommendations for Falcon Heights Community Park probably will be among the first implemented because of the \$100,000 already available, Baldwin said. Construction of a new park building - or whatever facility the master plan recommends to replace the warming shelter - should be completed this year. A community ice cream social celebrating the new facility will be held at the park in 1990.

"In the past, we've always flown by the seat of our pants when it came to the parks," Baldwin said. "Then a few years ago we hired a year-round parks and recreation director and made dramatic improvements in our parks programs. Now we'd like to make dramatic improvements in our physical parks facilities."

Cruises

Charter Flights

owell



years experience
the Park
contractor
#10755
request

ormed Tree

additions
Park 646-3996

ALTH
CENTER

Tradition
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14 - 20, 1989

home week, "A
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the Mayor
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meeting at

& Crafts display
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ntest Winners

oyal Family
UNITY

chments

Look for the *Bugle* booth at the
Park Festival, Sat., June 3.

Avoid Underworld Contacts.



CITY OF FALCON HEIGHTS

AGENDA

MAY 9, 1989

- A. CALL TO ORDER 7:00 P.M. 7:15
- B. ROLL CALL: P. CHENOWETH ✓ WALLIN ✓ BUSH Absent BALDWIN ✓
CIERNIA ✓ WIESSNER ✓ S. CHENOWETH ✓
ATTORNEY _____ ENGINEER ✓
- C. APPROVAL OF MINUTES OF APRIL 26, 1989
- ACTION: _____
- D. PUBLIC HEARINGS: NONE
- E. CONSENT AGENDA:
1. Disbursements
 - a. General Disbursements through 5/9/89, \$22,528.98
 - b. Payroll, 4/16/89 to 4/30/89, \$8,839.18
 2. Human Rights Commission Minutes of April 20, 1989
Planning Commission Minutes of May 1, 1989
 3. Waiving License Fee for Lions Club Food Stand at 40th Anniversary
 4. Tatum Street Sod Project
 5. Ramsey County Sheriff's Report
 6. Licenses
 7. Posting of Streets on Parade & Run Route as "No Parking"
 8. Household Hazardous Waste Collection Agreement

ACTION: _____

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Hamline Avenue Feasibility Report

ACTION: _____

2. Request to Amend Parking Variance for Bullseye Shopping Center

ACTION: _____

3. Request to Amend Conditional Use Permit for Golf-O-Mat Machines

ACTION: _____

4. Code Amendments Relating to Dimensionally Non-Conforming Buildings and Structures and Residential Setbacks.

ACTION: _____

5. MSA 5 Year Construction Program

ACTION: _____

6. Community Park Building Reconstruction

ACTION: _____

7. Discussion of City's Assessment Policy

ACTION: _____

8. Solid Waste Commission Resolution Relating to Continuation of Curbside Recycling and Related Items.

ACTION: _____

9. Sexual Harassment Policy

ACTION: _____

10. Planning Staff Request

ACTION: _____

11. Schedule Strategic Planning Session

ACTION: _____

MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 26, 1989

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

PRESENT

Bush, Ciernia and Baldwin. Also present were Wiessner, S. Chenoweth, Gedde and Maurer.

ABSENT

P. Chenoweth and Wallin. (Wallin arrived later)

CONSENT ITEM E (2), 40TH BIRTHDAY CELEBRATION, PLACED ON POLICY AGENDA

Item E (2) was removed to the Policy Agenda as it had been inadvertantly placed on the Consent Agenda.

MINUTES OF APRIL 12, 1989

Council approved the Minutes of April 12, 1989 as presented.

CONSENT AGENDA APPROVED

The following Consent Agenda was approved:

1. Disbursements
 - a. General Disbursements through 4/26/89, \$72,208.00
 - b. Payroll, 4/1/89 -4/15/89, \$9,654.23
2. Fire/Ambulance Runs
3. Solid Waste Commission Minutes of April 6, 1989
4. Spring Street Sweeping Contract
5. Licenses

APPROVAL OF ANIMAL CONTROL AND ANIMAL POUND CONTRACTS FOR 1989

Following a brief discussion, Council unanimously approved the 1989 Animal Control Contract with the City of Roseville, and the 1989 Animal Pound Contract with Brighton Animal Hosptial.

APPROVAL OF CURBSIDE RECYCLING CONTRACT WITH SUPERCYCLE

Council approved the proposed contract with SuperCycle, Inc. for curbside pickup for the remainder of 1989 as recommended by the Solid Waste Commission.

CHANGES IN CITY'S DEDUCTIBLE ON LIABILITY AND AUTO INSURANCE

Council approved changing the City's auto collission deductible to \$1,000 and the building coverage to replacement cost as recommended by City Accountant Kelly.

LONG TERM DISABILITY INSURANCE POLICY APPROVED

Council authroized participating in a long term disability policy plan through Ramsey County as recomended by Kelly.

TRANSFER OF BUDGET FUNDS APPROVED

Council approved Kelly's recommendation that budgeted funds for Insurance and Bonds be transferred from the Administrative Budget to the respective department budgets.

BUSINESS BREAKFAST MEETING SCHEDULED FOR 5/17/89

An informal breakfast meeting with the local businesses was scheduled for May 17, 1989 at 7:30 A.M.

LEAGUE OF WOMEN VOTERS FINDINGS ON CITY'S PROCEDURES RELATING TO MEETINGS, MINUTES, AGENDAS, ETC.

Council discussed the report (a copy of which is on file in the Clerk's Office) and some possible improvements in the present procedures. They also complimented the League on this comprehensive study.

REGULAR MEETING SCHEDULED FOR 5/10/89 CANCELLED - SPECIAL MEETING TO BE HELD 5/9/89

Due to conflicts with some other meetings, Council cancelled the May 10, 1989 meeting and scheduled a special meeting for May 9, 1989 at 7:00 P.M.

DISCUSSION - PROPOSED HAMLINE AVENUE IMPORVEMENTS (LARPENTEUR TO COUNTY RD B2)

Baldwin reviewed the Engineer's preliminary response to questions posed by concerned residents in their petition dated April 21, 1989.

WALLIN ARRIVES

Wallin arrived at 7:35 P.M.

Baldwin then explained the procedures for implementing projects such as the proposed Hamline Avenue Improvement and any subsequent assessments. He also stressed that the right-of-way belongs to Ramsey County and it is the County's right to use the property as they feel prudent and necessary.

JACK WALTERS, 1821 Hamline, stated there is presently a culvert in front of his residence and wanted to know if there was to be anything done on the storm sewer system. Maurer responded that he had not seen the detailed plans as yet.

GLORIA HOCKBEIN, 1877 HAMLINE, was concerned about the loss of driveway parking space and asked for suggestions on how to create more parking on their property, such as possible changes in side lot set back requirements to allow widening of their driveways. Baldwin replied that it is possible to apply for a variance to the 5 foot set back requirement.

KIM BROCKMAN, 1811 Hamline, commented on the following items in the Engineer's reply: Item 3(j), MN/DOT variance procedure, wanted to know the comparison of a variance to cost, Item 5(b),

which two cities requested the walkway, and 5 (b), felt there should be some survey of impact on property values and wanted to know if it was the responsibility of the homeowner or the City to obtain this information. She also felt that environmental issues should be addressed. Baldwin explained that in at the time the feasibility study is approved the City has to determine if there is inordinate denegration of property, and if residents feel they have been seriously affected there is recourse through the appeal system.

BILL SOUKOUP, 1763 Hamline, stated he is opposed to the project, and that even though the County has standards the city should see how people feel. He was of the opinion that what the people say makes no difference. Baldwin explained that with the traffic count on Hamline the County would be derelict in its duty to not use the public land for public safety, and that the street construction is a County decision. Soukoup suggested that if a sidewalk is installed it be placed next to the street, and asked who would have to shovel the walk. Baldwin stated that it was his opinion that the present feeling of the Council is that the pathway would be a City service. Soukoup also expressed concern that with the new construction, Hamline would become a truck route in a few years.

JOHN ENGELHART, 1889 Hamline, requested that the City pursue a variance to have turn lanes at intersections instead of a middle lane all the way, which would narrow the street and not intrude so far into the intersection. He felt most of the residents would prefer a sidewalk with no boulevard. Maurer explained that the City could request a variance to reduce the street from 52 to 48 feet, however, part of the County's funding is from State Aid Funds and State guidelines require a 52 foot street. If it is reduced the County will pay only for 20 feet down the center and the remainder would be a local cost. The reduction in size would gain two feet on each side and double the cost to the City.

MARGERY MCPARTLAND, 1789 Hamline, was concerned that the street will become a truck route and wanted to know what protection the residents have that the street will not be increased from 3 to 4 lanes in the future. Maurer replied that the 52 foot street is based on traffic counts and the 3 lane configuration carries traffic as well as a 4 lane. He stated that there is no guarantee, but that the County has been happy with the 3 lane configuration.

CAROL BROWN, 1835 Hamline, was concerned that Hamline could be used as a 4 lane street with the 52 foot width.

TERRY SOUKOUP, 1763 Hamline, was not sure the County is an unstoppable entity and felt the residents have not been properly represented. Baldwin again stressed that the design standards are the County's and suggested those concerns should be addressed to County Commissioners Finley and Salverda.

MICHAEL MAZANEC, 1897 Hamline, felt the pathway would not be practical for bikers and suggested that an area along the street

be striped for bikers. He questioned the 11 foot boulevard and felt that 4 feet would be just as safe and serviceable, and would save some the present foliage. Mazanec was in favor of putting power lines underground and putting in additional lighting in conjunction with the street project. Baldwin stated that he would like all utilities underground but it is very costly.

JIM KUEPPERS, 1717 Hamline, felt the interior streets are much better for walking and people will not go to Hamline to walk. He questioned spending money for a walkway on Hamline.

Baldwin informed the residents that another informational meeting will be held May 9th at 5:30 P.M. to further discuss the proposed Hamline improvements.

DISCUSSION - POSSIBLE PURCHASE OF PERMANENT "NO PARKING" SIGNS FOR STATE FAIR

Wiessner explained that Public Works Foreman, Vince Wright, has researched the possibility of purchasing permanent "No Parking" signs for State Fair time rather than installing and removing signs each year. This was in response to concerns raised by the City's Workers Compensation insurer, and would also save time and expense. Council discussed the visual impact on the neighborhoods and the possibility of installing permanent posts into which the signs could be placed. Wright stated that he had discussed the posts with Ramsey County Public Works and was informed that there are several problems with this method, i.e., the holes fill up with dirt, posts still need to be affixed to the ground or they will be removed, and the installation is costly. Wright was of the opinion that the residents would get used to the year around signage. Staff was directed to research how other communities address the problem and to explore additional alternatives.

DISCUSSION OF PROPOSED RESOLUTION REGARDING 1 FOOT STRIP AT END OF LINDIG ST.

Council reviewed the proposed resolution prepared by Attorney Edward Bock which would allow Heinrich Loos, owner of the strip, to deed the land to the City and still assure Mr. Loos of payment upon development of the lot across the street. Following a discussion Council directed Staff to inform Mr. Loos that they would be in favor of adopting the resolution with the following stipulations: 1) Loos would provide the City with an address of record, 2) would agree to a 25 year time limit, and 3) would pay the \$800.00 legal and administrative fees up front.

40TH BIRTHDAY CELEBRATION UPDATE - PARADE ROUTE APPROVED

Bush presented an update of the activities planned for the celebration and requested approval of the proposed route for the parade and Fun Run, after which Council approved the same.

MINUTES
APRIL 26, 1989
PAGE 5

ADJOURNMENT

The meeting was adjourned at 9:55 P.M.

Tom Baldwin, Mayor

ATTEST:

Shirley Chenoweth, City Clerk

Consent X

Agenda Item: E-1

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Disbursements

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) General Disbursements through 5/9/89, \$22,528.98
- (b) Payroll, 4/16/89-4/30/89, \$8,839.18

ACTION REQUESTED:

Tom Kelly

GENERAL DISBURSEMENTS

CHECK NO	ISSUED TO	REASON	AMOUNT
22203	D.C. Hey	Maintenance Agreement-Fax	\$210.00
22204	MN Women in City Gov't	Membership	15.00
22205	Sub. Area Chamber of Commerce	Annual Meeting	17.50
22206	Ameri-Star Lighting	Lights	127.86
22207	American Linen	Cleaning	90.01
22208	American Nat'l Bank & Trust	Bond fees	57.50
22209	Margaret Brown	Non-resident reimbursement	36.00
22210	Cindy Bruce	" "	12.00
22211	Pat Bush	Stamps-40th Birthday	20.00
22212	Barton-Aschman	Park Planning professional services	664.65
22213	Colonial Life & Accident	Insurance	48.00
22214	Chemsearch	Supplies	196.09
22215	Susan Davils	Non-resident reimbursement	12.00
22216	Falcon Lanes	Lane Rental for recreation program	126.00
22217	Jim Fuller	Non-resident reimbursement	12.00
22218	Coleen Galvin	" "	24.00
22219	Michael Haglund	Party reimbursement-Blockworker's	31.66
22220	George M. Hansen co.	1988 Audit	4,500.00
22221	Ramona Jorgenson	Non-resident reimbursement	12.00
22222	Kathleen Janke	April cleaning	80.00
22223	ICMA Retirement Trust	Retirement fund	788.88
22224	Tom Kelly	Expense reimbursement	16.08
22225	Carol Kriegler	Supplies	18.50
22226	Jeanne Leie	Non-resident reimbursement	18.00
22227	MRPA	Membership	18.00
22228	Minnesota Benefit Assoc.	Insurance	5.85
22229	League of MN-Human Rights Comm.	Membership	50.00
22230	Midwest Business Products	Office supplies, storage boxes, xerox paper	402.67
22231	NFPA	Membership	75.75
22232	Northern States Power.	Street lights, utilities	2,705.52
22233	Oxygen Service Company	Oxygen	8.40
22234	PERA	Life Ins.	9.00
22235	PERA	Retirement account	1,566.30
22236	Ramsey County	March plowing, road limit signs, supplies	4,144.13
22237	Sears	Repair vacuum	31.94

GENERAL DISBURSEMENTS

CHECK NO	ISSUED TO	REASON	AMOUNT
22238	Bonnie Setsvold	Non-resident reimbursemt	\$24.00
22239	Gail Smida	Reimbursement for conference	167.18
22240	Board of Water Commissioners	Water Bill	27.21
22241	Deb Trent	Non-resident reimbursement	12.00
22242	Toll Company	Gas	35.81
22243	US West	Phones	48.90
22244	Dick Larson	April fees	350.00
22245	Jan Wiessner	April mileage	150.00
22246	U.S. Postmaster	Postage stamps for office	250.00
22247	United Way	Donation (pledges)	14.00
22248	Comm. of Revenue	State withholding	681.29
22249	North Star State Bank	Federal tax deposit	4,154.04
22250	Erik Lovdahl	Delivery of newsletter	100.00
22251	Custom Products	Bobcat repairs	54.07
22252	Post Publications	Public hearing posting	9.49
22253	SuperAmerica	Fuel	116.09
22254	Dispute Resolution Center	Contribution	150.00
22255	Tom Baldwin	Non-resident reimbursement	12.00
22256	Cash	Petty Cash for Office	21.61
		TOTAL:	\$22,528.98

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Number	Pay Group Description	Check Amount	Check Date	Status
017420			0			0.00	28-Apr-89	VOID
017421			0			0.00	28-Apr-89	VOID
017422			0			0.00	28-Apr-89	VOID
017423	000000002	Wiessner, Janet R.	8	01	semi-monthly	1,155.95	28-Apr-89	Outstanding
017424	000000004	Kriegler, Carol J.	8	01	semi-monthly	285.50	28-Apr-89	Outstanding
017425	000000011	Chenoweth, Shirley B.	8	01	semi-monthly	752.77	28-Apr-89	Outstanding
017426	000000020	Iverson, Terry D.	8	01	semi-monthly	820.53	28-Apr-89	Outstanding
017427	000000027	Morgan, Jay M.	8	01	semi-monthly	709.92	28-Apr-89	Outstanding
017428	000000035	Zimmerman, Katherine	8	01	semi-monthly	321.66	28-Apr-89	Outstanding
017429	000000038	Wright, Vincent D.	8	01	semi-monthly	807.81	28-Apr-89	Outstanding
017430	000000063	Phillips, Patricia A.	8	01	semi-monthly	617.30	28-Apr-89	Outstanding
017431	000000065	Kelly, Thomas R.	8	01	semi-monthly	774.47	28-Apr-89	Outstanding
017432	000000070	Sell, Matthew W.	8	01	semi-monthly	75.88	28-Apr-89	Outstanding
017433	000000072	Carlson, Carol	8	01	semi-monthly	231.85	28-Apr-89	Outstanding
017434	000000001	Baldwin, Thomas W.	4	03	monthly 2	346.84	28-Apr-89	Outstanding
017435	000000003	Baumann, Nicholas B.	4	03	monthly 2	50.71	28-Apr-89	Outstanding
017436	000000005	Berndt, Ross	4	03	monthly 2	41.50	28-Apr-89	Outstanding
017437	000000007	Bianchi, Joseph D.	4	03	monthly 2	68.00	28-Apr-89	Outstanding
017438	000000008	Brown, Raymond F.	4	03	monthly 2	63.00	28-Apr-89	Outstanding
017439	000000009	Bush, Patti J.	4	03	monthly 2	238.65	28-Apr-89	Outstanding
017440	000000010	Chenoweth, Philip E.	4	03	monthly 2	293.00	28-Apr-89	Outstanding
017441	000000012	Ciernia, Paul C.	4	03	monthly 2	250.00	28-Apr-89	Outstanding
017442	000000018	Holmgren, John M. Sr.	4	03	monthly 2	135.00	28-Apr-89	Outstanding
017443	000000022	LeMay, Dennis G.	4	03	monthly 2	56.00	28-Apr-89	Outstanding
017444	000000024	Lindig, Leo	4	03	monthly 2	303.34	28-Apr-89	Outstanding
017445	000000033	Schauffert, Craig F.	4	03	monthly 2	135.00	28-Apr-89	Outstanding
017446	000000034	Smida, Gail	4	03	monthly 2	63.00	28-Apr-89	Outstanding
017447	000000037	Wallin, Gerald E.	4	03	monthly 2	200.00	28-Apr-89	Outstanding
017448	000000039	Morgan, Jay	4	03	monthly 2	41.50	28-Apr-89	Outstanding

Grand Total

8,839.18

Consent X

Agenda Item: E-2

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Commission Minutes

SUBMITTED BY:

Various Commissions

REVIEWED BY:

S. Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) Human Rights Commission Minutes of April 20, 1989
- (b) Planning Commission Minutes of May 1, 1989

ACTION REQUESTED:

Approval

SJC

MINUTES

HUMAN RIGHTS COMMISSION

APRIL 20, 1989

Minutes of previous meeting were approved.

Carol Carlson reviewed the research she has done regarding a sexual harrassment policy.

Her report:

- identifies what sexual harrassment is
- investigations
- recommendations
- defines roles of our power beyond city government
- defines who policy covers (includes city officials)
- issues: scantily clad people can be taken down

She requests:

- To research (informally)
- The issue of visual abuse and its definition in other cities
- General encouragement and support

Jan Talbot is to check on information available for Human Rights Commission on local commissions.

Wayne Groff will arrange for next training session to be held June 17.

Meeting adjourned.

MINUTES
REGULAR PLANNING COMMISSION MEETING
May 1, 1989

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

Black, Barry, Boche, Duncan, Finegan, Grittner and Nestingen. PRESENT
Also present was Council Liaison Wallin, Mayor Baldwin,
Administrator Wiessner, Planner Malloy and Intern Carlson.

Carroll and Daykin. ABSENT

Duncan moved, seconded by Finegan, to approve the April 4/3/89
3, 1989, Planning Commission Minutes as presented. Motion MINUTES
carried unanimously. APPROVED

Administrator Wiessner reviewed background information on PARKING
the Bullseye Shopping Center parking variance and their VARIANCE
present request to amend such variance. She recommended BULLSEYE
approval contingent upon three conditions: (1) a written GOLF
supplemental parking agreement, (2) annual review of parking
variance and (3) a restaurant space limit. Discussions
then ensued on whether the amendment of the parking variance
should be tied to the amendment of the conditional use permit,
the use of the basement storage area by the golf-o-mat machines,
how the annual review would be done and by whom and what WIESSNER
means the city could use if the parking variance were violated.
After such discussion, Boche moved, seconded by Finegan,
approval of amendment to the parking variance contingent VARIANCE
upon the following conditions: APPROVED

(1) Use	Square Feet	Parking Req.*	#Spaces
Storage/ Warehouse	12,194	1/100 s.f.	13
Retail	<u>21,948</u>	4.5/1000 s.f.	99
TOTAL	34,242		

*The basement area would be used as storage/warehouse space. (A reconsideration of the conditional use permit for the Golf-O-Mat operation has been requested.)

- (2) Retail space is defined to include traditional retail uses, and restaurant useage shall not exceed 15% of the total retail space or 3,292 square feet. Use of space as take-out or non-sit down operations will be considered as retail space, not as restaurant space.

- (3) A parking budget of existing tenants of the shopping center will be submitted to the City of Falcon Heights annually for review by Administrator to determine compliance with the variance.
- (4) There shall be a written parking agreement in place.

PUBLIC
HEARING
CODE
AMENDMENTS

Chairman Black opened the public hearing and advised that the hearing notice had been published in the April 19 Roseville/Falcon Heights Focus.

MALLOY

Tim Malloy reviewed his April 13, 1989 memorandum regarding updated revisions to residential setbacks as well as proposed code amendment recommendations.

