

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
AGENDA
January 10, 2007

- A. CALL TO ORDER: 7:00 PM
- B. ROLL CALL: GEHRZ ____ KUETTEL ____ HARRIS ____
 LINDSTROM ____ TALBOT ____
 MILLER ____ KREUSER ____
- C. PRESENTATION:
- D. APPROVAL OF MINUTES: December 13, 2006 **TAB 1**
- E. PUBLIC HEARINGS:
 - 1. Ordinance Adopting a Fee Schedule **TAB 2**
- F. CONSENT AGENDA:
 - 1. General Disbursements 12/13/06 through 1/4/07: \$259,315.89
 Payroll 12/1/06 through 12/31/06: \$15,719.88 **TAB 3**
 - 2. 2007 License Renewals **TAB 4**
 - 3. Review and adopt Council standing rules **TAB 5**
 - 4. Resolution 07-01 designating official depositories for 2007 **TAB 6**
 - 5. Consider resolution 07-02 approving a 3% standard compensation
 increase for regular employees in 2007 **TAB 7**
 - 6. Designation of official newspaper for 2007 **TAB 8**
 - 7. Appointment of City Engineer **TAB 9**
 - 8. Commission appointments **TAB 10**
 - 9. 2007 Tree Contractor Extension **TAB 11**
 - 10. Contract Renewal with Housing Resource Center **TAB 12**
 - 11. Agreement for legal services with Campbell Knutson **TAB 13**
 - 12. Appointment of Prosecuting Attorneys **TAB 14**
 - 13. Appointment of City Auditor for 2007 **TAB 15**
 - 14. Council liaison assignments **TAB 16**
 - 15. Recommendations for changes to the Employment Agreement for the
 City Administrator **TAB 17**
- ADDENDUM 16.** Approve Hiring of Melanie Leehy as Office Assistant
- G. POLICY AGENDA:
 - 1. Solicitor's Ordinance **TAB 18**
 - 2. Proposed New Ordinance on Mobile Storage Structures **TAB 19**
- H. COMMUNITY FORUM
- I. INFORMATION/ANNOUNCEMENTS

J. ADJOURN

**Regular Meeting of the City Council
December 13, 2006
7:00 p.m., City Hall**

Members present: Mayor Gehrz, Council members Harris, Kuettel, Lindstrom, and Talbot, Administrator Miller, and Assistant City Administrator/Deputy Clerk Kreuser.

Mayor Gehrz called the meeting to order at 7:00 p.m.

The minutes of the November 8 and December 4, 2006 meetings were approved as submitted.

CONSENT AGENDA:

Council member Kuettel asked why there were extreme differences between the costs for proposals for engineering. Administrator Miller replied that the biggest difference was that SEH was prepared to use lower-level staffers, and the City Engineer agrees they have seen similar bidding patterns in the past. He added that all companies bid on the same scope of work and the City Attorney wrote a tight contract.

Council member Talbot asked the difference between engineering for the Comp Plan and the engineering Roseville does for Falcon Heights. Administrator Miller answered that the Comp Plan is a more sophisticated analysis that most cities' engineering departments cannot handle, while engineering firms have expertise and can complete the work in an economical and comprehensive manner.

Council member Lindstrom asked whether Red Arrow was a commercial or residential hauler. Staff will check.

Council member Talbot moved the following nine items for approval. The motion passed unanimously.

1. General disbursements through 12/7/06: \$196,147.30
Payroll from 11/1/06 through 11/30/06: \$26,571.45
2. Approval of licenses
3. Continue Workman's Compensation coverage of Mayor and Council Members
4. Temporary Delegation of Authority to the City Administrator for Paying Claims Against the City when a Council Meeting is Cancelled
5. Mileage Reimbursement rate for 2007
6. Statutory Tort Limits Liability Coverage for City
7. Approval of an application for an exempt permit to conduct raffles for the Falcon Heights Elementary PTSA
8. Commission appointments effective January 1, 2007
9. Approval of Consultant Contract with SEH for Comprehensive Plan Update Engineering Services

Policy Agenda:

Mayor Gehrz asked the council to rearrange the order of the items on the agenda. They moved policy item four to item one.

1. Proposed Amendments to Falcon Heights Fire Department Relief Association By-Laws
Administrator Miller began the item by explaining firefighters get a pension when they retire from the department, and the relief association was created to handle the pension funds. He said

that there were discrepancies found in the by-laws and outlined the changes. In addition, the department has approved the changes.

Council member Talbot asked if the changes would be retroactive. Administrator Miller replied that they were not if the firefighter was retired and collecting pension already. It would affect those not already collecting a pension.

Mayor Gehrz said the changes would help to keep firefighters in Falcon Heights.

Council member Harris asked the retirement age. Dan Johnson-Powers of the FHFHD answered that there is no age, but vesting is determined by years of service.

Johnson-Powers explained the five-year rule, stating that firefighters can leave and come back to the department for any reason, and as long as it is within five years of their leaving, they can pick up where they left off in the vesting process.

Council member Talbot asked the average length of service for a firefighter in Falcon Heights. Johnson-Powers replied he was not sure, but that he had been with the department for eight years.

Administrator Miller said that no taxpayer dollars fund the relief association. A percentage of insurance premiums contribute to pension savings.

Johnson-Powers stated that when new firefighters come on board, there is a high initial investment and the department begs them each to discuss, consider, and make a five-year commitment.

Mayor Gehrz added that in addition to the 2% of insurance premiums, the relief association also does fundraisers throughout the year.

Council member Kuettel moved to approve the proposed amendments to Falcon Heights Fire Department Relief Association By-Laws. The motion passed unanimously.

2. Adoption of the 2007 tax levy and budget

Administrator Miller said that the council and staff have been working on the budget since July with workshops, setting the preliminary levy, holding the TNT hearing, and finally adopting the budget. He reviewed the increases.

Council member Harris asked the tax levy presentation be placed on the website.

Council member Kuettel said the levy was zero the last three years, and now is a \$22 increase. She said the City is a tight ship, and even with zero increases, services were not lost.

Council member Talbot said that councilors asked themselves if the City would be part of the solution of part of the problem and attributed the zero percent increases to wise use of reserves.

Mayor Gehrz said that every line item was scrutinized, and cuts were made without compromising services. She thanked staff for their hard work. She added that small increases to the levy amount would be needed in the future to maintain fund balances.

Council member Lindstrom said external pressures related to the police contract, health insurance premiums, and utility rates make up the increase. He added that by being innovative the City was able to maintain a 'status quo' budget, and is trying to do better, new things.

Council member Kuettel moved to approve resolution 06-31, adopting the 2007 tax levy. The motion passed unanimously.

Council member Kuettel moved to approve resolution 06-32, adopting the 2007 budget. The motion passed unanimously.

3. Amendments to Solicitor's Ordinance

Administrator Miller began by giving an overview of the process to date and outlined the changes made.

Council member Talbot asked if there was a provision for magazine salespeople or non-profits, and said it seemed as though the proposed ordinance was working backwards since these people do not need to obtain a license under the new ordinance.

Administrator Miller said there were exemptions in section five, and that in the City Attorney's opinion the proposed ordinance was as restrictive as possible.

Mayor Gehrz said the new ordinance would be a change. Currently non-profits do need a permit, and under the new ordinance this would not be the case.

Council member Harris pointed out that if a solicitor approaches your home and is inappropriate, calling the police is still encouraged.

Council member Talbot reiterated that the new ordinance would be undoing what the Council wants to enforce.

Administrator Miller stated that the current ordinance could be challenged. Under the opinion of the City Attorney, the proposed ordinance could withstand a challenge.

Mayor Gehrz said the responsibility goes back on the homeowner to use their judgment to report any suspicious activity, and to use the "no solicitors" sign because that will still apply under the new ordinance.

Council member Lindstrom asked if non-profits had to abide by the other provisions of the ordinance. Administrator Miller said they would, and would have to stay within the time constraints outlined.

Mayor Gehrz pointed out the background check notice should be added to the application.

Council member Harris questioned paragraph 13, regarding 'no solicitor' signs. Administrator Miller to clarify with City Attorney.

Mayor Gehrz asked how anyone will know the changes if they do not see the ordinance. Administrator Miller replied they would be published in the spring newsletter, posted online, and printed in the Falcon Flyer.

Council member Talbot stated the Council was not making any ground with the new ordinance.

Mayor Gehrz said that the old ordinance did not mesh with the Constitution, and the City legally could not enforce it.

