

CITY OF FALCON HEIGHTS
Regular Meeting of the City
Council City Hall
2077 West Larpenteur Avenue
AGENDA
Wednesday, May 10, 2023
7:00 p.m.

A. CALL TO ORDER:

B. ROLL CALL: GUSTAFSON ___ LEEHY ___ MEYER ___

WASSENBERG ___ WEHYEE ___

STAFF PRESENT:

LINEHAN ___

Lynch X

X Olson

Leahy

C. APPROVAL OF AGENDA Leahy 4-0

D. PRESENTATION

1. Peter Lindstrom, Metropolitan Council Member, District 10
2. Year-End 2022 Audit Report
3. Xcel Energy - Partners in Energy Program Leahy

Approve Audit

E. APPROVAL OF MINUTES:

1. April 26, 2023 Regular Meeting Minutes

Wahjra 4-0

Wassenberg 4-0

F. PUBLIC HEARINGS:

G. CONSENT AGENDA:

1. General Disbursements through 5/4/23: \$1,141,662.15
Payroll through 4/30/23: \$19,905.86
Wire Payments through 4/30/23: \$11,826.17
2. ARPA Funding Plan
3. 2023 Pay Equity Report Notice of Noncompliance Correction
4. Resignation of Andrea LaDouceur from the Community Engagement Commission

H. POLICY ITEMS:

1. City Council Findings of Fact - Amber Union PUD Amendment and City Code Amendment to Allow for Drive-Through Coffee Shop

Wassenberg 4-0

I. INFORMATION/ANNOUNCEMENTS:

J. COMMUNITY FORUM:

Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.

K. ADJOURNMENT:

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Meeting Date	May 10, 2023
Agenda Item	Presentation D2
Attachment	Audit Materials
Submitted By	Jack Linehan, City Administrator

Item	Year-End 2022 Annual Audit Report
Description	<p>Matt Mayer of BerganKDV will present the Annual Comprehensive Financial Report for the Year Ended December 31, 2022. The Financial Report is a complex document that includes evaluation and analysis of the financial stability of the City as it relates to the General Fund, Special Revenue Funds, Debt Service funds, Capital Funds, and Proprietary Funds.</p> <p>Mr. Mayer will provide a high-level overview of the financial stability of the City for year-end 2022.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Communications Letter • Legal Compliance Report • Annual Comprehensive Financial Report (2022)
Action(s) Requested	Motion to accept and approve the Year End 2022 Annual Audit Report.

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Meeting Date	May 10, 2023
Agenda Item	Presentation D3
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Partners in Energy Program, Xcel Energy
Description	<p>With Resolution 23-04, Declaring a Climate Crisis and the Commitment of Falcon Heights to Take Action, the Environment Commission is looking toward preparing a Climate Action Plan and believe the Partners in Energy Program through Xcel Energy could assist with this process.</p> <p>The Partners in Energy Program is a program from Xcel Energy that supports communities by helping them develop energy action plans, identify the barriers to implementation, and work to implement those goals. They assist with forming teams within the community to play a role in developing the Energy Action Plan by establishing energy objectives and strategies to help achieve community goals.</p>
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> - Information sheet from Partners in Energy - Presentation from Partners in Energy - Draft Application for Partners in Energy
Action(s) Requested	Staff and the Environment Commission request City Council allow staff to submit the necessary documents to apply for the Partners in Energy Program.

PARTNERS IN ENERGY

INFORMATION SHEET
MINNESOTA

HELPING COMMUNITIES BUILD AN ENERGY FUTURE



Partners in Energy provides the tools and resources to support communities in achieving their energy goals. The program offerings include support to develop an energy action plan or electric vehicle plan, tools to help implement your plan and deliver results, and resources designed to help the communities we serve stay informed and achieve their energy goals.



56
COMMUNITIES
SERVED SINCE 2014



AVERAGE SAVINGS PER COMMUNITY IN 2019

Electricity 5.2 Million kWh

Greenhouse Gas Equivalent to removing 502 cars off the road



TOTAL PARTICIPANTS IN 2019

Energy Efficiency Programs
43,500

Renewable Energy Programs
24,500

Planning support



Implementation support



Additional resources to boost results

In addition to our team, tools and resources, we provide opportunities for you to interact and network with other communities participating in Partners in Energy.



COMMUNITY SUMMITS

Attend in-person events with other communities to share best practices. We provide educational opportunities that feature experts on current energy topics and opportunities to learn from each other.



OFFICE HOURS

Attend monthly webinars that cover trending topics, plus access to and examples of initiatives and activities happening in Partners in Energy communities. Ask questions and share experiences.

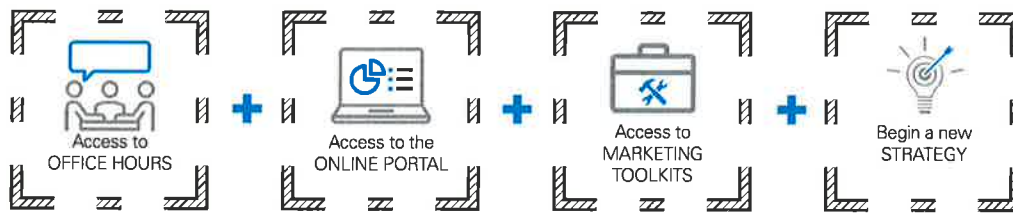


ONLINE PORTAL

Get access to documents related to your community's work, and examples of other community goals, strategies, and collateral. It connects you to a variety of community program materials, a collateral library, toolkits for outreach and education, as well as collaboration forums.

Keeping graduates energized

We invite communities that have participated to stay engaged. Since you've developed a blueprint for your energy future, we have resources to keep your momentum going and keep you up to date with what's new at Xcel Energy.



Join us

Apply in January or July. Applications available at xcelenergy.com/PartnersInEnergy.

Questions: PartnersinEnergy@xcelenergy.com or 800.369.4362.



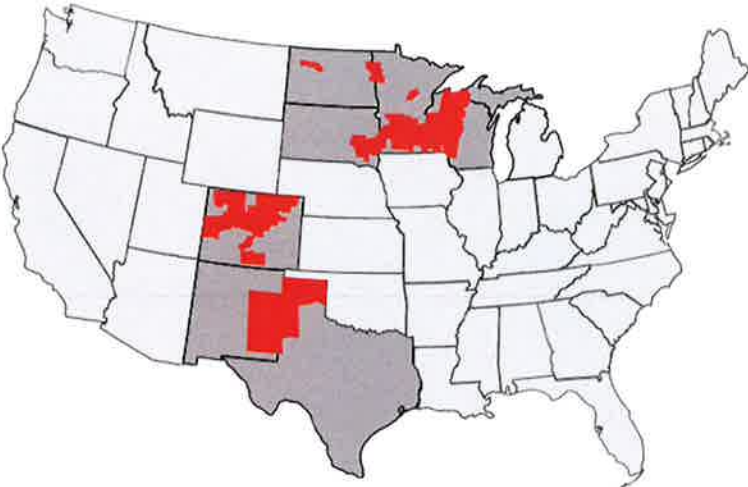
PARTNERS IN ENERGY
An Xcel Energy Community Collaboration

PARTNERS IN ENERGY INTRODUCTION FALCON HEIGHTS, MN

MAY 10, 2023



Xcel Energy



Serving eight states

3.7 million electricity customers

2.1 million natural gas customers

Nationally recognized leader:

- Wind energy
- Energy efficiency
- Carbon emissions reductions
- Innovative technology
- Storm restoration

Data based on 2021 Sustainability Report. To view full report: xcelenergy.com/sustainability.

Powering Minnesota



**1.3 million
Electric
Customers**



**477,000
Natural Gas
Customers**



**99.9%
Electric
Reliability**

Data based on 2021 Sustainability Report. To view full report: [xcelenergy.com/sustainability](https://www.xcelenergy.com/sustainability)

Xcel Energy Priorities

Lead the Clean Energy Transition

- 100% carbon-free electricity by 2050
- Reduce carbon 80% by 2030
- Zero-carbon transportation by 2030
- Net-zero natural gas by 2050

Enhance the Customer Experience

- Know our customers' needs and interests
- Make it easy to do business with us
- Deliver meaningful products, services and experiences

Keep Bills Low

- Bills below national average
- Low-cost renewables
- Extensive customer efficiency programs

WHAT IS PARTNERS IN ENERGY?

- Partners in Energy is a **two-year** collaboration with Xcel Energy to develop and implement your individual community energy plan goals.
- Opportunity to engage stakeholders, create goals and strategies, and develop a work plan to be successful.

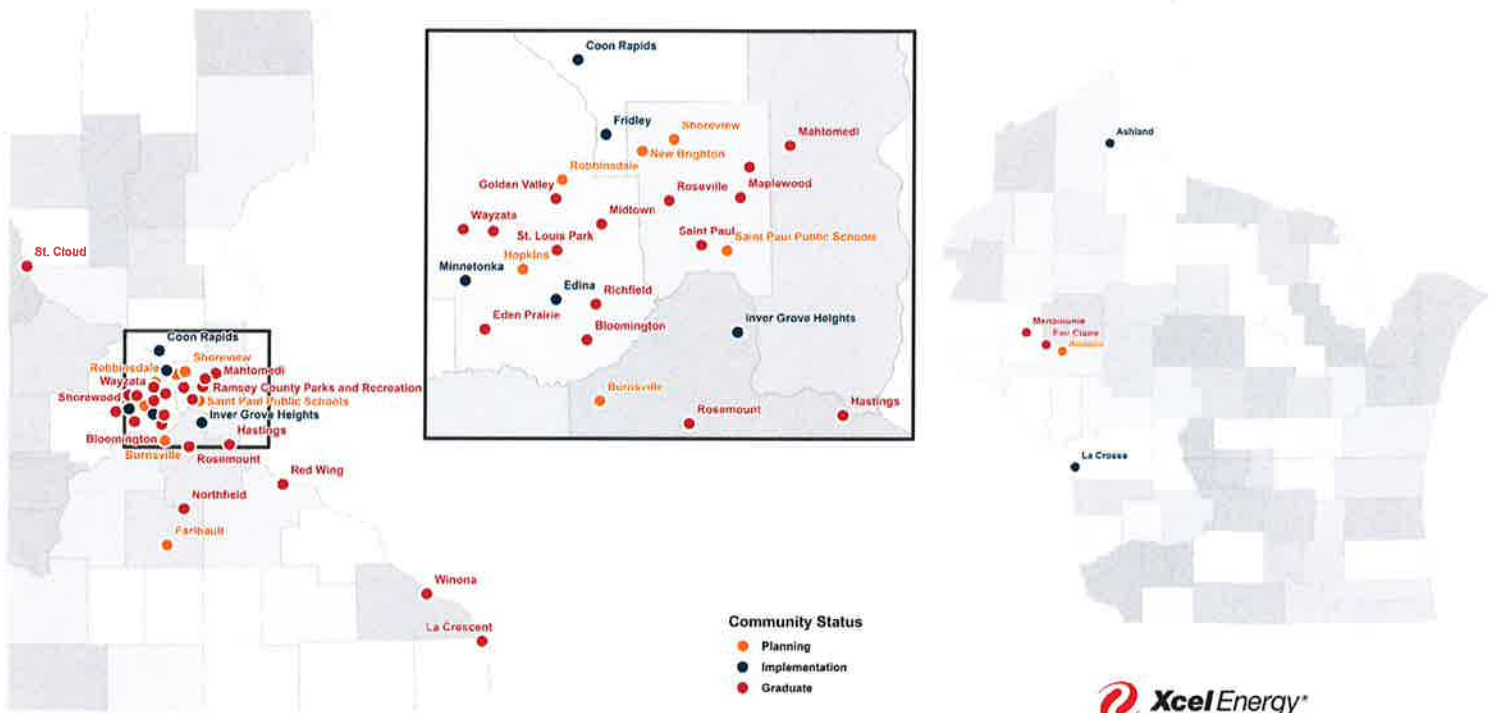
Traditional Planning Process



-
- Develop a **better understanding of the energy needs** of communities we serve
 - Better **align the services and programs we offer** with customer needs to save energy and advance clean energy goals
 - **Strengthen relationships with the community** and support the Xcel Energy philosophy of community engagement