HOWARD
CHRISTENSEN
1452 WEST
CALIFORNIA

Howard Christensen, 1452 West California, supported a change in the city code. He was of the opinion that if younger families are not allowed to build on additions, they will not consider purchasing homes in this city and there will be a lot of empty homes. He also felt there should be room for expansion on corner lots. Home values will decrease if additions are not allowed.

BALDWIN

Mayor Baldwin referred to his April 18 memorandum. The present code violates the intent of planning ordinances. The city should be concerned about maintaining values of residential property and by continuing to impose unfair standards violates resident's rights to maintain a good quality of life. He was in favor of the code amendments.

Chairman Black closed the public hearing at 9:12 P.M.

HEARING
CLOSED

Finegan moved, seconded by Grittner, to approve amendments to the city code in Section 9-2.02. Upon a vote being taken, the following voted in favor thereof: Black, Barry, Boche, Finegan, Grittner and Nestingen, and the following voted against the same: Duncan. Motion carried.

CODE
AMENDMENTS
9-2.02
APPROVED

Nestingén moved, seconded by Barry, approval of amendments to the city code in Sections 9-2.04 and 9-2.05. Motion carried unanimously.

CODE AMEND.
9-2.04/.05
APPROVED

As a result of the Planning Commission approving the above code amendments, Mrs. Elizabeth Murphy, 1456 West California, will not need a variance for an addition to her home.

ELIZABETH
MURPHY
VARIANCE NO.
NEEDED

Bullseye Golf requested an amendment to their conditional use permit. Administrator Wiessner advised that problems encountered by adjacent property owners by having patrons of the golf-o-mat machines using the rear (north) lot has resulted in such an amendment request. After a discussion, Barry moved, seconded by Nestingen, amendment of the conditional use permit for Bullseye Golf with the following conditions:

CONDITIONAL
USE PERMIT
AMENDMENT
REQUESTED
APPROVED

1. The operation is limited to sixteen (16) machines with the occupancy limit being posed as designated by the Fire Marshal.
2. Patrons of the Golf-O-Mat facility will be required to enter the establishment through the Golf Shop entrance.
3. Signs shall be posted, in accordance with the requirements in the City Code, requiring patrons to park in the south and west parking lots of the Bullseye Plaza Shopping Center.
4. Hours of operation in the Golf Leagues will be limited to 7:00 P.M. to 8:30 P.M. Monday thru Thursday.
5. The amount of retail square footage equal to the area occupied by the Golf-O-Mat facility shall have hours of operation which do not coincide with the hours of the golf leagues.
6. Each year the owners of the Bullseye Plaza shall supply the City with information regarding the Center's current tenant mix, hours and vacancies. This information will be used to review the parking plan for the Center. If it is determined that the Shopping Center is in violation of the parking variance, the Conditional Use Permit may be revoked.
7. A written agreement for an additional 13 parking spaces shall be in effect with property owner(s) within 500 feet of the Shopping Center.
8. Restaurant use shall be limited to 15 percent of the available retail space under this shared parking plan. Additional restaurant space would require full compliance with restaurant parking requirements in the City Code.

CONDITIONAL
USE
REQUEST
AMENDMENT
APPROVED
WITH
CONDITIONS

Upon a vote being taken, the conditional use amendment was approved unanimously.

Black presented the Parking Committee Report and asked for Planning Commission input. After a short discussion, Nestingen moved, seconded by Duncan, to accept the preliminary draft report policy as a progress report. Motion carried unanimously.

PARKING
COMMITTEE
REPORT

MINUTES
REGULAR PLANNING COMMISSION MEETING
MAY 1, 1989
PAGE 4

Administrator Wiessner addressed the Planning Commission request for staff assistance and reviewed her recommendation of hiring a part-time professional staff planner and how the process would proceed. Finegan moved, seconded by Duncan, approval of the concept. Motion carried unanimously.

Nestingén moved, seconded by Boche, to adjourn the meeting at 9:58 P.M. Motion carried unanimously.

PLANNING
COMMISSION
STAFF
ASSISTANCE
REQUEST
APPROVED

ADJOURN-
MENT

Submitted by:

Katherine J. Zimmerman

Approved: _____

Edgar Finegan, Secretary

Consent X

Agenda Item: E-3

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Consider Waiving License Fee for Falcon Heights/Lauderdale
Lions Club Food Stand (40th Anniversary Celebration)

SUBMITTED BY:

S. Chenoweth

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The local Lions Club is planning to operate a food stand in conjunction with the City's 40th Birthday celebration May 20th. The Club is required to obtain a license from the Ramsey County Health Department and that department will waive the fee for non-profit organizations providing the license is obtained at least 72 hours prior to the event. Our City Code also requires licensing of itinerant vendors (\$35.00 fee). Under the circumstances perhaps Council would like to consider waiving the City fee for this occasion. (This waiver was not requested by the club)

ACTION REQUESTED:

SAC

Consent X

Agenda Item: E-4

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Tatum Street Sod Project

SUBMITTED BY:

Jan Wiessner and Terry Maurer

REVIEWED BY:

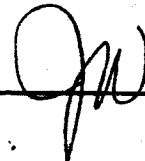
EXPLANATION/SUMMARY (attach additional sheets as necessary):

The deadline for quotations for the sod replacement project is May 12th. Rather than wait for Council approval at the May 24th council meeting, I would like to be authorized to accept the lowest reasonable bid so the project can be completed as soon as possible.

It is expected to cost \$5 - \$8,000.

ACTION REQUESTED:

Authorize Administrator to accept lowest reasonable quotation and proceed with sod replacement project.



Consent X

Agenda Item: E-5

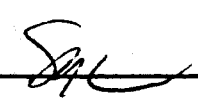
Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	Ramsey County Sheriff's Report
<u>SUBMITTED BY:</u>	Sheriff's Department
<u>REVIEWED BY:</u>	S. Chenoweth
<u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u>	See attachment.
<u>ACTION REQUESTED:</u>	



DATE OF ISSUE 02/03/89
TIME 0921

JANUARY, 1989

33 FALCON HEIGHTS

01 CRIMIAL HOMICIDE	0
02 FORCIBLE RAPE	0
03 ROBBERY	0
04 ASSAULT	2
05 BURGLARY-RESIDENCE	2
06 BURGLARY-NON RES	1
07 BURGLARY-ATTEMPTED	0
08 BURGLARY-POSSIBLE	0
09 THEFT-OVER \$50	7
10 THEFT-UNDER \$50	0
11 THEFT-ATTEMPTED	0
12 THEFT-POSSIBLE	0
13 AUTO THEFT-RECOVERED	0
14 AUTO THEFT-ATTEMPTED	0
15 AUTO THEFT-POSSIBLE	0
16 ARSON	0
17 FORGERY & C-FEITING	0
18 FRAUD	0
19 EMBEZZLEMENT	0
20 STOLEN PROPERTY-BUY	0
21 STOLEN PROPERTY-REC	0
22 ABDUCTION	0
23 VANDALISM	4
24 WEAPONS	4
25 PROSTITUTION & VICE	0
26 SEX OFFENCE	0
27 NARCOTIC DRUG LAWS	0
28 GAMBLING	0
29 OFFENSE-FAN & CLDRN	0
30 DRIVING UNDER INFLUE	0
31 LIQUOR LAWS	0
32 DISORDERLY CONDUCT	0
33 VAGRANCY	0
34 ALL OTHER OFFENSES	1
50 ACC-PROPERTY DAMAGE	1
51 ACC-PERSONAL INJURY	0
52 ACC-FATAL	0
53 STREET LIGHTS	0
54 ALARMS	0
55 ANIMALS (OTHERS)	0
56 ASSIST A CITIZEN	0

DATE OF ISSUE 03/02/89
TIME 0839

FEBRUARY, 1989

33 FALCON HEIGHTS

01 CRIMIAL HOMICIDE	0
02 FORCIBLE RAPE	0
03 ROBBERY	0
04 ASSAULT	1
05 BURGLARY-RESIDENCE	0
06 BURGLARY-NON RES	0
07 BURGLARY-ATTEMPTED	0
08 BURGLARY-POSSIBLE	0
09 THEFT-OVER \$50	13
10 THEFT-UNDER \$50	7
11 THEFT-ATTEMPTED	0
12 THEFT-POSSIBLE	0
13 AUTO THEFT-RECOVERED	0
14 AUTO THEFT-ATTEMPTED	1
15 AUTO THEFT-POSSIBLE	0
16 ARSON	0
17 FORGERY & C-FEITING	0
18 FRAUD	0
19 EMBEZZLEMENT	0
20 STOLEN PROPERTY-BUY	0
21 STOLEN PROPERTY-REC	0
22 ABDUCTION	0
23 VANDALISM	5
24 WEAPONS	0
25 PROSTITUTION & VICE	0
26 SEX OFFENCE	0
27 NARCOTIC DRUG LAWS	0
28 GAMBLING	0
29 OFFENSE-FAN & CLDRN	0
30 DRIVING UNDER INFLUE	1
31 LIQUOR LAWS	0
32 DISORDERLY CONDUCT	4
33 VAGRANCY	0
34 ALL OTHER OFFENSES	0
50 ACC-PROPERTY DAMAGE	12
51 ACC-PERSONAL INJURY	1
52 ACC-FATAL	0
53 STREET LIGHTS	0
54 ALARMS	7
55 ANIMALS (OTHERS)	0
56 ASSIST A CITIZEN	12

DATE OF ISSUE 04/03/89
TIME 1016

MARCH, 1989

33 FALCON HEIGHTS

01 CRIMIAL HOMICIDE	0
02 FORCIBLE RAPE	0
03 ROBBERY	0
04 ASSAULT	0
05 BURGLARY-RESIDENCE	0
06 BURGLARY-NON RES	0
07 BURGLARY-ATTEMPTED	0
08 BURGLARY-POSSIBLE	0
09 THEFT-OVER \$50	2
10 THEFT-UNDER \$50	2
11 THEFT-ATTEMPTED	0
12 THEFT-POSSIBLE	0
13 AUTO THEFT-RECOVERED	0
14 AUTO THEFT-ATTEMPTED	1
15 AUTO THEFT-POSSIBLE	0
16 ARSON	0
17 FORGERY & C-FEITING	0
18 FRAUD	0
19 EMBEZZLEMENT	0
20 STOLEN PROPERTY-BUY	0
21 STOLEN PROPERTY-REC	0
22 ABDUCTION	0
23 VANDALISM	1
24 WEAPONS	0
25 PROSTITUTION & VICE	0
26 SEX OFFENCE	0
27 NARCOTIC DRUG LAWS	0
28 GAMBLING	0
29 OFFENSE-FAN & CLDRN	0
30 DRIVING UNDER INFLUE	1
31 LIQUOR LAWS	0
32 DISORDERLY CONDUCT	3
33 VAGRANCY	0
34 ALL OTHER OFFENSES	2
50 ACC-PROPERTY DAMAGE	19
51 ACC-PERSONAL INJURY	1
52 ACC-FATAL	0
53 STREET LIGHTS	0
54 ALARMS	9
55 ANIMALS (OTHERS)	0
56 ASSIST A CITIZEN	9

DATE OF ISSUE 02/03/89
TIME 0921

JANUARY, 1989

33 FALCON HEIGHTS	RE
57 BOATING & SWIMMING	0
58 BREATHALYZER	0
59 DOA'S	0
60 DOB'S	0
61 DOG COMPLAINTS	2
62 DOMESTIC	2
63 EMERGENCY	0
64 FIRE	0
65 LOUD	2
66 MISSING PERSONS	0
67 PROWLER	1
68 RECOVERED PROPERTY	2
69 SEARCH WARRANTS	0
70 SNOWMOBILES	0
71 SUSPICIOUS COMPLAINT	7
72 TRAFFIC	18
73 MISCELLANEOUS	16
TOTAL	142

DATE OF ISSUE 03/02/89
TIME 0939

FEBRUARY 1989

33 FALCON HEIGHTS	RE
57 BOATING & SWIMMING	0
58 BREATHALYZER	0
59 DOA'S	0
60 DOB'S	1
61 DOG COMPLAINTS	0
62 DOMESTIC	2
63 EMERGENCY	0
64 FIRE	0
65 LOUD	2
66 MISSING PERSONS	0
67 PROWLER	1
68 RECOVERED PROPERTY	2
69 SEARCH WARRANTS	0
70 SNOWMOBILES	0
71 SUSPICIOUS COMPLAINT	7
72 TRAFFIC	18
73 MISCELLANEOUS	16
TOTAL	121

DATE OF ISSUE 04/05/89
TIME 1016

MARCH, 1989

33 FALCON HEIGHTS	RE
57 BOATING & SWIMMING	0
58 BREATHALYZER	0
59 DOA'S	0
60 DOB'S	3
61 DOG COMPLAINTS	1
62 DOMESTIC	2
63 EMERGENCY	4
64 FIRE	0
65 LOUD	4
66 MISSING PERSONS	0
67 PROWLER	0
68 RECOVERED PROPERTY	0
69 SEARCH WARRANTS	0
70 SNOWMOBILES	0
71 SUSPICIOUS COMPLAINT	5
72 TRAFFIC	14
73 MISCELLANEOUS	16
TOTAL	107

CONSENT AGENDA

May 9, 1989

Special Event Consumption

- * University of Minnesota Medical School #331
Student Affairs Office
420 Delaware Street
Minneapolis, MN 55455

Corporate

- * Tulips Restaurant #332 (restaurant at 1666 Coffman)
452 Selby Avenue
St. Paul, MN 55102

General Contractor

- * Brian Fox #333
- * Asphalt Specialties Co., Inc. #328
- * Schoenborn Construction #330
- * Walker Roofing Company, Inc. #329

* NEW

Consent X

Agenda Item: E-7

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Post streets on Parade & Run Route as "No Parking"
and Notify Residents

SUBMITTED BY:

Pat Bush

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

To aid in traffic control and safety, it is recommended that we post the streets on the parade and run route as "No Parking". The streets would be posted as "no parking" from Friday afternoon, May 19th, to noon on Saturday, May 20th. Residents along the route will also be notified by letter regarding the route and time of the parade and run.

ACTION REQUESTED:

_____ *ju*

Consent X

Agenda Item: E-8

Policy

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Household Hazardous Waste Collection Agreement

SUBMITTED BY:

Ramsey County Dept. of Public Health

REVIEWED BY:

Paul Mattke

EXPLANATION/SUMMARY (attach additional sheets as necessary):

In January the Council authorized \$350 for this joint project. The attached agreement is the second draft. Paul Mattke reviewed the first draft and made several recommendations in the City's interest. Although the agreement does not specify the proportionate responsibilities as recommended by Paul, it has been changed by Ramsey County to cover his other concerns.

ACTION REQUESTED:

Approve Household Hazardous Waste Collection Agreement with Ramsey County, Roseville and Lauderdale.

AW

HOUSEHOLD HAZARDOUS WASTE COLLECTION AGREEMENT

This Agreement is entered into between the Ramsey County Board of Commissioners (COUNTY), State of Minnesota, Roseville, Falcon Heights and Lauderdale (collectively the CITIES), Minnesota through their respective councils.

WHEREAS, the COUNTY and CITIES desire to organize and implement a household hazardous waste collection program to be held for the benefits of the citizens of Roseville, Falcon Heights, and Lauderdale.

THEREFORE, the parties agree to organize and implement a household hazardous waste collection program subject to the following terms and conditions.

1. PURPOSE

This Agreement shall establish the responsibilities of the COUNTY and CITIES in jointly organizing and implementing a household hazardous waste collection program for the residents of Roseville, Falcon Heights, and Lauderdale.

2. COLLECTION DAY

The parties, by mutual agreement, shall select one day in April or May 1989, to be known as the COLLECTION DAY, when residents of the CITIES may bring household hazardous wastes to the collection site for disposal.

3. HOUSEHOLD HAZARDOUS WASTE

"Household Hazardous Waste" means waste as defined in Minnesota States Chapter 115A.96, subdivision 1 (b) (1987).

4. COLLECTION SITES

Collection site shall be the place where residents of the CITIES may bring household hazardous wastes for disposal. This shall be located at the Public Works Garage at 1140 Woodhill Drive in the City of Roseville.

5. TERM

This Agreement shall be effective from April 30, 1989 to June 30, 1989 or until all obligations have been satisfactorily fulfilled, whichever occurs later.

6. STAFFING

The COUNTY and CITIES shall each provide volunteers and employees sufficient, in the discretion of the COUNTY, to staff and operate the collection site. All workers must be at least 18 years old and must read and be familiar with the Ramsey County Household Hazardous Waste Collection Operations manual, and each worker must attend the household hazardous waste training session established by the COUNTY. The COUNTY shall notify the CITIES of the time and place of such training, and it shall be the responsibility of each city to notify its staff and volunteers of the time and place and obligation to attend. Each worker shall sign a statement acknowledging that he or she has attended the training session and is familiar with and will follow the prescribed collection day procedures.

7. EPA GENERATOR IDENTIFICATION NUMBER

The COUNTY will obtain an E.P.A. generator identification number for the collection site.

8. ORGANIZATIONAL TASKS

The CITIES shall assist with the organizational duties associated with the collection including arranging for a site, site set-up and coordination, volunteer coordination, publicity for the collection day, and operation of the recycling/reuse table.

The County shall organize the workers as to duties, provide educational materials, surveys, and publicity materials. The County will make necessary arrangements for disposal of hazardous waste collected.

9. EQUIPMENT

Ramsey County shall provide safety equipment including fire extinguishers, eye wash stations, gloves, goggles, minor spill containment material and protective clothing for the County employees and volunteers. The CITIES will provide other necessary operational equipment at the site including tents, dumpsters, chairs, sanitary facilities and running water.

10. COLLECTION, TRANSPORTATION AND DISPOSAL

The COUNTY has designated Aptus Inc., Lakeville, Minnesota, as the contractor who will package, store, transport and properly dispose of all hazardous waste collected at the site. Ramsey County will act as the hazardous waste generator, using its hazardous waste generator Environmental Protection Agency identification number for all waste collected at the site. The CITIES will transport and dispose of non-hazardous acceptable solid waste. The County will

arrange for collection and disposal of oil and batteries.

11. TERMINATION

The COUNTY or CITIES may terminate this Agreement without cause by giving notice to the Chairperson of the County Board and the Chairperson of the official governing body of the CITIES. This notice shall be given at least 10 days before the effective date of termination and in all cases at least ten days before the scheduled collection day.

12. EFFECT OF TERMINATION

Termination shall not discharge any liability, responsibility, or right created or incurred by the COUNTY, or CITIES during the term of this Agreement. Each party to this Agreement shall be liable for its own acts to the extent provided for by law.

13. SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, such decision shall not effect the remaining portions of this Agreement.

14. ENTIRE AGREEMENT/REQUIREMENT OF WRITING

It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral and written agreements between the parties relating to household hazardous waste collection programs. Any alterations, variations, modifications or

waivers of the provisions of this Agreement shall be valid only when expressed in writing and signed by all of the parties to this Agreement.

15. HOLD HARMLESS

The CITIES and the COUNTY agree to indemnify and hold each other harmless from any claims, demands, actions or cause of action arising out of any act or omission on the part of their respective commissioners, officers, agents, servants or employees associated with activities pursued under the terms of this Agreement. Nothing in this agreement shall be construed to be a waiver of the COUNTY'S or CITIES' governmental immunities or exceptions of liabilities.

16. ASSIGNMENT/SUBCONTRACTING

The CITIES and COUNTY shall not assign any interest in this Agreement and shall not transfer any interest in the same, whether by subcontract or assignment, without prior written consent of the other parties.

17. ACCESS TO RECORDS/AUDITS

- A. The COUNTY and CITIES shall have full access to all records relating to the performance of this Agreement.
- B. The COUNTY and CITIES agree to maintain records relating to the terms of this Agreement, and shall retain all such documentation for three years following the last date in which a household hazardous waste collection was held by the parties or following the termination of this Agreement, whichever is later. Such records shall be made available for audit or inspection at any time upon

request of the COUNTY or CITIES or its authorized representative.

18. EQUAL EMPLOYMENT OPPORTUNITIES

In all activities related to the terms of this Agreement, the CITIES and COUNTY agrees to comply with all Federal, State, and Local laws, ordinances, rules, regulations, and executive orders pertaining to unlawful discrimination on account of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

19. COMPLIANCE WITH REQUIREMENTS OF THE LAW

The CITIES and COUNTY agree to comply with all Federal, State, and Local laws or ordinances, and all applicable rules, regulations, and standards established by any agency of such governmental units, which are now or hereafter promulgated insofar as they relate to the CITIES' and COUNTY'S activities under the provisions of this Agreement.

20. PROPERTY DISTRIBUTION

Property acquired to perform the tasks under this Agreement shall be the property of the party acquiring such assets. Assets acquired jointly between the parties shall at the termination of this Agreement either be:

- A. sold with net proceeds distributed to each party in proportion to its original purchase contribution or;
- B. conveyed to a party for the fair market value of the property proportional to the other party's original

purchase contribution.

AS WITNESSED WHEREOF, the COUNTY and the CITIES have executed this Agreement on the dates indicated below.

RAMSEY COUNTY

BY _____
Executive Director,
Ramsey County

Date _____

By _____
Chief Clerk, Ramsey County

Date _____

Approved as to Form:

BY _____
Assistant County Attorney

Date _____

Insurance Approved:

BY _____
Risk Manager

Date _____

BY _____
Budget and Accounting

Date _____

By _____
Director, Public Health

Date _____

CITY OF Roseville

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

City of Falcon Heights

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

City of Lauderdale

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

BY _____

Title _____

Date _____

5/4/89
f: jpahhw

Consent _____

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Hamline Avenue Feasibility Report

SUBMITTED BY:

Terry Maurer, Maier Stewart and Associates

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The next step in the Hamline Avenue reconstruction project is to accept the Feasibility Report. The council can accept the report as recommended or make changes.