The item will be brought before council at the next meeting, with the changes and clarifications made.

4. Background Checks Ordinance

Administrator Miller began by stating the SAPD and the City Attorney asked the City to update the ordinance. He said the ordinance would apply to employees, not just solicitors.

Council member Harris asked if the City has to notify an applicant for a solicitor's license of the earliest date to reapply. She stated she is fine with the employment aspect of the ordinance.

Council member Lindstrom asked if the new background check ordinance would apply to all employees. Administrator Miller replied that it could be as specific as needed. It would apply to parks/rec applicants that work with children, solicitors, and liquor license applicants.

Council member Lindstrom moved to approve ordinance 06-04. The motion passed unanimously.

Information/Announcements:

Council member Harris said the Parks/Rec Commission would meet on December 18.

Council member Lindstrom invited residents to the Community Garden Steering Committee meeting on January 8 at 7 p.m.

Council member Kuettel said that meeting notices and web streaming of council meetings could be found on the new website, www.falconheights.org

Council member Talbot encouraged residents to buy local for their Christmas trees.

Mayor Gehrz announced that the tobacco sellers in the City passed compliance checks. She said the Comp Plan Steering Committee met and heard a presentation by the LMC on demographic trends and land-use planning at their well-attended meeting. She said December 21 is the last 800 mhz policy planning meeting, as the process is complete. Lastly, a puppy is lost in the Grove. Reward is offered; call City Hall with any info.

The Council thanked Mayor Gehrz for her hard work on the 800 mhz program.

Administrator Miller said the new Parks and Public Works Director, Tim Pittman would start work on the 18th. In addition, he announced the retirement of Pat Phillips at the end of December. Applications are being accepted until December 29 for the 16-20 hour/week position.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Stacey Kreuser
Assistant City Administrator/Deputy Clerk

ITEM: Ordinance Adopting a Fee Schedule

SUBMITTED BY: Justin Miller, City Administrator

REVIEWED BY: Roger Knutson, City Attorney

EXPLANATION:

Each year, the city is required to adopt an ordinance detailing the fees which are charged for services provided. For the most part, the fee schedule for 2007 is remaining the same as 2006, with a few changes outlined below:

Building Inspection Fees

We are currently using the 1997 Universal Building Code fee schedule. As with most services, the cost to provide building inspection services have increased since 1997, so staff is recommending that the city adopt the 2003 schedule, which is the most recent update available. This structure is used by most metropolitan municipalities and is supported by our building inspector.

Total Valuation	2006 Fee	Proposed 2007 Fee
\$1.00 - \$500.00	\$23.50	\$25.00
\$501.00 - \$2,000.00	\$23.50 for first \$500, \$3.05/each additional \$100, to and including \$2000	\$25.00 for first \$500, \$3.25/each additional \$100, to and including \$2000
\$2,001.00 - \$25,000	\$69.25 for first \$2000, \$14/each additional \$1000, to and including \$25,000	\$73.75 for first \$2000, \$14.75/each additional \$1000, to and including \$25,000
\$25,001.00 - \$50,000	\$391.75 for first \$25,000, \$10.10/each additional \$1000, to and including \$50,000	\$413.00 for first \$25,000, \$10.75/each additional \$1000, to and including \$50,000
\$50,001.00 - \$100,000.00	\$643.75 for first \$50,000, \$7.00/each additional \$1000, to and including \$100,000.00	\$681.75 for first \$50,000, \$7.50/each additional \$1000, to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$993.75 for first \$100,000, \$5.60/each additional \$1000, to and including \$500,000	\$1,056.75 for first \$100,000, \$6.00/each additional \$1000, to and including \$500,000
\$500,001.00 - \$1,000,000.00	\$3,233.75 for first \$500,000, \$4.75/each additional \$1,000, to and including \$1,000,000	\$3,456.75 for first \$500,000, \$5.00/each additional \$1,000, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for first \$1,000,000, \$3.65/each additional \$1,000	\$5,956.75 for first \$1,000,000, \$4.00/each additional \$1,000

Planning Fees

The fee for applying for a variance is being increased from \$65 to \$100 to more accurately reflect the time and expenses associated with processing such an application. Also, copies of our city code will now only be available through Municipal Code, the company that managed our recent recodification process. As such, this fee has been removed from our fee schedule.

Licenses

The fee for solicitors is being changed from \$35 to \$25, as is referenced in our most recent discussions regarding the new solicitor ordinance.

Storm Sewer Charges

As discussed during the 2007 budget process, the cash balance in the storm sewer drainage fund is dangerously low. Continued increases in our expenditures (charges to outside agencies, salaries, etc.) require us to increase our fees. The new fees are outlined below:

Residential - \$6/quarter to \$9.75/quarter

Apartments and Commercial - \$56.00/acre to \$91.00/acre

Attached to this report are documents showing the estimated cash balances in the stormwater fund with and without the rate increase, as well as rate comparisons to other metropolitan cities.

All other fees and charges are proposed to remain the same.

ATTACHMENTS:

Draft 2007 Fee Schedule

Stormwater statistics and comparisons

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council hold a public hearing regarding the proposed 2007 fee schedule and then adopt the attached ordinance.

FEE SCHEDULE – DRAFT JANUARY 2007

A. LICENSES

1.	Business Licenses	
	<u>Item</u>	<u>Fee</u>
	Bus Benches (Courtesy)	\$ 25.00 per bench
	Filling Stations	
	Less than 15 hours	\$ 100.00
	15-20 hours	\$ 400.00
	20 hours or more	\$ 500.00
	General Business	\$ 50.00
	Pool Halls	\$ 800.00
	Precious Metal Dealer	
	Investigation fee/general	\$1500.00
	Investigation fee/MN only	\$ 500.00
	License fee	\$2000.00
	Restaurants	
	Lunchroom	\$ 50.00
	Less than 15 hours	\$ 100.00
	15-20 hours	\$ 400.00
	20 hours or more	\$ 500.00
	Therapeutic Massage License	
	Investigation fee	\$ 350.00
	License fee	\$ 100.00
2.	Liquor Licenses	
	<u>Item</u>	<u>Fee</u>
	Bottle Club	\$ 300.00
	Liquor, Off-Sale	\$ 150.00
	Liquor, On-Sale	\$4000.00
	Liquor, Special Event	\$ 25.00
	Liquor, Sunday	\$ 200.00
	Malt Beverage, Off-Sale	\$ 150.00
	Malt Beverage, On-Sale	\$ 500.00
	Malt Beverage, On-Sale (with wine license)	\$ 1.00
	Wine License	\$2000.00
3.	Other Licenses	
	<u>Item</u>	<u>Fee</u>
	Amusement machines (per machine)	\$ 30.00
	Cigarette sales	\$ 250.00
	Contractor licenses	\$ 30.00
	Itinerant salespersons & solicitors (for profit only)	\$ 25.00
	Pool tables (per table)	\$ 30.00
	Refuse Haulers	\$ 70.00

B. PERMITS

1. Building permit fees:

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for first \$500, \$3.25/each additional \$100, to and including \$2000
\$2,001.00 to \$25,000.00	\$73.75 for first \$2000, \$14.75/each additional \$1000, to and including \$25,000
\$25,001.00 to \$50,000.00	\$413.00 for first \$25,000, \$10.75/each additional \$1000, to and including \$50,000
\$50,001.00 to \$100,000.00	\$681.75 for first \$50,000, \$7.50/each additional \$1000, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,056.75 for first \$100,000, \$6.00/each additional \$1000, to and including \$500,000
\$500,001.00 to \$1,000,000.00	\$3,456.75 for first \$500,000, \$5.00/each additional \$1,000, to and including \$1,000,000
\$1,000,001.00 and up	\$5,956.75 for first \$1,000,000, \$4.00/each additional \$1,000

Other Inspections and Fees:

1. Inspections outside of normal business hours \$47.00 per hour¹ (minimum charge – two hours)
2. Reinspection fees assessed under provisions of Section 305.8 \$47.00 per hour¹
3. Inspections for which no fee is specifically indicated \$47.00 per hour¹ (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans \$47.00 per hour¹ (minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both actual costs²

¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

²Actual costs include administrative and overhead costs.

2. Relocation of structure or building: \$150.00
3. Demolition or removal of structure: \$1.25/1,000 cubic ft; minimum \$50.00
4. Mechanical permit fees

a. Residential Work

Base Fee \$25.00

Gas Piping

\$10.00 \$500 valuation or less (repair or installation)

\$ 4.00 Each additional \$500 cost of repair or installation

Gas or oil fired furnaces or boilers

\$20.00 First 100,00 BTU input or less.