*White wind turbine in grass field, May 20, 2017.
(Pexels/Pixabay)*



COMMUNITIES BY STATUS, APRIL 2023



Energy Action Planning

- Efficiency, renewables, and EVs
- Action planning
- Leverage existing plans/goals



Electric Vehicle Planning

- Infrastructure, fleet, policy, outreach
- Connection to utility programs



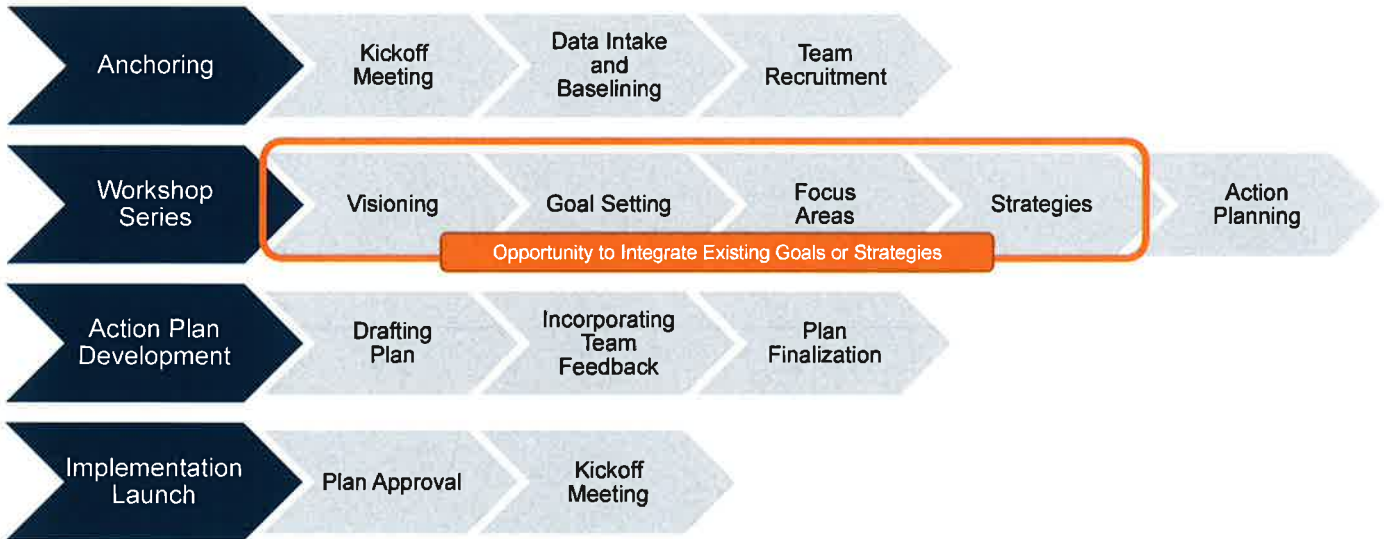
Implementation Support

- Project management
- Marketing and outreach support
- Developing new ideas

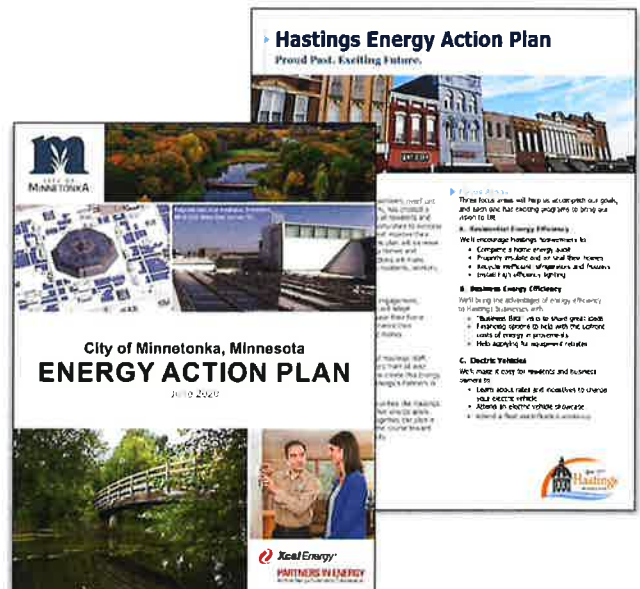


Data Analysis

- Measure progress to goals
- Quantitative and qualitative impact of implementation



- Ultimate planning phase outcome
- Plan for pursuing the Community's Energy Vision
- Guides implementation





Downtown Business Blitz
Northfield, MN



Residential Efficiency Campaign
Fridley, MN



Rental Property Owner Engagement
Faribault, MN



Energy Resource Website
Inver Grove Heights, MN

-
- Applications due January 15, April 15, July 15 and October 15 of each calendar year
 - Applications are reviewed and community participates in kickoff meeting to determine objectives and planning process approach
 - Xcel Energy team available to meet with city staff and present to Commissions or City Council ahead of application

Contact Tami Gunderzik, Program Manager

PartnersinEnergy@xcelenergy.com



PARTNERS IN ENERGY
An Xcel Energy Community Collaboration

Partners in Energy

More communities are realizing energy planning plays a critical role in helping them reach their energy goals. The benefits of wise energy choices are diverse. Through collaborative work with citizens, businesses, and governments, a community can shave dollars off utility bills, promote renewable energy, drive resource conservation, and contribute to greenhouse gas reduction goals. Since 2014, Partners in Energy has been helping communities gather these stakeholders to develop and implement energy action plans that address the challenges of local energy priorities with actionable strategies and resources. In addition to offering support for community-based energy action plan development and implementation, Partners in Energy is evolving to include a broader spectrum of community engagement that includes supporting returning Partners in Energy communities as they define new goals and strategies, working with communities that have existing energy goals and strategies but need help implementing them, supporting smaller communities or geographic areas (i.e., districts or neighborhoods) that may benefit from a more tailored approach, or even convening collaborations that don't fit the traditional definition of a community but are focused on increased efficiency and renewable energy opportunities in unusual settings.

Partners in Energy continues to offer tools, data, and expertise to help communities analyze their energy trends, establish energy goals, identify energy strategies, and implement their energy priorities. Through the Partners in Energy process, Xcel Energy supports communities in convening stakeholders to develop custom roadmaps to achieve their energy goals. Xcel Energy also helps communities implement their energy strategies. The planning and implementation process is tailored to the unique needs and priorities of each community. Accepted communities will participate in a scoping meeting to determine the pathway that best aligns with your community's interests and capabilities.

Partners in Energy is offered at no cost to participating communities in Colorado and Minnesota, with the expectation that both Xcel Energy and the community will invest in the process. This investment includes staff and financial resources from Xcel Energy during both the planning and implementation phases. It also includes community staff time during both the planning and implementation phases and your community's plan may require financial support to implement strategies.

Xcel Energy wants to work with motivated, engaged, and action-oriented communities and champions who are willing to commit to the process and the outcomes. This application will help us better determine good community alignment for our limited, but valuable, resources. While completing the application does not guarantee acceptance as a participant, your application will be evaluated against other applicants using criteria that include, but may not be limited to, community size and structure, planning experience, stakeholder capacity, available resources (staff and otherwise), and willingness to share results publicly.

If you have questions about the application or the opportunity, please visit xcelenergy.com/PartnersInEnergy, email us at PartnersInEnergy@xcelenergy.com or call 800.369.4362.

Submit completed application via email to: PartnersInEnergy@xcelenergy.com. Return this application by 5:00 p.m. CST on January 15, 2020.

Qualifying customers

Communities in Colorado and Minnesota with retail energy services from Xcel Energy qualify to participate in Partners in Energy.

Community customer information

Company name City of Falcon Heights
 Community jurisdiction (e.g., city, association, partnerships, county): City
 Contact name Hannah Lynch
 Title Community Development Coordinator / Planner Phone 651.792.7613
 Address 2077 Larpenteur Ave W
 City Falcon Heights, MN 55113 Email hannah.b.lynch@falconheights.org

Community profile

Approximate business count 101 (2017 US Business Census) Approximate household count 2098
 Approximate population 5369
 Approximate area in square miles 2.23

Would you be able to provide a GIS shapefile of your community that would define the geographic boundaries of the area?

Yes No

Current community energy-related utility providers (e.g. gas service providers)

1) Name of company Xcel Energy
 Fuel type Gas, Electric Area served City of Falcon Heights
 2) Name of company _____
 Fuel type _____ Area served _____
 3) Name of company _____
 Fuel type _____ Area served _____

Interest in Partners in Energy

Describe your interest in Partners in Energy and how you think Partners in Energy could provide value.

In January 2023, the City of Falcon Heights signed a resolution declaring a climate crisis and authorizing the city to take action. This resolution directs the City to consider a City Climate Action Plan with input from our residents, businesses, and non-profit entities within the City, in coordination with partners also working on developing or implementing climate action plans in our community. The City of Falcon Heights is interested in having a climate action plan that has serious energy goals, and as a GreenStep City, it is important that we work to ensure the city is doing its part to help the state of MN meet the goal of Net-0 by 2040. The housing stock in the city consists of many older homes and multifamily residential buildings that have not been updated to increase energy efficiency. We believe Partners in Energy can assist us in deciding where we are currently in that process and what steps we can take to make sure we are moving toward our goal. We are interested in the expertise of those at Partners in Energy to assist us in deciding the most beneficial actions based on a city of our size and looking toward what other cities in the area have done.

What is/are the most pressing energy-related issue(s) facing your community today?

Some of the most pressing energy-related concerns facing our community are around older, less efficient housing stock and apartments, State Fair emissions, idling vehicles, the future potential redevelopment of the University of Minnesota golf course, and understanding our current energy story in general. We need to be able to see all the data on the city as it currently stands to better understand the biggest issues and ensure we are focusing our efforts in the most reasonable areas.

If you're accepted as a participant in Partners in Energy, what additional approvals within your community would you need to obtain prior to starting?
(examples: City Council, City Manager, Sustainability Commission, etc.)

We would need to have the Environment Commission, City Manager, and City Council all approve us to move forward with being a participant in Partners in Energy.

Planning and energy management experience

Does your community currently have any sustainability or energy plans, policies, codes, regulations or initiatives? If yes, please identify them and indicate the date(s) they were last revised. (Describe your interest in Partners in Energy and how you think Partners in Energy could provide value.)

The City of Falcon Heights does not currently have an official Climate Action Plan in place, however we do address energy in several areas. Our 2040 Comprehensive Plan, adopted in 2020, addresses energy and climate action policies extensively. In addition, the City of Falcon Heights is a GreenStep 4 and 5 City, part of the EV Smart Cities Program, and a SolSmart Bronze participant.

Describe any energy programs or energy management activities your community has participated in over the past two years. Please include goals/targets and results if applicable. This can include initiatives to track energy use in any part of your community (e.g., public buildings), a neighborhood energy challenge, etc. If you have participated in Partners in Energy before, what strategies would you like to pursue with additional support from Partners in Energy, and why? Additionally, please explain if your community is already engaged with Xcel Energy in other ways.