Attached is a revised response to the questions in the petition prepared by Maier Stewart and the Ramsey County Public Works Department. Copies of this response will be available for the public at the Public Information meeting at 5:30 P.M.

- * lawsuit settling - Crawford*
- PC 1) Godfrey Pit Issue - think we should ^{*}delete until an analysis is conducted to more accurately allocate costs (not crazy about it regardless of split)
 - 2) Blvd width - 6' ^{avg} OK but would ~~not~~ recommend going down to 4' to save vegetation or unusual costs (concept - narrow as possible but maintain safety stds.)
 - 3) look at road width - Ask Ramsey County to continue discussions

ACTION REQUESTED: Accept Hamline Avenue Project Plan

m/c w/ 3 conditions Above
Phil 4-0
Next

JW



CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

May 2, 1989

File No: 460-001-20

Honorable Mayor and City Council
City of Falcon Heights
2077 Larpenteur Avenue West
Falcon Heights, MN 55113

Honorable Mayor and City Council
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

RE: Hamline Avenue Concerned Citizens

Dear Council Members:

We have received a copy of the letter from the Hamline Avenue Concerned Citizens dated April 21, 1989, addressed to the City Council. We will attempt to answer each of the questions raised by the group. The questions are listed below in bold type followed by our response:

1) Traffic Counts

A) Specifically when was traffic observed?

- a) The traffic counts were taken by the Ramsey County Public Works Department between Tuesday, January 17 and Thursday, January 19, 1989.

B) What was the length of the observation?

- b) The counts were 48 hours in length, which is a statistically valid sampling length. The counts are then adjusted by a factor to account for the day of the week and month of the year. The factor used for these counts was 1.066. Copies of the traffic counts are attached.

C) How often was a traffic count taken?

- 1) If only once, was it an aberration?
2) If only once, should the count not be verified by additional counts?
3) If more than once, what were the results of the other counts?

- c) The counts were only taken once for the project design. However, the County takes traffic counts on their State Aid roads every two years. The history of these counts bears out the accuracy of the current counts.

2) Traffic Projections

A) Specifically, what is the basis of the projection?

a) The projection factor used on Hamline Avenue for the twenty year design is 1.6. This means that over twenty years traffic is expected to increase by just over 2% per year. This projection factor is established in the Minnesota Department of Transportation (MnDOT) State Aid manual specifically for Ramsey County. It represents the average growth of traffic in Ramsey County based on traffic counts.

B) Why would traffic on Hamline Avenue increase at normal rates since the street is dead at both ends?

b) The section of Hamline Avenue being considered for upgrading is not a dead-end but rather connects a minor arterial (Larpenteur Avenue) with a major arterial (T.H. 36). There are numerous other reasons for vehicles to travel this section of Hamline such as access to commercial areas, the county library and Como Park. For these reasons, it is expected that traffic volumes will continue to increase.

C) Since traffic increased substantially when Snelling Avenue was closed and since much of that traffic remained when Snelling was reopened, would not the same thing happen in reverse when Hamline is closed?

c) We do not believe that the reconstruction of adjacent thoroughfares has a lasting effect on the traffic volume on Hamline Avenue. Nor, will the reconstruction of Hamline Avenue have a lasting negative effect on its traffic volume.

D) Are these projections based on the current situation on Hamline Avenue, i.e., 2 lanes of current width or are they based on the fact that traffic would be encouraged by wider streets and additional lanes?

d) These projection factors are applied to current traffic volumes to determine estimated future volumes. The roadway design is then based on this future volume. The current condition of the streets' cross section is not an integral part of this projection.

3) State Standards

A) What specifically is required by State standards?

- 1) Do standards specify traffic counts as minimums, maximums, averages, means, etc.?
- 2) Are copies of those standards available to the concerned public and how may they be obtained?

a) Based on traffic counts, Hamline Avenue is considered a high density arterial. The State standards governing width are from the Minnesota Department of Transportation State Aid manual. A copy of these are attached.

B) Are variances an option and should they not be considered in this case?

b) A variance from MnDOT design standards to maintain a two lane facility after construction is not an option.

C) Why are turn lanes the full length of the street being proposed when there are no major intersections the length of the proposed project?

c) It is felt that three lane option with a continuous center left turn is a better alternative than the four lane option because it provides for an easier access to adjacent properties.

D) Why are turn lanes required at all?

d) The center turn lane is in lieu of two additional through lanes, one in each direction.

E) Why are turn lanes proposed to be 14' when 12' driving lanes appear to be sufficient?

e) The concern is the position of vehicles using the center turn lane. As cars enter and prepare to leave the turn lane, they are typically slightly skewed relative to the lane lines. Therefore, two additional feet of width are provided.

F) Why are 7' shoulders required when few if any of that width have been required in the past? Note: Lexington Avenue

f) The 7 foot shoulder area is the remnant left with the three lane striping option. Lexington Avenue has a 5 foot shoulder area because the MnDOT standard in place at the time it was reconstructed was 48 feet. The standard has since been increased to 52 feet.

- G) Are all of the above mentioned distances calculated such that 52' will be available for a future 4-lane expressway?
- g) The four lane option was not recommended in the draft feasibility study.
- H) Why is traffic being promoted on Hamline Avenue, primarily a residential street, when historically the major North/South traffic routes have been commercial streets located 1 mile apart, i.e., Rice Street, Dale Street, Lexington Avenue and Snelling Avenue?
- h) The traffic counts indicate the traffic is currently there. Traffic will continue to increase whether or not the road is reconstructed. Also, Hamline is an integral part of the Ramsey County road system. Therefore, it is being considered for upgrading.
- I) Could we be provided with a copy of the appropriate standards which are applicable to this project?
- i) The width standards are attached from the MnDOT State Aid manual.
- J) Are the appropriate standards so precise and inflexible that absolutely no deviation is allowed regardless of circumstances?
- j) There is a MnDOT variance procedure for consideration of deviation from design standards. However, this would have a dramatic effect on the local cost of the project due to the County's cost sharing policy. Also, MnDOT requires the local government to accept all liability involved with the deviation from engineering standards.
- 4) Underground Electric
- A) Would this not be an ideal time to remove the power poles on Hamline Avenue?
- 1) What would be the cost?
 - 2) Who would be responsible for this cost?
 - 3) Are they necessary?
- B) Does this matter not deserve further study?
- a) Agreeably it is an ideal time to consider placing utilities underground. N.S.P. has been contacted as part of the feasibility study to discuss this issue. The problem with relocating the power lines underground is cost.

N.S.P. indicated that the main power distribution lines are currently underground. The overhead power lines which still exist provide the direct service to homes and power for street lights.

To change this would require that homes now served with overhead power lines have the service relocated underground by an independent electrical contractor. N.S.P. could then bury their lines serving the homes. However, these costs would not be paid by N.S.P., but rather are a local cost borne by the City. This still leaves the overhead power serving the street lights. N.S.P. provides the street lights to the cities based on a monthly electric charge utilizing standard poles, lights, and overhead power. Any deviation from that standard requires the cities involved pay for the change.

Based upon a discussion with N.S.P., it is estimated that the cost per home to bury electric service is \$1,000 per home. N.S.P. estimates the cost to bury their remaining lines would be \$200,000. Typically, street lights would cost about \$1,000 per light. There is about 15 lights on the road today so that cost would be about \$15,000. A more specific estimate will be requested from N.S.P. during the preliminary design phase. This estimate can again be reviewed by the City Council.

5) Non-Motorized Paths

A) Why are non-motorized paths required when a 7' shoulder is already being proposed?

a) The seven foot shoulder will allow room for stopping of service vehicles such as mail and deliveries. Although the shoulder does not meet MnDOT standards for a bikeway designation it may be used by bicycle traffic. It is certainly not recommended for use by pedestrian traffic.

B) Why are paths required on both sides of the street?

b) The pathways are a local issue. Between Larpenteur and Roselawn both cities requested a pathway be recommended in the draft feasibility study.

C) Why are boulevards required, especially an 11' boulevard?

c) The 11 foot boulevards are based on an ideal cross section given the right-of-way. Much of Hamline Avenue has a 43 foot right-of-way width on each side. Typically, a pathway is located as close as possible to the property line to separate the pedestrian and vehicle traffic. Given the 52 foot street width and 86 foot total right-of-way width provides an 11 foot boulevard.

As discussed at the public informational meeting, this width can be reduced. However, due to the need to place hydrants, power poles, and street signs in the boulevard along with the need for snow storage, it is not recommended the boulevard width be less than six feet. Any reduction of boulevard width below six feet may result in the power poles being relocated between the pathway and the property line. This could have a very serious impact on vegetation along the property line in the form of removal or trimming.

D) Why are community services, i.e., non-motorized paths being provided at the expense of Hamline Avenue residents?

d) This is a local issue which is better addressed by the City.

E) What will happen to property values?

1) Who will reimburse us for this loss?

e) We are not qualified to comment on property values.

F) Why have the concerned residents had no input into this plan?

f) The public informational meetings held on April 12, or in Falcon Heights and April 13, 1989, in Roseville were the forums for public input regarding the draft feasibility study recommendations.

6) Assessments

A) How much will property owners be assessed for this project?

1) It is our understanding that Roseville residents will not be assessed for this project. However, it is also our understanding that Falcon Heights has not yet considered the matter of assessments. By voting on the project prior to a determination on assessments, is not the cart being put in front of the horse? How can citizens be expected to have an intelligent opinion when they have not yet been told of the cost? Is the intelligent opinions of citizens considered important?

a) The State statute regarding assessments requires the City to prepare a feasibility study which discusses the proposed improvements. After the feasibility study is prepared, a public improvement hearing is held by the City Council. All affected property owners receive written notification of this hearing. Therefore, it is a logical progression for the City to consider the County's feasibility study and then begin their own public improvement procedure.

7) Funding

A) Is this a State funded project?

- a) Hamline Avenue is on the County's State Aid System which is eligible for use of State Aid construction funds. These funds come from the gasoline tax, therefore, it is indirectly a State funded project.

B) Is this a County funded project?

- b) It is our understanding the County share will be a combination of County State Aid construction funds and 1989 County Bond monies.

C) Are the cities of Roseville and Falcon Heights providing funding for any portion of the roadway?

- c) Both cities are responsible for a portion of the project cost.

D) Is it a true statement that the roadway is being built to State standards because the State is providing the funding?

- d) To use State Aid construction funds, the roadway must be built to State Aid standards.

E) Could we have a clear understanding as to the funding of this project?

- e) The details of the funding for the project and the County's cost sharing policy are included in the draft feasibility study. These sections have been reproduced and are attached.

8) Environmental

A) Has the environmental impact of this project been considered?

- 1) Many lovely trees and much plant life will obviously be destroyed.
- 2) Many root systems will be disturbed.
- 3) Existing foliage helps to keep noxious exhaust fumes out of our homes.

- a) Consideration has been given to the existing vegetation within the Hamline Avenue right-of-way. As discussed at both public informational meetings, a reduction in boulevard width and/or meandering of the pathway will be considered to lessen the impact on existing vegetation. Meandering of the pathway would be reviewed during the detailed design phase of the project.

- B) Why is an environmental impact statement not required for this project?
- b) The scope of the proposed project will require than an Environmental Assessment Worksheet (EAW) be prepared. This will be done during the preliminary design phase of the project. The EAW is submitted by the Environmental Quality Board and is subject to public notice and review.
- C) Would not a narrower roadway solve many environmental and aesthetic concerns?
- 1) This would also allow for proper boulevards and pathways without the loss of property traditionally maintained by property owners.
 - c) A substantially narrow roadway section is not a realistic option. However, a narrowing of the boulevard width and/or meandering of the pathway would have a positive effect on some of the existing vegetation.
- 9) Surveys
- A) Apparently surveys were conducted to determine that local citizens wanted more pathways. We would be interested in knowing:
- 1) When was the survey conducted?
 - 2) Who was included in the survey?
 - 3) Specifically, what questions were asked? It is common knowledge that surveys can be slanted to promote desired replies. For example, if one were asked if he would like more pathways in the community, the answer would be quite obvious. However, if it were explained that additional pathways could be provided by cutting through the existing front lawns of other neighbors, the response might be quite different.
 - 4) Were Hamline Avenue residents included in the survey?
 - 5) Could we be provided with a copy of the survey?
- a) It is our understanding this question is in reference to the Falcon Heights City-wide questionnaire referenced at the public informational hearing. We understand this questionnaire was of a more general nature. Not specifically aimed at the Hamline Avenue project. Specifics regarding this survey would have to be requested from City Hall.

CITY OF FALCON HEIGHTS
MAY 2, 1989
PAGE NINE

We hope these answers to the questions raised by the Hamline Avenue Concerned Citizens help to provide more specific information regarding the proposed project. If additional information is needed on any of these issues, please call.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

Terry J. Maurer, P.E.

TJM/km
enc.

cc: Mr. Donald Salverda
Mr. John T. Finley
Ms. JoAnn McGuire
Mr. Don Valento
Mr. John Marty
Mr. Ken Weltzen
Mr. Paul Kirkwold
Mr. Wayne Leonard
Mr. Jim Bower
Focus-Roseville Review

REFERENCE: 0508B
 LOCATION: MARLINE AVENUE NO OF ROSELAWN
 WEATHER: PARTLY CLOUDY & COLD
 OPERATOR: B. FEHR

FILENAME: 011789A
 TUESDAY 1 / 17 / 89

HOURLY BEGINS	MONDAY 16	TUESDAY 17	WEDNESDAY 18	THURSDAY 19	FRIDAY 20	WEEKDAY AVERAGE	SATURDAY 21	SUNDAY 22	7 DAY AVERAGE
AM									
12	8	8	34	34	8	34	8	8	34
1	8	8	16	25	8	21	8	8	21
2	8	8	10	11	8	11	8	8	11
3	8	8	5	3	8	4	8	8	4
4	8	8	16	16	8	16	8	8	16
5	8	8	49	41	8	45	8	8	45
6	8	8	220	215	8	218	8	8	218
7	8	8	531	549	8	540	8	8	540
8	8	8	432	427	8	430	8	8	430
9	8	8	366	412	8	389	8	8	389
10	8	8	444	479	8	462	8	8	462
11	8	8	508	592	8	550	8	8	550
PM									
12	8	8	582	574	8	578	8	8	578
1	8	536	508	8	8	523	8	8	523
2	8	678	693	8	8	686	8	8	686
3	8	752	716	8	8	734	8	8	734
4	8	837	897	8	8	867	8	8	867
5	8	838	907	8	8	873	8	8	873
6	8	640	726	8	8	683	8	8	683
7	8	464	547	8	8	506	8	8	506
8	8	346	444	8	8	395	8	8	395
9	8	339	305	8	8	322	8	8	322
10	8	150	134	8	8	142	8	8	142
11	8	53	80	8	8	67	8	8	67

TOTALS 8 3635 9170 3378 8 9096 8 8 9096

URE-MIX 1.066 = 9696 ADT

2 AVG WKDAY	8	62	101	37	8		8	8	
1 AVG DAY	8	62	101	37	8				
AM PEAK HR	8	8	7	11	8		8	8	
PEAK FLOW	8	8	531	592	8		8	8	
PM PEAK HR	8	5	5	12	8		8	8	
PEAK FLOW	8	838	907	574	8		8	8	

RAMSEY COUNTY PUBLIC WORKS (TRAFFIC)
 HOURLY, 1 CHANNEL VEHICLE COUNT
 CORRECTION FACTOR: 1.00

PAGE 1

REFERENCE: 0506A
 LOCATION: MARLINE AVENUE NO OF GARDEN
 WEATHER: PARTLY CLOUDY & COLD
 OPERATOR: B. FEHR

FILENAME: (NO FILE)
 TUESDAY 1 / 17 / 89

HR	MONDAY 16	TUESDAY 17	WEDNESDAY 18	THURSDAY 19	FRIDAY 20	WEEKDAY AVERAGE	SATURDAY 21	SUNDAY 22	7 DAY AVERAGE
AM									
12	8	8	28	28	8	28	8	8	28
1	8	8	11	19	8	15	8	8	15
2	8	8	8	6	8	7	8	8	7
3	8	8	2	4	8	3	8	8	3
4	8	8	7	7	8	7	8	8	7
5	8	8	27	30	8	29	8	8	29
6	8	8	161	164	8	163	8	8	163
7	8	8	403	427	8	415	8	8	415
8	8	8	338	354	8	346	8	8	346
9	8	8	307	348	8	328	8	8	328
10	8	8	339	388	8	364	8	8	364
11	8	8	444	467	8	456	8	8	456
PM									
12	8	8	471	466	8	469	8	8	469
1	8	463	445	8	8	454	8	8	454
2	8	535	523	8	8	529	8	8	529
3	8	591	603	8	8	597	8	8	597
4	8	715	718	8	8	717	8	8	717
5	8	693	685	8	8	689	8	8	689
6	8	482	569	8	8	526	8	8	526
7	8	364	411	8	8	388	8	8	388
8	8	276	349	8	8	313	8	8	313
9	8	251	226	8	8	239	8	8	239
10	8	113	100	8	8	107	8	8	107
11	8	47	66	8	8	57	8	8	57

- TOTALS 8 4530 7241 2708 8 7246 8 8 7246

URB-MIX 1.066 = 7724 ADT

1 AVE WKDAY	8	63	100	37	8		8	8	
2 AVE DAY	8	63	100	37	8				
AM PEAK HR	8	8	11	11	8		8	8	
PEAK FLOW	8	8	444	467	8		8	8	
PM PEAK HR	8	4	4	12	8		8	8	
PEAK FLOW	8	715	718	466	8		8	8	

RAMSEY COUNTY PUBLIC WORKS (TRAFFIC)
 HOURLY, 1 CHANNEL VEHICLE COUNT
 CORRECTION FACTOR: 1.00

PAGE 3

REFERENCE: 050AA
 LOCATION: HAMLINE AVENUE NO OF LARPEUR
 WEATHER: PARTLY CLOUDY & COLD
 OPERATOR: B. FEHR

FILENAME: 011709B
 TUESDAY 1 / 17 / 87

HR	MONDAY 16	TUESDAY 17	WEDNESDAY 18	THURSDAY 19	FRIDAY 20	WEEKDAY AVERAGE	SATURDAY 21	SUNDAY 22	7 DAY AVERAGE
AM									
12	0	0	29	27	0	28	0	0	28
1	0	0	10	17	0	14	0	0	14
2	0	0	9	10	0	10	0	0	10
3	0	0	4	5	0	5	0	0	5
4	0	0	5	5	0	5	0	0	5
5	0	0	22	24	0	23	0	0	23
6	0	0	156	156	0	156	0	0	156
7	0	0	397	440	0	419	0	0	419
8	0	0	320	342	0	331	0	0	331
9	0	0	293	329	0	311	0	0	311
10	0	0	305	349	0	327	0	0	327
11	0	0	388	415	0	402	0	0	402
PM									
12	0	0	433	420	0	427	0	0	427
1	0	439	413	0	0	426	0	0	426
2	0	484	470	0	0	477	0	0	477
3	0	546	543	0	0	545	0	0	545
4	0	689	678	0	0	684	0	0	684
5	0	671	658	0	0	665	0	0	665
6	0	458	516	0	0	487	0	0	487
7	0	344	379	0	0	362	0	0	362
8	0	229	323	0	0	276	0	0	276
9	0	256	230	0	0	243	0	0	243
10	0	122	101	0	0	112	0	0	112
11	0	46	64	0	0	55	0	0	55

- TOTALS 0 4284 6746 2539 0 6790 0 0 6790

URB-MIX 1.066 = 7238 ADT

% AVG WKDAY	0	63	99	37	0		0	0	
% AVG DAY	0	63	99	37	0				
AM PEAK HR	0	0	7	7	0		0	0	
PEAK FLOW	0	0	397	440	0		0	0	
PM PEAK HR	0	4	4	12	0		0	0	
PEAK FLOW	0	689	678	420	0		0	0	

URBAN STATE-AID STREETS, 30 MPH DESIGN SPEED

TOTAL WIDTH IN FEET							
No. of Thru Lanes	Density	Undivided No Parking Lanes	With Median No Parking Lanes		Undivided, with Parallel Parking Lanes		With 4 ft. Median and Two Parallel Parking Lanes
			4 ft. Median	14 ft. Median	One Side	Both Sides	
2 (Collector)	Low High	28 32			34 36	40 44	
4 (Collector)	Low High	44 50	50 54	60 64	56 60	64 68	70 74
2 (Arterial)	Low	36			38	48	
4 (Arterial)	Low High	50 52	54 58	64 68	60 62	68 72	74 80
6 (Arterial)	High	76	82	92	86	96	104

NOTE: All urban design roadways must be a minimum nine-ton structural design. New and rehabilitated bridges must have a curb to curb width equal to the required street width. HS-20 loading required.

Where design speed is 40 mph or less, provide two-foot clearance from face of curb to fixed objects.