\$ 3.00 Each additional 100,00 input or fraction thereof.

Warm air or hot water heating system
\$25.00 First 100,000 BTU input for construction, installation, alteration, or replacement of each warm air furnace duct work or hot water system per unit.

\$ 4.00 Each additional 100,000 BTU input or fraction thereof.

\$15.00 First 100,000 BTU input per unit on unit heaters

\$ 3.00 Each additional 100,000 BTU input or fraction thereof.

Air conditioning

\$25.00 First 5 tons (60,000 BTU) of air conditioning per unit or of cooling for duct work for air conditioning.

\$ 4.00 Each ton (12,000 BTU) or fraction thereof over first 5 tons for duct work or air conditioning.

Other Items

\$25.00 Wood burning furnace per unit

\$25.00 Swimming pool heater per unit

\$20.00 Air exchanger with duct work per unit

\$20.00 Gas or oil space heater per unit

\$20.00 Gas direct vent heater per unit

\$20.00 Gas fireplace log or heater per unit

b. Commercial Work

Gas piping, refrigeration, chilled water, pneumatic control, ventilation, exhaust, hot water, steam, and warm air heating systems.

This fee shall be \$50 plus 1-1/4 percent (1.25%) of the total valuation of the work. Value of the work must include the cost of installation, alteration, addition, and repairs, including fans, hoods, HVAC units and heat transfer units, and all labor and materials necessary for installation. In addition, it shall include all material and equipment supplied by other sources when those materials are normally supplied by the contractor.

5. **Plumbing Permit Fees.**

\$25.00 base fee plus \$7.00 per fixture installed

6. **Sewer Connection or Repair \$25.00**

7. **Water Connection**

<u>Meter Size</u>	<u>Fee</u>
3/4"	\$ 62.00
1"	\$ 115.00
1-1/2"	\$ 265.00
2"	\$ 470.00
3"	\$1,080.00

8. **Street Opening Fee**

\$25.00 (plus cost of permit)

C. PLANNING FEES

<u>Item</u>	<u>Fee</u>
Comprehensive Plan Amendment	\$ 500.00
Conditional Use Permit	\$ 165.00
Design Review (when required by code)	\$ 50.00

Lot Split (one lot into two)	\$ 250.00
Planned Unit Development	\$ 500.00
Rezoning/Zoning Amendment	\$ 500.00
Subdivision (>1 new lot)	\$ 300.00 + \$ 100.00/lot created
Variance	\$ 100.00

D. FACILITY RENTAL FEES

Private use of public facilities is permitted on a space available basis. Reservations and security deposits are required for private use of the following community facilities:

1. Park Facilities (see Guidelines Establishing Priority for use of Park Fields)

a. Field Rental (one day/week)

\$100.00 + sales tax	Community Park (includes access to bathrooms)
40.00 + sales tax	Curtiss Field

2. Park Buildings

a. Community Park

Fee

\$100.00 + sales tax per 6-hour shift or portion of a shift. \$35.00/hour in excess of the 6 hour shift.

\$20.00 + sales tax for Upper Picnic Area (connected to park building)

\$15.00 + sales tax for Lower picnic area (southwest corner of park)

b. Curtiss Field Building

\$40.00 + sales tax. \$5.00 per additional hour after 6 hours.

c. City Hall Facilities

\$100/first 3 hours

\$35 each additional hour

\$25.00 conference room

3. Damage and Key Deposit

A deposit of \$200.00 is required for any use when a key to a building is requested. This will be treated as a deposit for building and equipment repair when damage is caused by a rental party and/or for time spent cleaning when facilities are left in excessive disorder. If the building is left in good order and the key is returned, the full deposit shall be refunded.

E. FACILITY USE BY PUBLIC SERVICE ORGANIZATIONS

1. Public facilities are available for use on a reservation basis.

2. The following shall be allowed free use of public facilities:

a. Specifically listed local organizations:

- League of Women Voters
- Senior Citizen Groups (Falconeers, Roseville Area Seniors)
- Ramsey County League of Local Governments
- League of Minnesota Cities/Association of Metropolitan Municipalities
- Watershed management organizations
- Scouts, Brownie Troops, 4-H, Campfire

- Neighborhood Groups (e.g. Grove Association, Maple Knoll Courtyard Homeowner’s Association)
 - 55 Alive Mature Driving Class
 - Cable Commission
 - Developers when presenting to neighbors
 - Legislators for informational (non-campaign) meetings, except after the filing date and before the November election of a legislative election year unless requested by a majority of the city council
 - Northwest Youth and Family Service
 - Ramsey County Anti-Violence Initiative
 - Lauderdale and Falcon Heights Lions Club
 - Roseville Rotary Club
 - Party Precinct caucuses, legislated district conventions and county conventions under the requirements of MN State Statute 202A.192
 - AARP Tax Services
 - Hobby groups or clubs that meet the following criteria:
 - Falcon Heights based (A minimum of 25% of on-going members or participants are Falcon Heights residents.
 - Non-profit
 - Open membership
 - Founded on a hobby
 - Actively reaches out to include people of different ages, especially youth, to encourage intergenerational exchanges of information
 - Encourages a community service and/or benefit component
 - Falcon Heights neighborhood or community groups whose activities are open to all and for the sole purpose of developing, fostering and strengthening neighborhood and community well-being.
 - Any organization denied free use under this policy may appeal to the city council.
- b. The organization or group cannot be a private, business, political, or religious organization.
- c. Any organization denied free use under this policy as defined in this section may appeal to the city council.
3. The Roseville Area Schools will be charged their own prevailing rates for use of city facilities.

F. MISCELLANEOUS FEES.

<u>Item</u>	<u>Fee</u>
Agendas (Council or Planning) ¹	\$15.00/year
City Council Minutes ¹	\$35.00/year
Planning Commission Minutes ¹	\$20.00/year
Single xerox copies	\$.10/page
Assessment search	\$20.00
Maps	\$ 6.50
Open burning permit	\$25.00
(no charge for recreational fires)	

¹ The charges apply only when hard copies are mailed. Often these documents can be obtained free of charge on the website or by pick-up at City Hall.

G. FALSE ALARM FEES

1. Fire False Alarms
\$175.00 for second false alarm and \$225.00 for the third and all subsequent false alarms at an address within one calendar year.
2. Security False Alarms
\$35.00 for second call and \$60.00 for the third and each subsequent false alarm at an address within one calendar year.
3. Penalties and Assessment
Penalties for late payment and assessment of unpaid fees are the same as stipulated for unpaid utility fees in Section 5-4.01 of the city code.

H. PARKING FEES

<u>Item</u>	<u>Fee</u>
Application fee for residential area permit parking	\$150.00
Annual residential area parking permits	
First two vehicles	\$ 10.00/vehicle
Third and subsequent vehicles	\$ 20.00/vehicle
Lost permit replacement	\$ 5.00
Temporary parking permit (up to 3 weeks)	\$ 1.00/vehicle
Temporary parking permit for 5 or more vehicles for a one-time/ one-day event	\$ 5.00/event

I. SANITARY SEWER

The sanitary sewer fee is \$39.00 per quarter for residential units and \$.011506 per cubic foot for commercial units.

J. STORM DRAINAGE

The fee for storm drainage is \$9.75 per quarter for residential units and \$91.00 per acre for commercial and apartment units.

K. HYDRANT WATER

The fee for hydrant water is 4% surcharge of the water bill.

L. RECYCLING

The recycling charge is \$4.38 per quarter for residential units.

J. FEES FOR UNSPECIFIED REQUESTS

A private party or public institution (hereinafter applicant) making a request to the City for approval of a project or for public assistance must cover the City's consultants' costs associated with reviewing the request. Prior to having the request considered by the City, the applicant must deposit an escrow fee in an amount that is estimated to cover the City's consultants' costs as determined by the City Administrator. If the City's consultants' costs exceed the initial escrow deposited by the applicant, an additional escrow fee will be required to cover the additional costs. The City shall use the applicant's fees to cover the City's actual consultants' costs in reviewing the request regardless of the City's action on the applicant's request. If the applicant's escrow fees exceed the City's actual consultants' costs for reviewing the request, the remaining escrow fees shall be refunded to the applicant.

