

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

MINUTES

Wednesday, October 11, 2023
7:00 p.m.

- A. CALL TO ORDER: 7:01 PM
- B. ROLL CALL: GUSTAFSON_X_ LEEHY_X_ MEYER_X_
WASSENBERG_X_ WEHYEE_X_

STAFF PRESENT: LINEHAN_X_ SMITH_X_

- C. APPROVAL OF AGENDA

Mayor Gustafson notes an amendment to the agenda.

Councilmember Wehyee requests Consent Agenda Item 7. Summary Ordinance Smoking in Parks, to be moved to Policy Items.

Councilmember Leehy motions to approve the amended agenda; approved 5-0

- D. PRESENTATION
1. Falcon Heights Elementary – Principal Beth Behnke

Principal Behnke extends appreciation from the school community and neighborhood to the City for ensuring safety by providing a sidewalk and improving the roads in the neighborhood. Principal Behnke presents an art work made by the Art teacher and students.

- E. APPROVAL OF MINUTES:
1. September 27, 2023 City Council Regular Meeting Minutes
2. October 4, 2023 City Council Workshop Meeting Minutes

Councilmember Wassenberg motions to approve the minutes; approved 5-0

- F. PUBLIC HEARINGS:
1. 2023 Pavement Management Project (PMP) – Assessment Hearing

City Engineer Smith summarizes the project areas. Garden Ave was reconstructed from Snelling Ave to Hamline Ave. Garden Ave. received major curb replacement, minor sanitary and stormwater improvements and a sidewalk was added. These last two items are not assessed. Several streets received a mill & overlay, where the existing pavement is removed and replaced with new asphalt as well as utility improvements. Those streets include Holton St., Albert St., Sheldon St., Ruggles Ave. and similar work was done for the Idaho/Iowa Alleyway. Additionally, a pathway with ADA walkable surface was installed at Ruggles Pathway. Utility improvements and the Ruggles Pathway are not being assessed. Funding sources for the project include tonight’s proposed assessment, as well as several City funds such as, the street fund, sanitary funds, storm and sewer funds, Municipal State Aid (MSA)

and CRRSAA. Per the City's Assessment Policy, properties are assessed per the front footage of the lots. Long sides were capped at 176 feet (2 Garden Avenue parcels) and corner lots are assessed 100% on the long side of the lot and 0% on the short side of the lot. The proposed assessment rates are:

Per-Foot Assessment Rate	Feasibility Report	Final Proposed
Garden Avenue		
Non-Profit	\$ 160.34/ft	\$ 112.56/ft
Residential	\$ 64.14/ft	\$ 45.03/ft
Holton, Ruggles, Albert, Sheldon		
Non-Profit	\$ 49.05/ft	\$ 32.18/ft
Residential	\$ 19.62/ft	\$ 12.87/ft
Idaho-Iowa Alleyway		
Residential	\$ 32.03/ft	\$ 20.93/ft

The City ordered a benefit appraisal to verify the proposed assessment amount were within the bounds of State Statute 429 requirements that special assessment not exceed the cost-benefit of the assessed properties. Comparison of the proposed assessment roll with the appraisal report confirmed the proposed assessments are within the range of cost-benefits on all properties excepting one parcel; 1795 Holton St. Staff recommends modifying the assessment roll to include:

PID	Address	Assessment Based on Assessment Policy	Modified Assessment Based on Benefit Appraisal
152923340082	1795 Holton St	\$30,271.89	\$15,289.65

City Engineer Smith continues to explain the payment options. After the hearing and certification of the assessment roll, the assessment can be paid partially or all up-front interest free in the first 30 days. After it will be filed with Ramsey County and added to the property taxes. Length of payment period and interest rate set by City Council. There is an opportunity for hardship deferral. Appeals can be made to District Court.

Todd Thun 1800 - Albert St. N.

Todd filed an objection with the City on October 9th, 2023. He explains he lives on a corner lot that is short and skinny. Todd's property was assessed according to Garden Ave. residential rate. It is 100% assessed on the long side of the lot and 0% on the short side of the lot. He notes a number of properties are assessed on the short side of the lot and a few properties are assessed on the long side of the lot and believes this is unequal treatment and he will be making an appeal to the District Court.

Jennifer Stokes - 1810 Holton St.

Jennifer states she was thrilled to move to Falcon Heights and to have a long backyard. She feels it is unfair to pay the Garden Ave. residential rate that is three times higher, as her house faces Holton St. and not Garden Ave. Jennifer filed an objection with the City as well.

Cheryl Lamb - 1811 Simpson St.

Cheryl asks what the justification for the assessments of the Garden Ave. project is.

Jim Utne - 1806 Pascal St.