URBAN ROADWAY CLASSIFICATION			
Classification	Facility Function	Design Character	Projected ADT Range
Collector (low density)	Serves as feeder facility from neighborhood and local streets to the collector/arterial network. Also serves access for business and residential development.	Low to Moderate operating speeds	200-3,000 ADT
Collector (high density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts.	Moderate operating speed provides access and traffic mobility.	1,000-7,000 ADT
Arterial (low density)	Serves intra-community travel. Augments high density arterial system.	Some access control with emphasis on traffic mobility	5,000-10,000 ADT
Arterial (high density)	Forms backbone of urban network. Serves as through facility.	Provides for thru traffic and turning movements. May provide divided roadway and access control	8,000 ADT and up

Cost distribution:

Roadway Alternate 1 or 2 w/Pathway Alternate

	Total	County	Roseville	Falcon Heights
Roadway	\$ 896,000	\$ 896,000	\$ 0	\$ 0
Curb and Gutter	67,500	16,875	37,969	12,656
Storm Sewer *	94,500	61,425	24,800	8,275
Pathways	99,108	0	70,758	28,350
Ramsey Co. Retention (Gottfried) Pond	82,000	27,334	27,333	27,333
Lift Station **	14,700	0	7,350	7,350
R/W Acquisition				
Total Construction	\$1,253,808	\$1,001,634	\$158,210	\$83,965
Preliminary Engineering (10%)	125,381	100,163	16,821	8,396
Construction Engineering (12%)	150,457	120,196	20,185	10,076
Total Engineering	\$ 275,838	\$ 220,359	\$ 37,006	\$18,472
Total Project	\$1,529,646	\$1,221,993	\$205,216	\$102,437

* County share based on that portion eligible for State Aid monies, City share based on contributing area off Hamline.

** Cost breakdown is based on a previous agreement with the affected cities (1/3 County, 1/3 Roseville, 1/3 Falcon Heights).

BRISBANE COUNTY PUBLIC WORKS COST PARTICIPATION GUIDELINES FOR IMPLEMENTATION OF COUNTY POLICY AS OUTLINED IN RESOLUTION 9 - 1272 FOR THE CONSTRUCTION, RECONSTRUCTION AND MAJOR MAINTENANCE OF ROAD IMPROVEMENTS.

CURRENT SERVICES FOR THE DESIGN AND CONSTRUCTION OF COUNTY STATE AID HIGHWAYS SHALL APPLY FOR THE INTERPRETATION OF THESE POLICIES.

CATEGORIES	PERCENT				COUNTY SHARE OF (Federal participation is estimated FEDERAL PROJECT to be 30 to 70% of eligible items)
	CSAH >5000 POPULATION	COUNTY ROAD	CSAH (3000 POPULATION AND WHITE 95% OWNERSHIP		
Right of way	0	0	0	100	100
Retards	100	100	100	100	100 of nonfederal share eligible for State Aid
Travel lanes	100	100	100	100	100 of nonfederal share
Parking lanes	25	0	100	100	25 of nonfederal share
Shoulders	25	0	100	100	25 of nonfederal share
Bicycle lane	25	0	100	100	25 of nonfederal share
Concrete curb and gutter (new)	25	0	25	25	25 of nonfederal share
Concrete curb and gutter (replacement)	100 if in serviceable condition	0	100 if in serviceable condition	100	100 of nonfederal share
Core street	X eligible for State Aid	assessment policy	X eligible for State Aid	X	100 of nonfederal share eligible for State Aid
Interests	100-State Aid	100	100-State Aid	100	100 of nonfederal share

SEE COUNTY PUBLIC WORKS COST PARTICIPATION GUIDELINES FOR IMPLEMENTATION OF COUNTY POLICY AS OUTLINED IN RESOLUTION 7 - 1272
ON THE CONSTRUCTION, RECONSTRUCTION AND MAJOR MAINTENANCE OF ROAD IMPROVEMENTS.

GENERAL STANDARDS FOR THE DESIGN AND CONSTRUCTION OF COUNTY STATE AID HIGHWAYS SHALL APPLY FOR THE INTERPRETATION OF THESE POLICIES.

PERCENT

ITEM	CASH >5000 POPULATION	COUNTY ROAD	CASH <5000 POPULATION	AND WHITE PEAR TOWNSHIP	COUNTY SHARE OF (Federal participation is estimated FEDERAL PROJECT to be 50 to 77% of eligible items)
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Grading	100 if required for travel lane construction	100 if required for travel lane construction	100 if required for travel lane construction	100 if required for travel lane construction	100 of nonfederal share eligible for State Aid if required for travel lane construction
Utility sewer	100 if required for travel lane construction	100 if required for travel lane construction	100 if required for travel lane construction	100 if required for travel lane construction	100 of nonfederal share eligible for State Aid if required for travel lane construction

Water utilities	0 inside existing R/W; 100 outside R/W	0	0	0	0 inside existing R/W; nonfederal share outside R/W
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Traffic signals	100 of county legs	100 of county legs	100 of county legs	100 of county legs	100 of nonfederal share of county legs
-----------------	--------------------	--------------------	--------------------	--------------------	----------------------------------------

NOTE: Traffic signal construction is addressed in a separate policy (County Board Resolution 91-1001).

Intersecting streets	ratio of surface participation items	ratio of surface participation items	ratio of surface participation items	ratio of surface participation items of nonfederal share
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Timing walls	25 %	0	25 %	100 of nonfederal share
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Flag behind curb	100	0	100	100 of nonfederal share
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Walls (new)	0	0	0	0 of nonfederal share
-------------	---	---	---	-----------------------

Walls (renewal)	100 if in serviceable condition & required for travel lane const.	0	100 if in serviceable condition & required for travel lane const.	100 of nonfederal share if in serviceable condition & required for travel lane const.
-----------------	-------------------------------------------------------------------	---	-------------------------------------------------------------------	---------------------------------------------------------------------------------------

Timing walls constructed in lieu of right of way acquisition.

SEV COUNTY PUBLIC WORKS COST PARTICIPATION GUIDELINES FOR IMPLEMENTATION OF COUNTY POLICY AS OUTLINED IN RESOLUTION 7 - 1272 THE CONSTRUCTION, RECONSTRUCTION AND MAJOR MAINTENANCE OF ROAD IMPROVEMENTS.

SEV STANDARDS FOR THE DESIGN AND CONSTRUCTION OF COUNTY STATE AID HIGHWAYS SHALL APPLY FOR THE INTERPRETATION OF THESE POLICIES.

PERCENT

SEVER COUNTY STATE AID HIGHWAYS SHALL APPLY FOR THE INTERPRETATION OF THESE POLICIES. COUNTY SHARE OF (federal participation is estimated) FEDERAL PROJECT to be 50 to 77% of eligible items

CSAW >3000 POPULATION COUNTY ROAD CSAY (5000 POPULATION AND WHITE BEAR TOWNSHIP

Business Bicycle 25 if on approved system and funds are available 25 if on approved system and funds are available 0

Business Bicycle 100 if in serviceable condition & required for travel lane const. 100 if in serviceable condition & required for travel lane const. 100 of nonfederal share if in serviceable condition

Business overlay 100 100 NA

Concrete or asphalt paving 25 0 25 of nonfederal share

Concrete shrubs 0 0 0

Curbing replacement 100 if in serviceable condition; 0 if on county R/W or in poor cond. 100 if in serviceable condition; 0 if on county R/W or in poor cond. 100 of nonfederal share if in serviceable condition; 0 if on county R/W or in poor cond.

Grading, sodding, balling 100 0 100 of nonfederal share eligible for State Aid

Gravel replacement 100 0 100 of nonfederal share eligible for State Aid

Highway clearing 100 of participation 100 of participation prior to application of federal funds

Highway clearing 100 of participation 100 of participation prior to application of federal funds

1 copy for Project file

* Distributed at 5/9/89 Council Meeting

CITY OF FALCON HEIGHTS

COST BREAKDOWN - HAMLINE AVENUE

52' Roadway (as proposed)

Roadway (County only)	\$ 0.00
Curb & Gutter	12,656.00
Storm Sewer (Catch Basins, etc.)	8,275.00
Pathways	28,350.00
Ramsey Co. Retention (Gottfried) Pond	27,333.00
R/W Acquisition	<u>7,350.00</u>
 Total Construction	 \$ 83,964.00
 County Engineering (18%)	 15,113.00
City Administration (10%)	<u>8,396.00</u>
 TOTAL COST	 \$107,473.00

← TB \$70,000

5' x 1/2 mile

1 mile = total project

* Current Policy = Assess 90% of road to adjacent props.
 * Assess 100% of Storm Sewer to all benefitted props.

- 35,7000 Pathways
 - (1/3 x 70,000) 2333

3) 2333
 3) 70,000
 6
 10
 9
 1,099
 10

CITY OF FALCON HEIGHTS
COST BREAKDOWN - HAMLINE AVENUE

48' Width in Lieu of 52'

Roadway (County share 24' width only)	\$103,385.00
Curb & Gutter	12,656.00
Storm Sewer	8,275.00
Pathways	28,350.00
Ramsey Co. Retention (Gottfried) Pond	27,333.00
R/W Acwuisition	<u>7,350.00</u>
Total Construction	\$187,349.00
County Engineering (18%)	33,723.00
City Administration (10%)	<u>18,735.00</u>
TOTAL COST	\$239,807.00

NOTE: Any variance to MnDOT design criteria requires a resolution by the City Council that indemnifies, saves and holds harmless the State of Minnesota and all its agents and employees of and from any and all claims, demands, actions or causes of actions of any nature.

Consent _____

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Bullseye Golf - Request to Amend Conditional Use Permit for Golf-O-Mat Machines

SUBMITTED BY:

Dennis Hunt, Bullseye Golf and Pauline Kruger, Towle Real Estate

REVIEWED BY:

Jan Wiessner, City Administrator
Tim Malloy, Dahlgren, Shardlow & Uban
Paul Mattke, Jensen, Hicken, Gedde & Soucie (City Attorney)
Planning Commission 5/1/89

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attachments:

1. Request to Amend Conditional Use Permit - Dennis Hunt
2. Planning Report - Tim Malloy
3. Sept. 9, 1987 - Conditional Use Resolution R-87-35
4. June 24, 1987 - Conditional Use Resolution R-87-24
5. Dec. 19, 1985 - Conditional Use Resolution R-85-70
6. Council Minutes, December 19, 1985
7. Proposed Resolution Stipulating Conditions as recommended by Planning Commission.
8. Revised Proposed Resolution recommended by J. Wiessner

Background

This request emerged from the discussions about the parking problems Embers has encountered from the Golf-O-Mat participants' parking in the parking area north of the shopping center.

Following the Planning Commission action, new information was learned from Dennis Hunt which leads us to believe that further conditions may be necessary to regulate all use of the Golf-O-Mat participation (not just leagues). See revised proposed resolution dated May 4, 1989. (Att.#8)

ACTION REQUESTED:

Approve changes in conditions as recommended by Administrator.

Approved ~~as~~ as amended.

gnw

April 12, 1989

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

RE: Bullseye Plaza Shopping Center

Dear Ms. Wiessner:

On September 9, 1987, the City Council of Falcon Heights adopted Resolution R-87-24 relating to the permanent conditional use permit for Bullseye Golf Centers, Inc., Golf-O-Mat game.

This current conditional use permit allows the operation of sixteen machines with the occupancy limit being posted as designated by the City Fire Marshall. Also, patrons must be encouraged to park in the rear (North) lot through adequate signage and advertising patrons would enter through the rear door.

Due to the problems encountered by adjacent property owners by having patrons of the Golf-O-Mat park in the rear (North) lot, Bullseye Golf Centers, Inc. request a reconsideration of change in the conditional use permit as follows:

The patrons of the winter golf league will be required to park in the south and west parking lots of Bullseye Plaza Shopping Center. Patrons will be encouraged to enter through the south entrance of the Bullseye Golf Shop.

Because of the shared parking use of the Bullseye Plaza Shopping Center, these changes will not cause a problem for the adjacent property owners.

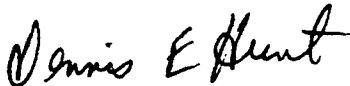
The hours of the winter golf league will be Monday through Thursday, 7:00 P.M. to 8:30 P.M. beginning in February and ending in early April.

Ms. Jan Wiessner
City Administrator
April 12, 1989
Page 2

As previously stated, due to the concern of parking by an adjacent property owner, we request that this reconsideration of the conditional use permit be placed on the May 1, 1989, Planning Commission Meeting agenda.

Thank you for your consideration.

Sincerely,


Dennis E. Hunt
President

SMC



CONSULTING PLANNERS
LANDSCAPE ARCHITECTS
300 FIRST AVENUE NORTH
SUITE 210
MINNEAPOLIS, MN 55401
612-338-5300

MEMORANDUM

DATE: 24 April 1989
TO: City Administrator and Planning Commission Members
FROM: Tim Malloy
RE: Bullseye Variance and Conditional Use Permit Request

As you know, the criteria in the State Statutes for granting variances requires that there be a hardship and that the hardship not be a result of actions taken by the owner or due to economic considerations.

To fully explain how this relates to the situation regarding the Bullseye Center, it is necessary to clarify some of the history behind its development. When the numbers were being worked out for the Tax Increment Financing, it was determined that in order to create enough increment to support the district the Center had to be a certain value after development. The result was the Center had to be built larger than would normally have been permitted by ordinance on this site. Since the building was too large, there was not enough room for parking and a variance had to be granted before the Center could be built. Clearly this is an economic consideration and does not meet the strict requirements of the statutes. Since the original variance was in violation of the statutes, we believe that the amended variance would also be in violation. The concern is that if there were a party who strongly opposed the variance amendment and decided to take action, the City's position might be vulnerable.

RECOMMENDATION

Other than the legal issue discussed above, which the City Attorney has assured me should not be a problem, we see the proposed amendment to the variance as an appropriate first step in monitoring the parking situation of the Bullseye Plaza Shopping Center. In order to insure that the variance is respected, we recommend that the Conditional Use Permit include a condition for monitoring the parking budget annually (see recommendations for Conditional Use Permit). We also strongly urge that a written agreement between Henry Kristal and Dennis Hunt, regarding the 13 additional parking stalls necessary to meet the needs of the Bullseye Center, be included in the documentation of the variance.

*** CONDITIONAL USE PERMIT AMENDMENT**

The owner of the Bullseye Center is also requesting the City to modify the Conditional Use Permit for the Golf-O-Mat facility. The request includes requiring patrons of the golf leagues to park on the Bullseye Center's main lot and encourages them to enter the establishment through The Golf Shop entrance. How patrons are encouraged to enter through the Golf Shop should be clarified, i.e., signage, closing the rear door to access other than emergency, etc.

The amendment also calls for the hours of operation of the winter golf leagues to be limited to 7:00 p.m. to 8:30 p.m. Finally the request states that the operation of the Golf-O-Mat facility will not create a parking problem for surrounding property owners due to the shared parking situation with the other uses in the Shopping Center. We feel that shared parking would help reduce the parking problem related to the Golf-O-Mat operation, however, the shared parking situation is not clearly outlined. Some requirement should be made to insure that enough of the retail uses in the Center will be closed to permit shared parking when the Golf-O-Mat facility is running its leagues.

RECOMMENDATION

Generally, the proposed amendment to the Conditional Use Permit is appropriate and should help to minimize any parking conflicts with Embers or other surrounding property owners.

We recommend that the Conditional Use Permit include the following conditions:

1. Patrons of the Golf-O-Mat facility will be required to enter the establishment through the Golf Shop entrance by posting signage.
2. Signage shall be posted, in accordance with the requirements in the City Code, requiring patrons to park in the south and west parking lots of the Bullseye Plaza Shopping Center.
3. Hours of operation of the ^{Golf-O-Mat facility} ~~Winter Golf Leagues~~ will be limited to 7:00PM to 8:00 p.m. Monday through Thursday, ~~beginning in February and Ending in April~~.
4. An amount of retail square footage equal to the area occupied by the Golf-O-Mat facility shall have hours of operation which do not coincide with the hours of the winter golf leagues.
5. Each year the owners of the Bullseye Plaza shall supply the City with information regarding the Center's current tenant mix and vacancy. This information will be used to review the parking budget for the Center. If it is determined that the Shopping Center is in violation of the parking variance, the Conditional Use Permit may be revoked.

rec. by
Henry L.

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date September 9, 1987

AMENDING RESOLUTION R-87-24 RELATING TO A PERMANENT
CONDITIONAL USE PERMIT FOR BULLSEYE GOLF CENTERS, INC.
(GOLF-O-MAT GAMES)

WHEREAS, the City Council granted a permanent conditional use permit
to allow the use of twelve (12) Golf-O-Mat games in the firm's
basement, and

WHEREAS, Dennis Hunt, President of Bullseye Golf, Inc. has requested
permission to install four (4) additional machines,

NOW, THEREFORE, BE IT RESOLVED, that Resolution R-87-24 be amended
to read as follows:

1. The operation is limited to sixteen (16) machines with the occupancy limit being posted as designated by the City Fire Marshal.
2. Patrons must be encouraged to park in the rear lot and enter through rear door through adequate signage and advertising.

Moved by Councilmember Chenoweth

Seconded by Councilmember Wallin

Approved by Tom Baldwin
Mayor

September 9, 1987
Date

Yeas

Nays

- ✓ BALDWIN
- ✓ CIERNIA
- ✓ HARD
- ✓ CHENOWETH
- ✓ WALLIN

5 in Favor
0 Against

Attested by Janet K. Weisner
Clerk Administrator

September 9, 1987
Date

Adopted by Council September 9, 1987

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date June 24, 1987

A RESOLUTION RELATING TO A PERMANENT CONDITIONAL USE PERMIT FOR BULLSEYE GOLF CENTERS, INC. (GOLF-O-MAT GAMES) AND SUPERSEDING RESOLUTION R-85-70.

WHEREAS, Mr. Dennis Hunt, President of Bullseye Golf, Inc., has requested that the City grant a Permanent Use Permit so as to permit the use of the firms basement for Golf-O-Mat games; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Falcon Heights that Bullseye Golf, Inc. is hereby granted a permanent conditional use permit for Golf-O-Matic operations at the Bullseye Plaza. Such conditional use permit is subject to the following conditions:

1. The operation is limited to 12 machines.
2. Must encourage patrons to park in rear lot and enter through rear door through adequate signage and advertising.

Moved by Chenoweth

Seconded by Wallin

Approved by Tom Baldwin

Mayor

6/24/87

Date

Nays

BALDWIN
CIERNIA

4 In Favor

HARD

0 Against

CHENOWETH

WALLIN

Attested by Janet Whisenand
Clerk Admin.

7-9-87

Date

Adopted by Council: June 24, 1987

COUNCIL RESOLUTION

Date December 19, 1985

A RESOLUTION RELATING TO TEMPORARY CONDITIONAL USE PERMIT OF BULLSEYE GOLF CENTERS, INC.

RESOLVED, That

WHEREAS, on September 19, 1984 the City of Falcon Heights and Bullseye Golf Centers, Inc. entered into a Development Agreement for the issuance of tax increment financing for the development of Bullseye's Plaza (the "Project"); and

WHEREAS, the City through said tax increment financing has provided substantial aid and assistance to the Project through the sale of general obligation tax increment bonds to finance certain taxable and administrative costs; and

WHEREAS, payment of said bonds is secured in part by a pledge of tax increments generated by the Project; and

WHEREAS, the Project was completed in early September of 1985 and certain portions of the retail space rented; and

WHEREAS, the remaining retail space remains vacant thereby jeopardizing the success of the Project; and

WHEREAS, Mr. Dennis Hunt, President of Bullseye has requested that the City grant a Conditional Use Permit so as to permit the use of the Project's basement for Golf-O-Mat games; and

WHEREAS, the City believes that the generation of additional clientele will benefit the Project as a whole and surrounding areas of the City in general and that such increased use of the Project is of vital interest to the City as well as the Developer;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights that Bullseye Golf, Inc. is hereby granted a temporary conditional use permit for Golf-O-Matic operations at the Bullseye Plaza. Such temporary conditional use permit is subject to immediate termination upon the occurrence of any one of the terms, conditions or qualifications hereinafter stated:

Moved by Mayor Eggert

Seconded by Councilmember Hard

Approved by [Signature]
Mayor

12/19/85
Date

Yeas	Nays
<input checked="" type="checkbox"/> Eggert	<u>4</u> In Favor
<input checked="" type="checkbox"/> Cierna	
<input checked="" type="checkbox"/> Baldwin	<u>0</u> Against
<input checked="" type="checkbox"/> Hard	
<input checked="" type="checkbox"/> Chenoweth	Councilmember Ciernia Absent

Attested by [Signature]
Clerk Admin.

12/19/85
Date

Adopted by Council December 19, 1985

1. Full occupancy of the Project;
2. April 30, 1986;
3. Permanent opening of St. Paul municipal golf courses in the Spring of 1986; or
4. Full utilization of presently available parking spaces for the Project.

MINUTES
SPECIAL CITY COUNCIL MEETING
DECEMBER 19, 1985
PAGE 2

ARDIS HUTCHINS, 1901 SIMPSON, APPOINTED TO PARKS AND RECREATION COMMISSION
Mayor Eggert moved, seconded by Councilmember Hard, that Ardis Hutchins, 1901 Simpson, be appointed to the Parks and Recreation Commission to replace Carol Parks. Motion carried unanimously.

1/8/86 MEETING TO START AT 6:45 P.M.

Mayor Eggert moved, seconded by Councilmember Hard, that the January 8, 1986 meeting be scheduled to start at 6:45 rather than 7:00 p.m.. Motion carried unanimously.