ITEM: **Disbursements and Payroll**

SUBMITTED BY: **Roland O. Olson, Finance Director**

REVIEWED BY: **Justin Miller, City Administrator**

EXPLANATION:

1. General Disbursements 12/13/06 through 1/4/07: \$259,315.89
2. Payroll 12/1/06 through 12/31/06: \$15,719.88

ATTACHMENTS:

General disbursements and payroll

ACTION REQUESTED:

Approval

ITEM: 2007 License Renewals

SUBMITTED BY: Stacey Kreuser, Assistant City Administrator/Deputy Clerk

EXPLANATION:

The following businesses have applied for renewal municipal licenses for 2007. City staff has obtained the necessary documents for licensure.

- John A. Knutson & Co., PLLP
- Jimmy Johns
- Martinizing Dry Cleaning
- Speedway Super America (grocery and cigarette)
- TIES
- Hamline-Hoyt Service
- Falcon Heights Gas and Convenience (car wash, cigarette, and grocery)
- Premier Health
- Arthur Williams Opticians, Inc.
- Warners Stellian
- Midwest Youth Dance Theatre
- Essential Sessions Studio
- Peterson Dental
- Edward Jones

The following businesses have applied for renewal refuse/recycling licenses for 2007. City staff has obtained the necessary documents for licensure.

- Allied Waste Systems/BFI
- Veolia Environmental (formerly Onyx Waste Service)
- Keith Krupenny & Son Disposal
- Aspen Waste Systems
- Waste Management
- Walter's Recycling and Refuse

The following businesses have applied for renewal tree trimming licenses for 2007. City staff has obtained the necessary documents for licensure.

- A-1 Walsh, Inc.
- Rainbow Tree Company
- St. Croix Tree Service
- Precision Tree
- Lone Oak Tree Service
- Northern Arborists
- S & S Tree and Horticultural Service

The following businesses have applied for renewal general contractor's licenses for 2007. City staff has obtained the necessary documents for licensure.

- Goodmanson Construction
- Asphalt Driveway Co.

The following individuals have applied for renewal home occupation licenses for 2007. City staff has obtained the necessary documents for licensure.

- Thomas D. Betz

The following businesses have applied for renewal mechanical contractor's licenses for 2007. City staff has obtained the necessary documents for licensure.

- Midland Heating and Air
- Krinkie Heating & AC

- South Town Refrigeration
- Owens Companies Inc.
- Wenzel Heating & AC

- Hoffman Corner Heating & AC
- Yale Mechanical

ITEM: **Review and adopt Council standing rules**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

Summary: Each year at the first Council meeting, the City Council reviews the operating procedures it intends to use, and decides if changes are warranted.

Staff has no recommendations for changes in the standing rules at this time.

ATTACHMENT:

City Council Standing Rules

ACTION REQUESTED:

Adopt standing rules as amended 2/8/2006 for 2007.

Amended February 8, 2006

B. CITY COUNCIL STANDING RULES

INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special council meetings, as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The council process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

MEMBERSHIP

The formal council membership consists of the four council members and the mayor. All five have one vote each and all five can introduce motions. For purposes of leading the meeting, the mayor, or in the absence of the mayor, the acting mayor will be considered the chairperson.

RULES

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all of the council members and any other persons having responsibility for an item at least three working days prior to the meeting. An agenda can be modified with addenda by a majority vote, but this should be used only for minor items or items with extreme time constraints.
2. An item can be moved from the consent agenda to the action agenda at the request of any council member.
3. Since there will be an audience and cable TV viewers not familiar with each item, the chair will give a brief explanation of each item as it is addressed.
4. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:
 - a. Filling in time before a scheduled item, i.e. a public hearing.
 - b. Grouping several items to best make use of consultant time.

- c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

Process – Regular and Special Council Meetings

1. For these proceedings, the council will use the “open discussion” procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city administrator, city clerk and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous, or irrelevant.
3. The chair can make liberal use of the “unanimous consent” procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement “If there are no objections . . . stands approved (or denied).” If any council member has an objection, the item reverts to the standard motion procedure. This “unanimous consent” procedure cannot be used for items requiring formal votes, i.e. resolutions, or for approval of the consent agenda.
4. The standard motion procedure is changed to not require a second. A motion need only to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation, but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the city clerk can request a clarification.
7. The meeting will be recorded and the recording will be retained for three months following approval of the minutes for that meeting. The standard retention can be extended if, in the judgment of the mayor, city administrator, city clerk or any council member, such action is warranted. Council workshop sessions are open to the public but will not be recorded.
8. If the council action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.
9. No council meeting will extend beyond 10:30 PM except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

Process – Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner, the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.
2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter, and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.
3. All individuals wishing to speak must identify themselves, their address, and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The council may take up to 15 minutes to review written statements presented at the meeting. If the council decides to not act on the issue at the public hearing meeting, it may, by majority vote, extend the time where written input will be taken to a day no later than one week before the next meeting where a deciding vote is planned.
4. All speakers are expected to be businesslike, to the point and courteous. Anyone not abiding by these rules will be considered out of order.
5. The council will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These “points of information” requests should be held to a minimum.
6. Once the public testimony phase is complete, the chair will announce the public hearing to be closed and the council will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the council.
7. It shall be the intent of the council to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
8. No public hearing will extend beyond 10 PM.
9. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
10. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part

of the public record.

11. If the public hearing is to set an assessment rate, the assessment formula(s) under discussion cannot be altered. This implies that the council has fully discussed any formulas prior to the hearing and that the appropriate legal, fiscal and engineering consultants have passed on formula(s) viability, legality and feasibility.
12. If the hearing is to set an assessment, it cannot be scheduled later than the first meeting in September. This is to allow time to correct any errors prior to the time needed to certify the rolls to the county.

ADOPTION/MODIFICATION/SUSPENSION

These rules, with the exception of the mandatory 10:30 PM adjournment, can be adopted, modified or suspended in whole or in part by a $\frac{3}{4}$ vote of the council. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually at the first meeting in January.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any council member and can be overruled by a majority vote.

Attachment

SIKKINK'S SEVEN MOTION SYSTEM

General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
 - (1) You usually cannot consider two motions of the same rank at the same time, and
 - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

ITEM: **Resolution 07-01 designating official depositories for 2007**

SUBMITTED BY: **Roland Olson, Finance Director**

REVIEWED BY: **Justin Miller, City Administrator**

EXPLANATION:

All investments are made according to State law and the City's Investment Policy. The City Administrator or Finance Director are authorized to deposit general and other funds therein and handle investments and transfers of funds for the City of Falcon Heights. Collateral is furnished by the financial institutions as required by law.

US Bank System, LMC 4M Fund (checking account)
US Bank National Association
RBC Dain Rauscher
Smith Barney/Citigroup Global Markets, Inc.
Wachovia Securities
Minnesota Municipal Money Market Fund (4M Fund) and (4M Plus Fund)
MBIA Municipal Investors Service Corporation
Wells Fargo Brokerage Services, LLC

ACTION REQUESTED:

Adoption of Resolution 07-01 approving the official depositories for 2007.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

January 10, 2007

No. 07-01

A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE
CITY OF FALCON HEIGHTS

BE IT HEREBY RESOLVED, by the city council of the City of Falcon Heights that the following financial institutions be designated as depositories for funds of the City of Falcon Heights:

US Bank System, LMC 4M Fund (checking account)
US Bank National Association
RBC Dain Rauscher
Smith/Barney Citigroup Global Markets, Inc.
Wachovia Securities (formerly Prudential)
Minnesota Municipal Money Market Fund (4M Fund) and (4M Plus Fund)
MBIA Municipal Investors Service Corporation
Wells Fargo Brokerage Services, LLC

BE IT FURTHER RESOLVED that the City Administrator or Finance Director is authorized to deposit general and other funds therein and handle investments and transfers of funds for the City of Falcon Heights. Collateral shall be furnished by the financial institutions as required by law.

Moved by:

Approved by: _____

Susan L. Gehrz, Mayor
January 10, 2007

GEHRZ _____ In Favor

KUETTEL

HARRIS _____ Against

LINDSTROM

TALBOT

Attested by: _____

Justin Miller
City Administrator
January 10, 2007

ITEM: **Consider Resolution 07-02 approving up to a 3% standard compensation increase for regular employees in 2007, subject to review and recommendation by supervisor**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

The Council is being asked to formally approve up to a 3% salary increase for regular employees with a satisfactory performance at the discretion of the City Administrator. This increase is budgeted for in the 2007 budget.