Jim feels homeowners along Garden Ave. are paying more per linear foot because the Garden Ave. project was tabled years ago and now the project included sidewalks. He adds that he is aware the City will be responsible for maintaining the sidewalk and wants to make sure this is in perpetuity.

Bonny Pothen - 1807 Hamline Ave.

Bonny explains she knows everyone is thrilled about the sidewalk, but she is worried about snow removal as often times snow gets deposited in their driveway. With the addition of the sidewalk she now wonders where this additional snow will be deposited.

Nina Samuels & Earl Schwartz - 1801 Albert St.

Nina and her husband filed an objection with the City. She adds that she understands from the League of Minnesota Cities, that Council may levy assessment against non-abutting properties that benefit from the improvements. Nina believes the improvements of Garden Ave. is a benefit to the entire neighborhood.

MaryAnna Schaefer - 1788 Albert St.

Mary-Anna echoes Nina's comments and wonders why the abutting properties are assessed for the Garden Ave. project when it benefits the entire City.

Adine Stokes - 1800 Holton St.

Echoes comments made by other residents.

Written Objections:

- *Terry & Katy Boyle - 1810 Simpson St.*
 1. The property is not receiving special benefit from the improvements
 2. The amount of the assessment exceeds any special benefit to the property
 3. The assessment is not uniform upon the same class of property

- *John & Olga Dale - 1803 Hamline Ave.*
 1. The property is not receiving special benefit from the improvements
 2. The amount of the assessment exceeds any special benefit to the property
 3. The assessment is not uniform upon the same class of property

- *Todd Thun 1800 - Albert St. N.*
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 2. The amount of the assessment exceeds any special benefit to the property
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- *Jennifer Stokes - 1810 Holton St.*
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- *Nina Samuels & Earl Schwartz - 1801 Albert St.*
 1. The property is not receiving special benefit from the improvements
 2. The amount of the assessment exceeds any special benefit to the property
 3. The assessment is not uniform upon the same class of property

Councilmember Wehyee motions to close the hearing by consent.

Mayor Gustafson comments that the new sidewalk on Garden Ave. is being paid for by the City and is not being paid for by assessments. The sidewalk will be maintained and cleared from snow by the City and this is being included in the Administrative Manual - Guidelines

for Snow and Ice Control. This updated manual will be adopted by Council at a future meeting. He adds there is a difference in assessments as the cost of a mill & overlay project are less than a total reclaim and rebuild project that was needed for Garden Ave. Council clarifies that the Garden Ave. project was not postponed to include sidewalks, it was postponed for financial balance and to have more consistency in property taxes across the whole City.

Administrator Linehan clarifies that the assessment policy adopted in 2007, has been the uniform policy for all assessments. Without this policy, the City would not be able carry out road construction projects or there would be a higher tax rate for all tax payers in the City. This is the first reclaim and rebuild project under this policy. The proposed assessment was reviewed by the City Attorney and it was recommended to get an appraisal done by an outside party. A third-party appraiser, Nagell Appraisers completed an independent benefit - evaluation assessment. The appraisal report confirmed the proposed assessments are within the range of cost-benefits.

City Attorney McDowell Poehler adds that the method of using a per linear foot assessment rate is uniform.

Council conversed the use of the cost-benefit assessment, which would have resulted in a higher assessment amount. They discussed what assessment policies other cities follow and concluded there is a wide range of assessment policies and tax structures in other cities.

Council then discussed communication of the pre-assessment hearings. Administrator Linehan comments that Council can have a separate meeting to vote on certifying the assessment roll. Originally, it was planned to have the vote later in the month, but Ramsey County moved their deadline up to prepay assessments. The Falcon Heights assessment policy requires a prepay period of 30 days, therefore the public hearing and vote were moved up as well.

Residents continue to voice their concerns regarding significant differences in assessments between properties. Council understands the frustration and agrees this project benefits the whole City and is taking these concerns into consideration to discuss other assessment options for future projects as there is currently a tight deadline. Administrator Linehan adds, that there are only two road projects left that would follow this same assessment policy.

Councilmember Wehyee asks what the process is of obtaining a hardship deferral.

Administrator Linehan explains that to obtain a hardship deferral, there are limitations to income. It has pros and cons. The homeowner will not pay for the assessment until they sell their home, but it continues to gain interest.

Councilmember Wehyee brings up the question of lowering the interest rate or making it interest free. Administrator Linehan answers Council would have to amend the assessment policy. Additionally, the City has a bond to pay for a portion of the project, which has an interest rate of 4.4%. Modification of the City's debt service would be challenging.

A resident states, the public hearing could have been held earlier to allow more time to make changes.