PUBLIC HEARING ON BULLSEYE CONDITIONAL USE REQUEST FOR GOLF-O-MAT GAMES IN LOWER LEVEL OF BUILDING

At 7:30 p.m. Mayor Eggert opened the Public Hearing on a Conditional Use Request from Bullseye Golf, Inc., to Operate Golf-O-Mat Games in the Lower Level of the Building, and presented the Affidavit of Publication. Attorney George Hoff, representing Bullseye Golf, explained the Golf-O-Mat operation and stressed that the space is available due to the fact that Bullseye has closed all stores but this one and there is no longer need for the basement area for central warehousing. Mr. Hoff then presented the proposed condition for terminating the use of the games as listed in his letter of December 12, 1985 as follows: 1) Full occupancy of Bullseye Plaza, 2) April 30, 1986, or, 3) Until the permanent opening of major golf courses in the Twin City area in the spring of 1986, whichever is earliest. He also informed that the original request made to the Planning Commission has been changed from 6 games to 12. Council discussed problems with Bullseye during the development period, the lack of a written joint parking agreement between Bullseye and Embers, and problems the City has had obtaining permission for employees to enter the building. Mr. Hoff agreed to obtain the name of an alternate person to grant permission to enter the premises, and assured that adequate fire extinguishers have been purchased for the operation, and the Fire Chief will inspect the facility in January. Attorney Gasteazoro agreed with Mr. Hoff's request that the parking be analyzed month by month to determine whether or not the slots assigned are appropriate. Councilmember Baldwin requested that the condition relating to opening of golf courses be more definite, for example, the opening of St. Paul Municipal Courses, and that a 4th condition be added, full utilization of presently available parking slots. There being no others wishing to be heard, Mayor Eggert closed the Public Hearing at 8:11 p.m. and moved Resolution R-85-70. The motion was seconded by Councilmember Hard and upon a vote being taken carried unanimously.

RESOLUTION R-85-70

A RESOLUTION RELATING TO A TEMPORARY CONDITIONAL USE PERMIT FOR BULLSEYE GOLF, INC.

BULLSEYE ALTERNATE NAMED

Mr. Hoff presented Council with the name of an alternate person to grant access to the building, Tony Hunt, who is manager in Dennis Hunt's absence.

LICENSE FOR GOLF-O-MAT APPROVED

Clerk Administrator Barnes reminded Mr. Hoff that a license must be obtained to operate the Golf-O-Mat games. Mr. Hoff requested that Council approve the license at this meeting contingent upon Mr. Hunt making the appropriate application the next day. Mayor Eggert moved, seconded by Councilmember Chenoweth, that a corporate license to operate the 12 machines be granted upon receipt of the appropriate application and fee. Motion carried unanimously.

No. R-89-10

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

*As Recommended
by Planning
Commission*

Date 5/1/89

A RESOLUTION RELATING TO A CONDITIONAL USE PERMIT FOR BULLSEYE
GOLF CENTERS, INC. (GOLF-MAT-GAMES) AND AMENDING
RESOLUTION R-87-35

WHEREAS, Dennis Hunt, President of Bullseye Golf, Inc. has requested amendments to the existing Conditional Use Permit established by Resolution 87-35,

BE IT THEREFORE RESOLVED, that Resolution R-87-35 be amended and the following conditions be established:

1. The operation is limited to sixteen (16) machines with the occupancy limit being posted as designated by the Fire Marshal.
2. Patrons of the Golf-O-Mat facility will be required to enter the establishment through the Golf Shop entrance.
3. Signs shall be posted, in accordance with the requirements in the City Code, requiring patrons to park in the south and west parking lots of the Bullseye Plaza Shopping Center.
4. Hours of operation in the ~~Winter~~ Golf Leagues will be limited to 7:00 P.M. to 8:30 P.M. Monday thru Thursday, ~~beginning in February and ending in April.~~
5. An amount of retail square footage equal to the area occupied by the Golf-O-Mat facility shall have hours of operation which do not coincide with the hours of the ~~winter~~ golf leagues.

Moved by _____

Approved by _____
Mayor

YEAS Nays

BALDWIN	
CIERNIA	_____ in Favor
CHENOWETH	
WALLIN	_____ Against
BUSH	

Date

Attested by _____
City Administrator

Date

Adopted by Council _____

6. Each year the owners of the Bullseye Plaza shall supply the City with information regarding the Center's current tenant mix, hours and vacancies. This information will be used to review the parking plan for the Center. If it is determined that the Shopping Center is in violation of the parking variance, the Conditional Use Permit may be revoked.
7. A written agreement for an additional 13 parking spaces shall be in effect with adjacent property owner(s) *within 500' of center.*
8. Restaurant use shall be limited to 15 percent of the available retail space under this shared parking plan. Additional restaurant space would require full compliance with restaurant parking requirements in the City Code.

JW

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date _____

A RESOLUTION RELATING TO A CONDITIONAL USE PERMIT FOR BULLSEYE
GOLF CENTERS, INC. (GOLF-MAT-GAMES) AND AMENDING
RESOLUTION R-87-35

WHEREAS, Dennis Hunt, President of Bullseye Golf, Inc. has requested amendments to the existing Conditional Use Permit established by Resolution 87-35,

BE IT THEREFORE RESOLVED, that Resolution R-87-35 be amended and the following conditions be established:

1. The operation is limited to sixteen (16) machines with the occupancy limit ~~being posted~~ as designated by the Fire Marshal *being posted.*
2. Patrons of the Golf-O-Mat facility will be required to enter the establishment through the Golf Shop entrance.
3. Signs shall be posted, in accordance with the requirements in the City Code, requiring patrons to park in the south and west parking lots of the Bullseye Plaza Shopping Center.
4. Hours of operation in the ~~Winter~~ Golf Leagues will be limited to 7:00 P.M. to 8:30 P.M. Monday thru Thursday, ~~beginning in February and ending in April.~~
5. An amount of retail square footage equal to the area occupied by the Golf-O-Mat facility shall have hours of operation which do not coincide with the hours of the winter golf -o-mat leagues. operation.

*

Moved by _____

Approved by _____
Mayor

YEAS Nays

BALDWIN
CIERNIA
CHENOWETH
WALLIN
BUSH

_____ in Favor
_____ Against

_____ Date

Attested by _____
City Administrator

_____ Date

Adopted by Council _____

6. Each year the owners of the Bullseye Plaza shall supply the City with information regarding the Center's current tenant mix, hours and vacancies. This information will be used to review the parking plan for the Center. If it is determined that the Shopping Center is in violation of the parking variance, the Conditional Use Permit may be revoked.
7. A written agreement for an additional 13 parking spaces shall be in effect with adjacent property owner(s). *within 500 feet of Center. The City*
8. Restaurant use shall be limited to 15 percent of the available retail space under this shared parking plan. Additional restaurant space would require full compliance with restaurant parking requirements in the City Code. *will be promptly notified of any change.*
9. *No* Alcoholic beverages incl. 3.2 beer, nor any other controlled substance other than prescription drugs shall be consumed or displayed in the area.

Consent _____

Agenda Item: F-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Request to Amend Parking Variance for Bullseye Shopping Center

SUBMITTED BY:

Dennis Hunt, Bullseye Shopping Center

REVIEWED BY:

Jan Wiessner
Planning Commission 5/1/89
Henry Kristal - Embers
Paul Mattke, Dahlgren, Shardlow & Uban
Tim Malloy, Jensen, Hicken, Gedde & Soucie

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attachments:

1. Variance Amendment Request from Dennis Hunt
2. Planner's Review
3. Attorney's Opinion re: Variance Amendment
4. Administrator's memorandum
5. Supplemental Parking Agreement (Embers & Bullseye)
6. Planning Commission Recommendation

ACTION REQUESTED:

Approve Parking Variance Amendment with four conditions as recommended by Planning Commission.

** Approved as amended*

JW

April 12, 1989

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

RE: Bullseye Plaza Shopping Center

Dear Ms. Wiessner:

Bullseye Plaza Shopping Center currently has a parking plan which was approved by the City of Falcon Heights on September 19, 1984. This parking plan allows for the following:

<u>Use</u>	<u>Square Feet</u>	<u># Spaces</u>
Office Space	1,000	5
Storage/Warehouse	16,800	17
Retail	<u>18,000</u>	<u>82</u>
Total	35,800	104

The current use of the shopping center varies from the original variance parking plan for the following reasons.

1. The center was actually built smaller than was originally planned.
2. The basement area has been used more intensively than originally planned.
3. A restaurant was not mentioned in the 1984 variance which makes it unclear whether a restaurant was included in the original plan.

In order to have a parking plan that meets the use of the shopping center, we request that the September 19, 1984 parking

Ms. Jan Wiessner
City Administrator
April 12, 1989
Page 2

variance be amended as follows:

1.	<u>Use</u>	<u>Square Feet</u>	<u>Parking Req.*</u>	<u># Spaces</u>
	Storage/ Warehouse	12,194	1/1000 s.f.	13
	Retail	<u>21,948</u>	4.5/1000 s.f.	<u>99</u>
	Total	34,242		112

* The basement area would be used as Storage/warehouse space. (A reconsideration of the conditional use permit for the Golf-O-Mat operation has been requested.)

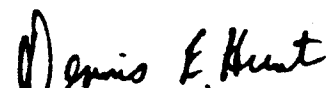
2. Retail space is defined to include traditional retail uses, and restaurant useage shall not exceed 15% of the total retail space or 3,292 square feet. Use of space as take-out or non-sit down operations will be considered as retail space, not as restaurant space.
3. A parking budget of existing tenants of the shopping center will be submitted to the City of Falcon Heights annually.

A written agreement between Bullseye Golf Centers, Inc. and Mr. ^{Wistal} EMS Restaurant, Inc. regarding the 13 parking spaces located on both owner's properties in the parking lot north of Embers has been attached to be made a part of the variance documentation.

We request that consideration of the amended variance be placed on the May 1, 1989 Planning Commission agenda.

Thank you for your consideration.

Sincerely,


Dennis E. Hunt
President

enc.



CONSULTING PLANNERS
LANDSCAPE ARCHITECTS
300 FIRST AVENUE NORTH
SUITE 210
MINNEAPOLIS, MN 55401
(612) 339-3300

MEMORANDUM

DATE: 24 April 1989
TO: City Administrator and Planning Commission Members
FROM: Tim Malloy
RE: Bullseye Variance and Conditional Use Permit Request

There are two items being considered for the Bullseye Center. The first is a request for an amendment to the original parking variance, the second is for an amendment to the Conditional Use Permit for the Golf-O-Mat facility. These requests come as a result of extensive negotiations between City Staff and representatives of the Bullseye Center. The issues involved in this matter have been complex and the information has not always been concise or complete. The result has been that the matter has dragged on for several months. However, we feel that the proposed amendments to the Conditional Use Permit and Parking Variance currently being requested represent a reasonable solution to the parking situation for the Bullseye Center and surrounding properties.

In the following paragraphs we review our specific recommendations regarding the proposed amendments.

* VARIANCE AMENDMENT

The basis for amending the original variance is to have a clear understanding of what the numbers are with respect to the parking requirements for the Bullseye Center so that both the City and the Center's management can monitor the parking budget. This will help insure that parking conflicts with surrounding properties do not occur in the future.

First, I would like to clarify some of the numbers associated with this amendment request. Originally, the Center was to provide 104 spaces based on the breakdown as outlined on the first page of the April 12th letter to Jan Wiessner from Dennis Hunt. Considering the amount of space in the Center designated for storage/warehouse (16,800 square feet), 104 spaces was a reasonable parking requirement. The flaw with this

breakdown was the 16,800 square feet of storage/warehouse. This number is misleading in that it not only represented the basement storage area, but was calculated to also include some storage space for each retail shop. This allowed approximately 4,000 square feet of retail space to be considered under the one space per 1,000 parking requirement for storage, instead of the 4.5 spaces per 1,000 standard for retail. The result was a greater parking deficit than was intended to be allowed by the original variance. The proposed amendment clarifies this discrepancy, and the breakdown found on the second page of the April 12th letter to Jan correctly designates the entire first floor as retail area. The 12,194 square feet of storage/warehouse represents only the basement area.

The basement area would still be used for the Golf-O-Mat facility under the proposed amended Conditional Use Permit. If for any reason the owner would violate the conditions of the permit, the basement area would be converted back to storage. One method of insuring that the parking variance is respected would be to tie the variance to the Conditional Use Permit. That could be achieved by including, as a condition of the permit, an annual review of the parking budget to insure that the parking for the center is not adversely affecting businesses and properties in the surrounding area.

The variance amendment also defines retail uses to include non-sit-down type restaurants. Sit-down type restaurants up to 15 percent of the total area in the center designated as retail (21,948 square feet) would also be allowed. This would include the Chinatown Restaurant and would leave roughly 550 square feet for an additional small restaurant, but would eliminate the possibility of another large restaurant which could result in parking problems.

The variance amendment would also require the Center to provide information regarding the tenant mix and vacancy to the City annually. This information could be used to review the parking situation as discussed in relation to the Conditional Use Permit above. Also important is the inclusion of the written agreement between Henry Kristal and Dennis Hunt regarding the 13 additional spaces necessary to provide the required 112 parking spaces for the Center under the new variance.

We believe the 112 parking spaces provided for the center (including those shared with Embers) is adequate for the uses defined in the variance; 12,194 square feet of storage/warehouse and 21,948 square feet of retail, including restaurant as defined above. In order for the parking to work with the Golf-O-Mat facility in the basement of the Center, we feel it is important that shared parking be utilized. This is covered in the discussion of the proposed amendment to the Conditional Use Permit also reviewed in this memo.

Our concern with the Amendment to the parking variance is that it may not be the most appropriate means to achieve the desired end. Before I explain our position on this issue, I should say that I have reviewed this with Paul Matke, who is acting as City Attorney on this matter, and he has assured me that this should not be a problem.

Approving an amendment to a variance can be perceived as renewing support for the original decision to grant the variance. We believe the original variance was not the appropriate tool for allowing the developer to vary from the City's parking requirements in order to build the Center.

As you know, the criteria in the State Statutes for granting variances requires that there be a hardship and that the hardship not be a result of actions taken by the owner or due to economic considerations.

To fully explain how this relates to the situation regarding the Bullseye Center, it is necessary to clarify some of the history behind its development. When the numbers were being worked out for the Tax Increment Financing, it was determined that in order to create enough increment to support the district the Center had to be a certain value after development. The result was the Center had to be built larger than would normally have been permitted by ordinance on this site. Since the building was too large, there was not enough room for parking and a variance had to be granted before the Center could be built. Clearly this is an economic consideration and does not meet the strict requirements of the statutes. Since the original variance was in violation of the statutes, we believe that the amended variance would also be in violation. The concern is that if there were a party who strongly opposed the variance amendment and decided to take action, the City's position might be vulnerable.

RECOMMENDATION

Other than the legal issue discussed above, which the City Attorney has assured me should not be a problem, we see the proposed amendment to the variance as an appropriate first step in monitoring the parking situation of the Bullseye Plaza Shopping Center. In order to insure that the variance is respected, we recommend that the Conditional Use Permit include a condition for monitoring the parking budget annually (see recommendations for Conditional Use Permit). We also strongly urge that a written agreement between Henry Kristal and Dennis Hunt, regarding the 13 additional parking stalls necessary to meet the needs of the Bullseye Center, be included in the documentation of the variance.

CONDITIONAL USE PERMIT AMENDMENT

The owner of the Bullseye Center is also requesting the City to modify the Conditional Use Permit for the Golf-O-Mat facility. The request includes requiring patrons of the golf leagues to park on the Bullseye Center's main lot and encourages them to enter the establishment through The Golf Shop entrance. How patrons are encouraged to enter through the Golf Shop should be clarified, i.e., signage, closing the rear door to access other than emergency, etc.

The amendment also calls for the hours of operation of the winter golf leagues to be limited to 7:00 p.m. to 8:30 p.m. Finally the request states that the operation of the Golf-O-Mat facility will not create a parking problem for surrounding property owners due to the shared parking situation with the other uses in the Shopping Center. We feel that shared parking would help reduce the parking problem related to the Golf-O-Mat operation, however, the shared parking situation is not clearly outlined. Some requirement should be made to insure that enough of the retail uses in the Center will be closed to permit shared parking when the Golf-O-Mat facility is running its leagues.

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

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
 BUCHMAN, JOHN T.
 GEDDE, THOMAS A.
 GROVER, BETH H.
 HICKEN, JEFFREY P.
 HOWARD, ROBERT A.
 JENSEN, DAVID L.
 MATKE, PAUL E.
 SCOTT, MICHAEL J.
 SOUCIE, FRED M.

300 ANOKA OFFICE CENTER
 2150 THIRD AVENUE
 ANOKA, MINNESOTA 55303-2298

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

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

April 26, 1989

VIA TELECOPY

Ms. Janet R. Wiessner
 Planning Commission Members
 Councilmembers of the City of
 Falcon Heights
 2077 West Larpenteur Avenue
 Falcon Heights, MN 55113-5594

RE: Bullseye Parking Issues

This office has participated in a number of discussions of the parking situation around the Bullseye Center, including meeting with Tim Malloy, Jan Wiessner, Dennis Hunt, Henry Krystal, and Hunt's leasing agent, Pauline Kruger in order to clarify the uses to which Hunt may put the Bullseye Center and still be in compliance with his parking variance and conditional use permit for Golf-O-Mat's. The record concerning the original parking variance is sketchy in that no findings were stated in the minutes which would explain the basis for granting the variance. Nevertheless, a variance was granted and Bullseye was built in reliance on that variance. The owner now wishes clarifications of the variance so that he can put the Center to its optimum use. It is our opinion that it is appropriate for the Planning Commission and the Council to presume the validity of the already existing variance. The current proposal is merely to clarify the conditions attached to that variance, not to reconsider the variance itself. It would be particularly inappropriate to reconsider whether or not the variance should be granted, since as was earlier stated, the owner built the Center in reliance on that variance. The present reconsideration of the conditions on the variance is permissible, in part, because the property owner has

Ms. Janet R. Wiessner
Planning Commission Members
Councilmembers of the City of
Falcon Heights
Page 2
April 26, 1989

requested that reconsideration. In effect, what the City is doing is heading off a potential future problem with parking at the Center by working with the owner.

Assuming that Henry Krystal and Dennis Hunt reach a written agreement for shared parking, which is to be part of the revised variance conditions, we do not see any likely challenges to the variance or the change in its conditions. The City should be more concerned about the potential dispute with Dennis Hunt if this matter is not resolved by agreement.

Finally, the proposed amendments to the variance conditions do not liberalize the parking restrictions at the Center. They merely clarify and reallocate those spaces. Additionally, the City is to be provided a mechanism to monitor compliance with the variance in a simple and direct fashion. For all of the above reasons, we believe that amendment of the variance conditions would be an appropriate solution to the present problem.

Yours truly,

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


Paul E. Mattke
Assistant Falcon Heights
City Attorney

PEM/abg



CITY OF
FALCON HEIGHTS

2077 W. LARPELLEUR AVENUE

FALCON HEIGHTS, MN 55113-5594

PHONE 612-644-5050

April 25, 1989

TO: Planning Commission and City Council
 FROM: Jan Wiessner *[Signature]*
 RE: BULLSEYE SHOPPING CENTER REQUEST TO AMEND
 1984 PARKING VARIANCE

Dennis Hunt, owner of the Bullseye Shopping Center, has requested that the City amend the parking variance which was approved in September, 1984. This amendment does not change the original parking requirements:

Storage/Warehouse	1 space/11,000 s.f.
Office Space	1 space/200 s.f.
Retail	4.5 spaces/1,000 s.f.

It does, however, change the amount of area allotted to each use based on the current use of the building:

	<u>Projected</u>	<u>Actual</u>
Storage/Warehouse	16,800 s.f.	12,194 s.f.
Office Space	1,000 s.f.	0
Retail	18,000 s.f.	21,948 s.f.
	<u>35,800 s.f.</u>	<u>34,242 s.f.</u>

RECOMMENDATION: Approval contingent upon the following three conditions:

1. Written Supplemental Parking Agreement

If a parking agreement for an additional 13 spaces can be obtained by Mr. Hunt, there appears to be adequate parking for this shared parking plan.

2. Annual Review

Since the success of this plan is highly dependent upon the compatibility of the tenants it is important that the parking situation be reviewed annually by the City. Although the current fairly low intensive rental mix seems to work well now, should problems arise, additional restrictions in the tenant mix may be warranted.

3. Restaurant Space Limit

It is unclear whether restaurants were included in the initial plans, however, it is likely that one was included. Because of the additional parking required by restaurants, it is important that this use be limited (15% was chosen because it is close to what the current use is and it has been used in other City Codes as a cap).

JW:kjz

TOWLE
REAL ESTATE

*to Jane Matthe &
Tom in allow
4/13/89*

Writer's Direct Dial Number (612) 221-1949

PLEASE REPLY TO:
Capital Centre
386 North Wabasha
Suite 150
St. Paul, Minnesota 55102

April 12, 1989

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

Dear Jan:

Enclosed please find the following items:

1. Request for reconsideration of change in the conditional use permit fro the Golf-O-Mat, and;
2. Amendment to the parking plan variance.

* The shared parking agreement between Dennis Hunt and Henry Kristal is being written by our attorney and reviewed by Mr. Kristal's attorney. A signed copy will be sent to you as soon as all parties agree to the document.

Jan, I wish to thank you for all of your assistance in resolving this issue of parking for Bullseye Plaza Shopping Center. We will all be happy when this is resolved.

Please contact me if you have any questions.

Sincerely,

TOWLE REAL ESTATE COMPANY

Pauline C. Kruger

Pauline C. Kruger
Property Manager

enc.