Staff will receive their performance evaluations the second or third full week of January and will be conducted by their supervisor or the City Administrator.

ACTION REQUESTED:

Approval of 3% standard compensation increase for regular employees for 2007, subject to review and recommendation by supervisor.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

January 10, 2007

No. 07-02

RESOLUTION AUTHORIZING COMPENSATION INCREASE FOR REGULAR EMPLOYEES

WHEREAS the 2007 budget includes a 3% standard compensation increase for regular employees;

NOW THEREFORE, BE IT RESOLVED that the City Administrator is hereby authorized to award up to a 3% compensation increase for regular employees for the year 2007.

Moved by:

GEHRZ
KUETTEL
HARRIS
LINDSTROM
TALBOT

_____ In Favor
_____ Against

Approved: _____

Susan L. Gehrz, Mayor
January 10, 2007

Attested: _____

Justin Miller
City Administrator
January 10, 2007

ITEM: Designation of official newspaper for 2007

SUBMITTED BY: Justin Miller, City Administrator

EXPLANATION:

State statute requires that a city designate a legal newspaper of general circulation in the city. This newspaper is used when the city is required to publish legal notification regarding public hearings, elections and city financial matters. There are three local papers that service Falcon Heights: Focus News, Park Bugle and the Roseville Review.

Staff recommends that the City designate the Roseville Review as its legal newspaper in 2006 for the following reasons.

- The Roseville Review circulates to most households in Falcon Heights.
- The Roseville Review is a weekly publication. A monthly publication such as the Park Bugle would not suit the City's needs, as the City Council meets twice a month, and legal notices must be published on a more timely schedule.
- The \$2.99 per column inch charge for the Roseville Review is significantly less expensive than the other bid received at \$4.50 per column inch from the Sun Focus Newspaper.

ACTION REQUESTED:

Designate the Roseville Review as the City's legal newspaper for 2007.

CONSENT F7
1/10/07

ITEM: **Appointment of City Engineer for 2007**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

Summary: Staff recommends that the contract with the City of Roseville be continued for 2007, and that Deb Bloom be appointed as the City Engineer.

ACTION REQUESTED:

Approval of Deb Bloom and the City of Roseville as City Engineer for 2007.

ITEM: **Commission appointments**

SUBMITTED BY: **Sue Gehrz, Mayor**

EXPLANATION:

Please approve the appointment of Eric Maronde to the Parks and Recreation Commission, retroactive to December 13, 2006. Maronde's appointment was inadvertently omitted from the December 13 commission appointments.

ACTION REQUESTED:

Approval of above for three-year terms.

ITEM: **2007 Tree Contractor Extension**

SUBMITTED BY: **Tim Pittman, Director of Parks and Public Works**

REVIEWED BY: **Justin Miller, City Administrator**

EXPLANATION:

Typically, the City takes proposals for tree removals annually. Since these are under the \$50,000 statutory competitive bidding cap, the City is not required to bid these contracts. Tree trimming takes place in the winter, when trees are largely dormant.

We currently are operating under our 2004 agreement with S & S Tree Service for tree removals. The trimming contract is a separate agreement, which was awarded in 2005. S & S has offered to honor their 2004 pricing for removals again in 2007. S & S has also offered to honor their 2005 quote for tree trimming in 2007. With increased fuel costs for companies with large fleets, as well as some difficulty in the past in getting proposals from reputable companies, it makes sense to extend the removal contract for one more year. In addition, staff has received many favorable comments about the quality of S & S's work, and they have provided an excellent response to emergency call-out, routine removals, and special situations, including our Dutch Elm season. Staff has reviewed this proposal with the city attorney, and there are no legal impediments to extending this contract.

ATTACHMENTS:

2004 agreement for removal of trees and stumps, S & S Tree Service
2005 proposal for tree trimming, S & S Tree Service

ACTION REQUESTED

Authorize staff to extend the current tree removal contract with S & S Tree Service through the end of 2007.

ITEM: **Contract Renewal with Housing Resource Center**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

Summary: The HRC provides services to Arden Hills, Circle Pines, Coon Rapids, Roseville, Shoreview, Columbia Heights, Falcon Heights, St. Anthony Village, Brooklyn Center, Crystal, New Hope, Robbinsdale and Minneapolis through contract. HRC's mission is to provide free housing services to all residents in their contract cities. They provide the following services:

- Information on home maintenance, safety, and improvement financing.
- MHFA Fix-up Fund Loan Program dollars
- Various home improvement and home purchase program funds
- Free construction consultations, including information on construction, building codes and permits
- Assistance in reviewing contractor bids, proposals and estimates
- Construction assistance during construction
- Site visits with homeowners regarding home improvements
- First time Homebuyer classes
- Rental information
- Mortgage foreclosure prevention programs
- Energy assistance programs

The contract also includes services to specific income groups, and age groups, including:

- Senior Housing Regeneration Program
- The Rehab Incentive Program

Falcon Heights became a contract city of the HRC in 2003. With our small staff, and the City's commitment to high service at a reasonable cost, the HRC contract is beneficial for our residents, and assists staff in providing a broader range of services. Staff recommends renewing our annual contract with the Housing Resource Center for 2007.

ATTACHMENTS:

Contract.

Spreadsheet of services used by Falcon Heights residents.

ACTION REQUESTED:

Approval of 2007 annual contract with the HRC in the amount of \$5,000 for the provision of housing-related services to the residents of Falcon Heights.

ITEM: **Agreement for legal services with Campbell Knutson**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

Summary: Staff recommends that the contract for civil legal services be approved for 2007. Staff continues to be very pleased with the quality of service provided by Campbell Knutson, and our city attorney Roger Knutson.

Campbell Knutson's last contract approval was in 2006. At that time, the rates were \$130 per hour for attorneys, and \$70 per hour for law clerks. The new rates would be \$135 per hour for attorneys, and legal assistants and law clerks will be billed at \$73 per hour. Other fees for postage or photocopies have not been adjusted.

Further, staff is asking the City Council to formally approve Roger Knutson as City Attorney (Civil) for 2007.

ATTACHMENTS:

Agreement for legal services

ACTION REQUESTED:

Approval of the City Attorney for 2007

**AGREEMENT FOR LEGAL SERVICES
BETWEEN THE CITY OF FALCON HEIGHTS AND
CAMPBELL KNUTSON
*Professional Association***

AGREEMENT made this 10th day of January, 2007, by and between the **CITY OF FALCON HEIGHTS**, a Minnesota municipal corporation ("City") and **CAMPBELL KNUTSON, *Professional Association***, a Minnesota corporation ("Attorney").

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

1. SERVICES AND RELATIONSHIP.

A. The Attorney shall furnish and perform general civil municipal legal services for the City. These services shall include:

1) The City will request the Attorney to act on civil matters on an ongoing and "as needed" basis.

2) The types of services required may include, but may not be limited to, some or all of the following:

a) Attendance at City Council meetings and other City board, commission, or committee meetings as requested by the City Council or City Administrator.

b) Drafting of ordinances, resolutions, and correspondence as requested.

c) Review of council and planning commission agenda items and minutes as requested.

d) Meetings and/or telephone conversations discussing and advising Mayor, Council members, City Administrator, and designated individuals on general legal matters.

e) Review of municipal contracts, including contracts for public improvements, joint powers agreements, construction, purchase of equipment, and the like.

f) Representation of the City in the acquisition of properties for public improvements, easements, parks, and the like.

g) Representation of the City in condemnation proceedings for public improvement projects, etc.

h) Representation of the City in matters related to the enforcement of City building, housing, and zoning codes.

i) Representation of the City in employment related issues, labor negotiations, arbitration, administrative hearings, and in litigation involving same.

j) Representation and advice with respect to municipal employment matters, including but not limited to: PERA, labor agreements, personnel policy, FLSA, veteran's preference, unemployment compensation, and worker's compensation.

k) Research and submission of legal options on municipal or other legal matters requested by City Council or City Administrator.

l) Providing a legal briefing as requested to the City Staff and Council regarding new or proposed legislation affecting municipal operations and activities.

m) Providing periodic written updates on new state or federal legislation or judicial holding impacting upon the City, and suggested action or changes in operations or procedures to assure compliance.

n) Defend the City in all litigation, except in those cases where insurance companies are required to exclusively provide defense, including but not limited to: (i) human rights claims; (ii) zoning and land use regulation matters; (iii) permits and administrative actions; and (iv) labor and employment matters.

o) Review bonds and insurance requirements required by or for contracts or activities.

p) Respond to City Staff inquiries and return telephone calls within the same day of inquiry.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

C. Roger Knutson will act as lead civil counsel for the City and be designated as City Attorney. Mr. Knutson's designation as City Attorney means that he will attend council meetings as requested and be the main contact and legal representative for the City. He will consult with and refer the City officials to other attorneys within the firm when appropriate.