In the past two years, the City of Falcon Heights has participated in the Home Energy Squad, GreenStep Cities, and the EV Smart Cities program. As part of the Home Energy Squad, we are looking to have more residents sign up for Energy Planner or Saver Visits to look at how to increase their efficiency to support the environment as well as assisting with lowering energy bills for the homeowners. As a Step 4 and 5 GreenStep City, the City of Falcon Heights is constantly looking to ensure we are tracking our energy usage in public buildings and strive to lower that on a yearly basis. We also try to make improvements to policies and programs where possible to assist residents with this. Finally, as part of the EV Smart Cities Program, the City of Falcon Heights is looking at how to increase the availability of electric vehicle charging units in the city and spread the information about the benefits of these vehicles. In all of these programs, we believe Partners in Energy can assist us with making sure we can ensure all these resources are being utilized in a manner to best serve the community.

Community resources and commitment

Please indicate who in your community would be the point person (or people) to manage your Partners in Energy participation and describe his/her/their applicable experience and background relative to planning, energy and /or sustainability. Describe his/her/their availability to support this initiative through both strategy development and implementation (include multiple people as applicable for each stage). Describe whether they are paid staff or volunteers and the extent to which managing and/or implementing energy or sustainability initiatives is a component of their job duties.

The point person for this program would be staff person Hannah Lynch, Community Development Coordinator for the City of Falcon Heights. She has been working as a professional planner for 5 years and has been with the City of Falcon Heights since December 2022. She is supported by the Environment Commission, City Council, and Public Works. In addition, depending on the outcome of an initial study, she will be looking to other partners in the City such as the State Fair, University of Minnesota, and others.

While Partners in Energy is offered to communities at no cost, communities are responsible for expenses associated with implementation. Does your community have staff, volunteer, budget or other funding resources to implement the energy initiatives that will be identified in the Partners in Energy process?

Yes No If yes, please describe.

Yes, the City of Falcon Heights has staff to work on the energy initiatives identified in the Partners in Energy process, as well as the potential to use budgeted funds for implementation, depending on the initiatives.

Community involvement

One of the keys of Partners in Energy is engaging representatives from your community to participate in developing and implementing strategies to meet your community goals. These representatives should be varied and willing to commit their time to the process. They may include city or town staff members, business association representatives, large local business representatives, local nonprofit staff members, school district staff members, county government officials, etc. Please describe who from the community you would anticipate engaging in developing your energy strategies. (Please list six to eight possible representatives.)

We would anticipate engaging many different partners in developing our energy strategies, such as the Falcon Heights Environment Commission, city staff, city council, local businesses (Good Acre, Spire Credit Union, Cox Insurance, etc.), the University of Minnesota, Gibbs Farm, Bell Museum, Falcon Heights Elementary School, the local senior program(s), and others.

Partners in Energy is designed to promote communities learning from each other and sharing best practices. Are you willing to share your community work through Partners in Energy with community members and other participating communities? Will you allow your final work products to be shared publicly?

Yes No If no, please explain.

Yes

Is there anything else you would like us to consider when evaluating your application?

We are very interested in engaging students from the local Roseville School District and the University of Minnesota. We believe we could draw in many of them for assistance and provide educational opportunities at the same time.

Customer declaration

I certify that the information in this application is accurate and complete and I am authorized to make this application on behalf of my community. Your signature confirms your community is interested in participating in Partners in Energy and is willing to enter into a Memorandum of Understanding with Xcel Energy that will define responsibilities and expectations of both parties.

Community name City of Falcon Heights

Contact name Hannah Lynch

Title Community Development Coordinator / Planner

By checking the box and indicating my name below, I am signing this application in declaration of its accuracy.

Name Hannah B. Lynch

Title Community Development Coordinator

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CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
MINUTES
April 26, 2023

A. CALL TO ORDER: 7:00 PM

B. ROLL CALL: GUSTAFSON_X_ LEEHY_X_ MEYER ___

WASSENBERG_X_ WEHYEE_X_

STAFF PRESENT: LINEHAN_X_ SMITH_X_

C. APPROVAL OF AGENDA

Councilmember Wehyee motions
to approve the agenda;
approved 4-0

D. PRESENTATION

E. APPROVAL OF MINUTES:

1. April 5, 2023 Workshop Meeting Minutes
2. April 12, 2023 Regular Meeting Minutes

Councilmember Leehy motions
to approve the minutes;
approved 4-0

F. PUBLIC HEARINGS:

1. Code Amendments to Chapter 22 to allow for "No Mow May"

Mayor Gustafson asks City Administrator Linehan to provide an overview of the amendment to the City Code.

City Administrator Linehan thanks the Mayor and Council and states that last year, the City participated in the initiative through a resolution. Following this, the Environment Commission expressed interest in making this a permanent change in the City Code. During the City Council workshop on April 5, 2023, City Staff proposed an amendment to code. City Administrator Linehan thanks Councilmember Wassenberg for working with Community Development Coordinator Hannah Lynch on writing and developing the ordinance. He notes, in the final draft, it's specified as turf grass and residents are encouraged to grow native grasses and other grasses not impacted. He also clarifies it's only for residential properties, excluding commercial, government and non-profit properties. Finally, Administrator Linehan stresses this initiative is voluntarily for residents to participate in and it officially ends on June 1st. Staff will exercise discretion to start

enforcement as June 1st is on a Thursday. We want to provide residents the flexibility of mowing over the weekend. On June 5th, City Staff will begin enforcement.

Mayor Gustafson opens the Public Hearing.

After making a second call for the public to speak, Mayor Gustafson then asks City Administrator Linehan if there were any written comments received.

City Administrator Linehan answers no, only one Facebook comment on the original post. Someone expressed there is research out there that doesn't show the benefit of participating in No Mow May.

Councilmember Wehyee asks City Administrator Linehan to repeat the Facebook Comment.

Linehan repeats that there is some research out there that shows that not mowing doesn't benefit pollinators. However, Facebook comments are not official as we cannot verify if they are Falcon Heights residents.

Mayor Gustafson makes a final motion for the public to speak.

Councilmember Wassenberg motions to close the Public Hearing.

Mayor Gustafson closes the public hearing by consent and opens the floor to discussion by City Council members.

Councilmember Leehy appreciates Councilmember Wassenberg and Community Development Coordinator Hannah for their work on this; it answers and clarifies things that were discussed in the workshop.

Councilmember Wehyee echoes those comments and adds that codifying No Mow May is the right thing to do as the community showed a lot of enthusiasm last year and he was excited to not have to mow.

Councilmember Wassenberg states it will be good long-term, so it doesn't have to be addressed each year. And, he feels the City will see a lot of positive benefits for their grass and not just for the pollinators.

Councilmember Leehy and Mayor Gustafson state that residents still need to take care of noxious weeds.

Councilmember Wassenberg wonders if this qualifies as an additional action towards our GreenStep City and if we can get credit for that as well.

Councilmember Wehyee motions
to approve the code amendment;
approved 4-0

G. CONSENT AGENDA:

1. General Disbursements through 4/18/23: \$207,738.44

Payroll through 4/15/23: \$42,262.17
Wire Payments through 4/15/23: \$37,127.60

2. City License(s)
3. Amber Union TBRA Modification Amendment – Exhibit 5
4. Accept Donation from AARP Tax-Aide
5. Appointment of Jacob Brooks to the Planning Commission

Councilmember Wassenberg motions
to approve the consent agenda;
approved 4-0

Gustafson states Jacob Brooks joined the Planning Commission at their meeting on April 25th and says he will be a great addition to the commission. He then asks Linehan for clarification on item 3, Amber Union TBRA Modification Amendment – Exhibit 5.

Linehan explains that at the last meeting Council approved Exhibit 6 and at this meeting, we're looking to approve Exhibit 5. These exhibits are paperwork needed for Amber Union to close on the property. The exhibits require updated signatures as they currently list the previous City Administrator. In order to update the signatures, the exhibits needed amendment.

Linehan also clarifies that the AARP donation will be dedicated to the City Hall Council Chamber.

Linehan also wants to note that the payroll amount was double compared to normal payroll, because a part of it is a retirement cash out of vacation and sick time for former Public Works Director Tim Pittman.

Wassenberg states that about two thirds of expenditures were for policing and sewer; standard expenditures.

Linehan echoes that these expenditures are more normal compared to previous months. The top monthly expense is police contract and the second largest is Met Council sewer charges.

Wassenberg asks Linehan if, apart from the signature and name updates to Amber Union TBRA Modification Amendment – Exhibit 5, if there were any other notable changes.

Linehan says that there were no other notable changes; only names.

H: POLICY ITEMS:

1. Ruggles Pathway

Mayor Gustafson asks Administrator Linehan to explain the alternative bids received and the process regarding the pathway and its impact on the next policy item.

Linehan thanks Mayor Gustafson and the Council and points out that the two policy items coincide. Council is familiar with the policy item. A Public Hearing was hosted on March 22, 2023, considering vacation of the Right of Way. There as a lot of discussion and resident

feedback and the policy item was tabled to explore further options. As part of the 2023 PMP bid, contractors were asked for pricing on various options.

- Option 1: Install 5 ft. concrete sidewalk through the path. Traditional sidewalk.
- Option 2: Install 5 ft. Permeable Paver that allows water to transfer through.
- Option 3: Contractor to suggest alternative paving solution.

City Administrator Linehan says that as a result of the Public Hearing, City Council asked Linehan to determine other legal options. According to the City Attorney, because the pathway is an easement and the underlayment are owned by the four adjacent property owners, the only way to change designation of the pathway is if the City took control of it, by making an offer to the property owners to purchase it, or to condemn it, which according to the City Attorney, is not a feasible option.

The City obtained a second legal opinion. To summarize, it is the City's duty to maintain the pathway and if do not pave it, we face the risk of ADA violations. The legal memo provides an option to pass a resolution qualifying discretionary immunity. City Administrator Linehan advises the City Council to look at the full legal exposure detailed in the memo, as it would not remove the City's liability.

City Staff is recommending to select one out of the four options presented tonight.

- Option 1 would be to accept the proposal for the 2023 PMP low bidder, Northwest Asphalt, Inc. for Alternate Bid #2 – a 5' concrete walk for a total cost of \$36,730.96.
- Option 2 is to accept the proposal from the same contractor for Alternate Bid #3 – a 5' permeable paver walk for a total cost of \$61,585.65.
- Option 3 would be to reject the alternate bids and rebid the project separately to allow for more customizable options. City Administrator Linehan states there are other contractors available. Roseville has a contractor they recommend. This could allow for more customization. This would be a costlier option.
- Option 4 is to reject all of the bids and direct staff to further explore options for passing a resolution qualifying discretionary immunity.

Councilmember Wassenberg thanks City Administrator Linehan for the thorough research on this policy item. He states he is averse to legal exposure and therefore is not comfortable selecting option 4. He leans more towards option 1 or 2 and would like to know what the benefits of the permeable pavers would be, as this option is costlier.

Councilmember Leehy asks Councilmember Wassenberg to repeat his comment regarding the permeable pavers and the impact on the adjacent residents.

Councilmember Wassenberg repeats that the placing of the concrete sidewalk might cause drainage issues, which could potentially lead to flooding of the adjacent properties. He adds that avoiding this with permeable pavers is more beneficial for the adjacent homeowners.

Councilmember Leehy agrees and says she also leans towards option 1 and option 2. However, she adds, permeable pavers might require more upkeep and could be more challenging with snow removal. She also wonders what the longevity is of permeable pavers versus a concrete sidewalk and thus leans towards option 1.

Interim City Engineer Smith explains what maintenance would be required for permeable pavers. Roughly \$150 - \$200 per year would be needed for upkeep. Additionally, every 5 years a more thorough cleaning would be needed, which would cost \$3,000 to \$4,000. This type of upkeep would not be required for concrete sidewalk.

City Administrator Linehan adds that tree roots could cause issues to concrete sidewalks, but apart from that, it would last 10 - 15 years.

Councilmember Wassenberg asks about the longevity of either option.

Interim City Engineer Smith answers, if one concrete panel cracks, the whole panel needs to be replaced. Whereas, pavers allow for smaller sections to be replaced if needed. However, pavers won't last as long as concrete.

Councilmember Wassenberg then asks about snow removal and if permeable pavers cause more challenges.

City Administrator Linehan says that he could foresee the regular sidewalk machine used for snow removal could affect the pavers more than concrete sidewalk, but he is not entirely sure.

Mayor Gustafson asks about implications of closing the path during winter/snow months and if this is allowed to be done. Currently, the path is maintained by the community during the winter months, but if the City maintained the path and the city is liable, would it be in our right to close it down in the winter.

City Administrator Linehan says that putting up signs to close the path during a certain time is possible, and if someone decides to ignore the signs, they would do so at their own risk.

Councilmember Wehyee wants clarification as to whether the City would still be liable then.

City Administrator Linehan answers that it would help mitigate liability risk but, he adds if the City takes over maintenance, there is liability. We avoid salt for snow removal on sidewalks, which should help the condition of the pavers.

Interim City Engineer Smith adds that there is a similar permeable paver surface at the City Hall in Roseville that is maintained in winter with different equipment as it is a parking lot.

Councilmember Leehy finds the initial cost and maintenance of the pavers expensive.

Mayor Gustafson adds that we would need to budget for the maintenance.

Councilmember Wehyee thinks the permeable pavers best align with what the community wants, as well as being ADA compliant; the cost would be worth it.

Councilmember Wassenberg echoes these comments. He then asks City Administrator Linehan for more details about the kind of pavers.

City Administrator Linehan answers that as part of the bid, we select the design of the pavers. He then adds, that a simple design is cheaper and easier to maintain than a more intricate design. There would be the opportunity to rebid the project with a contractor who specializes in this area. The design chosen looks like a brick house.

Interim City Engineer Smith explains they would be 4" x 8" bricks and the material in between would look like grout, but the material is soft and sandy.

Councilmember Leehy asks if weeds would be an issue and if that would need to be treated.

Interim City Engineer Smith answers that weeds have not been an issue in previous applications.

City Councilmembers question if the four adjacent property owners pay taxes for the pathway property.

City Administrator Linehan clarifies, that staff checked plot surveys and the property owners are currently not paying taxes for the pathway property. It's an untaxed parcel currently. If it would have been vacated, then the owners would have been responsible for the taxes.

Councilmember Wassenberg has one additional question regarding the expectation for the lifetime of permeable pavement.

City Administrator Linehan answers that it would be similar as to what the City has been doing with replacing concrete sidewalks. The City currently replaces stretches of sidewalks as needed. For the permeable pavers, he states the City would have to buy spare pavers, store them with Public Works and replace pavers as needed for maintenance.

Interim City Engineer Smith adds that the cost of purchasing extra pavers is included in the quote.

Councilmember Wassenberg states that this helps him understand that the replacement time of the pavers in total would possibly be less frequent.

City Administrator Linehan asks Interim City Engineer Smith to provide more detail regarding storm drainage included in the design.

Interim City Engineer Smith explains that for the concrete sidewalk option, a storm pickup catch basin was included in the design, in the middle of the length of the pathway, with the two sides draining towards the basin, allowing for the water to drain towards the middle rather than towards the adjacent properties. It will then run off to a catch basin in the street.

Mayor Gustafson then asks if the drainage component is included with the permeable pavers as well.

Interim City Engineer Smith answers yes, it is. She explains that under the pavers there will be clear rock with gaps in between and those gaps are great for holding water. It was also

proposed to have a perforated pipe following the entire length of the pathway, set at a small slope to allow for the water to run off to the catch basin in the street.

Mayor Gustafson states that the path will be a nice amenity for the community but wonders if the permeable pavers will be worth the extra upfront cost.

Councilmember Wassenberg comments that the upfront cost made him question the lifetime of the pavers. However, compared to replacing significant pieces of sidewalk, the upkeep of the pavers might be less.

Councilmember Leehy adds that City Staff will have to perform special maintenance every 5 years.

Councilmember Wassenberg agrees, but says this might be counterbalanced by the fact that you would need to replace significant sections of concrete sidewalk more frequently than you would need to make significant improvement to the pavers.

City Administrator Linehan feels confident there is room in the budget for either option as the bids for the 2023 Pavement Management Project came in substantially lower than expected.

Mayor Gustafson asks City Council if they, after this discussion, can provide City Staff with direction on how to proceed with Ruggles Pathway. He then explains that as part of Policy item H2, City Council will have to choose between option 1 - the concrete sidewalk or option 2 - the permeable pavers.

Councilmember Wehyee comments that after the discussion, he stands firm with option 2 as this option serves the purpose of making it ADA compliant, while also aligning with the community's vision of the path.

Councilmember Leehy asks Councilmember Wehyee if he is in favor of the Mayor's idea of blocking the path in the wintertime.

Councilmember Wassenberg stands with Councilmember Wehyee on option 2, but he has to give blocking it off in the winter more thought. He expresses his concern for accessibility year-round, but this could be considered later down the road.

Mayor Gustafson adds that the city will have to determine how the brick pathway will have to be maintained.

City Administrator Linehan mentions he can check with the City attorney on what the City's liability would be if the path was closed in the winter.

Councilmember Leehy adds it would be helpful to mention this part, even though it would not be part of the decision tonight.

ROLL CALL TO APPROVE option 2:
GUSTAFSON X LEEHY X MEYER
WASSENBERG WEHYEE X

2. 2023 Pavement Management Project (PMP) – Award Contract

Mayor Gustafson asks Interim City Engineer Smith to provide more detail.

Interim City Engineer Smith says that the City opened bids on April 20, 2023 and received 5 qualifying bids; the bid summary and full abstract is included in the packet. The lowest qualified bidder was Northwest Asphalt, Inc. Additionally, bidders were asked to provide bids for the following add alternates:

- Alternate 1: Garden Avenue Roadway Striping
- Alternate 2: Concrete Ruggles Pathway
- Alternate 3: Permeable Paver Ruggles Pathway
- Alternate 4: Contractor-Determined Surface Ruggles Pathway

City Staff is recommending to award the base bid, alternate 1, and after discussion of the City Council, alternate 3 as well. Alternate 1 will restore the striping on Garden Avenue, which designates the centerline (offset due to the parking on one side), and will visually narrow the driving lane. Interim City Engineer Smith clarifies that Alternate 4 was a Contractor-Determined Surface. Northwest Asphalt, Inc., chose to use concrete, thereby making Alternate 4 the same as Alternate 2. As far as budget impacts, the low bid came in significantly lower than the engineer's estimate. The project will be funded through assessments levied according to the City's assessment policy and those are anticipated to be lower than proposed. Additionally, use of municipality state aid and street infrastructure funds will be used to pay the City's portion of the project. Expenditure of utility funds will be used to pay for sanitary, sewer and stormwater improvements.

Councilmember Wassenberg asks Interim City Engineer Smith about the striping of Garden Avenue as residents have expressed concerns. Question 1: Will the parking area be divided by a white stripe? Question 2: Would the same white striping extend from Hamline to Holton or from Hamline to the access road at Snelling?

Interim City Engineer Smith answers that it will be a solid white line at the parking area and the centerline will be double solid yellow lines to not allow for passing.

City Administrator Linehan answers question 2 and says that would depend on where parking is available. He adds, the center striping will go down the whole street. He stresses Garden Ave is currently striped but the striping is worn down due to wear and tear. He also mentions that the striping of Garden Ave is an alternate bid and can be removed if City Council chooses so. Lastly, he notes City Staff strongly recommends striping Garden Avenue because it is currently not an obvious lane configuration, and left unstriped, could pose danger to pedestrians. Data shows that striping is a safety measure and would not make people drive faster, but rather contains them in their lane.

Mayor Gustafson comments it was beneficial to wait on deciding regarding Ruggles Pathway until the bids came in.

Councilmember Wehyee adds that he is pleased to hear that the residents' assessments will be lower than anticipated, as this was a huge concern for the residents and some of the councilmembers.

Interim City Engineer Smith adds that the only funding area that came in slightly higher than expected was the stormwater funding due to the bump outs on Garden Ave. These required reconfigurations of the stormwater at the intersection as some of the new catch basins have to be moved to the new curb line location.

City Administrator Linehan explains the bump outs will create a shorter crossover for pedestrians and it also would not affect Public Works when they have to plow the streets. Storm water drainage will also be modernized. He also adds what the timeline of the construction would be. The plan is to start construction as soon as school is out and contractors are required to be done before the State Fair begins. Because there is not a lot of utility replacement needed, the project should wrap up fairly quickly as utility replacement is what often slows down construction. He feels confident in the timeline.

Councilmember Leehy motions to
award the contract for the
2023 Pavement Management Project
to Northwest Asphalt, Inc. for
the Base Bid, Alternate 1 and 3
Approved; 4-0

I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg has no announcements.

Councilmember Leehy has no announcements.

Councilmember Wehyee has no announcements.

Mayor Gustafson mentions the Planning Commission had a great discussion at their last meeting on April 25, 2023 regarding the 2040 Comprehensive Plan on how things were moving along. And, part of that is undertaking a study of the Larpenteur corridor; work on collaborating more with the University of Minnesota. He notes there is 1 vacancy with the Planning Commission. The Mayor also states that the shooting incident that happened recently at Amber Union is currently under investigation. The Sherriff's office also is working on scheduling a crime prevention meeting with the residents of Amber Union. Lastly, he would like to note that May 20, 2023 is the Spring Together Event at Curtiss Field from 4:00 PM to 6:00 PM.

City Administrator Linehan announces that Wednesday May 3, 2023 a Special Council Meeting will be hosted at 6:30 PM with a hard stop at 7:30 PM, to review the findings of the Planning Commission regarding the Caribou proposal at Amber Union. The City Council Workshop will start at 7:30 PM and City consultant Bostrom will teleconference with councilmembers to have a discussion regarding the law enforcement contracts for 2024. During the workshop, City Administrator Linehan will also have a brief ARPA update. Then, regarding the Community Park purchase, there is an official closing date for May 4,

2023. Another thing he wants to mention is the Administrative and Communications Coordinator Elke van der Werff, is up and running. For communications, the City wants to work on more transparency regarding City Council meetings on social media and continue with more community engagement.

Public Works updates include street sweeping west of Snelling has been completed and they were moving East of Snelling before the weather turned poor and the sweeper machine got damaged. Once repaired, Public Works will continue street sweeping. American Environmental was also in town doing sewer line cleaning. He also notes that he appreciates the patience of residents regarding the Ramsey County construction of Cleveland Ave.

Interim City Engineer Smith has no announcements but would like to note that newsletters will be sent out once construction schedules are known to the affected properties.

J. COMMUNITY FORUM:

Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.

K. ADJOURNMENT: 8:31 PM

Councilmember Leehy motions to
adjourn the meeting
Approved; 4-0



Randall C. Gustafson, Mayor

Dated this 26th day of April, 2023



Jack Linehan, City Administrator

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PACKET: 02787 MAY 4 PAYABLES/U OF M PAR

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----		GROSS	P.O. #		
DATE	BANK CODE	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====					
01-05996	LAND TITLE INC				

I-202305048497	PURCH COM PK FROM U OF M	1,099,738.99			
5/04/2023	APBNK	DUE: 5/04/2023 DISC: 5/04/2023	1099: N		
	PURCH COM PK FROM U OF M		403 4403-91500-000	COMMUNITY PARK LAND/BUIL	1,099,738.99
	=== VENDOR TOTALS ===	1,099,738.99			
	=== PACKET TOTALS ===	1,099,738.99			

PACKET: 02784 MAY 3 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-00028	ALLSTREAM					

I-19443266		EMERGENCY LAND LINE CITY HALL	65.79			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		EMERGENCY LAND LINE CITY HALL		101 4116-85010-000	TELEPHONE	65.79
=== VENDOR TOTALS ===			65.79			

01-00875 BHE COMMUNITY SOLAR, LLC

I-1778756		SOLAR GARDEN MARCH	934.71			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		SOLAR GARDEN MARCH		101 4137-85025-000	SOLAR ELECTRIC	934.71
=== VENDOR TOTALS ===			934.71			

01-05422 BP

I-202305038493		FUEL	1,483.33			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		FUEL		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	1,132.05
		FUEL		602 4602-74000-000	FUEL & LUBRICANTS	351.28
=== VENDOR TOTALS ===			1,483.33			

01-03025 COLIN CALLAHAN

I-202305038496		REIB; WASTEWATER TREATMT CONF	390.00			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		REIB; WASTEWATER TREATMT CONF		601 4601-86100-000	TRAINING AND OSHA TNG	390.00
=== VENDOR TOTALS ===			390.00			

01-05119 GFOA

I-RCASH;644252001;20		MEMBERSHIP NATL GFOA	170.00			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		MEMBERSHIP NATL GFOA		101 4113-86110-000	MEMBERSHIPS	170.00
=== VENDOR TOTALS ===			170.00			

01-05115 GOPHER STATE ONE CALL

I-3040390		LOCATES	82.35			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		LOCATES		601 4601-88030-000	LOCATES	82.35
=== VENDOR TOTALS ===			82.35			

PACKET: 02704 MAY 3 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-05235 JAN-PRO CLEANING SYSTEMS

I-117896		JANITORIAL SVC MAY	464.00			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		JANITORIAL SVC MAY		101 4131-87010-000	CITY HALL MAINTENANCE	464.00
=== VENDOR TOTALS ===			464.00			

01-05908 METRO-INET

I-1220		METRO INET MAY SVC	3,528.00			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		METRO INET MAY SVC		101 4116-85070-000	TECHNICAL SUPPORT	3,528.00
=== VENDOR TOTALS ===			3,528.00			

01-06030 OLSON,ROLAND

I-202305038494		ADDTL MILEAGE REIMB;CAFR/AUDI	86.98			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		ADDTL MILEAGE REIMB;CAFR/AUDIT		101 4113-86010-000	MILEAGE	86.98
=== VENDOR TOTALS ===			86.98			

01-06185 RAMSEY COUNTY

I-FLEET 000806		REPAIR TAIL GATE ON DUMP TRK	261.61			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		REPAIR TAIL GATE ON DUMP TRK		101 4132-87000-000	REPAIR EQUIPMENT	261.61
=== VENDOR TOTALS ===			261.61			

01-05402 RDO EQUIPMENT CO

I-W6417601		BROOM REPAIR JOHN DEERE	2,939.78			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		BROOM REPAIR JOHN DEERE		101 4132-87000-000	REPAIR EQUIPMENT	2,939.78
=== VENDOR TOTALS ===			2,939.78			

01-05812 SORENSEN CONSULTING

I-COFH.1.23		SELECTION ASSESSMENTS	475.00			
5/03/2023	APBNK	DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
		SELECTION ASSESSMENTS		101 4112-80330-000	CONSULTANT	475.00
=== VENDOR TOTALS ===			475.00			

PACKET: 02784 MAY 3 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

ID-----	DATE	BANK CODE	-----DESCRIPTION-----	GROSS DISCOUNT	P.O. # G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-05374			TENNIS SANITATION LLC				
I-3578345			RECYCLING APR	8,453.25			
5/03/2023	APBNK		DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
			RECYCLING APR		206 4206-82030-000	RECYCLING CONTRACTS	8,453.25
I-3578346			RECYCLING SWMT & CEC	66.50			
5/03/2023	APBNK		DUE: 5/03/2023 DISC: 5/03/2023		1099: N		
			RECYCLING SWMT & CEC		101 4131-87010-000	CITY HALL MAINTENANCE	66.50
			=== VENDOR TOTALS ===	8,519.75			
			=== PACKET TOTALS ===	19,401.30			

PACKET: 02782 APRIL 28 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-03025	COLIN CALLAHAN					
I-202304288485		MILEAGE-SEWER TNG CLASSES	149.67			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MILEAGE-SEWER TNG CLASSES		601 4601-86101-000	MILEAGE	149.67
		=== VENDOR TOTALS ===	149.67			
=====						
01-04000	EHLERS AND ASSOCIATES					
I-93794		GASB 77 INFO TO CTY/CITY	210.00			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		GASB 77 INFO TO CTY/CITY		414 4414-81900-000	OTHER PROFESSIONAL SERVI	210.00
		=== VENDOR TOTALS ===	210.00			
=====						
01-03421	GENERAL REPAIR SERVICE					
I-7179804943		LIFT STATION REPAIRS/COFFMAN	909.50			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		LIFT STATION REPAIRS/COFFMAN		601 4601-87000-000	REPAIR EQUIPMENT	909.50
		=== VENDOR TOTALS ===	909.50			
=====						
01-05153	HOME DEPOT CRC/GECP					
I-202304288488		QUICKRETE/TRASH CANS/TOOLS	259.66			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		QUICKRETE		101 4132-70120-000	SUPPLIES	15.88
		2 TRASH CANS		101 4141-70100-000	SUPPLIES	81.94
		TOOLS/ TRASH CANS		101 4131-70110-000	SUPPLIES	161.84
		=== VENDOR TOTALS ===	259.66			
=====						
01-05856	LINEHAN, JACK					
I-202304288492		MILEAGE; MCMA CONF/MMA/RSCO M	271.82			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MILEAGE; MCMA CONF/MMA/RSCO ME		101 4112-86100-000	CONFERENCES/EDUCATION/AS	208.55
		GENERAL MILEAGE REIMB		101 4112-86010-000	MILEAGE & PARKING	63.27
		=== VENDOR TOTALS ===	271.82			

PACKET: 02782 APRIL 28 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----		GROSS	P.O. #			
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-05582 MENARDS

I-202304288489		WALL CLOCK	26.47			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		WALL CLOCK		101 4131-70110-000	SUPPLIES	26.47
=== VENDOR TOTALS ===			26.47			

01-05731 MN DEPARTMENT OF LABOR INDUSTR

I-MARCH1230162023		MN DEPARTMENT OF LABOR INDUST	607.40			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MN DEPARTMENT OF LABOR INDUSTR		101 20801-000	DUE TO OTHER GOVERNMENTS	607.40
=== VENDOR TOTALS ===			607.40			

01-06030 OLSON,ROLAND

I-202304288491		MILEAGE REIMB APR	36.29			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MILEAGE REIMB APR		101 4113-86010-000	MILEAGE	36.29
=== VENDOR TOTALS ===			36.29			

01-06115 TIMOTHY PITTMAN

I-202304288490		MILEAGE REIMB MARCH/APR SNOWS	125.76			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MILEAGE REIMB MARCH/APR SNOWS		101 4132-86101-000	MILEAGE	125.76
=== VENDOR TOTALS ===			125.76			

01-06185 RAMSEY COUNTY

I-RISK 002231		MAY INS/ HR FEE/DENTAL/LIFE	851.58			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		MAY INS/ HR FEE/DENTAL/LIFE		101 4112-89000-000	MISCELLANEOUS	851.58
=== VENDOR TOTALS ===			851.58			

01-00935 ST PAUL REGIONAL WATER SERVICE

I-202304288487		H2O AND SS	142.92			
4/28/2023	APBNK	DUE: 4/28/2023 DISC: 4/28/2023		1099: N		
		COMM PARK H2O		101 4141-85040-000	WATER	35.63
		COMM PARK SS		101 4141-85070-000	SEWER	12.33
		CITY HALL H2O		101 4131-85040-000	WATER	72.92
		CITY HALL SS		101 4131-85070-000	SEWER	22.04
=== VENDOR TOTALS ===			142.92			
=== PACKET TOTALS ===			3,591.07			

PACKET: 02780 April 24 Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----				GROSS	P.O. #		
PACK DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
01- 3		CANON FINANCIAL SERVICES					
I-30329804		Copier Contract Charges April		122.39			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: N		
		Copier Contract Charges April			101 4131-87010-000	CITY HALL MAINTENANCE	122.39
		=== VENDOR TOTALS ===		122.39			
01-05909		CARUSO, DIANE					
I-202304248483		Refund Fence Permit		41.18			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: N		
		Refund Fence Permit			101 32216-000	DRIVEWAYS/FENCES	41.18
		=== VENDOR TOTALS ===		41.18			
01-03111		CENTER FOR ENERGY AND ENVIRONM					
I-22504		Home Energy Squad Planner Vis		250.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: N		
		Home Energy Squad Planner Vis			101 4117-89070-000	ENERGY AUDIT INCENTIVE	250.00
		=== VENDOR TOTALS ===		250.00			
01-03123		CINTAS CORPORATION					
I-4152905890		Floor Mats Svc 4/19		57.45			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: N		
		Floor Mats Svc 4/19			101 4131-87010-000	CITY HALL MAINTENANCE	57.45
		=== VENDOR TOTALS ===		57.45			
01-05058		JOSH JORDAN					
I-304248484		TKD Instructor 3/28-5/4		824.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: Y		
		TKD Instructor 3/28-5/4			201 4201-87700-000	INSTRUCTOR-SPECIALTY CLA	824.00
		=== VENDOR TOTALS ===		824.00			
01-05995		LANDFORM					
I-34287		Community Park Split/Alta Sur		2,598.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023			1099: N		
		Community Park Split/Alta Surv			403 4403-91500-000	COMMUNITY PARK LAND/BUIL	2,598.00
		=== VENDOR TOTALS ===		2,598.00			

PACKET: 02780 April 24 Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0013		MN NCPERS LIFE INSURANCE				
I-458800052023		2023 Life Insurance May	80.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023		1099: N		
		2023 Life Insurance May		101 21709-000	OTHER PAYABLE	44.32
		2023 Life Insurance May		204 21709-000	OTHER PAYABLE	1.60
		2023 Life Insurance May		601 21709-000	OTHER PAYABLE	23.36
		2023 Life Insurance May		602 21709-000	OTHER PAYABLE	10.72
		=== VENDOR TOTALS ===	80.00			
=====						
01-06024		ON SITE SANITATION				
I-1515331		Portable Toilets/Sanitizers	260.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023		1099: N		
		Portable Toilets/Sanitizers		601 4601-85080-000	PORTABLE TOILET PARKS	260.00
I-1515332		Portable Toilets/Sanitizers	87.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023		1099: N		
		Portable Toilets/Sanitizers		601 4601-85080-000	PORTABLE TOILET PARKS	87.00
		=== VENDOR TOTALS ===	347.00			
=====						
01-06185		RAMSEY COUNTY				
I-PUBW-020236		Bulk Road Salt Jan-Apr	9,650.00			
4/24/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023		1099: N		
		Bulk Road Salt Jan-Apr		101 4132-83030-000	SNOW REMOVAL	9,650.00
		=== VENDOR TOTALS ===	9,650.00			
=====						
01-05110		SRF CONSULTING GROUP INC				
60.00-1		Consultant for Traffic Study	4,960.77			
4/2023	APBNK	DUE: 4/24/2023 DISC: 4/24/2023		1099: N		
		Consultant for Traffic Study		208 4208-81900-000	OTHER PROFESSIONAL SERVI	4,960.77
		=== VENDOR TOTALS ===	4,960.77			
		=== PACKET TOTALS ===	18,930.79			

***** DIRECT DEPOSIT LIST *****

PAY PERIOD ENDING 4/30/2023
DIRECT DEPOSIT EFFECTIVE DATE 4/24/2023

EMP #	NAME	AMOUNT
01-0022	RANDALL C GUSTAFSON	293.07
01-0023	MELANIE M LEEHY	262.05
01-0025	YAKASAH WEHYEE	262.05
01-0027	ERIC G MEYER	262.05
01-1006	JACK LINEHAN	3,112.18
01-1027	KELLY A NELSON	2,101.40
01-1029	ELKE VAN DER WERFF	1,630.47
01-1136	ROLAND O OLSON	3,421.42
01-1028	HANNAH B LYNCH	2,581.40
01-1033	DAVE TRETSVEN	1,946.63
01-1143	COLIN B CALLAHAN	2,527.83

TOTAL PRINTED: 11 18,400.55

4-24-2023 6:20 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0020	WASSENBERG, JAMES J	R	4/24/2023	262.05	092179
1162	LANDBERG, ALYSSA	R	4/24/2023	924.01	092180
1184	NEIS, ADRIAN J	R	4/24/2023	319.25	092181

4-24-2023 6:20 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

*** REGISTER TOTALS ***

REGULAR CHECKS:	3	1,505.31
DIRECT DEPOSIT REGULAR CHECKS:	11	18,400.55
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	14	19,905.86

*** NO ERRORS FOUND ***

** END OF REPORT **

April 30 payroll

Fed With	6,554.51
St With	1,192.15
Pera	3,879.51
ICMA	200.00
Child support	<u>-</u>
	11,826.17

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Meeting Date	May 10, 2023
Agenda Item	Consent G2
Attachment	Resolution 23-35
Submitted By	Jack Linehan, City Administrator

Item	ARPA Funding Plan
Description	<p>Under the American Rescue Plan Act (ARPA), federal funds were allocated to municipalities and counties to help aid the recovery of the nation at the local level. The City of Falcon Heights received \$302,056.11 in the fall of 2021 as the first allocation of funds, and received the same sum in 2022 for a total of \$604,112.20.</p> <p>Funds are intended to cover eligible costs incurred in the time period that begins on March 3, 2021 and ends on December 31, 2024, as long as the obligations for funds are incurred by the end date are expended by December 31, 2026.</p> <p>In Resolution 22-08, the City Council authorized staff to report that the City would be taking the Standard Allowance Election of Revenue Loss as defined in the Compliance and Reporting Guidance – State and Local Fiscal Recovery Funds (SLFRF) version 3.0. This allows municipalities to estimate revenue losses up to \$10 million rather than calculate their losses. This was intended to help communities under 50,000 population, such as Falcon Heights.</p> <p>Under the final rule, municipalities can spend their ARPA allocations on a broad range of uses under the “general government provisions” category. For example, a City could allocate their funds towards a specific project or towards personnel salaries. The only expenses that cannot be qualified are items such as pension obligations, debt payments, legal settlements or any action that undermines the Federal government’s response to COVID-19.</p> <p>Following the April 5th, 2023 City Council Workshop, staff worked on a plan that would spend the ARPA funds in the 2023 year in accordance with the SLFRF final rule requirements for revenue loss. In further discussions with the City auditor, BerganKDV, it was recommended that the ARPA funds be allocated to non-procurement expenditures to avoid the complications of reporting under federal procurement standards. As such, staff identified the City’s sanitary sewage treatment payments to the Metropolitan Council as qualifying expenditures.</p>

Proposed ARPA Funds Allocation Plan		
<u>Project Name</u>	<u>Project Allocation</u>	<u>Project Description</u>
Sanitary Sewer – Metropolitan Council Sewer Charges	\$604,112.20	Proper sanitary sewage disposal and treatment is a critical component of combatting COVID-19. Due to major changes in activity in consumer behavior, the sanitary sewer fund experienced major revenue losses and compounding costs associated with the COVID-19 pandemic.
Total	\$604,112.20	
<p>Allocating the ARPA funding towards a major sanitary sewer expense is in the spirit of the act and has been approved by our auditors. The total Metropolitan Council sewer charges for 2023 are \$669,996. ARPA funds would cover the majority of this expense for 2023, creating needed relief in the fund.</p>		
Budget Impact	The City has \$604,112.20 of unrecognized revenue from SLFRF. Staff did not budget the expenditure of these funds.	
Attachment(s)	<ul style="list-style-type: none"> • Resolution 23-35 	
Action(s) Requested	Staff recommends the City Council approve the spending authorization of the ARPA / SLFRF funds in accordance with the federal standards as outlined in the final rule.	

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

May 10, 2023

No. 23-35

**A RESOLUTION TO AUTHORIZE EXPENDITURE OF CORONAVIRUS LOCAL
FISCAL RECOVERY FUNDS ESTABLISHED UNDER THE AMERICAN RESCUE
PLAN ACT**

WHEREAS, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

WHEREAS, as a result of the Pandemic, cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19; and

WHEREAS, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic; and

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, \$604,112.20 has been allocated to the City of Falcon Heights of which the initial distribution of \$302,056.11 has already been received pursuant to the ARPA (“Allocation”); and

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds; and

WHEREAS, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance; and

WHEREAS, the State of Minnesota distributed ARPA funds to the City because its population is less than 50,000; and

WHEREAS, In May of 2021, the US department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds; and

WHEREAS, On January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process; and

WHEREAS, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation; and

WHEREAS, recipients that select the standard allowance may use that amount, in many cases their full award, for governmental services, with streamlined reporting requirements; and

WHEREAS, the City Council has discussed the expenditures of the funds under the guidance of our attorneys and city auditors; and

WHEREAS, the City Council has determined that the funds are best used in our Sanitary Sewer Fund 601, which experienced significant revenue losses during and after the pandemic. The funds are to be used on our Metropolitan Council sanitary sewage treatment costs.

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

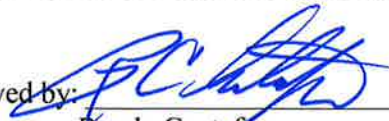
1. The City elects under the standard allowance available under the revenue loss provision of the American Rescue Plan Act in the amount of \$604,112.20 to be used for the replacement of revenue lost.
2. The City intends to utilize the funds towards our Metropolitan Council sanitary sewer charges in 2023.
3. City staff, together with the Mayor and the City Attorney are hereby authorized to take any actions necessary to allocate the City's share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.

Adopted by the City Council of City of Falcon Heights, Minnesota this ninth day of March 2022.

Moved by:

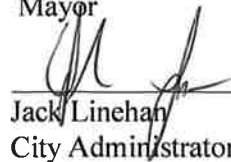
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Approved by:



Randy Gustafson
Mayor

Attested by:



Jack Linehan
City Administrator

GUSTAFSON

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In Favor

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Meeting Date	May 10, 2023
Agenda Item	Consent G3
Attachment	State of Minnesota Pay Equity Compliance Report
Submitted By	Jack Linehan, City Administrator

Item	Approve State of Minnesota Pay Equity Report Correction for Noncompliance Notice #1
Description	<p>In 1984, the Minnesota Legislature passed the Local Government Pay Equity Act. This act created a three-year cycle whereby each unit of local government is required to provide a report on levels of pay for each class of employee, with the goal of achieving equity among male and female classes. The City of Falcon Heights was required to submit a report by January 31, 2023 based on salary levels as of December 31, 2022. The City submitted a report on January 26th, following council approval.</p> <p>The City received a letter in March from the State of Minnesota Pay Equity Coordinator noting one area of noncompliance in our report. Under the “exceptional service – longevity” test, 66% of employees that the City claimed as receiving higher pay for years of service credit were male. Under the act, no more than 50% can be male. As a small organization of under 10 employees, this is difficult to achieve with the vast majority of our long-term employees male, and many of our recent hires female. This is due partially to our pay structure, as we reward employees at 6-months, 18-months, 5-years, 10-years and every five years after with pay increases. At the time of the reporting period (December 31, 2022), many of our new hires had not yet received their 6-month step increase and as such were at the base hiring pay.</p> <p>To fix the issue, staff worked with the MMB office to review our updated report. The issue was resolved by removing the “exceptional service – longevity” claim for all employees, as it was not necessary to achieve compliance. The State’s Pay Equity Coordinator reviewed our draft submission and signed off that this updated report would be compliant.</p> <p>There is no penalty for one order of noncompliance. If it is uncorrected by June 7, 2023, the City receives fines as outlined under the act.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> State of Minnesota Pay Equity Report
Action(s) Requested	Staff recommends that the Council approve the attached State of Minnesota Pay Equity Report.

Compliance Report

Jurisdiction: Falcon Heights
2077 West Larpenteur Avenue

Report Year: 2023
Case: 7 - 2022 Data - Noncompliance
Updated Data (Shared (Jur and
MMB))

Falcon Heights, -1 55113

Contact: Jack Linehan

Phone: (651) 792-7611

E-Mail: jack.linehan@falconhei
ghts.org

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	4	4	0	8
# Employees	4	4	0	8
Avg. Max Monthly Pay per employee	8332.09	5512.43		6922.26

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 100 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	3	3
b. # Below Predicted Pay	1	1
c. TOTAL	4	4
d. % Below Predicted Pay (b divided by c = d)	25.00	25.00

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 6	Value of T = -1.067
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a. Avg. diff. in pay from predicted pay for male jobs = 0

b. Avg. diff. in pay from predicted pay for female jobs = 1427

III. SALARY RANGE TEST = 0.00 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 0.00

B. Avg. # of years to max salary for female jobs = 0.00

IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A)

A. % of male classes receiving ESP = 0.00 *

B. % of female classes receiving ESP = 0.00

*(If 20% or less, test result will be 0.00)

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Meeting Date	May 10, 2023
Agenda Item	Consent G5
Attachment	Resolution 23-36
Submitted By	Kelly Nelson, Assistant to the City Administrator

Item	Resignation of Andrea LaDouceur from the Community Engagement Commission
Description	Andrea LaDouceur was appointed in May 2020 and has been a great addition to the commission. Staff would like to thank Andrea for her commitment and time while wishing her well in future endeavors.
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> Resolution 23-36 Resignation of Andrea LaDouceur from CEC
Action(s) Requested	Staff recommend approval of attached resolution, accepting the resignation of Andrea LaDouceur from the Community Engagement Commission.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

May 10, 2023

No. 23-36

**RESOLUTION ACCEPTING THE RESIGNATION OF ANDREA LADOUCEUR FROM
THE FALCON HEIGHTS COMMUNITY ENGAGEMENT COMMISSION**

WHEREAS, the City appointed Andrea LaDouceur as a member of the City of Falcon Heights Community Engagement Commission in 2020 and

WHEREAS, on April 9, 2023 Ms. LaDouceur communicated her intent to resign her duties from the Commission effective immediately;


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

1. That the resignation is accepted by the City Council of the City of Falcon Heights.

Moved by:

Leehy

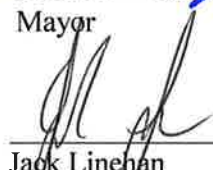
Approved by:


Randall C. Gustafson
Mayor

GUSTAFSON
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WASSENBERG

4 In Favor
0 Against

Attested by:


Jack Linehan
City Administrator

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Meeting Date	May 10, 2023
Agenda Item	Policy H1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Planning Commission Recommendation - Buhl Proposal - Caribou Coffee
Description	<p>On March 28, 2023, the Planning Commission held a public hearing to review a proposed development next to the current Amber Union Apartment site. The proposal is for a Caribou Coffee, drive-through and walk-up only, coffee shop.</p> <p>The Falcon Heights City Council met at a special meeting on May 3, 2023 to consider this proposal. Hannah Lynch, Community Development Coordinator, presented an overview of the request and the applicant gave an updated presentation. The meeting had a hard stop at 7:30 PM.</p> <p>City Council discussed the proposal and asked questions about the requirements for drive-through only and discussed providing the applicant with direction should he want to continue to pursue this project. They also discussed revising some of the Findings of Fact due to the incorporation of findings relating to Comprehensive Plan goals that are not codified. Examples of this include the goal to eventually require applicants to complete a Health Impact Assessment and to not allow redevelopment until a study is done of the Larpenteur / Snelling corridor. These items are currently being discussed by the Planning Commission in a review of the Comprehensive Plan, but neither of those requirements have been put into place yet. Due to this and the need for more review by City Council, this was tabled to the May 10, 2023 regular City Council meeting.</p> <p>Currently the City Code does not allow drive-throughs for food establishments anywhere in the city. Should City Council choose to move forward with approval of this proposal, a number of amendments would need to be made to City Code.</p> <p><u>History of Amber Union & Current Status</u></p> <p>The Amber Union PUD encompasses the 3.78 acres of the parcel located on the southwest corner of the intersection of Snelling and Larpenteur Avenues. The additional two parcels, located just to the west, have served as 214 parking</p>

stalls, some reserved for additional Amber Union parking, with approximately 167 of those utilized as overflow parking.

Proposed Use & Changes to Code

In February 2023, an application was received for an amendment to City Code to rezone the additional two parcels to PUD, amend the Amber Union PUD to allow a drive-through eating establishment, and amend the definition of “drive-through facility” and supplemental regulations in City Code.

Historically, drive-through facilities for eating establishments have not been permitted in Falcon Heights. Currently the definition for “drive-through facility” in City Code Sec. 113-3 *Definitions* states, “*the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution. A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.*”

This definition specifically prohibits drive-through facilities except as an accessory to banking or financial institutions. To allow this project to move forward, this definition would need to be amended, while keeping with the intent of protecting the City from drive-through facilities being permitted by right in any specific zoning district. The suggested amendment to this definition proposes allowing drive-through facilities for eating establishments only as part of a PUD, which would go through an extensive review and public hearing process.

In addition, the Amber Union PUD would be amended to allow drive-through eating establishments as a permitted use and updated with new drawings referenced.

Finally, there are supplemental regulations for drive-through facilities within City Code. Specifically, the section regarding operation time was requested by the applicant to be amended to state it may be operated starting at 6:00 a.m.

Public Hearing & Recommendation from the Planning Commission

A number of residents appeared at the public hearing to speak on the proposal. There were many concerns centered around safety for pedestrians, emissions from idling vehicles, and consistency with the Comprehensive Plan.

	<p>According to City Code, no amendment to the chapter may be adopted unless it is found to be consistent with the city’s comprehensive plan. The term “drive-through” is not specifically stated anywhere in the 2040 Comprehensive Plan. Because of this, the general goals and policies of the plan should be assessed to determine if the addition of a drive-through facility for an eating establish is or is not consistent with the plan.</p> <p>After review by the Planning Commission, it was voted 4-0 to recommend denial of the project to City Council. A number of reasons were behind this, all of which are stated in the Findings of Fact and recommendation from the Planning Commission, available in the packet for the May 3, 2023 City Council meeting.</p>
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> - Updated Findings of Fact and Decision from City Council <hr/> <p>Available in 5/3/2023 City Council Packet:</p> <ul style="list-style-type: none"> - Signed Findings of Fact and Recommendation from the Falcon Heights Planning Commission - Draft Minutes from March 28, 2023 Planning Commission meeting - Copy of Staff Presentation from March 28, 2023 Planning Commission meeting - Copy of Buhl Presentation from March 28, 2023 Planning Commission meeting - RCA Packet from March 28, 2023 Planning Commission meeting, including: <ul style="list-style-type: none"> o Application for Amendment to Amber Union PUD o Narrative from Applicant o Proposed Plans from Applicant o Traffic Study from SRF o Stormwater Management Memorandum from Kimley-Horn o Posted Notice o Newspaper Notice o Newspaper Notice Affidavit o Notice to Property Owners o Notice to Residents o Comments from Fire Marshal, City Engineer o Section 113-35 from Falcon Heights City Code – Amendments to Zoning Code o An Ordinance Amending Chapter 113 of the Falcon Heights City Code Concerning Drive-Through Facilities and Amber Union PUD

Action(s) Requested	<p>The Planning Commission recommends City Council deny the application for the Caribou Coffee, including all proposed amendments to City Code that would be required, and adopt the Findings of Fact as proposed.</p> <p>Staff has drafted revised Findings of Fact for City Council to review as an alternative.</p>
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CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

IN RE:

Application of Buhl Larpenteur West LLC,
5100 Eden Ave, Suite 317, Edina, MN 55436,
for an amendment to City Code and the
Amber Union PUD to allow drive-through
facilities for eating establishments.

**FINDINGS OF FACT
AND
DECISION**

On ~~May 3~~~~March 28~~, 2023, the Falcon Heights ~~Planning Commission~~~~City Council~~ met at ~~its regularly scheduled~~~~held a special~~ meeting to consider the application of Buhl Larpenteur West LLC, 5100 Eden Ave, Suite 317, Edina, MN 55436 for an amendment to City Code and the Amber Union PUD to allow drive-through facilities for eating establishments, and extend the Amber Union PUD to cover two additional parcels. ~~This meeting was tabled to be continued at the May 10, 2023 regularly scheduled meeting.~~ The Planning Commission ~~previously~~ conducted a public hearing ~~at their March 28, 2023 meeting~~ on the proposed amendment preceded by published and mailed notice. The applicant was present, and the Planning Commission heard testimony from all interested persons wishing to speak and now makes the following:

FINDINGS OF FACT:

1. The subject property is three adjacent parcels, Ramsey County Tax Parcel IDs 212923110030, 212923110028, and 212923110029, located at the southwest corner of Larpenteur Avenue and Snelling Avenue in Falcon Heights, MN.

2. Tax Parcel ID 212923110030, 1667 Snelling Avenue, Falcon Heights, MN 55108, is currently zoned Planned Unit Development (PUD) and is otherwise known as the Amber Union PUD.
3. Tax Parcel IDs 212923110028, 1644 Larpenteur Avenue W, Falcon Heights, MN 55113, and 212923110029, 0 Larpenteur Avenue W, Falcon Heights, MN 55113, are currently zoned R5M, High Density Residential Mixed Use.
4. The subject properties are legally described as:
 - 212923110030: The North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter, in section 21, township 29, range 23, Ramsey County, Minnesota, except that part taken for Snelling and Larpenteur Avenues.
 - 212923110028: The West 150 feet of the East 160 feet of the North 283 feet of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 21, Township 29, Range 23, West of the Fourth Principal Meridian.
 - 212923110029: The East 250 feet of the North 500 feet except the West 150 feet of the East 160 feet of the North 283 feet of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 21, Township 29, Range 23.
5. The current Amber Union PUD is to provide for the mixed uses of multi-family apartments and a retail space. Permitted uses and zoning regulations are as follows: The R5-M mixed use high density residential district regulations shall apply to the property subject to the following modifications:
 - (1) Permitted uses: One principal structure consisting of 111,640 square feet and 89 apartment units and one principal structure consisting of 59,195 square feet, 39 apartment units, and one retail space.

(2) No conditional uses.

(3) No interim uses.

(4) Setbacks as depicted in the site plan dated September 23, 2019 prepared by
Kimley Horn and Mohagen Hansen.

6. On March 6, 2023, an application was received from Pete Deanovic, Buhl Larpenteur West LLC, 5100 Eden Avenue Suite 317, Edina, MN 55436 for a rezoning and plan review of a proposed coffee shop with drive-through located on Tax Parcel ID 212923110029. This would require a text amendment to City Code and extending the boundary of the Amber Union PUD to cover two additional parcels, 212923110029 and 212923110028.
7. The proposed PUD amendment is not in compliance with the City Code.
8. In City Code, drive-through facilities are “defined as the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution. A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”
9. As drive-through facilities for eating establishments are not permitted anywhere in the City of Falcon Heights, it was determined to accommodate this change, the definition of “drive-through facility,” the uses permitted in the Amber Union PUD, the boundaries of the Amber Union PUD, and the supplemental guidelines for “drive-through facilities” would need to be amended within City Code.

10. When an amendment to a PUD is requested after the PUD has been issued its Certificate of Occupancy, including but not limited to changes in land use, increases in development density or intensity or changes in the provisions for common open spaces shall require a PUD amendment. The amendment process for planned unit developments is the same as that for all other amendments of the Zoning chapter in City Code.
11. The City of Falcon Heights Planning Commission met at its regularly scheduled meeting on March 28, 2023 to conduct a public hearing and issue a recommendation on the requested amendment and rezoning request. The Planning Commission voted 4-0 to recommend denial of the amendment and rezoning request.
12. An amendment to a planned unit development or any other amendment of the Zoning chapter of City Code must conform to the process outlined in Section 113-35. It was determined all requirements from Section 113-35(a-d) were met. The applicant for the proposed amendment was the property owner, Buhl Larpenteur West LLC, and the application was received on an official application form. Required notice of the public notice was sent to all property owners within 350' of the subject properties, and published in the newspaper in the required timeframe. A public hearing was held by the Planning Commission with a recommendation voted on to be sent to City Council. Requirement 113-35(f) will be conformed with upon action by City Council.
13. Section 113-35(e) requires the following:
 - (e) *Consistency with comprehensive plan.* No amendment to this chapter shall be adopted which is in conflict with the city's comprehensive plan.
14. Upon review by ~~the Planning Commission~~City Council of the information provided by the applicant, staff, ~~and~~ comments from citizens, and the recommendation from the

[Planning Commission](#), the following has been found regarding consistency with the comprehensive plan:

- (a) The [Planning Commission](#)[Falcon Heights City Council](#) has found the proposed amendments and rezoning to not be consistent with the Comprehensive Plan in the following sections with additional commentary –

General Land Use Goals (page 44) –

4. To encourage practices that conserve energy and lower the City’s over-all carbon emissions, making Falcon Heights a healthier, more sustainable community.

5. To encourage sustainability and resiliency practices that reduce energy consumption and carbon emissions, mitigate the effects severe weather and a changing climate.

[The Planning Commission](#)[City Council](#) finds allowing a drive-through facility for an eating establishment does not contribute to lowering the City’s overall carbon emissions as it has been shown that idling vehicles increase carbon emissions.

3. To enhance access and safety for pedestrians and non-motorized transportation.

[The Planning Commission](#)[City Council](#) finds a drive-through eating establishment would not enhance access and safety for pedestrians and non-motorized transportation as it encourages vehicle use. Despite the proposal including a walk-up window for pedestrians, there is still an issue of the safety for pedestrians traveling across the drive-through lane.

General Land Use Policies (page 45) –

~~1. Adopt and encourage “complete streets best practices” to promote public health and encourage an active lifestyle for residents. Require a health impact assessment for new development/redevelopment.~~

~~The Planning Commission finds no health impact assessment to have been completed.~~

~~Axis of Redevelopment—The Larpenteur Corridor (page 50)–~~

~~A comprehensive corridor study of both Snelling and Larpenteur, with ample opportunity for public participation, is recommended as part of the implementation of this plan, before any significant redevelopment is initiated along the Larpenteur Avenue corridor in Falcon Heights.~~

~~The Planning Commission finds a comprehensive corridor study has not yet been completed for the area of the proposed project. The Planning Commission also finds a comprehensive corridor study is needed before amending City Code to allow uses previously not allowed entirely.~~

~~Larpenteur Corridor Policies (page 51)–~~

~~6. Employ the health impact assessment and other tools to ensure that new development along Larpenteur Avenue is safe, attractive and walkable and enhances the quality of life for residents of the City.~~

~~The Planning Commission finds no health impact assessment to have been completed.~~

8. Make sure all development follows the City’s sustainability and resiliency goals (page 52).

~~The Planning Commission~~City Council finds developing a drive-through facility to be a contradiction to the City's sustainability and resiliency goals, as the practice increases the carbon emissions within the City.

~~Commercial / Business Policies (page 63) –~~

~~2. Require health impact assessments and environmental impact assessments for new development or redevelopment.~~

~~The Planning Commission finds no health impact assessment to have been completed.~~

Environmental Protection Goals (page 143) –

2. To protect people and property from excessive noise, pollution and natural hazard.

~~The Planning Commission~~City Council finds the development of a drive-through facility for an eating establishment to increase pollution due to the idling of vehicles.

3. To improve the health of residents and those who work within the city.

~~The Planning Commission~~City Council finds the development of a drive-through facility for an eating establishment that increases pollution due to the idling of vehicles to decrease the health of residents and those who work within the city.

Environmental Protection Policies (page 143) –

8. Monitor air quality at Snelling/Larpenteur Avenues and maintain the intersection as necessary to assure that ambient pollution levels are not substantially increased.

~~The Planning Commission~~City Council finds the increase of carbon emissions due to the development of a drive-through facility and additional idling vehicles will increase the ambient pollution levels of the intersection at Snelling and Larpenteur Avenues.

15. ~~The Planning Commission~~City Council finds the usage of a Planned Unit Development in the case of this proposal to be inconsistent with the goal of a PUD as outlined in City Code:

ARTICLE V - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 113-199 - Purpose

The planned unit development district is intended to permit flexibility of site design, the conservation of land and open space through clustering of buildings and activities, and an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by allowing deviations from standards including setbacks, heights and similar regulations. PUDs are characterized by central management, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses.

~~The Planning Commission~~City Council finds the cumulative outcome of the proposed amendments and rezoning does not conserve land or open space and does not increase density with an efficient distribution of uses. While ~~technically~~ there will be mixed uses within the Amber Union PUD as a whole, the additional building to be constructed for the coffee shop will be a singular use which is not the intent of a Planned Unit Development.

RECOMMENDATION:

The Falcon Heights ~~Planning Commission~~City Council hereby ~~recommends denial~~denies of the Applicant's request for an amendment to City Code and the Amber Union PUD and rezoning.

ADOPTED by the Falcon Heights ~~Planning Commission~~City Council on this _____ day of _____, 2023.

FALCON HEIGHTS ~~PLANNING~~

~~COMMISSION~~City Council

By: _____

~~Scott Wilson, Planning Commission~~

~~Chair~~Randy Gustafson, Mayor

GUSTAFSON _____ In favor

LEEHY

ATTEST: _____

MEYER _____ Against

~~Hannah B. Lynch~~Jack Linchan

WEHYEE

City Administrator

WASSENBERG

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

IN RE:

Application of Buhl Larpenteur West LLC,
5100 Eden Ave, Suite 317, Edina, MN 55436,
for an amendment to City Code and the
Amber Union PUD to allow drive-through
facilities for eating establishments.

**FINDINGS OF FACT
AND
DECISION**

On May 3, 2023, the Falcon Heights City Council held a special meeting to consider the application of Buhl Larpenteur West LLC, 5100 Eden Ave, Suite 317, Edina, MN 55436 for an amendment to City Code and the Amber Union PUD to allow drive-through facilities for eating establishments, and extend the Amber Union PUD to cover two additional parcels. This meeting was tabled to be continued at the May 10, 2023 regularly scheduled meeting. The Planning Commission previously conducted a public hearing at their March 28, 2023 meeting on the proposed amendment preceded by published and mailed notice. The applicant was present, and the Planning Commission heard testimony from all interested persons wishing to speak and now makes the following:

FINDINGS OF FACT:

1. The subject property is three adjacent parcels, Ramsey County Tax Parcel IDs 212923110030, 212923110028, and 212923110029, located at the southwest corner of Larpenteur Avenue and Snelling Avenue in Falcon Heights, MN.

2. Tax Parcel ID 212923110030, 1667 Snelling Avenue, Falcon Heights, MN 55108, is currently zoned Planned Unit Development (PUD) and is otherwise known as the Amber Union PUD.
3. Tax Parcel IDs 212923110028, 1644 Larpenteur Avenue W, Falcon Heights, MN 55113, and 212923110029, 0 Larpenteur Avenue W, Falcon Heights, MN 55113, are currently zoned R5M, High Density Residential Mixed Use.

4. The subject properties are legally described as:

212923110030: The North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter, in section 21, township 29, range 23, Ramsey County, Minnesota, except that part taken for Snelling and Larpenteur Avenues.

212923110028: The West 150 feet of the East 160 feet of the North 283 feet of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 21, Township 29, Range 23, West of the Fourth Principal Meridian.

212923110029: The East 250 feet of the North 500 feet except the West 150 feet of the East 160 feet of the North 283 feet of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 21, Township 29, Range 23.

5. The current Amber Union PUD is to provide for the mixed uses of multi-family apartments and a retail space. Permitted uses and zoning regulations are as follows: The R5-M mixed use high density residential district regulations shall apply to the property subject to the following modifications:

- (1) Permitted uses: One principal structure consisting of 111,640 square feet and 89 apartment units and one principal structure consisting of 59,195 square feet, 39 apartment units, and one retail space.

(2) No conditional uses.

(3) No interim uses.

(4) Setbacks as depicted in the site plan dated September 23, 2019 prepared by
Kimley Horn and Mohagen Hansen.

6. On March 6, 2023, an application was received from Pete Deanovic, Buhl Larpenteur West LLC, 5100 Eden Avenue Suite 317, Edina, MN 55436 for a rezoning and plan review of a proposed coffee shop with drive-through located on Tax Parcel ID 212923110029. This would require a text amendment to City Code and extending the boundary of the Amber Union PUD to cover two additional parcels, 212923110029 and 212923110028.
7. The proposed PUD amendment is not in compliance with the City Code.
8. In City Code, drive-through facilities are “defined as the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank of financial institution. A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”
9. As drive-through facilities for eating establishments are not permitted anywhere in the City of Falcon Heights, it was determined to accommodate this change, the definition of “drive-through facility,” the uses permitted in the Amber Union PUD, the boundaries of the Amber Union PUD, and the supplemental guidelines for “drive-through facilities” would need to be amended within City Code.

10. When an amendment to a PUD is requested after the PUD has been issued its Certificate of Occupancy, including but not limited to changes in land use, increases in development density or intensity or changes in the provisions for common open spaces shall require a PUD amendment. The amendment process for planned unit developments is the same as that for all other amendments of the Zoning chapter in City Code.
11. The City of Falcon Heights Planning Commission met at its regularly scheduled meeting on March 28, 2023 to conduct a public hearing and issue a recommendation on the requested amendment and rezoning request. The Planning Commission voted 4-0 to recommend denial of the amendment and rezoning request.
12. An amendment to a planned unit development or any other amendment of the Zoning chapter of City Code must conform to the process outlined in Section 113-35. It was determined all requirements from Section 113-35(a-d) were met. The applicant for the proposed amendment was the property owner, Buhl Larpenteur West LLC, and the application was received on an official application form. Required notice of the public notice was sent to all property owners within 350' of the subject properties, and published in the newspaper in the required timeframe. A public hearing was held by the Planning Commission with a recommendation voted on to be sent to City Council. Requirement 113-35(f) will be conformed with upon action by City Council.
13. Section 113-35(e) requires the following:
 - (e) *Consistency with comprehensive plan.* No amendment to this chapter shall be adopted which is in conflict with the city's comprehensive plan.

14. Upon review by City Council of the information provided by the applicant, staff, comments from citizens, and the recommendation from the Planning Commission, the following has been found regarding consistency with the comprehensive plan:

(a) The Falcon Heights City Council has found the proposed amendments and rezoning to not be consistent with the Comprehensive Plan in the following sections with additional commentary –

Chapter III, Section 1: General Land Use Goals (page 44) –

3. To enhance access and safety for pedestrians and non-motorized transportation.

City Council finds a drive-through eating establishment would not enhance access and safety for pedestrians and non-motorized transportation as it encourages vehicle use. Despite the proposal including a walk-up window for pedestrians, there is still an issue of the safety for pedestrians traveling across the drive-through lane.

4. To encourage practices that conserve energy and lower the City's over-all carbon emissions, making Falcon Heights a healthier, more sustainable community; AND

5. To encourage sustainability and resiliency practices that reduce energy consumption and carbon emissions, mitigate the effects severe weather and a changing climate.

City Council finds allowing a drive-through facility for an eating establishment does not contribute to lowering the City's overall carbon emissions as it has been shown that idling vehicles increase carbon emissions.

Chapter III, Section 2: Larpenteur Corridor Policies (page 52) –

8. Make sure all development follows the City’s sustainability and resiliency goals.

City Council finds developing a drive-through facility to be a contradiction to the City’s sustainability and resiliency goals, as the practice increases the carbon emissions within the City.

Chapter VII: Environmental Protection Goals (page 143) –

2. To protect people and property from excessive noise, pollution and natural hazard.

City Council finds the development of a drive-through facility for an eating establishment to increase pollution due to the idling of vehicles.

3. To improve the health of residents and those who work within the city.

City Council finds the development of a drive-through facility for an eating establishment that increases pollution due to the idling of vehicles to decrease the health of residents and those who work within the city.

Chapter VII: Environmental Protection Policies (page 143) –

8. Monitor air quality at Snelling/Larpenteur Avenues and maintain the intersection as necessary to assure that ambient pollution levels are not substantially increased.

City Council finds the increase of carbon emissions due to the development of a drive-through facility and additional idling vehicles will increase the ambient pollution levels of the intersection at Snelling and Larpenteur Avenues.

15. City Council finds the usage of a Planned Unit Development in the case of this proposal to be inconsistent with the goal of a PUD as outlined in City Code:

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City Council finds the cumulative outcome of the proposed amendments and rezoning does not conserve land or open space and does not increase density with an efficient distribution of uses. While there will be mixed uses within the Amber Union PUD as a whole, the additional building to be constructed for the coffee shop will be a singular use which is not the intent of a Planned Unit Development.

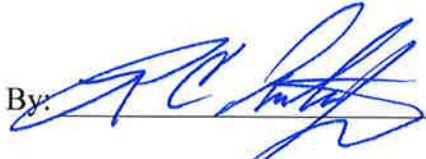
DECISION:

The Falcon Heights City Council hereby denies the Applicant's request for an amendment to City Code and the Amber Union PUD and rezoning.

ADOPTED by the Falcon Heights City Council on this 10th day of May, 2023.

Motion:

FALCON HEIGHTS City Council

By: 
Randy Gustafson, Mayor

GUSTAFSON 4 In favor
LEEHY
MEYER 0 Against
WEHYEE
WASSENBERG

ATTEST: 
Jack Linehan, City Administrator