PCK/smc

PARKING AREA AGREEMENT

This Parking Area Agreement is made this ____ day of _____, 1989, by and between MR EMS SYSTEMS, INC., a Minnesota corporation ("Embers") and BULLSEYE GOLF CENTER, INC., a Minnesota corporation ("Bullseye").

1. **RECITALS.**

1.1 Embers is the owner of a certain parcel of real property, and improvements thereto, legally described in Exhibit A attached hereto (the "Embers Premises").

1.2 Bullseye is the owner of a certain parcel of real property, and improvements thereto, legally described in Exhibit A attached hereto (the "Bullseye Premises").

1.3 The Embers Premises and the Bullseye Premises share a common property line in an area directly north of the Embers restaurant building, upon which property line is located a parking area with thirteen (13) marked parking stalls as noted in the Exhibit B attached hereto (the "Parking Area").

1.4 The parties hereto wish to set forth in writing their agreements and understandings with respect to the Parking Area.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein set forth, the parties agree as follows:

2. **USE.** The Parking Area shall be used by the customers and/or employees of Embers and for the employees and non-Golf-O-Matic customers of Bullseye for the nonexclusive, temporary parking of motor vehicles and for no other purposes whatsoever.

3. **TERM.** This Agreement may be terminated by either party on thirty (30) days prior written notice. Thirty (30) days after the delivery of such notice, neither party shall have any rights or obligations hereunder and this agreement shall be terminated.

4. **REPAIR AND MAINTENANCE.** Except for damages to the premises caused by the negligent act of the other party, each party shall, at its expense, maintain that portion of the Parking Area located on its premises in good condition and repair. The parties further agree to cooperate in good faith in the scheduling of the repair, maintenance and re-marking of the Parking Area.

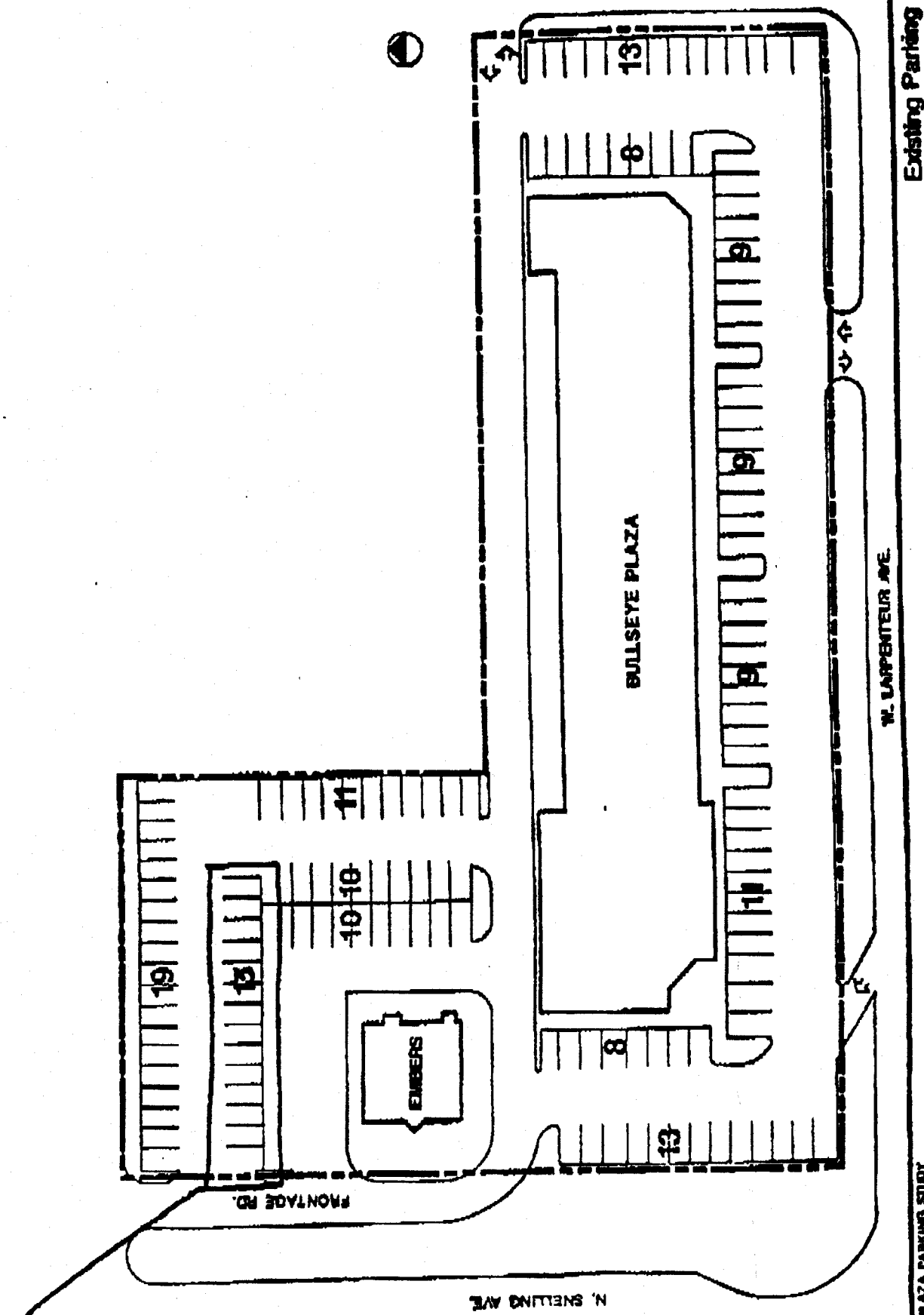
5. **NO PARTNERSHIP.** Any intention to create a joint venture, partnership or agency relation between the parties hereto is expressly disclaimed.

6. **NOTICES.** Any notice desired or required to be given under this Agreement shall be either hand delivered or sent postage paid registered or certified mail, return receipt requested,

As to Embers:

MR EMS Systems, Inc.
1664 University Avenue
St. Paul, Minnesota 55104
Attention: Mr. Henry Kristal

EXHIBIT B
"PARKING AREA" '18 YNOW



Shared Parking Area

Existing Parking Condition

BULLSEYE PLAZA PARKING STUDY
FALCON HEIGHTS, MN

EXHIBIT A

Legal Description of Embers Premises:

Lots 4 and 5, Keller's Rearrangement of Block 10 of Falcon Heights Addition, including the West 1/2 of the vacated alley adjacent to said lots according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Ramsey County, Minnesota.

Legal Description of Bullseye Premises:

Lot 3, and the West 1/2 of vacated alley of Keller's Rearrangement of Block 10 of Falcon Heights Addition, Ramsey County, Minnesota. (Liquor Store)

Lots 6, 7, 8, 9, 10, 11, 12 & 13, Keller's Rearrangement of Block 10 of Falcon Heights Addition, Ramsey County, Minnesota. (Bullseye's corner property)

Lots 14 & 15, Keller's Rearrangement of Block 10 of Falcon Heights Addition, Ramsey County, Minnesota. (Filling station)

As to Bullseye:

Bullseye Golf Centers, Inc.
1557 Larpenteur Avenue
Falcon Heights, Minnesota 55109
Attention: Mr. Dennis Hunt

With a copy to:

Towle Real Estate Company, Inc.
Suite 150, Capital Center
386 North Wabasha
St. Paul, Minnesota 55102

Either party may, by written notice, designate a different address to which notices may be sent.

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

ATTEST:

MR EMS SYSTEMS, INC.

BY: _____

Its _____

Attest:

BULLSEYE GOLF CENTERS, INC.

BY: _____

Its _____

0719E/042889

**MINUTES
REGULAR PLANNING COMMISSION MEETING
May 1, 1989**

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

Black, Barry, Boche, Duncan, Finegan, Grittner and Nestingen.
Also present was Council Liaison Wallin, Mayor Baldwin,
Administrator Wiessner, Planner Malloy and Intern Carlson.

PRESENT

Carroll and Daykin.

ABSENT

Duncan moved, seconded by Finegan, to approve the April 3, 1989, Planning Commission Minutes as presented. Motion carried unanimously.

4/3/89
MINUTES
APPROVED

Administrator Wiessner reviewed background information on the Bullseye Shopping Center parking variance and their present request to amend such variance. She recommended approval contingent upon three conditions: (1) a written supplemental parking agreement, (2) annual review of parking variance and (3) a restaurant space limit. Discussions then ensued on whether the amendment of the parking variance should be tied to the amendment of the conditional use permit, the use of the basement storage area by the golf-o-mat machines, how the annual review would be done and by whom and what means the city could use if the parking variance were violated. After such discussion, Boche moved, seconded by Finegan, approval of amendment to the parking variance contingent upon the following conditions:

PARKING
VARIANCE
BULLSEYE
GOLF

WIESSNER

VARIANCE
APPROVED

(1) Use	Square Feet	Parking Req.*	#Spaces
Storage/ Warehouse*	12,194	1/100 s.f.	13
Retail	<u>21,948</u>	4.5/1000 s.f.	<u>99</u>
TOTAL	34,242		112

*The basement area would be used as storage/warehouse space. (A reconsideration of the conditional use permit for the Golf-O-Mat operation has been requested.)

- (2) Retail space is defined to include traditional retail uses, and restaurant useage shall not exceed 15% of the total retail space or 3,292 square feet. Use of space as take-out or non-sit down operations will be considered as retail space, not as restaurant space.

(3) A parking budget of existing tenants of the shopping center will be submitted to the City of Falcon Heights annually for review by Administrator to determine compliance with the variance.

(4) There shall be a written parking agreement in place with property owners within 500' of the Center for an additional 13 parking spaces and the City will be promptly notified in the event of a termination of the agreement.

Chairman Black opened the public hearing and advised that the hearing notice had been published in the April 19 Roseville/Falcon Heights Focus.

PUBLIC
HEARING
CODE
AMENDMENTS

Tim Malloy reviewed his April 13, 1989 memorandum regarding updated revisions to residential setbacks as well as proposed code amendment recommendations.

MALLOY

Howard Christensen, 1452 West California, supported a change in the city code. He was of the opinion that if younger families are not allowed to build on additions, they will not consider purchasing homes in this city and there will be a lot of empty homes. He also felt there should be room for expansion on corner lots. Home values will decrease if additions are not allowed.

HOWARD
CHRISTENSEN
1452 WEST
CALIFORNIA

Mayor Baldwin referred to his April 18 memorandum. The present code violates the intent of planning ordinances. The city should be concerned about maintaining values of residential property and by continuing to impose unfair standards violates resident's rights to maintain a good quality of life. He was in favor of the code amendments.

BALDWIN

Chairman Black closed the public hearing at 9:12 P.M.

HEARING
CLOSED

Finegan moved, seconded by Grittner, to approve amendments to the city code in Section 9-2.02. Upon a vote being taken, the following voted in favor thereof: Black, Barry, Boche, Finegan, Grittner and Nestingen, and the following voted against the same: Duncan. Motion carried.

CODE
AMENDMENTS
9-2.02
APPROVED

Nestingén moved, seconded by Barry, approval of amendments to the city code in Sections 9-2.04 and 9-2.05. Motion carried unanimously.

CODE AMEND.
9-2.04/.05
APPROVED

As a result of the Planning Commission approving the above code amendments, Mrs. Elizabeth Murphy, 1456 West California, will not need a variance for an addition to her home.

ELIZABETH
MURPHY
VARIANCE NO.
NEEDED

Bullseye Golf requested an amendment to their conditional use permit. Administrator Wiessner advised that problems encountered by adjacent property owners by having patrons of the golf-o-mat machines using the rear (north) lot has resulted in such an amendment request. After a discussion, Barry moved, seconded by Nestingen, amendment of the conditional use permit for Bullseye Golf with the following conditions:

CONDITIONAL
USE PERMIT
AMENDMENT
REQUESTED

APPROVED

1. The operation is limited to sixteen (16) machines with the occupancy limit being posed as designated by the Fire Marshal.
2. Patrons of the Golf-O-Mat facility will be required to enter the establishment through the Golf Shop entrance.
3. Signs shall be posted, in accordance with the requirements in the City Code, requiring patrons to park in the south and west parking lots of the Bullseye Plaza Shopping Center.
4. Hours of operation in the Golf Leagues will be limited to 7:00 P.M. to 8:30 P.M. Monday thru Thursday.
5. The amount of retail square footage equal to the area occupied by the Golf-O-Mat facility shall have hours of operation which do not coincide with the hours of the golf leagues.
6. Each year the owners of the Bullseye Plaza shall supply the City with information regarding the Center's current tenant mix, hours and vacancies. This information will be used to review the parking plan for the Center. If it is determined that the Shopping Center is in violation of the parking variance, the Conditional Use Permit may be revoked.
7. A written agreement for an additional 13 parking spaces shall be in effect with property owner(s) within 500 feet of the Shopping Center.
8. Restaurant use shall be limited to 15 percent of the available retail space under this shared parking plan. Additional restaurant space would require full compliance with restaurant parking requirements in the City Code.

CONDITIONAL
USE
REQUEST
AMENDMENT
APPROVED
WITH
CONDITIONS

Upon a vote being taken, the conditional use amendment was approved unanimously.

Black presented the Parking Committee Report and asked for Planning Commission input. After a short discussion, Nestingen moved, seconded by Duncan, to accept the preliminary draft report policy as a progress report. Motion carried unanimously.

PARKING
COMMITTEE
REPORT

MINUTES
REGULAR PLANNING COMMISSION MEETING
MAY 1, 1989
PAGE 4

Administrator Wiessner addressed the Planning Commission request for staff assistance and reviewed her recommendation of hiring a part-time professional staff planner and how the process would proceed. Finegan moved, seconded by Duncan, approval of the concept. Motion carried unanimously.

Nestingen moved, seconded by Boche, to adjourn the meeting at 9:58 P.M. Motion carried unanimously.

PLANNING
COMMISSION
STAFF
ASSISTANCE
REQUEST
APPROVED

ADJOURN-
MENT

Submitted by:

Katherine J. Zimmerman

Approved: _____

Edgar Finegan, Secretary

Consent _____

Policy X

CITY OF FALCON HEIGHTS

* Refund Murphy's
Variance Appl. fee
Agenda Item: F-4

* Publish Code Change
Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Code Amendments Relating to Dimensionally Non-Conforming Buildings and Structures and Residential Setbacks.

SUBMITTED BY: Tom Baldwin
Tim Malloy

REVIEWED BY: Shirley Chenoweth
Planning Commission 5/1/89

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Dimensionally Non-Conforming Buildings and Structures - Ch. 9-2.02

When Chapter 9.2.02 of the Code was amended in July of 1988, the new wording prohibited the alteration or improvement of such structures beyond normal maintenance. Mayor Baldwin requested the Commission reconsider that action. Tim Malloy has recommended some wording to address the Mayor's request. On May 1, the Planning Commission recommended approval of the attached amendment.

Residential Setbacks - Ch. 9-2.04

In April of 1989, the Planning Commission approved amendments to the setback sections of the Code. Some of these amendments were found to be in conflict with other parts of the Code and Tim Malloy has made recommendations to correct this.

Attachments:

- (1) Memorandum dated April 18, 1989 from Mayor Baldwin
- (2) Memorandum dated April 13, 1989 from Tim Malloy
- (3) Copy of Existing Code and Code previous to 1988 amendment
- (4) Proposed amendments as recommended by the Planning Commission (deletions are crossed out, additions underlined)

ACTION REQUESTED:

*Jerry
M/C 4-0 Ch 9-2.02
as amended (adding garage)*

[Signature]



CITY OF
FALCON HEIGHTS

2077 W. LARPELLEUR AVENUE

FALCON HEIGHTS, MN 55113-5594

PHONE 612-644-5050

April 18, 1989

TO: Dave Black

FROM: Tom Baldwin

RE: Chapter 9-2.02 OF THE CODE RELATING TO DIMENSIONALLY SUBSTANDARD BUILDINGS AND STRUCTURES

As you know, the recent stricture on our ability to grant variances casts a new light on some of our ordinances. Perhaps nowhere is this more evident or critical than in the above referenced section.

As you may remember that Faith Ohman's request for a variance last year prompted a discussion on the meaning and intent of the old subdivision which read "Except as hereinafter provided in this section, buildings or structures lawfully existing on the effective date of this Code may be maintained although such building or structure does not conform to the dimensional standards of this Code, but any building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed provisions of this Code and shall not increase the existing substandard dimensions." The Council concluded that Ms. Ohman, because her house was, under this subdivision, a lawful, dimensionally substandard structure whose only substandard dimension related only to setback, and because she was not increasing the non-conforming dimension, need not apply for a variance. We, and the Planning Commission, later struggled with language that would be less confusing in these cases.

Some (I, anyway) felt we could ignore the issues by seeing the portion of the subdivision starting with the word "except" as an exclusionary statement that was actually saying that the ordinance did not apply to structures whose only problem was setback requirements and whose owners were asking to simply build along the existing setback and not further into the setback. Others felt we should reserve the right to review such requests and grant variances when appropriate. Since it was the last portion (from the word "except") of the subdivision that was creating the confusion, it seemed both sides could be appeased by simply deleting that portion. That was our final action.

This action, combined with the stricture on variances, has left it virtually

impossible for a significant number of our homes in Falcon Heights to be upgraded. Compounding the problem is that this most directly affects our older homes--those most in need of expanding if the homes are to compete for the younger families we wish to attract to the city. Because of this, I'm asking the Council and the Planning Commission to reconsider the wording of the ordinance.

What seems at issue here is the intent of our ordinances. While prescriptive planning ordinances may serve newer, expanding areas well, I believe descriptive ordinances are called for in areas of our city where the homes were developed before our ordinances were. Rather than enforcing unyielding ordinances on existing homes that have no chance of coming into compliance, we should instead be describing the standards of the neighborhood and be enforcing those standards in a manner that maintains the value of the properties in the area. This view is in keeping with Chapter 9-1.01, Subd. 1(o) and (p) (purposes and intent) of the Code:

The purposes and intent of this chapter are to:

- o. Provide for the gradual elimination of those uses...which do not conform to the standards for the area in which they are located and which may adversely affect the development and property value of the property in such area;
- p. Provide for the regulation and control of such non-conforming buildings.....as is necessary or appropriate for the rehabilitation of the areas blighted thereby;

(emphasis added).

The subdivision, in its current form, directly contradicts item (o) because these homes do conform to the standards for the areas in which they are located, and it is the ordinance itself that adversely affects the development of the area and the value of the property. Item (p) makes it clear that the concern here is rehabilitation of blight enhancing structures. Again, an ordinance that restricts beyond any reasonable degree an owner's right to expand and upgrade will be the cause, not the cure, of blight.

It seems language similar to that suggested by Tim Malloy is reasonable here. I would even suggest striking the adjective "corner" so that the ordinance speaks to the general problem.

Knowing how busy your Commission is, I regret asking you to reconsider such a recent decision. However, I feel the number of homes in Falcon Heights affected by this problem warrants my request. I sincerely appreciate your work on this issue.

TB:kjz

cc: City Council
Planning Commission

**DAHLGREN
SHARDLOW
AND UBAN**

CONSULTING PLANNERS
LANDSCAPE ARCHITECTS
300 FIRST AVENUE NORTH
SUITE 210
MINNEAPOLIS, MN 55401
612-338-3300

MEMORANDUM

DATE: 13 April 1989
TO: City Administrator, Planning Commission, and Council Members
FROM: Tim Malloy, Planner
RE: Update on Revisions to Residential Setbacks

Additional information has come to our attention which requires a brief review and clarification of the recommendations we made regarding revisions to the City's residential setback regulations.

EXPANSION OF A LEGALLY NONCONFORMING STRUCTURE

The issue of corner side yard setbacks has been complicated by a recent request for a variance to allow an addition to a structure that is legally nonconforming with respect to the corner side yard setback. The lot in this particular case is 52 feet wide and the house is located closer to the corner side lot line than is currently permitted. More importantly, the lot would still be nonconforming under the proposed side yard setback revision for corner lots (20% of the lot width), which raises an important question. Should structures that are legally nonconforming with respect to corner side yard setbacks be permitted to expand? Currently, Section 9-2.02 Subd. 2 of the City Code prohibits any alteration other than normal maintenance. However, the Mayor has requested that this issue be reconsidered.

In other communities, it is not uncommon for principal structures, in the same situation, to be permitted to expand providing the proposed addition does not extend closer to the corner side lot line than the existing structure. This could be accomplished by amending Section 9-2.02 Subd. 2 to read as follows:

Except as hereinafter provided in this section, buildings or structures lawfully existing on the effective date of this code may be maintained although such buildings or structure does not conform to the dimensional standards of this code. Any such building or structure shall not be altered or improved beyond normal maintenance. However, in cases where the principal structure is legally nonconforming, with respect to only a corner side yard setback, an addition to the principal structure may be allowed providing the proposed addition does not extend closer to the corner side yard lot line than the existing principal structure, and providing that such addition meets all other requirements of this code.

This amendment would not allow such an expansion in cases where the structure is nonconforming with respect to dimensional requirements other than the corner side yard setback.

CORNER SIDE YARD SETBACKS FOR ACCESSORY STRUCTURES

The wording of the amendment to Section 9-2.02 Subd. 2, as stated above, does not deal specifically with the setbacks for accessory structures on corner lots. However, Section 9-2.04 Subd. 2(e) states that any front or side yard setbacks that apply to principal structures would also apply to accessory structures. Therefore, since we propose to amend the corner side yard setback requirement to be 20 percent of the lot width, this would also apply to accessory structures. This would create a situation where accessory structures on corner lots could be located closer to the side lot line than the principal structure. For example, if the lot were 100 feet wide and the existing house is located 30 feet from the side lot line (assuming it was built to conform with the existing 30 foot corner side yard requirement) then under the new corner side yard requirement a garage or other accessory structure could be located 10 feet closer to the side lot line than the house. This situation is less pronounced when the lots are smaller. One solution to this problem would be to modify Section 9-2.04 Subd. 1(f) to include corner side yards as follows:

- f. No detached garages or other accessory buildings shall be located nearer to the front or corner side lot line than the principal building on that lot.