D. This Agreement does not preclude the City from seeking legal counsel from another firm, if it finds it necessary to do so.

2. TERM.

A. The Attorney shall serve at the pleasure of the City Council, and this Agreement may be terminated without cause by action of the City Council.

B. The Attorney may terminate this Agreement at any time, provided that the Attorney shall give the City thirty (30) days written notice before the termination becomes effective.

3. PAYMENT.

A. **General Civil Municipal:** Attorneys - \$135.00 per hour, Legal Assistants and Law Clerks - \$73.00 per hour.

B. **Pass-through Legal Services:** The customary hourly rate of the particular attorney doing the work, currently ranging from \$130.00 to \$225.00 per hour, for legal services that are to be passed through to third parties according to the City's policies.

C. **Costs:** Out-of-pocket costs without mark-up. Costs include:

- Westlaw
- recording fees
- postage of 50¢ or more
- photocopies at 20¢ per copy
- long distance telephone calls
- litigation (court filing fees, expert witnesses, acquisitions, subpoenas, service of process, etc.)

D. **Payments:** Payments for legal services provided the City shall be made in the manner provided by law. The City will normally pay for services within thirty (30) days of receipt of a statement for services rendered.

4. **INSURANCE.** The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

5. **MISCELLANEOUS.**

A. **Governing Law.** This Agreement shall be governed by the laws of the State of Minnesota.

B. **Assignment.** The Attorney may not assign or refer any of the legal services to be performed hereunder without the written consent of the Falcon Heights City Council.

C. **Effective Date.** This Agreement shall become effective upon its execution by the City and the Attorney. This Agreement shall not be modified or amended without the approval in writing of the Falcon Heights City Council.

Dated: January 10, 2007.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

AND _____
Justin Miller, City Administrator

Dated: January 10, 2007.

CAMPBELL KNUTSON
Professional Association

BY: _____
Roger N. Knutson
Vice President

ITEM: **Appointment of Prosecuting Attorneys**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

For several years, the City of Falcon Heights has contracted our prosecuting attorney services to outside attorneys. The law firm of Hughes & Costello has provided this service for numerous years and has done so in quite satisfactory fashion.

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council approve the law firm of Hughes & Costello to provide prosecution legal services for 2007.

ITEM: **Appointment of City Auditor for 2007**

SUBMITTED BY: **Justin Miller, City Administrator**

EXPLANATION:

Each year we are required to have an independent firm audit our financial records. For the past several years, we have used Kern-DeWenter-Viere as our auditors, and we have been very happy with their services.

A formal contract will be presented to the council at a coming meeting to establish their rates for the coming year, but in the meantime staff is asking the council to appoint KDV as our city's auditor in case any issues arise before a contract can be approved.

ACTION REQUESTED:

Approval of KDV, Kern-DeWenter-Viere, as the City Auditor for 2007.

ITEM: Council liaison assignments

SUBMITTED BY: Sue Gehrz, Mayor

EXPLANATION:

Council members are each assigned to serve as a liaison between the City Council and the various Commissions each year. Assignments for 2007 are as follows:

1. Planning Commission - Laura Kuettel
2. Neighborhood Commission - Sue Gehrz
3. Human Rights Commission - Pam Harris
4. Parks & Rec Commission - Pam Harris
5. Environment Commission - Peter Lindstrom
6. North Suburban Communication Commission and Access Corporation - Rick Talbot
7. Northwest Youth & Family Services Board - Peter Lindstrom
8. U of M Campus Community Advisory Committee - Sue Gehrz
9. U of M Stadium Area Advisory Committee - Sue Gehrz
10. Ramsey County League of Local Governments - Rick Talbot

ACTION REQUESTED:

Approval

ITEM: Recommendations for changes to the Employment Agreement for the City Administrator

SUBMITTED BY: Mayor Gehrz

EXPLANATION:

Justin Miller started in the position of City Administrator on June 19, 2006 and has now completed more than six months of service. A formal performance review was conducted by the Mayor and included interviews with the Finance Director, Assistant City Administrator/Deputy Clerk, Planning and Zoning Director, the Police Chief, and the City Attorney. All City Council members provided written reviews.

Justin has met or exceeded our expectations in all areas of performance. A comprehensive written performance review has been completed and discussed with him.

In recognition of his performance and satisfactory completion of six months of employment, the following changes to the Employment Agreement between the City and Justin Miller are recommended for approval:

- 1. Increase the annual salary to \$75,000 effective January 1, 2007. This is an increase of 7% in base salary and was included in the 2007 budget.**
- 2. Increase severance pay and benefits from two to four months. The new contract language would be as follows:**

TERMINATION BENEFITS. *In the event that Employee is terminated by the Employer during such time that Employee is willing and able to perform the duties of City Administrator, then in that event, Employer agrees to pay Employee at the time of receipt of his last pay check a lump sum cash payment equal to four (4) months aggregate salary and to continue to provide and pay for the benefits set forth in the Employment Contract for a period of four (4) months following termination. However, in the event Employee is terminated because of his malfeasance in office, gross misconduct, conviction for a felony, or conviction for an illegal act involving personal gain to Employee, then Employer shall have no obligation to pay the termination benefits.*

If Employer at any time during the employment term reduces the salary or other financial benefits of Employee in a greater percentage than across-the-board reduction for all non-union employees, or if Employer refuses, following written notice, to comply with any other provisions of this Agreement benefiting Employee or Employee resigns following a formal suggestion by Employer that he resign, then Employee may, at his option, be deemed to be "terminated" on the effective date of Employee's resignation and the Employee shall also be entitled to receive the termination benefits set forth above.

If Employee voluntarily resigns his position with Employer, Employee agrees to give the Employer forty-five (45) days advance notice. If Employee voluntarily resigns his position with Employer, there shall be no termination pay due to Employee.

Another performance review will be conducted in June, 2007, at the end of Justin's first year in this position. The terms of the Employment Contract may be amended at that time.

ACTION REQUESTED:

Approval

ITEM: **Approve Hiring of Melanie Leehy as Office Assistant**

SUBMITTED BY: **Justin Miller, City Administrator**

BACKGROUND:

With the departure of long-time employee Pat Phillips, staff recently solicited applications for the vacant part-time office assistant position. We received numerous applications, and a panel including myself, Stacey Kreuser and Deb Jones interviewed three candidates on January 5th. During the interviews, Melanie Leehy rose to the top and was the clear choice for all three who interviewed her. We have made an offer to Melanie, conditioned upon approval by the city council, for her to begin employment at the rate of \$14.50 per hour, at a maximum of 16 hours per week.

Melanie has extensive experience in the customer service field, and she also serves on the Falcon Heights Neighborhood Commission. Her outgoing personality will be a great asset to the city as she will be one of the first contacts many of our residents meet either over the phone or at the counter here at city hall.

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council approve the hiring of Melanie Leehy as a part-time office assistant at the terms listed above.

ITEM: Amendments to Solicitor Ordinance

SUBMITTED BY: Justin Miller, City Administrator

EXPLANATION:

During recent city code recodification discussions, the City Council asked staff and legal counsel to review our current solicitor ordinance and to bring back suggested revisions. Staff presented a draft ordinance at the September 27th City Council meeting, and we are bringing back for consideration a new ordinance incorporating Council's comments. Key points of the new ordinance include:

- A license shall be required for each person asking to solicit goods within the City. The application for such permit will ask for name and physical description of the applicant, address, nature of business, name of employer, dates and hours of operation, source of goods, statement asking about past criminal history, and previous municipalities that the applicant has worked in.
- A background check will be performed by the St. Anthony Police Department. If past criminal activity is shown, the license application can be denied.
- All solicitors must carry identification as well as their license and show it when requested.
- Hours of operation are limited to 9:00 a.m. – 7:00 p.m. (same as current ordinance)
- Residents not wanting solicitors to approach their homes can display a “Peddlers and Solicitors Prohibited” sign, which must be obeyed.
- Licenses can be revoked by the City Administrator for unlawful behavior, incorrect statements on the application form, or for violating terms of the license. Solicitors who have their license revoked can request a hearing within ten (10) days of receiving notice. If, in the discretion of the City Administrator, imminent harm to the health or public safety of the public may occur because of the actions of the solicitor, the license may be revoked prior to the public hearing being held.
- People engaging in the following activities are exempt from these regulations:
 - Selling personal property at wholesale to dealers in such articles
 - Selling newspaper subscriptions
 - Non-profit, religious, political, or educational organizations
 - Taking orders in connection with a regular route for the sale and delivery of perishable daily necessities

1/10/07 Update

The attached ordinance reflects the desire of the council to apply the hourly restrictions and “peddlers and solicitors prohibited” requirement to all solicitors, including those who are exempt from the licensing requirements. With the new language, even those who are working for non-profits, political, or educational organizations cannot enter a premises after 7:00 pm, before 9:00 am, and are prohibited from entering a premises that has the “Peddlers and Solicitors Prohibited” sign displayed. The changes to the code are in section 5, exemption.