Mayor Gustafson apologizes and adds that a public hearing cannot be scheduled until the project is completed and costs are finalized.

Council discusses what reasons there are to postpone the vote to Monday to approve the assessment roll. It would allow staff more time to find solutions, but the levy cannot be

increased, only decreased. There is no more room for the City to spend more money on this project.

Resident MaryAnna Schaefer comments that she feels the whole City benefits from road improvements and therefore the assessment should be spread out more amongst all tax payers, rather than just the property abutting the road.

Council discusses the payment plans of the assessment. The assessment can be prepaid interest fee. 30 days after the assessment roll is approved by Council, it will be turned over to Ramsey County and it will be added to their property tax statements.

Councilmember Wassenberg motions to approve Resolutions 23-65, 23-66, 23-67, Resolution Adopting and Confirming Assessments for 2023 Pavement Management Project - Garden Avenue, Holton, Albert, Sheldon, And Ruggles, Alleyway between Iowa Avenue and Idaho Avenue from Pascal St. to Arona St.; Approved 5-0

G. CONSENT AGENDA:

1. General Disbursements through 10/5/23: \$357,332.62
Payroll through 9/30/23: \$21,729.60
Wire Payments through 9/30/23: \$13,952.01
2. City Licenses
3. Appointment of Rick Siefert to the Planning Commission
4. Agreement for Suburban Representation Selection Process to the St. Paul Board of Water Commissioners
5. Amber Union Fund Transfer
6. Lindig Circle Basin Corrective Work
- ~~7. Summary Ordinance Smoking in Parks~~
7. Public Works F-450 Super Duty Truck Purchase

Councilmember Leehy motions to approve the Consent Agenda; approved 5-0

Councilmember Wassenberg comments on the appointment of Rick Seifert to the Planning Commission and states he believes Rick will make an excellent addition to the commission.

Administrator Linehan comments on Consent Agenda 4. Agreement for Suburban Representation Selection Process to the St. Paul Board of Water Commissioners. Falcon Heights is a retail customer of SPRWS, for this reason the City has a seat on the board. It was recommended by SPRWS to reappoint the current representative, John Larkin, as they have been extremely satisfied with John's service.

H. POLICY ITEMS:

1. **Summary Ordinance Smoking in Parks**

Mayor Gustafson explains that Council motioned to approve Ordinance 23-07 at the City Council meeting on September 27, 2023 to expand the definitions of prohibited products in city parks within City Code. A Summary Ordinance was not included and City Council must approve all Summary Ordinances, which allows for condensed versions of passed ordinances to be published in the Pioneer Press rather than printing the full ordinance at a far greater expense.

Councilmember Meyer motions to Summary Ordinance 23-07 Smoking in Parks; approved 5-0

I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg thanks all residents for attending the 2023 Pavement Management Project (PMP) – Assessment Hearing. Receiving direct input allows Council to be more effective. The Parks and Recreation met on October 2nd and discussed organizing a fall event for 2024.

Councilmember Leehy echoes Councilmember Wassenberg’s comments regarding the Assessment Hearing.

Councilmember Wehyee has no announcements.

Councilmember Meyer comments the Environment Commission met on October 9th and they discussed a proposal to add 3 or 4 air quality monitors. They continue to partner with Xcel Partners in Energy.

Mayor Gustafson informs Council that the Planning Commission will meet Tuesday, October 24th During which they will discuss the Snelling & Larpenteur Corridor Study. League of Women Voters Roseville Area will have Conversations with Constituents on October 26, 6:30 p.m., which will be held in the Roseville City Hall.

Administrator Linehan announces the Planning Commission has two upcoming meetings:

- Wednesday, October 18th – Snelling / Larpenteur Corridor Study Open House
- Tuesday, October 24th – Public Hearing, PUD for a 100-unit apartment building in the west parking lot of Amber Union.

The Parks Commission will have an open house meeting on the preliminary Community Park redesign on Monday, November 6th at 6:30PM here in the Council Chambers. Public Works received the new StreetScout Speed Trailer it was deployed on Garden Avenue. It was financed using fund balance from the sale of former fire department equipment. The trailer is reporting speed data and will provide useful information for engineers, law enforcement, and policy makers. It also serves as public information reminders of our 20 mph speed limit launched in 2021. Public Works is also pouring sidewalks on Hoyt Ave. They are working on learning how to saw grind trip hazards on sidewalk panels. Street sweeping has begun unofficially and will continue multiple times this fall as leaves drop.

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: 9:35 PM

Councilmember Wehyee motions to adjourn the meeting; approved 5-0



Randall C. Gustafson, Mayor

Dated this 25th day of October, 2023



Jack Linehan, City Administrator