INTERIOR SIDE AND REAR YARD SETBACKS FOR ACCESSORY STRUCTURES

Recently the Planning Commission moved to recommend modifying Section 9-2.04 Subd. 1(c) to read approximately as follows:

- c. Accessory buildings on interior lots in a residential district may be located not less than 5 feet from a side or rear lot line unless the accessory structure is located in the rear 20 percent of the lot, in which case they can be located within 1 foot of the side or rear lot line.

We offer the following modifications to this amendment:

- c. Accessory buildings, other than garages, on interior lots in a residential district may be located not less than 5 feet from a side or rear lot line

unless the accessory structure is located in the rear 20 percent of the lot, in which case they can be located not less than 1 foot from the side or rear lot line (overhangs may not extend into the 1 foot side or rear yard setback).

Garages on interior lots in a residence district may be located not less than 5 feet from a side or rear lot line unless they are located in the rear 20 percent of the lot, adjacent to an alley and oriented such that the vehicular access door does not face the alley in which case they can be located not less than 1 foot from a side or rear lot line (overhangs may not extend into the 1 foot side or rear yard setback).

ACCESSORY BUILDING COVERAGE

Section 9-2.04 Subd. 2(b) would be amended to read as follows:

- b. Area: No detached accessory building or buildings shall occupy more than 35 percent of the area of a required rear yard.

PLANNING AND DEVELOPMENT 9-2.01, 2.02

PART 2. GENERAL PROVISIONS

9-2.01 Application and Interpretation

Subdivision 1. Interpretation. In the interpretation and application of the provisions of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and welfare of the citizens and residents of the City.

Subdivision 2. Conformance. No structure or improvement shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

Subdivision 3. District Uses. The uses as set out in the provisions for the various districts shall be the uses allowed under this Code. Other uses not listed which are deemed similar by the City Council, in a resolution setting out such judgment may also be permitted.

9-2.02 Non-Conforming Uses, Buildings and Structures

Subdivision 1. Preservation of Non-Conforming Uses. Except as hereinafter provided in this Section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this Code or on the effective date of any amendment thereto may be continued although such use does not conform to the provisions of this Code, except as otherwise provided in this Section. Advertising signs located in the City shall be removed by October 1, 1985.

*Current Wording **
Subdivision 2. Preservation of Dimensionally Substandard Buildings or Structures. Except as hereinafter provided in this Section, buildings or structures lawfully existing on the effective date of this Code may be maintained although such building or structure does not conform to the dimensional standards of this Code. Any such building or structure shall not be altered or improved beyond normal maintenance.

PART 2. GENERAL PROVISIONS

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* Subdivision 2. Preservation of Dimensionally Substandard Buildings or Structures. Except as hereinafter provided in this Section, buildings or structures lawfully existing on the effective date of this Code may be maintained although such building or structure does not conform to the dimensional standards of this Code, but any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed provisions of this Code and shall not increase the existing substandard dimensions.

ART 2. GENERAL PROVISIONS

9-2.01 Application and Interpretation

Subdivision 1. Interpretation. In the interpretation and application of the provisions of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and welfare of the citizens and residents of the City.

Subdivision 2. Conformance. No structure or improvement shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

Subdivision 3. District Uses. The uses as set out in the provisions for the various districts shall be the uses allowed under this Code. Other uses not listed which are deemed similar by the City Council, in a resolution setting out such judgment may also be permitted.

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Subdivision 1. Preservation of Non-Conforming Uses. Except as hereinafter provided in this Section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this Code or on the effective date of any amendment thereto may be continued although such use does not conform to the provisions of this Code, except as otherwise provided in this Section. Advertising signs located in the City shall be removed by October 1, 1985.

* **Subdivision 2. Preservation of Dimensionally Substandard Buildings or Structures.** Except as hereinafter provided in this Section, buildings or structures lawfully existing on the effective date of this Code may be maintained although such building or structure does not conform to the dimensional standards of this Code. Any such building or structure shall not be altered or improved beyond normal maintenance. However, in cases where the principal structure is legally non-conforming, with respect to corner side yard and interior side yard setbacks, an addition to the principal structure may be allowed providing the proposed addition does not extend closer to the corner side yard or interior side yard lot line than the existing principal structure, and providing that such addition meets all other requirements of this Code.

or garage

Subdivision 3. Unlawful Use, Buildings, and Structures. No unlawful use of property existing on the effective date of this Code nor any building or structure which is unlawfully existing on such day shall be deemed a non-conforming use or a non-conforming building or structure.

Subdivision 4. Permit Holders and Permit Applicants. Any non-conforming structure that is ready for or under construction on the effective date of this Code may be completed and occupied in accordance with the requirements of any valid building permit issued therefor prior to such effective date.

Subdivision 5. Change From One Non-Conforming Use to Another. A non-conforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, and provided such change is approved by the City Council. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use. A non-conforming use, all or partially conducted in a building or buildings, may be changed to another non-conforming use only upon determination by the City Council, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace and that there is no conforming use available for the building or buildings. In determining relative "detriment", the Planning Commission shall take into consideration, among other things, traffic generated; nuisance characteristics, such as emission of noise, dust, and smoke; fire hazard; and hours and manner of operation.

Subdivision 6. Restoration of Non Conforming Building or Structure. A non-conforming building or structure which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that the restoration is started within a period of one (1) year and is diligently prosecuted to completion, unless the damage to such building or structure is equal to fifty percent (50%) or more of the replacement cost thereof (as determined by the Zoning Administrator), in which case, the reconstruction shall conform to the provisions of this Chapter.

Subdivision 7. Abandonment of Use. When any non-conforming use of land or of a building or structure is abandoned for a period in excess of one (1) year, such land, building or structure shall, thereafter, be used only as provided by this Chapter.

Subdivision 8. Repairs and Alterations.

a. Non-conforming Use: Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or, except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this subdivision, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

b. Permitted Use: Repairs, alterations, and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, ^{such} ~~provided said~~ repairs, alterations, or structural changes ^{shall} conform to the regulations of the district in which said building or structure is located, except as permitted in Section 9-2.02, Subdivision 2, relating to interior side yard or corner side yard setbacks.

Subdivision 9. Additions and Enlargements

a. Permitted Use: A non-conforming building or structure which is non-conforming as to area, and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, except as permitted in Section 9-2.02, Subdivision 2, relating to interior side yard or corner side yard setbacks. All non-conforming building or structure, including all additions and enlargements thereto, shall conform to this Code.

b. Non-conforming Use: A non-conforming building or structure designed or intended for a non-conforming use may not be added to or enlarged structurally.

c. Land: The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded, intensified or extended beyond the area it occupies.

Subdivision 10. Relocation of Building or Structure

Whenever an existing building is to be moved from its present location to a location within the City of Falcon Heights, the person or business association proposing to move said structure should first comply with the following specific requirements:

a. File an application for a permit within 60 days of the moving date with the ~~Clerk-Administrator~~ providing the following information: Clerk's Office

1. Location on which structure or building is being moved from;
2. Location within Falcon Heights to which the building or structure is being moved;
3. Construction plans for the building, if available;
4. The site plan for the location in Falcon Heights upon which the building or structure is going to be placed;
5. Plans and specs which shall include the foundation; exterior repairs and improvements, including windows and doors; roofing, electrical and plumbing modifications; heating systems; and any necessary interior reconstruction or decorating, all to be in accordance with applicable building codes and which shall indicate that the structure once moved shall be in reasonable conformance with surrounding property including but not limited to sodding, grading and planting.

b. Upon presentation of this application, ~~deposit the amount of~~ and payment of required fee as stipulated in Section
\$150.00 with the Clerk-Administrator to defray costs incurred by the 5-14.03 of
City in processing the application, inspecting the building and this Code
doing whatever else is necessary to determine whether the building conforms with or can be made to conform with existing codes. If any portion of the escrow payment required is not used, the amount remaining shall be returned to the petitioner following satisfactory completion of item (d) following.

c. If the City requires an additional deposit to guarantee any street repairs that may be required following the process of moving the building, deposit such amount up to \$1,000.00 with the ~~Clerk-Administrator~~ Clerk's Office Administrator. Any unused portion of such deposit will be returned to the petitioner following satisfactory completion of item (d) following.

d. Furnish a surety bond to the City in the amount of one and one-half times the estimated costs of remodeling, refurbishing or otherwise constructing or reconstructing such building in accordance with the plans and specifications and the City's building code and such bond shall be further conditioned that work will be completed within 90 days of issuance of the permit. The bond shall operate in favor of the City and shall hold the City harmless from any loss or damage by reason of improper or inadequate work performed by the holder of said license under the provisions of this Code. In addition, the bond shall set forth that the site will be cleaned up and that all rubbish, material, extra fill, dirt, debris and left over materials shall be removed within 15 days after the building is moved on to the site.

Clerk's Office

e. Deposit with the ~~Clerk-Administrator~~ a copy of a certificate of insurance indicating that the petitioner has sufficient insurance to protect the municipality and public from any and all damage which may result either directly or indirectly from the moving of said building.

Clerk's Office

Upon receipt of the application, the ~~Clerk-Administrator~~ shall inform the building inspector who shall inspect the building and be reimbursed for time and travel involved in making such inspection.

The City engineer shall determine whether or not drainage of the new site is feasible and available and in connection therewith may require any appurtenances or new installations all of which shall be at petitioner's expense.

The City Council shall review the application and grant the permit if all of the foregoing requirements have been met and so long as the Council is satisfied that:

1. The building is not too large to move without endangering persons or property in the City;
2. The building is not in such a state of deterioration or disrepair or is otherwise structurally so unsafe that it could not be moved without endangering persons and/or property in the City;
3. The building is not structurally unsafe or unfit for the purpose for which it is being moved into the City.

Subdivision 11. Environmental. The City Council may, from time to time, adopt by resolution and reference various performance standards pertaining to the environment of Falcon Heights. These may include, but are not necessarily limited to, various standards and regulations contained in the Metropolitan Development Guide or as proposed by the Metropolitan Council pertaining to on-site sewage disposal and treatment, protection of air space navigation, wetlands, solar access protection and others.

The City Council may require that existing uses on the date of adoption of this Chapter shall, within a reasonable length of time, comply with all performance standards, including visual, following a public hearing on the matter.

9-2.03 Lot Provisions

Subdivision 1. Restrictions. A lot of record existing upon the effective date of this Chapter which does not meet the requirements of this Chapter as to area or width may be utilized for single family detached dwelling purposes provided it is zoned residential and the measurements of such area or width are within sixty six and two thirds (66 2/3%) percent of the requirements of this Chapter, but said lot of record shall not be more intensively developed unless combined with one (1) or more abutting lots or portions thereof so as to create a lot meeting the requirements of this Chapter.

Subdivision 2. P.U.D. Except in the case of Planned Unit Developments as provided for hereinafter, not more than one principal building shall be located on a lot.

9-2.04 Accessory Buildings and Structures

Subdivision 1. General

a. No accessory building shall be constructed on a lot prior to the time of construction of the principal building or land use to which it is accessory.

b. An accessory building shall be considered as an integral part of the principal building if it is located less than twelve (12) feet from the principal building with respect to firewall and other requirements of the building code, and this Code.

c. Accessory buildings, other than garages, on interior lots in a residential district may be located not less than five (5) feet from a side or rear lot line unless the accessory structure is located in the rear twenty (20) percent of the lot, in which case they can be located not less than one (1) foot from the side or rear lot line (overhangs may not extend into the one (1) foot side or rear yard setback).

*Pl. Comm. Rec. to Amend ** → Garages on interior lots in a residential district may be located not less than five (5) feet from a side or rear lot lines unless they are located in the rear twenty (20) percent of the lot, adjacent to an alley and oriented such that the vehicular access door does not face the alley in which case

they can be located not less than one (1) foot from a side or rear lot line (overhangs may not extend into the one (1) foot side or rear yard setback).

~~c. Accessory buildings in a residential district may be located not less than five (5) feet from the side lot line and five (5) feet of the rear lot line.~~

d. No accessory building in a residential district shall exceed the height of the principal building.

e. Accessory buildings in the business and industry districts shall be located any place to the rear of the principal building, subject to the Building Code, and the fire zone regulations.

Ordinance Rec Change f. No detached garages or other accessory building shall be located nearer the front lot line than the principal building on that lot.
~~or corner side~~

g. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.

h. An accessory building in the business or industrial districts may be located within the rear yard setback, provided that the lot is not a through lot and said accessory building does not occupy more than 25% of the required rear yard. An accessory building shall be a part of the principal building if it is located less than twelve (12) feet from the principal building. No accessory building shall be located less than ten feet from a rear lot line.

i. Utility structures and other similar buildings for the storage of domestic supplies; such structures shall conform to the following standards in Residential Districts:

1. Structures larger than 90 square feet shall require a building permit. Roof loads and wind loads shall conform to requirements for a private garage as contained in the city building code.

2. All such structures shall be secure from wind displacement.

3. The area of such buildings shall not be less than thirty-five (35) square feet. Only one such building shall be permitted per lot and permitted only within the single family districts.

4. The height of detached building shall not exceed twelve (12) feet. If attached, the structure shall not exceed the height of the principal building.

ADD

other than garage
Accessory Bldgs on corner lots
Exterior lots - *corner lots* req. a cond. use permit.

Conditions
sight
visibility
height

5. Exterior colors or materials matching the principal structure or earthen tones shall be utilized. No door or other access opening in a utility structure shall exceed twenty-eight (28) square feet in area.

Subdivision 2. Specific.

- a. Dwelling Unit: No accessory building or structure shall be used for living purposes or as a dwelling unit.
- b. Area: No detached accessory building or buildings shall occupy more than ~~forty percent (40%)~~ of the area of a required yard.
thirty-five percent (35%)
- c. Minimum Clearance: The minimum distance between the principal building and an unattached accessory building shall be five feet.
rear
- d. Through Lot: The minimum setback from the rear street or alley line of a through lot shall be thirty (30) feet.
- e. Corner Lots: The required setbacks shall apply to all types of corner lots as well and such accessory buildings shall also adhere to any front or side yard setbacks as may be applicable to any principle building on such lots from both streets.
- f. Tents: A tent is not an approved accessory building and may not be used as a dwelling unit on any lot.

9-2.05 Required Yards and Open Spaces

Subdivision 1. Existing: No yards, now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Code for equivalent new construction in any zone.

Subdivision 2. Permitted Encroachments on Required Yards: The following shall be permitted encroachments into setback and height requirements except as restricted by other sections of this Code.

- a. In any yards: posts, off street parking, flues, sills, pilasters, lintels, cornices, eaves (up to three (3) feet), gutters, awnings, open terraces, steps, sidewalks, essential services, stoops, or similar features provided they do not extend five (5) feet above the height of the principal structure or to a distance less than three (3) feet from any lot line nor less than one (1) foot from any existing or proposed driveway; yard lights and nameplate signs,

trees, shrubs, plants; floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yard for safety and security reasons, provided the direct source of light is not visible from the public right of way or adjacent residential property. Further no deck, exposed ramps (wheelchair), uncovered porch, or air conditioner, shall be less than five (5) feet from a side or rear yard line, and if in a front yard, a variance shall be required. Chimneys, flag poles and open fire escapes may not extend more than five (5) feet above the principal structure or three (3) feet from any lot line.

b. Inside and rear yards, fences thirty percent (30%) open with respect to air movement; walls and hedges six (6) feet in height or less; bays not to exceed a depth of three (3) feet or containing an area of more than thirty (30) square feet, fire escapes not to exceed a width of three (3) feet.

c. On a corner lot; nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets within a triangular area thirty (30) feet from the intersecting street right of way lines.

d. In no event shall off street parking, structures of any type, buildings, or other improvements cover more than seventy five percent (75%) of the lot areas. In no event shall the landscaped portion of the lot be less than twenty five percent (25%) of the entire lot as a result of permitted encroachments.

9-2.06 Fences

Subdivision 1. Fences may be allowed in any zone and are subject to the following:

a. All fences shall be kept in good repair, painted, trimmed and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set-back at least one (1) foot from the street R/W or property line.

b. Solid walls in excess of six (6) feet above adjacent ground grades shall be prohibited.

c. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

Consent _____

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

MSA 5 Year Construction Program

SUBMITTED BY:

Terry Maurer

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attachment:

1. Maurer correspondence

MNDOT requires that the City submit a 5 Year Construction Plan every three years. Terry Maurer has prepared a draft plan. They will not hold the City to this plan.

ACTION REQUESTED:

Approve 5 Year Construction Program as recommended by T. Maurer.

*m/c TB
4-0*

Jan

APR 24 1989



CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

April 21, 1989

File No: 330-000-00
Municipal State Aid

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

RE: Municipal State Aid
5-Year Construction Plan

Dear Ms. Wiessner:

After our recent discussion regarding the Municipal State Aid requirement for a 5-year construction plan, I have revised the construction years on the attached plan for your consideration. In preparing this, I listed the MSA streets which were in the most need of upgrading according to the Street and Alley Evaluation, August, 1988. The cost estimate and project description are from the Municipal State Aid Needs Study and are not necessarily reflective of the type of improvement the City would undertake in these areas.

As I explained earlier, the plan must be approved by the City Council and then submitted to MnDOT. However, MnDOT will not hold the City to this plan either in the projects listed or the description of each project. They simply want cities to be planning to utilize their MSA allotment and not let it accumulate.

If you have any questions regarding this, please call.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

A handwritten signature in cursive script that reads 'Terry J. Maurer'.

Terry J. Maurer, P.E.

TJM/km
attch.

MUNICIPAL STATE-AID STREET SYSTEM

5-Year Construction Program For Falcon Heights

(State Aid Expenditures Only)

REVENUE

Present State Aid Construction Balance September 1, 1988 = \$ 106,253
 Estimated Annual Construction Allotment \$ 90,474 X 4 = \$ 361,896
 Estimated Total State Aid Allotment for Programming Purposes \$ 468,149

ESTIMATED EXPENDITURES

<u>Year of Expenditure</u>	<u>Termini</u>	<u>Project Description</u>	<u>Estimated State Aid Expenditure</u>
1990	On <u>Albert Avenue</u> From <u>Larpenteur Avenue</u> To <u>Garden Avenue</u> Length <u>0.25 miles</u>	Reconstruct street to a 36' wide urban section with two travel lanes and one parking lane	\$ <u>175,000</u>
1991	On <u>Arona Avenue</u> From <u>Crawford Avenue</u> To <u>Garden Avenue</u> Length <u>0.17 miles</u>	Reconstruct street to a 36' wide urban section with two travel lanes and one parking lane	\$ <u>120,000</u>
1992	On <u>Arona Avenue</u> From <u>Garden Avenue</u> To <u>Roselawn Avenue</u> Length <u>0.25 miles</u>	Reconstruct street to a 36' wide urban section with two travel lanes and one parking lane	\$ <u>175,000</u>
	On _____ From _____ To _____ Length _____		\$ _____
	On _____ From _____ To _____ Length _____		\$ _____
	On _____ From _____ To _____ Length _____		\$ _____

Consent _____

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Community Park Building Reconstruction

SUBMITTED BY:

Carol Kriegler

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The "Celebrate Minnesota 1990" Grant Agreement stipulates that the Community Park Building reconstruction project be completed by December 31, 1989. In order to comply with this schedule, it is suggested that we begin to set in motion the process of hiring an architect. Although our needs assessment and park master plans are not yet complete, it is possible and in our best interests to begin this process so that an architectural firm could be hired and available to begin work upon completion of our park master plans. Upon completion of our park master plans, an architect will then have all the necessary information needed to complete the potential drawings and designs. Compliance with the attached timelines should enable us to complete the proposed reconstruction project in a timely and efficient manner.

ACTION REQUESTED:

We recommend that a Request for Proposals (RFP) be prepared by staff (with input from Park and Recreation Commission) and sent to architectural firms (see attached proposed RFP process and content)

Handwritten initials: JW, C, 4-0

Handwritten signature: Carol Kriegler

REQUEST FOR PROPOSALS

TIME LINE

- May 8 Request for Proposals finalized at Park and Recreation Commission meeting.
- May 10 Request for Proposals to be sent to architectural firms.
- May 30 Proposals will be asked to be submitted.

PROPOSAL REVIEW

- May 31 - June 5 Proposals reviewed by staff and Park and Recreation Commission.
- June 5 At special Park and Recreation Commission meeting, decide on firms to be interviewed.
- June 12-15 Interview Scheduled.
- June 28 Park and Recreation Commission makes recommendation at City Council meeting.

REQUEST FOR PROPOSAL

Staff and Park and Recreation Commission will prepare a Request for Proposals which will ask interested architectural firms to submit proposals for architectural services for the reconstruction of the Community Park Building. It is recommended that the RFP include the following:

1. The name of the architectural firm.
2. The names and qualifications of the personnel.
3. A list of projects completed which are similar in nature.
4. Provide an outline for the scope of the following services:
 - Programming
 - Schematic Design
 - Design Development
 - Construction Documents
 - Bidding
 - Construction Observation
5. A suggested timeline for the proposed services. (An indication whether they will be able to complete drawings and design between July 1 and August 25 (6-8 weeks)).

OTHER ITEMS OF INTEREST RELATED TO THE PROJECT:

- Approximately 350 park facility surveys have been returned.
- Tabulation and analysis of the surveys is expected to take place between May 8 and May 24.
- The first public meeting concerning the comprehensive park plan has been scheduled for Wednesday, May 31.
- It is suggested that public notice and advertisement for construction bids occur by about August 25, 1989. It is hoped that bids be received and approved by September 27.
- Actual construction is planned to occur between October 1 and December 31, 1989.

Consent _____

Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Discussion of City's Assessment Policy

SUBMITTED BY:

Terry Maurer and Jan Wiessner

REVIEWED BY:

Tom Gedde, City Attorney

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attachment:

Memorandum from Tom Gedde re: City's Assessment Policy

NOTE: Please bring your copy of the draft Assessment Policy Manual to the meeting. If you need another copy, let Shirley know prior to the meeting.

ACTION REQUESTED:

Discussion Only.

gn

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

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
BUCHMAN, JOHN T.
GEDDE, THOMAS A.
GROVER, BETH H.
HICKEN, JEFFREY P.
HOWARD, ROBERT A.
JENSEN, DAVID L.
MATTKE, PAUL E.
SCOTT, MICHAEL J.
SOUCIE, FRED M.

300 ANOKA OFFICE CENTER
2150 THIRD AVENUE
ANOKA, MINNESOTA 55303-2298

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

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

MEMORANDUM

TO: Falcon Heights City Council

FROM: Paul E. Mattke

DATE: May 5, 1989

RE: Assessable Amount of Public Improvement Project

Special assessments for local improvements are intended to reflect the influence of such improvements upon the value of property assessed. Under Minnesota case law, the measure of that influence is the increase in market value of the property resulting from the improvement. The property owner has the right to appeal special assessments if (s)he takes the appropriate preliminary steps, consisting of making a written objection to the assessment data at or before the time of the assessment hearing and appealing the assessment by serving upon the City notice of appeal within 30 days of the adoption of the assessment and filing that notice with the district court within 10 days after service upon the City. The court would take new evidence on the increase in value to the property which resulted from the improvement.

Traditionally, cities have calculated the amount to be assessed by spreading the cost of the improvement over the properties benefited, usually based on some kind of formula such as front footage for roadways and sidewalks, per unit for sewer and water service, or proportionate area for drainage projects. Caution must be exercised in the use of such * formulas since they don't necessarily bear any relation to the increase in market value to the property as a result of the project.

Currently the City is considering how to assess for improvements to Hamline Avenue. A large part of the project is to be paid with funds from the County State Aid Highway

Memo to Falcon Heights City Council
Page 2
May 5, 1989

Fund. The question was raised whether under such circumstances, the City could assess more than the total amount which it contributes to the project. Minn. Stat., § 429.051 states,

"The cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement, based upon the benefits received, whether or not the property abuts on the improvements and whether or not any part of the cost of the improvement is paid from the County State Aid Highway Fund, the Municipal State Aid Street Fund, or the Trunk Highway Fund."

Ans? → That appears to answer the question. Assessments higher than the municipality's costs, based upon that provision, were upheld in the case, In Re Mackubin Street, 279 Minn. 193, 155 N.W. 2d 905 (1968). In conclusion, the City should consider what the market value increases will be to the properties to be assessed, and may assess up to that amount, but no more, whether that amount is greater or lesser than the total amount paid toward the project costs by the City.

PEM/jsc

Consent _____

Agenda Item: F-8

Policy x

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SOLID WASTE COMMISSION RESOLUTION RELATING TO CONTINUATION OF CURBSIDE RECYCLING AND RELATED ITEMS

SUBMITTED BY: Solid Waste Commission

REVIEWED BY: Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

As a result of the announcement that Supercycle is going out of business at the end of May, Ramsey County Environmental Health held an emergency meeting for Recycling Coordinators on May 3rd. At the meeting the County assured us that curbside pickup will continue uninterrupted through July of 1989 (county funded) after which the municipality must have a plan in place.

They also anticipate continuing the grant program beyond 1990 and are requesting additional grant funding to cover increased pickup service costs for the remainder of 1989. Supercycle's method of financing - minimal charge for service (\$.30 per household) and depending on the sale of recyclables, has led to their downfall. New contracts will be more expensive - possibly \$.90 to \$1.50 per household.

Rob Fulton, Ramsey County Environmental Health, urged us to "GET MOVING IMMEDIATELY" with RFPs and negotiations with haulers. A representative of the Minnesota Waste Association informed the group that there are refuse haulers equipped and ready to go. In fact, several haulers have already contacted us regarding possible contracts.

At the Solid Waste meeting last night the Commission discussed the matter at length and unanimously approved the attached resolution requesting Council support of their proposed endeavors.

In addition to the projects listed in the resolution, the Commission will soon be addressing long term funding of collection, and possible amendment of the Municipal Code to provide guidelines for yard waste composting. (At the present the Code could be interpreted to consider composting a public nuisance.)

The Commission also approved an expenditure of up to \$600.00 for bins (\$1,200 was budgeted for this purpose in 1989) which will be offered for sale to residents at cost, and as prizes for twice monthly recycling drawings.

Attachments:

- (a) Solid Waste Commission Resolution
- (b) Brief summary of possible options
which precipitated the Commission's action
- (c) Copy of Section 5-4.01, Subd. 8, of the Code
- (d) Copy of Section 8-1.01, Subd. 2 (Blight), and
8-2.10(b) (Emissions)

RECOMMENDATION

Authorize preparation and issuance of RFP for curbside collection.

CITY OF FALCON HEIGHTS
SOLID WASTE RESOLUTION

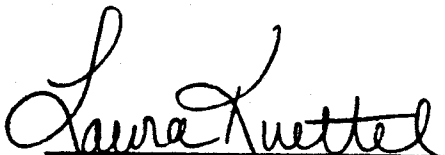
Date: May 4, 1989

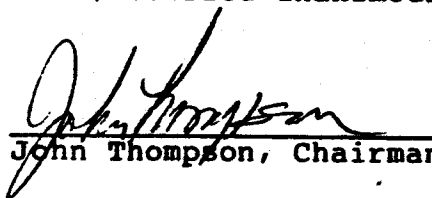
WHEREAS, the Ramsey County Environmental Health Department has informed us that the City must have a Curbside Recycling Service Contract in place by August 1, 1989 if the service is to continue, and

WHEREAS, the Falcon Heights Solid Waste Commission realizes immediate action must be taken to provide continued interrupted service beyond July, 1990,

NOW, THEREFORE, BE IT RESOLVED, that the City Council be requested to authorize the Solid Waste Commission to prepare and issue RFPs to qualified refuse haulers for curbside recycling collection, such proposals to be due on or before June 10, 1989. The Commission also requests Council's support of the Commission's plan to pursue integrated or organized collection and amendment of the present Municipal Code (Section 5-4.01, Subd. 8 - Licensing Procedures for Refuse Haulers) to require all haulers to have the ability to provide curbside recycling service the proposed amendment to be in place for renewal of 1990 licenses (January 1, 1990).

The motion for this Resolution was moved by Wray and seconded by Misra and upon a vote being taken, carried unanimously.


Laura Kuettel, Secretary


John Thompson, Chairman

5/4/89

SOME OPTIONS

- License requirement that all refuse haulers provide recycling service
- RFP to haulers immediately
- Joint contract with other communities for recycling
- Have county contract with haulers---they would need all communities to agree to participate. (County is not keen on this option)
- organized collection
- zoned collection
- funding - county will probably continue grant program
After 1990, assessment for solid waste will be increased
 - go on our own - bill for pick-up with utility billing
- being a small community may be in our favor
- several haulers have indicated they could fit Falcon Heights into their schedules

Subdivision 7. License Required. No person shall collect refuse without a license to do so as required by this section.

Subdivision 8. Procedures. Any person desiring a license to collect refuse in the City shall make application for the same to the clerk. The application shall set forth:

- a. The name and address of the applicant;
- b. A list of the equipment which she/he proposes to use in such collection;
- c. The kind of collection service available, i.e. whether the applicant is willing to collect refuse from commercial or residential customers in the City or both; and
- d. Such other information as the council may reasonably require by resolution.

In addition to the application, the applicant shall file with the clerk a surety bond in the amount of \$1,000 running to the City, conditioned that he/she will faithfully provide the refuse collection service specified in his/her application under the conditions imposed by the City and that the City will be saved harmless from any loss, damage, cost or expense by reason of any collection service performed by the holder of the license or his/her agents or employees. The applicant shall also file with the clerk certificates of insurance or copies of public liability and property insurance policies containing a provision that they shall not be cancelled without 10 days notice to the clerk, showing coverage of not less than \$50,000 for injuries, including accidental death to any one person and subject to the same limit for each person, in an amount of not less than \$100,000 on account of any one accident, and property damage insurance in an amount of not less than \$25,000.

The application and accompanying documents shall be submitted to the council for approval, and if application is approved by the council, the clerk shall issue the license upon payment of a license fee in the amount of \$50.00 per vehicle. No license issued hereunder shall be for a longer period than one year, and all licenses shall expire on June 30 of each year.

Subdivision 9. Suspension or Revocation. All such licenses shall be subject to suspension or revocation by the Council for just cause. Just cause includes but is not limited to failure to provide adequate public service, failure to maintain health and sanitation requirements, failure to operate and maintain proper equipment, or failure to comply with this or any other section adopted by the council.

**CHAPTER 8. NUISANCES, CRIMINAL CODES, OFFENSES
AND REGULATION OF AREAS****PART 1. NUISANCES - BLIGHT OR BLIGHTING FACTORS****8-1.01 Causes of Blight or Blighting Factors**

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. On and after the effective date of this section no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City owned, leased, rented or occupied by such person, firm or corporation.

Subdivision 1. Inoperable Vehicles. In any area zoned for residential purposes, the storage upon any property of inoperable vehicles is illegal. For the purpose of this section, the term "inoperable vehicle" shall include any motor vehicle, part of a motor vehicle, not stored in a garage, which is either (a) unuseable or inoperable because of lack of, or defects in component parts; or (b) unuseable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (c) beyond repair and therefor not intended for future use as a motor vehicle; or (d) being parked on any street, alley, or boulevard for a period exceeding 48 consecutive hours; or (e) without valid and current license plates issued by the proper state agency attached thereto.

Special Permits. The City Council in its discretion, upon receipt of an application showing hardship in special circumstances may in the instance of an inoperable vehicle issue a special permit with appropriate conditions attached permitting an individual to keep such vehicle for a period of not to exceed sixty (60) days.

* **Subdivision 2. Junk, Trash, Rubbish and Refuse.** In any area within the City the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days is illegal. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable for safe, approved building materials, metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.

greater than six inches or which have gone or are about to go to seed, fallen trees, fallen tree limbs, dead trees, dead tree limbs, dead animals, or any other foul or unhealthy matter or other condition on the premises.

8-2.06 Decayed or Unwholesome Food

No person shall sell, offer for sale or have or keep in his/her possession with intent to sell, barter, or give away, any meat, fish, oyster, bird, fowl, vegetable, fruit or other provisions or article of food or drink for human use or consumption that consists in whole or in any part of any adulterated, filthy, decomposed or putrid animal or vegetable substance or which are decayed or unfit or unsafe for use as food or drink for human consumption.

8-2.07 Diseased Animals

No person shall knowingly own or possess any animal with a contagious or infectious disease unless such animal is under the care or treatment of a licensed veterinarian.


8-2.08 Dead Animals

No person having charge of any animal at the time of its death shall fail to remove or cause to remove the dead body of such animal within twenty-four (24) hours after its death to a crematory, sanitary land-fill, rendering factory or any other person or place in the business of or authorized by law to dispose of said dead animal.

8-2.09 Distribution of Samples of Medicines or Drugs

No person shall distribute any samples of any medicine or drug normally sold at a pharmacy unless such samples are placed in the hands of an adult person.

8-2.10 Emissions

 No person shall cause, suffer or allow to be emitted into the open air any foreign materials such as dust, gases, fumes, vapors, smokes and odors in quantities which, by reason of their objectionable properties, shall be considered a nuisance because they do one or more of the following:

- a. Injure, or are sufficient to injure, the health or safety of any person or the public.
- b. Create an obnoxious odor in the atmosphere.
- c. Cause damage to property or inconvenience to the general public.
- d. Create a nuisance or hazard by obscuring vision.
- e. Have a deleterious effect upon trees, plants or other forms of vegetation.

8-2.11 Interfering with Gardens

No person shall injure or destroy in or upon, or remove or carry away from, any plot of ground lawfully used as a garden any seed, plant, flower, fruit, berry or vegetable, or product thereof not to him/her belonging, and without permission to do so from the lawful owner or producer thereof.

8-2.12 Radios Tape Players and Other Devices

No person shall play, use or operate any radio receiving set, tape player, musical instrument, phonograph or other machine or device from which sound may emanate in such manner as to disturb the peace, quiet and comfort of another person.

8-2.13 Disrupting or Impeding the Safe Operation of Vehicles of Public Conveyance

No person shall, while in or on a public conveyance, use or operate a radio, tape player or other electronic device (except a radio operated by the personnel of the public conveyance for official business), or litter, or consume food or beverages, or take any action which disrupts or impedes the safe operation of the public conveyance. As used herein, "public conveyance" means any motor vehicle which transports members of the public at large from place to place in consideration of the payment of a fare.

8-2.14 Innecessary Noise or Odors

* No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise or odor disturbing to others, unless the same be reasonably necessary to the preservation of life, health, safety or property.

Consent _____

Agenda Item: F-9

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Sexual Harassment Policy

SUBMITTED BY:

Carol Carlson

REVIEWED BY:

Jan Wiessner
Human Rights Commission
City Employees

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The cities of Roseville, Golden Valley, Maplewood and Minnetonka were contacted regarding sexual harassment policies. Ramsey County's policy was also reviewed as well as information received from the League of Minnesota Cities.

The proposed policy (attached) addresses the issues of:

What is harassment -

The standard language in the law was used as the definition

Who the policy applies to -

Based on the State Human Rights Commission, the city has less exposure and liability if the policy covers ALL city employees and officials; and everyone receives a copy of the policy and signs a statement that he/she has read it.

Why a policy is necessary -

The policy statement covers the need to provide a work environment that is free from intimidation and harassment.

How to investigate the complaint -

In all policies reviewed, the City Administrator (Manager) or his/her designee, or Personnel Director is responsible for the investigation. The policy establishes timeframes, etc.

~~XXXXXXXXXXXXXXXXXXXX~~

The policy also provides for actions in the event the complaint is against the City Administrator or a member of the City Council. Also identified is the City Administrator's responsibility in the event the complaint is against a non-employee.

The policy was reviewed with the Falcon Heights Human Rights Commission on April 20th and the Commission went on record in support of the policy. City employees have also had the opportunity to review and make comments.

ACTION REQUESTED:

4-0

CEC

Adoption of the Sexual Harassment Policy and amendment of Section 2-2.12 of the Code.

DRAFT
APRIL 26, 1989

SEXUAL HARASSMENT POLICY
Statement of Policy

Applicability.

This sexual harassment policy applies to all officials and employees of the City of Falcon Heights, including full and part time employees, elected and appointed officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees under contract.

General

Sexual harassment is a form of sex discrimination prohibited by State and Federal Statutes. Employees have the right to a work place free of verbal and/or physical sexual harassment. Sexual harassment demeans individuals, creates unacceptable stress, adversely affects morale, and interferes with effective work performance.

The city will not tolerate sexual harassment of its employees by anyone - supervisors, other employees, officials or citizens. Further, the city will not tolerate sexual harassment of other individuals by its employees or its officials. Persons harassing others will be disciplined promptly and firmly. All personnel must become familiar with this policy and comply with it.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or communication of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term of condition of employment or public service;
2. submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline, or discharge;
3. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment; and the city knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Sexual harassment can include but is not limited to the following:

1. Unwelcome or unwanted sexual advances. This means touching, patting, pinching, brushing up against, hugging, cornering, blocking, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
2. Verbal abuse. This means kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes", and making derogatory remarks, or any other tasteless, sexually oriented comments, innuendos or actions that offend others.

3. Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

4. Visual forms of harassment. This means posters, letters, poems, graffiti, cartoons, drawings, and pictures or objects of nude, suggestively posed or scantily clothed women or men which are not appropriate to the work place.

Reporting Procedure.

Victims of alleged sexual harassment and third persons with knowledge or belief of conduct constituting sexual harassment are encouraged to report it to their supervisor, the City Administrator or the Mayor. A supervisor or department director, upon receiving such report, must forward the same in confidence to the City Administrator within 48 hours. The supervisor or is to perform no screening or investigation function. If any other employee or official of the city directly receives complaints, orally or in writing, from a victim of alleged sexual harassment, the employee must immediately forward these complaints to the City Administrator or direct the alleged victim(s) to report the incident to the City Administrator. Failure of any supervisor or other staff to forward any report of alleged sexual harassment to the appropriate person will result in discipline consistent with the terms of any applicable agreement, individual contract, statute, or city personnel policies.

Investigation and Recommendation

Upon receiving any report alleging sexual harassment, the City Administrator will conduct an investigation and prepare a written report within ten (10) working days, if practicable. In determining whether alleged conduct constitutes sexual harassment, the City Administrator will look at the nature of the sexual advances and the context in which the alleged incidents occurred. An alleged victim(s) may have a staff person of the same gender present during all contacts with the City Administrator.

Consistent with the terms of applicable agreements, statutes, or city personnel policies, the city will discipline any individual who retaliates against any person who testifies, assists or participates in any manner in any sexual harassment. A retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

Pending completion of the investigation, the City Administrator may take any action necessary to protect the alleged victim, other employees, or citizens consistent with the requirements of applicable agreements, statutes, and city personnel policies.

Consistent with requirements of applicable agreements, statutes and city personnel policies, the City Administrator within ten (10) working days will take such action as he/she deems necessary and make recommendations to the City Council which are appropriate including termination to end sexual harassment found to exist.

When the City Administrator is perceived to be the cause of a sexual harassment incident, the investigator shall be appointed by the Mayor. The report shall be presented by the Mayor to the City Council. If the City Council determines the complaint to be founded, it may discipline the City Administrator consistent with its authority under statutes, city personnel policies, ordinances, and agreements.

If the alleged complaint is against an elected or appointed official, the City Council may discipline the individual in whatever manner it seems appropriate, consistent with its authority under state law, and city ordinances and resolutions.

In cases where sexual harassment is committed by a non-employee against a city employee in the workplace, the City Administrator will take all lawful steps to ensure that the sexual harassment is brought to an immediate end.

Consent _____

Agenda Item: F-10

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Planning Staff Request

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

Planning Commission, 5/1/89

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Planning Commission has requested that the current staffing of planning issues be re-evaluated. The City's past practice has been to hire consulting planners for major projects on an as-needed basis and get by with clerical support directing agenda items to the Planning Commission for routine review.

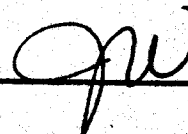
Several changes have occurred in recent years affecting the staffing level needs including:

1. An increased likelihood that planning issues will wind up in court requires more careful documentation of issues.
2. State laws have placed more requirements on procedural factors in the planning process.
3. Planning Commission and City Council members are busy, professional people and concerned about spending their time wisely.
4. City clerical and professional staff lack professional planning training required to provide adequate planning direction.
5. Sporadic use of professional consulting planners has led to a situation where more effort seems to go into putting out fires and solving problems started in years past than preventing problems by engaging in meaningful "planning" activities.

I concur with the Planning Commission that there is room for improvement in this area.

Some of the alternatives considered to improve the situation included the following:

1. Increase the involvement of an existing staff member in the planning function.
2. Use student interns.
3. Hire consulting planner.
4. Hire a part-time professional staff planner.
5. Contract with another City to share a professional planner's time.



RECOMMENDATION:

After weighing the pros and cons of each option (particularly the need for continuity, professional training and a reasonable cost) I recommend that we advertise for a part-time staff planner. It is my understanding that we may be able to find a well-qualified, experienced professional interested in working 10-20 hours per week for approximately \$10-\$14/hour. (This is similar to our part-time professional Park and Recreation Director position).

We would still have the option to hire consulting planners such as John Uban, et al for special projects and major developments.

We currently have \$14,525 budgeted for professional planning services for 1989 (\$10,000 is to be used for updating the Comprehensive Plan.) We have spent approximately \$2,500 so far this year. The annual cost of a planner for 15 hours/week @ \$12/hour=\$9,360. The existing budget should be sufficient to cover this for this year.

I anticipate that in the long run, this position will save us time and money by helping us to avoid pitfalls and problems inherent in planning issues.

If the Planning Commission and City Council approve of this recommendation, I suggest the following procedure and timeline for hiring:

- May 1 - 7 (1) Draft Job Description - Staff with input from Planning Commission and Carol Carlson
- May 7 - 26 (2) Advertise position opening and accept applications - Staff
- May 7 - 26 (3) Screen applications using criteria - Staff
- May 31 (4) Interview 4-6 finalists - Recommend 2 finalists to Administrator - Committee
- June 5 - (5) Check references, interview and recommend individual - Administrator
- June 14 - (6) Recommendation to Council
- July 3 - (7) Target Starting Date

In the meantime, our Administrator's Intern, Carol Carlson, will be assigned to help with the planning function.

mfe
Wallin

Consent _____

Agenda Item: F- 11

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 5/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Schedule Strategic Planning Session

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Due to conflicts, the strategic planning session previously scheduled for May 6 was cancelled.

Homework - Vision of FH 1995.

ACTION REQUESTED:

Schedule a council strategic planning workshop for June 3, 1989, 8-10 A.M.

JAW