ATTACHMENTS:

Revised application and license forms
Proposed solicitor ordinance 07-02
Current ordinance

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council adopt the attached ordinance amending the Falcon Heights City Code concerning peddlers, solicitors, and transient merchants.



CITY OF FALCON HEIGHTS

2077 W. Larpenteur Ave.
Falcon Heights, MN 55113
Phone 651-792-7600, fax 651-792-7610

FOR OFFICE USE
Permit Number:
Approval Date:
Amount Paid:
Receipt:
Approved By:

2006 Solicitors, Peddlers, Transient Merchants Certificate of Registration Application Form

\$25.00 - Permit Fee (per individual)

Business Information:

Business Name: _____

Applicant's Full Legal Name: _____

Date of Birth: _____

Social Security Number: _____

Permanent Address: _____

Physical Description: Hair color: _____ Weight: _____

Eye color: _____ Height: _____

Address of Employer: _____

Business Phone Number: _____ Fax Number: _____

List of municipalities wherein the applicant/company has worked before coming to the City of Falcon Heights:

1. _____
2. _____
3. _____
4. _____
5. _____

Describe the nature of your business:

Description of goods to be sold:

Address where goods are manufactured:

Address where goods are stored:

Manner of which the goods shall be delivered to customer:

Requested dates for working within the City of Falcon Heights:

Requested hours for working within the City of Falcon Heights:

I certify that to the best of my knowledge and belief the above information is true, correct and complete. I understand that failure to correctly and completely answer the above questions will be cause for denial of the license for which I am applying.

Applicant's Signature: _____ Date: _____

NOTICE:
*No peddler or solicitor shall enter upon any premises where a sign prohibiting peddlers and solicitors is posted.
*No peddler or solicitor shall enter upon any premises after 7:00 p.m.

AUTHORIZATION TO CONDUCT BACKGROUND CHECK

NOTIFICATION:

The **CITY OF FALCON HEIGHTS** (“City”) will request that local police departments and the Minnesota Bureau of Criminal Apprehension perform a background check on all individuals who seek to obtain a solicitor, peddler, or transient merchant license from the City.

The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you but not the public. We are requesting this data to determine your eligibility for a license or permit from the City of Falcon Heights. Providing this data may disclose information that could cause your application to be denied. You are not legally required to provide the data; however, refusing to supply the data may cause your license or permit to be denied. Your social security number is needed to perform a background check. This data may be shared with Falcon Height's staff and City Council members, law enforcement agencies or other persons or entities deemed necessary for verification of information submitted in the application.

ACKNOWLEDGEMENT:

I, _____, have applied for a solicitor, peddler or transient merchant license from the City of Falcon Heights. I acknowledge that the City has notified me of my rights, specifically the following:

1. I understand that I have the right to be informed that the City will request a background check on me for purposes of my application for a solicitor, peddler or transient merchant license by, the City.
2. I understand that I have the right to be informed by the City of the results of the background check.
3. I understand that I have the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to Minn. Stat. § 13.04, subd 4.
4. I understand that I have the right to be informed by the City if my application has been denied because of the results of the background check.

Dated: _____

Signature

Print Name: _____



CITY OF FALCON HEIGHTS

2077 W. Larpenteur Ave.
Falcon Heights, MN 55113
Phone 651-792-7600, fax 651-792-7610

2006 Solicitors, Peddlers, Transient Merchants Certificate of Registration

Name of Organization: _____

Applicant's Name: _____

Address of Organization: _____

Organization Phone Number: _____

Physical Description: Hair color: _____ Weight: _____

Eye color: _____ Height: _____

Purpose of Solicitation: _____

Dates on which solicitation is to be conducted: _____

This certificate expires: _____

City Clerk

The above organization has registered with the City of Falcon Heights and has provided all required documentation in accordance with the city code. A list of canvassers is attached.

THIS CERTIFICATE IS NOT IN ANY WAY AN ENDORSEMENT BY THE CITY.

- No peddler or solicitor shall enter upon any premises where a sign prohibiting peddlers and solicitors is posted.
- No peddler or solicitor shall enter upon any premises after 7:00 p.m.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 07-02

**AN ORDINANCE AMENDING THE
FALCON HEIGHTS CITY CODE CONCERNING
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 5, Section 5-1.03C of the Falcon Heights City Code is amended to provide as follows:

C. PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

1. Definitions. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meaning given to them by this section:

PEDDLER: Any person who goes from dwelling to dwelling, business to business, street to street, or any other type of place to place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. The term "peddler" shall mean the same as the term "hawker".

PERSON: Any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships, and associations, the term shall include each member, officer, partner, associate, agent, or employee.

SOLICITOR: A person who goes from dwelling to dwelling, business to business, street to street, or any other type of place to place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term "solicitor" shall mean the same as the term "canvasser".

TRANSIENT MERCHANT: Any person who engages in any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise.

2. License Required. No Peddler or Solicitor shall sell or offer for sale any goods, wares, or merchandise within the City unless a license therefor shall first be secured as provided in this Section. The non-refundable license fee is \$25.00. Any Peddler or Solicitor dealing with merchandise of any kind to be delivered to customers in Minnesota directly from points outside of Minnesota shall be exempt from the payment of the license fee.

3. Conditions Governing License. Application shall be made with the City Clerk of the City at least seven (7) regular business days prior to the date when the activity to be carried on it to commence. Persons applying must file with the City Clerk an accurate sworn statement in writing, on a form furnished by the City Clerk, giving the following information:

- (a) name and physical description of the applicant;
- (b) complete home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (c) a brief description of the nature of the business and the product or services involved;
- (d) if employed, the name and address of the employer, together with credentials therefrom, establishing the exact relationship;
- (e) the dates and hours of the day during which the activity will be carried on;
- (f) the source of supply of any goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said registration is filed and the proposed method of delivery;
- (g) a statement as to whether or not the applicant has been convicted of any crime, or misdemeanor or violation of any municipal ordinance of any municipality other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;
- (h) the last municipalities, not to exceed five, where the applicant carried on business immediately preceding the date of the application and the address from which such business was conducted in those municipalities;

4. Procedure. An application shall be determined to be complete only if all required information is provided. If the City Administrator determines that an application is incomplete, then he or she shall inform the applicant of the information required to be provided prior to issuance of a license. The City Administrator shall review the application and order any investigation, including background checks, necessary to verify the

information provided with the application. The City Administrator shall either approve or deny the license within seven (7) regular business days. If the application is rejected, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting, within twenty (20) days of the date of the denial, a public hearing to be heard by the City Council within twenty (20) days of the date of the request.

5. Exemptions. The licensing and identification requirements of this Section do not apply to persons engaged in the following activities:

- (a) selling personal property at wholesale to dealers in such articles;
- (b) selling newspaper subscriptions;
- (c) soliciting money, donations, or financial assistance of any kind for nonprofit, religious, political, or education organizations; or taking orders for goods sold by a political, religious, educational, or nonprofit organization, or selling or distributing literature or merchandise for which a fee is charged or solicited on behalf of such an organization;
- (d) calling upon householders in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy products; this exception does not relieve such person of the duty of compliance with any other applicable provision of this Code;
- (e) calling upon householders at the request of said householders;

6. Proof of License. Every license shall bear the written approval of the City Administrator. Within five days after such approval, the City Clerk shall provide the applicant with a written certificate showing proof of licensing. Such proof of licensing shall be exhibited by the licensee upon request of any police officer or of any person in the City who is being contacted by the licensee in pursuance of the licensee's activity.

7. License Non-transferable. No license is transferable from one individual to another. Each individual shall be separately licensed where more than one individual is involved in the same type of activity even though associated with the same organization.

8. Persons Working for or Assisting Licensee. The licensee shall also supply the information required in Section 3 above for all persons working for or assisting the licensee and pay the fee for each person.

9. Identification. All solicitors and peddlers must wear some type of identification conspicuously showing their name and the organization for which they are soliciting or peddling, must carry their city issued license certificate when conducting the

business or activity required to be licensed under this chapter, and must wear or display on their outermost clothing the certificate of licensure provided by the City.

10. Licensure Control. The certificate of licensure issued by the city is the property of the City of Falcon Heights, and must be returned to the City within seven (7) days after the expiration date of the license. Failure to do so may result in prosecution and will result in the denial of any future license application for twelve (12) months.

11. Practices Prohibited. No Peddler, Solicitor or Transient Merchant shall conduct business in any of the following manners:

- A. obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right of way;
- B. conducting business in such a way as to create a threat to the health, safety, or welfare of any individual or the general public.
- C. entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of seven o'clock (7:00) p.m. and nine o'clock (9:00) a.m. of the following day, unless such person has been expressly invited to do so by the owner or occupant thereof.
- D. call attention to his business or to his merchandise, by crying out, by blowing a horn, or by any loud or unusual noise in areas zoned for residential use.
- E. no Peddler, Solicitor, or Transient Merchant shall harass, intimidate, abuse, or threaten a person or continue to offer merchandise for sale to any person after being told not to do so by that person.

12. Duration of License. Each license shall be valid only for the period specified therein, and no license may extend beyond the 31st day of December of the year in which it is granted.

13. Exclusion of Peddlers and Solicitors. Any person who wishes to exclude Peddlers or Solicitors from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice:

"Peddlers and Solicitors Prohibited"

Such placard shall be at least 3 3/4 inches long and 3 3/4 inches wide and the printing thereon shall not be smaller than 48 point type. No Peddler or Solicitor shall enter in or upon any premises or attempt to enter in or upon any premises where such placard or sign is placed and maintained notwithstanding the fact that he may have obtained a solicitation certificate or solicitation credentials, as the case may be, under the provisions of this Section. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

14. Suspension and Revocation.

A. Any license may be temporarily suspended by the City Administrator or revoked by the Council for a violation of any of the following:

- (1) Fraud, misrepresentation, or incorrect statements on the application form;
- (2) Fraud, misrepresentation, or false statements made during the course of the license activity;
- (3) Conviction of any offense for which granting of a license could have been denied under this chapter;
- (4) Violation of any provision of this chapter; or
- (5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

B. Notice. Prior to revoking or suspending any license issued under this section, the City shall provide the license holder with written notice of the alleged violation(s) and inform the licensee of the licensee's right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, the business address provided on the license application.

C. Hearing. Upon receiving the notice provided in subsection B of this section, the licensee shall have the right to request a hearing. If no request for a hearing is received by the city within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a hearing is requested within the required time, a hearing shall be scheduled within twenty (20) days from the date of the request. The City Administrator or the Administrator's designee shall be the hearing officer and shall render a decision. The decision of the Administrator is final unless the licensee within five (5) days appeals the decision to the city council.

D. Emergency. If, in the discretion of the City Administrator or the Administrator's designee, imminent harm to the health or safety of the public may occur because of the actions of a peddler or solicitor licensed under this chapter, the City Administrator may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in subsection B of this section.

E. Appeals. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

15. Compliance With Zoning. Transient Merchants and Transient Produce Merchants shall comply with provisions of the Falcon Heights Zoning Code. Compliance with the zoning ordinance location, information, and plan requirements shall be verified in writing by the City Administrator.

SECTION 2. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10th day of January 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

Current Ordinance

CHAPTER 5. MUNICIPAL REGULATION AND LICENSING

SECTION 1. BUSINESS LICENSE REQUIREMENTS AND REGULATIONS

C. Itinerant Salespersons and Solicitors.

1. Definition. The term "itinerant" salesperson means any person who sells or attempts to sell any goods where the solicitation or sale does not occur within a building, store or structure owned or leased by a business and properly zoned for commercial use. The term shall not include persons delivering goods sold upon commercial premises prior to the delivery, or persons distributing their products to regular customers on established routes, such as vendors of milk, groceries or newspapers.
2. License Required. Every itinerant salesperson must apply to the city clerk for license. Upon approval by council and issuance of the license, the license must be carried by the salesperson or be in his/her vehicle at all times. If a business employs more than one itinerant salesperson, a separate license is required for each salesperson. The license fee is as stipulated in Section 5-5.01 of this code and will not be prorated.
3. Hours of Operation. It shall be unlawful for itinerant salespersons and solicitors to engage in the business of peddling within the city between the hours of 7:00 P.M. and 9:00 A.M. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.
4. Entrance to Premises Restricted. It shall be unlawful for itinerant salespersons and solicitors to enter upon any private premises when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.
5. Exemptions. Itinerant salespersons acting on behalf of any religious association or any non-profit corporation registered with the state of Minnesota shall not be subject to this section provided the proceeds of any sales are being used for such charitable, religious or philanthropic purposes. However, upon providing proper proof of exemption, the city clerk shall issue a certificate to the organization listing the names and addresses of all salespersons acting on behalf of the organization. A copy of this certificate shall be carried by the salesperson or be in his/her vehicle at all times.

ITEM: **Proposed New Ordinance on Mobile Storage Structures**

SUBMITTED BY: **Deborah Jones, Zoning and Planning Coordinator**

REVIEWED BY: **Justin Miller, City Administrator**
Roger Knutson, City Attorney

EXPLANATION:

At the October workshop the City Council discussed the issue of mobile storage structures and concluded that some regulation is in order. The Council forwarded a draft ordinance to the Planning Commission for its recommendation. On November 28, the Planning Commission held a public hearing on the proposed ordinance, as required by Minnesota statute. There was no one present who wished to speak.

Following a thoughtful discussion, the Planning Commission voted to recommend approval of the ordinance with several changes and requests for further consideration of some issues.

Changes recommended by the Planning Commission, incorporated into the attached draft:

- In Section 1, delete the phrase "and to have one dimension exceeding 10 feet."
- In Section 2, increase the amount of time the structure can be allowed on the street to 72 hours, because this would allow for a Friday drop-off and Monday pick-up and because at least one company specifies a 72 hour minimum. The commissioners felt less than 72 hours would create a hardship.
- Change the three week limit on private property to four weeks or one month, because companies charge by the month and the customer will probably be required to pay for one month.
- Add some provision that the presence of a mobile storage structure should be registered with the City or that a permit should be required, to establish a record of the starting date so that this section can be enforced. At the least, a parking permit should be required for being on the street.

Additional Planning Commission concerns:

- Should the ordinance have separate conditions or provisions for residential and non-residential property? Is this ordinance meant to apply to residential property only? Commissioners were concerned that what may be reasonable on commercial property may not be acceptable in a residential neighborhood (for example, the 20-foot length).
- Are the size limits reasonable based on industry standards?
- Is the last sentence of the paragraph clear enough? What does "secure" mean here?

Action Requested:

Staff and legal counsel have reviewed the Planning Commission's recommendations and have provided a draft ordinance that incorporates many of their concerns. Staff recommends that the Falcon Heights City Council approve the attached ordinance providing regulations regarding portable outside storage units.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO.07-03

**AN ORDINANCE AMENDING THE
FALCON HEIGHTS CITY CODE
CONCERNING MOBILE STORAGE STRUCTURES**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 9, Section 9-1.02, subd. 2 of the Falcon Heights City Code is amended by adding the following definition:

Mobile Storage Structures. Any assembly of materials which is so designed, constructed or reconstructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons.

SECTION 2. Chapter 9 of the Falcon Heights City Code is amended by adding Section 9-13.09 to read:

Mobile Storage Structures. Mobile storage structures may be located as a temporary structure on property within the City upon issuance of a permit by the City Clerk. They are allowed for a period not exceeding 72 hours in duration on a public street and not exceeding four weeks on private property, from time of delivery to time of removal. No more than one mobile storage structure may be located on a specific piece of property within the City at one time. Such temporary structure may not be located on a specific property more than two times in any ninety calendar-day period. Such temporary structure shall be located no closer than 10 feet to the property line unless on a driveway and must be placed on an impervious surface. Such structure may not be placed in a fire lane, or sidewalk. Such structure may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.

SECTION 3. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10th day of January 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk