

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

AGENDA
October 25, 2006

- A. CALL TO ORDER: 7:00 PM
- B. ROLL CALL: GEHRZ ____ KUETTEL ____ HARRIS ____
 LINDSTROM ____ TALBOT ____
 MILLER ____ KREUSER____
- C. PRESENTATION:
 - 1. Recognition of Falcon Heights residents graduating from St. Anthony Police Department 2006 Citizens Academy
- D. APPROVAL OF MINUTES: October 11, 2006 **TAB 1**
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
 - 1. General disbursements through 10/19/06: \$105,998.51
 Payroll through 10/15/06: \$13,950.53 **TAB 2**
 - 2. Approval of License **TAB 3**
 - 3. Accept resignation of Greg Hoag, Parks and Public Works Director **TAB 4**
 - 4. Approval of Melanie Leehy to the Neighborhood Commission **TAB 5**
 - 5. Close Out Fund 315 (1993 TIF Refinancing Bond) and Transfer the remaining balance in the fund to Fund 413 (TIF District 2-1) **TAB 6**
 - 6. Increase the Community Development Special Revenue Fund (Fund 208) "Other Professional Services" line item to reflect the unplanned and unbudgeted expenses associated with the "Drive Thru" Zoning and Planning Study **TAB 7**
 - 7. ***ADDENDUM* Resolution authorizing SCORE Grant application** **TAB 8**
 - 8. *** ADDENDUM* Approval of Subordination Agreement – Falcon Heights Town Square** **TAB 9**
- G. POLICY AGENDA:
 - 1. Amendments to Solicitor Ordinance **TAB 10**
 - 2. Amendments to Background Check Ordinance **TAB 11**
- H. COMMUNITY FORUM:
- I. INFORMATION/ANNOUNCEMENTS:
- J. ADJOURN

**Minutes of the Regular City Council Meeting
October 11, 2006**

Members present: Mayor Gehrz, Council members Harris, Kuettel, Lindstrom, and Talbot, Administrator Miller, Assistant City Administrator/Deputy Clerk Kreuser, Parks and Public Works Director Hoag, Engineer Bloom, and Shelly Eldridge of Ehler's and Associates.

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

The meeting minutes of the September 27, 2006 regular council meeting were approved as submitted.

Public Hearing:

Administrator Miller gave a brief overview of the TIF development district, and explained that each year the City certifies a report to the State on its districts. In recent months, Ehler's and Associates brought to the City's attention that development projects in certain TIF districts could be expanded. He stated there are two types of TIF districts: ones in which TIF funds can be spent, and ones in which TIF funds can be collected. Upon Ehler's recommendation, staff would ask for permission to expand the development district, where the TIF funds could be spent. He outlined the types of projects the TIF dollars could be spent on: some infrastructure, sidewalks, and road reconstruction, among others. Miller explained that expanding the TIF boundaries to encompass the entire city does not bind the council. It simply gives the City flexibility and keeps Falcon Heights tax dollars in Falcon Heights.

Council member Kuettel asked why the district boundaries were not set this way in the first place. Administrator Miller replied likely it was because there were projects in mind, and the boundaries were drawn to include those areas. Shelly Eldridge, of Ehler's, stated that laws have changed since the mid-80s when the boundaries were drawn. Adding that back when the boundaries were drawn, it was common to include only project area, now it is accepted to include entire city limits. She added that many municipalities are making these changes, and they comply with the State Auditor.

Council member Lindstrom asked about the law changes since the mid-80s. Eldridge replied that there are three active TIF districts in the City. The first two were created in the mid-80s, the last one being the development at Snelling and Larpenteur. She added that the law grants more flexibility with older TIF districts.

Council member Talbot asked if Finance Director Olson agrees with the change. Administrator Miller replied he was, and the City would consult with Ehler's before spending any of the funds. Mayor Gehrz opened the public hearing. No comments were heard. Mayor Gehrz closed the public hearing.

Council member Kuettel moved to approve resolution 06-24, adopting the modification to the development program for development district number one. The motion passed unanimously.

Consent Agenda:

Mayor Gehrz asked Administrator Miller to give an overview of the schedule. Miller explained the legal schedule requires a resolution, public hearing, and publishing of those notices. Engineer Bloom explained the process began in June 2005 with the Roselawn project and last spring with Hamline/Hoyt. She explained the public meetings, assessment hearings, and

research, and these resolutions are the culmination of the projects. She explained that at the public hearing there would be summaries of what is covered by assessments, State aid funds, utility funds, and so on. She added there are 13 properties to be assessed.

Mayor Gehrz stated the parties assessed would be charged at the low rate of \$26.50 per frontage foot. She added the assessments were covering a smaller portion of the project, and the taxpayer's portion was larger.

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

1. General disbursements through 10/4/06: \$97,141.57
Payroll through 9/30/06: \$13,987.27
2. Approval of licenses
3. Approve city resolution declaring costs to be assessed, receiving assessment rolls and setting assessment hearing date for 2006 street improvement projects

Policy Agenda:

1. Submission of a grant proposal to the Minnesota Division of Homeland Security and Emergency Management

Mayor Gehrz began the item by explaining the State of Minnesota has \$119,000 leftover from 2005 federal funds funneled to the State under the umbrella of the Citizen Corp. She added there are 81 programs eligible in the State, but not all 81 are expected to apply. She said the CERT trainers and HAM coordinator aided in forming ideas for funding, and she would send in the grant application.

Council members Harris and Talbot thanked Mayor Gehrz for her work on the proposal.

Mayor Gehrz added that kits for the next CERT class, supplies, and materials for the Neighborhood Commission are among the requests.

Council member Talbot asked when the City would find out if the funds were granted. Mayor Gehrz replied she would know Monday afternoon.

Council member Kuettel moved to approve the submission of the grant proposal. The motion passed unanimously.

2. Authorize purchase of Street name signs (corner markers)

Parks and Public Works Director Hoag began the item by explaining the research that has gone into the project to date. He said the majority of the street signs are 25 years old, are three-inch painted steel, and are in dire need of an upgrade. He showed examples to the council. He said the new technology includes diamond-grade reflective overlay, larger type, and upper and lower case letters. He added that staff recommends the non-numbered signs, as they would be easier to keep in stock, offer less visual clutter, and are less expensive.

Council member Kuettel said she supported the non-numbered option.

Council member Harris stated she liked the numbered option since not all homeowners have lighted house numbers, and it is useful to see the block, especially for emergency vehicles.

Council member Talbot stated he supported the non-numbered signs because of the interchangeability and lower cost.

Hoag stated from a public safety standpoint, the block numbers of the street signs are not useful as the 911 dispatchers direct the drivers to exactly their address and cross street, and in addition, there are highly specific maps in the vehicles. He stated having numbers on the houses is more important than having the block number on the street sign.

Council member Talbot asked when the signs would be installed. Hoag replied that it would likely take place after December.

Council member Lindstrom stated he supported the non-numbered option.

Mayor Gehrz stated that \$35,000 was budgeted for the project, when the estimate for corner signs has come in at about \$17,000. She asked if more money would be necessary for the regulatory signs. Hoag replied that many of the regulatory signs need an upgrade, and at this point this late in the year he didn't anticipate using the balance this year. Hamline, Hoyt, and Roselawn would be started outright rather than putting the old signs back out there. Administrator Miller also stated those would fall under the \$5,000 limit for staff to approve. Hoag added that he would appreciate the \$5,000 for installation. He added the signs would arrive six to eight weeks after ordering, and staff would attempt to begin installation in 2006, however the bulk would occur in 2007.

Mayor Gehrz stated she supported the non-numbered signs.

A brief discussion on the usefulness of lighted house numbers ensued.

Council member Harris stated she understood the argument for the non-numbered option and would support it.

Council member Lindstrom moved to authorize the purchase of the street signs (corner markers). The motion passed unanimously.

3. Amendment to liquor violation fine schedule

Administrator Miller stated this item was follow-up from a previous council discussion, and the action would create the change in the new city code.

Council member Talbot stated they were outlined in the minutes, just as the council proposed.

Council member Lindstrom moved to approve the amendment to the liquor violation fine schedule. The motion passed unanimously.

Community Forum: none

Information/Announcements:

Council member Harris reported on the Park/Rec Commission meeting. The Commission covered the status of the rec programs, and learned yoga was a big draw for residents. The winter event re-naming poll is up on the website, and the date has been set for January 28. She reported the Curtiss Field play equipment would be re-painted instead of completely replaced, although some wooden pieces will be replaced with metal, giving the structure another 10-15 years life. The Adopt-a-Park program brochures are being printed.

Council member Lindstrom reminded residents to vote on the 'Dead of Winter' name online. The Northwest Youth and Family Services open house is on October 12 at 6:00 p.m. at the Shoreview Community Center. All are welcome. He also said the Environment Commission would bring their recommendation on the Community Garden project to the council on November 8.

Council member Talbot said the CTV workshop on citywide wi-fi was held October 11, more to come on that.

Mayor Gehrz reported the speed cart in out in the City, debuting on Arona. Call City Hall to request it on your block. She said the Ramsey County League of Local Governments would hold a meeting on October 26 from 4-6 p.m. on the progress of the Active Living Ramsey County

group. Lastly, the Comp Plan Steering Committee's first meeting will be held October 30 from 5:30-8 p.m.

Administrator Miller said the bulk e-mail tool is up and working in the City, so staff can send out crime alerts, park/rec info, etc. Log on and sign up. He announced that Parks and Public Works Director Hoag submitted his resignation, and would be leaving to take on duties as the Arden Hills Public Works Director. Hoag's last day in Falcon Heights is October 31. Mayor Gehrz stated that Falcon Heights counter-offered, however could not offer the same opportunities as Arden Hills, in the areas of green space and park development. Hoag thanked the council, and stated he was pleased to work in Falcon Heights, but Arden Hills offered an opportunity he could not pass up.

Assistant City Administrator/Deputy Clerk Kreuser said that absentee ballots are available at City Hall for anyone who cannot make it to vote on November 7.

Mayor Gehrz adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Stacey Kreuser
Assistant City Administrator/Deputy Clerk

ITEM: **Disbursements and Payroll**

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

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

EXPLANATION:

1. General disbursements through 10/19/06: \$105,998.51
2. Payroll through 10/15/06: \$13,950.53

ACTION REQUESTED:

- Approval

PACKET: 00039 Regular Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : NUMERIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00250	AMERIPRIDE	LINEN&APPAREL				
I-M817757		LINEN CLEANING	26.75			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		LINEN CLEANING		101 4124-82010-000	CLEANING & WASTE REMOVAL	26.75
		=== VENDOR TOTALS ===	26.75			
=====						
01-00255	AMERICAN OFFICE	PRODUCTS				
I-77721		POCKET FILES	70.26			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		POCKET FILES		101 4112-70100-000	SUPPLIES	70.26
I-77867		AMERICAN OFFICE PRODUCTS	42.45			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		BATTERY AND TAPE		101 4112-70100-000	SUPPLIES	42.45
		=== VENDOR TOTALS ===	112.71			
=====						
01-00878	US BANCORP					
I-200610160182		US BANCORP	726.44			
10/16/2006	APBNK	MANUAL CK# 070579 10/10/2006				
		ICMA CONFERENCE EXPENSES		101 4112-86100-000	CONFERENCES/EDUCATION/AS	691.96
		2ND GARAGE SALE ADVERTISEMENT		101 4116-89010-000	SPECIAL EVENTS	34.48
		=== VENDOR TOTALS ===	726.44			
=====						
01-00892	BEARCOM					
I-3582845		BEARCOM	94.36			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		REPAIR PAGERS		101 4124-87029-000	REPAIR OTHER EQUIPMENT	94.36
		=== VENDOR TOTALS ===	94.36			
=====						
01-03001	CAMPBELL	KNUTSON				
I-200610170186		CAMPBELL KNUTSON	1,105.00			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		SEPT/06 LEGALS		101 4114-80200-000	LEGAL FEES	1,105.00
		=== VENDOR TOTALS ===	1,105.00			

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DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-03089	CASH					
I-200610170183	CASH		132.98			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		SOIL TEST COMM PK GARDEN		101 4141-89000-000	MISCELLANEOUS	15.00
		ELECTION JUDGES FOOD&ICE		101 4115-70100-000	SUPPLIES	88.68
		BUDGET WORKSHOP FOOD		101 4111-70100-000	SUPPLIES	23.00
		SALES TAX: ICECREAM SOCIAL SUP		101 4116-89010-000	SPECIAL EVENTS	6.30
		=== VENDOR TOTALS ===	132.98			
=====						
01-03115	TRUGREEN-CHEMLAWN					
I-730558	TRUGREEN-CHEMLAWN		596.40			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		ICE MELT FOR SIDEWALKS		101 4131-70110-000	SUPPLIES	596.40
		=== VENDOR TOTALS ===	596.40			
=====						
01-03121	CITY OF ST PAUL					
I-P72243	ABSENTEE VOTER PAPERS/ENVELOP		162.15			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		ABSENTEE VOTER BALLOT SUPPLYS		101 4115-70100-000	SUPPLIES	162.15
		=== VENDOR TOTALS ===	162.15			
=====						
01-03123	CINTAS CORPORATION #470					
I-470526732	CINTAS CORPORATION #470		79.30			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		RUG SVC CITY HALL		101 4131-87010-000	CITY HALL MAINTENANCE	79.30
I-470547768	CINTAS CORPORATION #470		38.40			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		RUG SVC - CITY HALL		101 4131-87010-000	CITY HALL MAINTENANCE	38.40
		=== VENDOR TOTALS ===	117.70			
=====						
01-03181	CITY OF NEW BRIGHTON					
I-2006HAZMAT	CITY OF NEW BRIGHTON		939.68			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		CITY'S SHARE HAZMAT PROG EXPS		101 4124-87029-000	REPAIR OTHER EQUIPMENT	939.68
		=== VENDOR TOTALS ===	939.68			

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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-03212		NORTH SUBURBAN ACCESS CO.				
I-06-267		REIMB;MAUREEN CABLE WORK	132.00			
10/19/2006	APBNK	DUE: 10/19/2006 DISC: 10/19/2006				
		REIMB:MARUEEN CABLE WORK'		101 4116-85050-000	CABLE TV	132.00
		=== VENDOR TOTALS ===	132.00			
=====						
01-03540		DEPTMENT OF LABOR AND INDUSTRY				
I-3RD QTR		DEPTMENT OF LABOR AND INDUSTR	255.54			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		3RD QTR BLDG PERMIT FEES		101 20801-000	DUE TO OTHER GOVERNMENTS	255.54
		=== VENDOR TOTALS ===	255.54			
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01-04000		EHLERS AND ASSOCIATES				
I-333613		EHLERS AND ASSOCIATES	1,356.25			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		TIF MODIFICATION EXPS		412 4412-81900-000	OTHER PROFESSIONAL SERVI	1,356.25
		=== VENDOR TOTALS ===	1,356.25			
=====						
01-04084		FIRE EQUIPMENT SPECIALTIE				
I-4743		FIRE EQUIPMENT SPECIALTIE	879.00			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		ONE 30MIN AIR TANK		402 4402-91000-000	MACHINERY & EQUIPMENT	879.00
I-4746		FIRE EQUIPMENT SPECIALTIE	153.15			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		2 RECHARGEABLE FLASHLIGHTS		402 4402-91000-000	MACHINERY & EQUIPMENT	153.15
		=== VENDOR TOTALS ===	1,032.15			
=====						
01-05054		DEBORAH JONES				
I-200610180196		DEBORAH JONES	208.29			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		2ND AND 3RD QTR MILEAGE REIMB		101 4117-86010-000	MILEAGE	171.60
		KITCHEN SUPPLIES		101 4131-70110-000	SUPPLIES	7.99
		PARKING FOR MET COUNCIL MEETIN		101 4117-86010-000	MILEAGE	16.00
		DRIVE THRU MEETING EXPS		208 4208-89000-000	MISCELLANEOUS	12.70
		=== VENDOR TOTALS ===	208.29			

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DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05115		ONE CALL CONCEPTS, INC				
I-6090360		ONE CALL CONCEPTS, INC	293.60			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		LOCATES		601 4601-88030-000	ONE CALL CONCEPTS-LOCATE	293.60
		=== VENDOR TOTALS ===	293.60			
=====						
01-05135		ARLENE HIGGINS				
I-200610160180		REFUND REC YOGA CLASS RESIDEN	65.00			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		REFUND REC YOGA CLASS RESIDENT		201 34310-000	RECREATION FEES	65.00
		=== VENDOR TOTALS ===	65.00			
=====						
01-05136		PEGGY HALL				
I-200610160179		MN-NAME 2006 CONFERENCE	60.00			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		MN-NAME CONF HUMAN RIGHTS		101 4111-86100-000	CONFERENCES/EDUCATION/AS	60.00
		=== VENDOR TOTALS ===	60.00			
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01-05166		GRAINGER, W. W., INC.				
I-1018026137		GRAINGER, W. W., INC.	246.33			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		CHARGER/STARTER/TESTER		101 4132-70120-000	SUPPLIES	246.33
I-1019042477		GRAINGER, W. W., INC.	30.97			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		FILTER & VACUUM FOAM SLEEVE		101 4131-70110-000	SUPPLIES	30.97
		=== VENDOR TOTALS ===	277.30			
=====						
01-05200		ICMA RETIREMENT TRUST 457				
I-200610170191		ICMA RETIREMENT TRUST 457	1,010.00			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		OCT/06 ICMA		101 21709-000	OTHER PR WH PAYABLE	923.90
		OCT/06 ICMA		204 21709-000	OTHER PR WH PAYABLE	10.00
		OCT/06 ICMA		601 21709-000	OTHER PR WH PAYABLE	35.00
		OCT/06 ICMA		602 21709-000	OTHER PR WH PAYABLE	41.10
		=== VENDOR TOTALS ===	1,010.00			

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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05404	KURHAJETZ, CLEM					
I-200610170184		KURHAJETZ, CLEM	18.06			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		REIM: ELECTRIC ENGRAVER		101 4124-70100-000	SUPPLIES	18.06
=== VENDOR TOTALS ===			18.06			
=====						
01-05665	METROPOLITAN COUNCIL					
I-833327		METROPOLITAN COUNCIL	32,890.65			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		NOV/06 SANITARY SEWER CHRGS		601 4601-85060-000	METRO SEWER CHARGES	32,890.65
=== VENDOR TOTALS ===			32,890.65			
=====						
01-05705	NRG PROCESSING SOLUTONS					
I-58606		TREE TRIMMING & DISPOSAL	23.75			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		TREE TRIMMINGS DISPOSAL		101 4134-84010-000	TREE TRIMMING	23.75
=== VENDOR TOTALS ===			23.75			
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01-05730	MINNEAPOLIS PAPER COMPANY					
I-125329		MINNEAPOLIS PAPER COMPANY	138.41			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		LASER AND COPY PAPER		101 4112-70100-000	SUPPLIES	138.41
=== VENDOR TOTALS ===			138.41			
=====						
01-05821	MUSKA ELECTRIC					
I-72945		MUSKA ELECTRIC	2,057.32			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		REPAIR LIGHT AT COMM PARK		101 4141-87120-000	REPAIRS & MAINTENANCE	1,479.82
		INSTAL STREET LITE:TIES SIDEWK		403 4403-91000-000	MACHINERY & EQUIPMENT	577.50
=== VENDOR TOTALS ===			2,057.32			
=====						
01-05845	COLETTE CAMPBELL STUART					
I-200610160178		REIMB: HUMAN RIGHTS CONFERENC	65.25			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		REIMB: HUMAN RIGHTS CONFERENCE		101 4112-86100-000	CONFERENCES/EDUCATION/AS	65.25
=== VENDOR TOTALS ===			65.25			

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DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05870	XCEL ENERGY					
I-200610170193	XCEL ENERGY		2,970.49			
10/17/2006	APBNK	MANUAL CK# 070582 10/11/2006				
		ELECT		601 4601-85020-000	ELECTRIC	24.98
		ELECT		101 4131-85030-000	NATURAL GAS	97.24
		ELECT		101 4141-85020-000	ELECTRIC/GAS	24.59
		ELECT		101 4141-85020-000	ELECTRIC/GAS	399.51
		ELECT		101 4141-85020-000	ELECTRIC/GAS	68.55
		ELECT		101 4141-85020-000	ELECTRIC/GAS	17.24
		ELECT		101 4132-85020-000	STREET LIGHTING	7.86
		ELECT		101 4132-85020-000	STREET LIGHTING	40.93
		ELECT		101 4132-85020-000	STREET LIGHTING	13.81
		ELECT		101 4132-85020-000	STREET LIGHTING	2,075.91
		ELECT		101 4132-85020-000	STREET LIGHTING	184.15
		ELECT: CITY HALL SIGN		101 4132-85020-000	STREET LIGHTING	7.86
		ELECT AUTO PROTECTIVE LITES		101 4132-85020-000	STREET LIGHTING	7.86
		=== VENDOR TOTALS ===	2,970.49			

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01-06024	ON SITE SANITATION					
I-232315X	ON SITE SANITATION		73.90			
10/19/2006	APBNK	DUE: 10/19/2006 DISC: 10/19/2006				
		JUNE/06 PORTABLE TOILET		101 4141-82010-000	WASTE REMOVAL	73.90
		=== VENDOR TOTALS ===	73.90			

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01-06054	ORCHARD TRUST COMPANY					
I-200610170189	ORCHARD TRUST COMPANY		180.00			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		OCT/06 KREUSER		101 21709-000	OTHER PR WH PAYABLE	180.00
		=== VENDOR TOTALS ===	180.00			

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01-06065	OXYGEN SERVICE COMPANY					
I-3038375	RENTAL AIR TANKS		45.09			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		RENTAL AIR TANKS		101 4124-70100-000	SUPPLIES	45.09
		=== VENDOR TOTALS ===	45.09			

PACKET: 00039 Regular Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : NUMERIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-06184	RAMSEY COUNTY					
I-COMGR 000204	RAMSEY COUNTY		873.71			
10/16/2006	APBNK	MANUAL CK# 070553 10/10/2006				
	SEPT/06	911 DISPATCH		101 4121-86700-000	EMERGENCY DISPATCH SVCS-	163.82
	SEPT/06	911 DISPATCH		101 4124-86700-000	EMERGENCY DISPATCH SVCS-	709.89
	=== VENDOR TOTALS ===		873.71			
=====						
01-06185	RAMSEY COUNTY					
I-RISK 000986	RAMSEY COUNTY		5,034.80			
10/17/2006	APBNK	MANUAL CK# 070583 10/17/2006				
	OCT/06	INSURANCE		101 4112-89000-000	MISCELLANEOUS	5,034.80
	=== VENDOR TOTALS ===		5,034.80			
=====						
01-06290	CITY OF ROSEVILLE					
I-5632	CITY OF ROSEVILLE		933.33			
10/19/2006	APBNK	DUE: 10/19/2006 DISC: 10/19/2006				
	OCT/06	TECH SUPPORT		101 4116-85070-000	TECHNICAL SUPPORT	725.00
	OCT/06	TELEPHONY SVC		101 4116-85010-000	TELEPHONE	208.33
	=== VENDOR TOTALS ===		933.33			
=====						
01-06330	ROSEVILLE ROTARY CLUB					
I-173		OCT-DEC/06 DUES/MEALS BALANCE	74.00			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
	OCT-DEC/06	DUES&MEETING EXPS		101 4112-86100-000	CONFERENCES/EDUCATION/AS	74.00
	=== VENDOR TOTALS ===		74.00			
=====						
01-06386	S & S TREE SPECIALISTS IN					
I-73666/7365/7367	S & S TREE SPECIALISTS IN		1,244.15			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
	TRIMMING	1382 IOWA		101 4134-84010-000	TREE TRIMMING	267.50
	TREE REMOVAL	ARONA		101 4134-84020-000	TREE REMOVAL	165.32
	3 TREE REMOVAL/ARONA&IDAHO			101 4134-84020-000	TREE REMOVAL	811.33
I-7571	S & S TREE SPECIALISTS IN		401.25			
10/19/2006	APBNK	DUE: 10/19/2006 DISC: 10/19/2006				
	FOLWELL	STORM DAMAGE		101 4134-84040-000	STORM DAMAGE	401.25
	=== VENDOR TOTALS ===		1,645.40			

PACKET: 00039 Regular Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : NUMERIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-06463	STAR	TRIBUNE				
I-A8742219		STAR TRIBUNE	613.60			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		JOB AD: DIRECTOR PARKS/PW		601 4601-89000-000	MISCELLANEOUS	613.60
		=== VENDOR TOTALS ===	613.60			
=====						
01-06625	T.A.	SCHIFSKY & SONS, INC				
I-40445		T.A. SCHIFSKY & SONS, INC	79.00			
10/19/2006	APBNK	DUE: 10/19/2006 DISC: 10/19/2006				
		ASPHALT PATCHING		101 4132-75000-000	BITUMINOUS PATCHING	79.00
		=== VENDOR TOTALS ===	79.00			
=====						
01-06931	U.S.	POSTMASTER				
I-200610180194		U.S. POSTMASTER	500.00			
10/18/2006	APBNK	DUE: 10/18/2006 DISC: 10/18/2006				
		BULK MAIL POSTAGE		101 4112-70500-000	POSTAGE	500.00
		=== VENDOR TOTALS ===	500.00			
=====						
01-06945	QWEST					
I-200610170192		TELEPHONE CHARGES	222.06			
10/17/2006	APBNK	MANUAL CK# 070581 10/11/2006				
		COMMUNITY PARK		101 4141-85011-000	TELEPHONE - LANDLINE	111.15
		CURTIS FIELD PARK		101 4141-85011-000	TELEPHONE - LANDLINE	53.37
		AUTO DIALER SANITARY PUMP STA		601 4601-85011-000	TELEPHONE - LANDLINE	57.54
		=== VENDOR TOTALS ===	222.06			
=====						
01-07011	PEGGY	WALD				
I-200610160177		REFUND PARK RENTAL	135.00			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		REFUND PARK RENTAL		101 34101-000	CITY FACILITY RENTAL	135.00
		=== VENDOR TOTALS ===	135.00			
=====						
01-07187	KRISTIN	GRANGAARD				
I-200610170188		KRISTIN GRANGAARD	55.11			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		CERT STORGE BOXES & SUPPLIES		101 4121-70120-000	SUPPLIES	55.11
		=== VENDOR TOTALS ===	55.11			

PACKET: 00039 Regular Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : NUMERIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-07228		CITY OF ST ANTHONY				
I-1556		CITY OF ST ANTHONY	41,035.09			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		NOV/06 POLICE SERVICES		101 4122-81000-000	POLICE SERVICES	41,035.09
		=== VENDOR TOTALS ===	41,035.09			
=====						
01-07262		FASTSIGNS				
I-204-23564		FASTSIGNS	224.25			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		CITY DECALS FOR CITY VEHICLE		101 4132-70120-000	SUPPLIES	224.25
		=== VENDOR TOTALS ===	224.25			
=====						
01-07272		LILLIE SUBURBAN NEWSPAPER				
I-200610170185		LILLIE SUBURBAN NEWSPAPER	48.83			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		TIF MODIFICATION HEARNG		101 4111-70410-000	LEGAL NOTICES	48.83
		=== VENDOR TOTALS ===	48.83			
=====						
01-07276		HUGHES & COSTELLO				
I-200610170187		HUGHES & COSTELLO	2,817.87			
10/17/2006	APBNK	DUE: 10/17/2006 DISC: 10/17/2006				
		OCT/06 PROSECUTIONS		101 4123-80200-000	LEGAL FEES	2,817.87
		=== VENDOR TOTALS ===	2,817.87			
=====						
01-07901		WASTE MANAGEMENT-BLAINE				
I-3197062		OCT/06 RECYCLING CONTRACT	596.40			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		OCT/06 RECYCLING CONTRACT		206 4206-82030-000	RECYCLING CONTRACTS	596.40
I-3201894		OCT/06 RECYCLING CONTRACT	1,996.40			
10/16/2006	APBNK	DUE: 10/16/2006 DISC: 10/16/2006				
		OCT/06 RECYCLING CONTRACT		206 4206-82030-000	RECYCLING CONTRACTS	1,996.40
		=== VENDOR TOTALS ===	2,592.80			
		=== PACKET TOTALS ===	104,052.07			

PACKET: 00039 Regular Payables

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : NUMERIC

DUE TO/FROM ACCOUNTS SUPPRESSED

** T O T A L S **

INVOICE TOTALS	104,052.07
DEBIT MEMO TOTALS	0.00
CREDIT MEMO TOTALS	0.00

BATCH TOTALS	104,052.07
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PERA CK # 70578	\$1946.44
-----------------	-----------

TOTALS PAYABLES:	\$105,998.51
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EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
1136	OLSON, ROLAND O	R	10/11/2006	1,545.09	070554
1141	YARD, MICHAEL C	R	10/11/2006	281.51	070555
1035	AUGER SR, JOSEPH J	R	10/11/2006	301.59	070556
0034	KURHAJETZ, CLEMENT	R	10/11/2006	138.30	070557
0040	ANDERSON, KEVIN	R	10/11/2006	82.21	070558
0066	HERNANDEZ, ALFRED	R	10/11/2006	29.56	070559
0074	ALLEN, MARK J	R	10/11/2006	14.78	070560
0085	JOHNSON-POWERS, DANIEL S	R	10/11/2006	117.98	070561
0087	MCKAY, MICHAEL A	R	10/11/2006	84.04	070562
0090	SCHIPPEL, ANDREW P	R	10/11/2006	64.18	070563
0095	POESCHL, MICHAEL J	R	10/11/2006	78.96	070564
0097	GAFFNEY, PATRICK	R	10/11/2006	197.40	070565
0098	REZNY, BRADLEY J	R	10/11/2006	39.48	070566
0101	HUFF, DALE E	R	10/11/2006	59.10	070567
0104	VANN, VINCENT A	R	10/11/2006	78.96	070568
0105	FEHRENBACH, ANTON M	R	10/11/2006	83.30	070569
0106	TESCH, SCOTT A	R	10/11/2006	167.62	070570
0109	DOUVIER, JASON D	R	10/11/2006	54.26	070571
0112	LESKE, CHRIS M	R	10/11/2006	78.96	070572
0114	GANSCHINIETZ, ANNE T	R	10/11/2006	97.22	070573
0115	FRIDGEN, JOSH T	R	10/11/2006	54.26	070574
0116	GOPLIN, ADAM R	R	10/11/2006	88.88	070575
1015	HOAG, GREGORY R	R	10/11/2006	1,802.68	070576
1033	TRETSVEN, DAVE	R	10/11/2006	1,374.89	070577

***** DIRECT DEPOSIT LIST ***** PAY PERIOD ENDING 10/15/2006

EMP #	NAME	AMOUNT
01-1002	JUSTIN J MILLER	1,873.26
01-1007	PATRICIA PHILLIPS	433.33
01-1008	STACEY T KREUSER	1,185.12
01-1016	LISA A ABERNATHY	1,137.21
01-1038	DEBORAH K JONES	1,373.15
01-1143	COLIN B CALLAHAN	1,033.25

TOTAL PRINTED: 6 7,035.32

*** REGISTER TOTALS ***

REGULAR CHECKS:	24	6,915.21
DIRECT DEPOSIT REGULAR CHECKS:	6	7,035.32
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	30	13,950.53



October Statement for activity from Sep. 07, 2006 through Oct. 04, 2006
CITY OF FALCON HEIGHT, JUSTIN J MILLER (CPN 000107109)

Inquiries: 1-866-485-4545
BUS 58 02 Page 1 of 2

Your U.S. Bank Visa® Business Card account at a glance ...

Activity Summary

Previous Balance.....	\$678.50
Payments and Credits.....	\$678.50
Purchases, Advances & Other Debits	\$726.44
FINANCE CHARGES.....	\$0.00
New Balance.....	\$726.44

ok SM

Credit and Payment Information

Credit Line.....	\$15,000.00
Available Credit.....	\$14,273.56
Minimum Payment Due (Current Month)...	\$15.00
Minimum Payment Due (Past Due).....	\$0.00
Total New Minimum Payment Due.....	\$15.00
Payment Due Date.....	Oct. 24, 2006

To reduce or avoid paying additional finance charges on your purchase balance, pay the total new balance of \$726.44 by 10/24/06. Any cash balance or balance transfer balance will continue to accrue daily interest until the date your payment is received.

Transactions

Post Date	Trans Date	Ref. Nbr	Description of Transaction	Amount	Notation
Payments and Credits					
09/22	09/22	0189	PAYMENT THANK YOU.....	\$678.50	CR
Purchases, Advances, Debits					
09/08	09/07	4502	ONLINE CLASSIFIED ADS 877-223-7355 CA.....	\$34.48	2ND GARAGE SALE
09/15	09/13	4171	HYATT HOTELS SAN ANTON SAN ANTONIO TX.....	\$691.96	CONF
			09/09/06 FOR 04 NIGHTS		
			FOLIO: 1327		

Company Approval (This area for use by your company)

Signature/Approval: _____ Accounting Code: _____

Rate Summary

Balance Type	Balance By Type	Avg. Daily Balance	Daily Periodic Rate	Rate Type	Interest	Corresp APR	***APR*** This Period	Grace Period
BALANCE TRANSFER	\$0.00	\$0.00	0.043123%	VARIABLE	\$0.00	15.74%	0.00%	N
PURCHASES	\$726.44	\$0.00	0.043123%	VARIABLE	\$0.00	15.74%	0.00%	Y
ADVANCES	\$0.00	\$0.00	0.058191%	VARIABLE	\$0.00	21.24%	0.00%	N

Continued on Next Page

Please detach and send coupon with check payable to: U.S. Bank

CPN 000107109

0047985312042613270000015000000726443



To change your address or for Cardmember Service please call: 1-866-485-4545 Every Hour! Every Day!

Your Account Number:	4798 5312 0426 1327
Total New Balance:	\$726.44
Minimum Payment Due:	\$15.00
Payment Due Date	Enter Amount of Payment Enclosed
Oct. 24, 2006	726.44

16786UQ T2 P0

CITY OF FALCON HEIGHT
JUSTIN J MILLER
2077 LARPENTEUR AVE W
FALCON HGTS MN 55113-5551

U.S. Bank

P.O. Box 790408
St. Louis, MO 63179-0408



ITEM: **Approval of License**

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

Explanation:

The following business has applied for a mechanical contractor's license. City staff has received the necessary documents for licensure:

- Marsh Heating & AC

ITEM: **Accept Resignation of Greg Hoag, Parks and Public Works Director**

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

EXPLANATION:

Greg Hoag, the City's parks and public works director for the past two years, has accepted the public works director position with the City of Arden Hills. Greg was a valuable asset to the City of Falcon Heights, and he will be sorely missed.

ACTION REQUESTED:

Staff reluctantly recommends that the Falcon Heights City Council accept the resignation of Greg Hoag, Parks and Public Works Director effective October 31, 2006.

Gregory R. Hoag
2802 Aglen Street
Roseville, Minnesota 55113

October 11, 2006

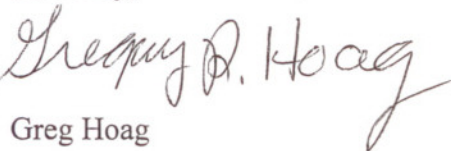
Justin Miller
City Administrator
City of Falcon Heights
2077 W. Larpenteur Avenue
Falcon Heights, MN 55113

Dear Justin,

After much thought and deliberation, I have accepted the position of Public Works Director for the City of Arden Hills. At this time I am submitting my notice of resignation. My last day of work with the City of Falcon Heights will be Tuesday, October 31, 2006. As we have discussed I will be available as needed to help with the transition.

Best of luck, and thanks for all of the guidance and support you have given me.

Sincerely,



Greg Hoag

ITEM: **Approval of Melanie Leehy to the Neighborhood Commission**

SUBMITTED BY: **Mayor Gehrz**

EXPLANATION:

I am recommending the appointment of Melanie Leehy to the Neighborhood Commission for a three-year term.

ACTION REQUESTED:

- Approve appointment of Melanie Leehy to a three-year term on the Neighborhood Commission.

CITY OF FALCON HEIGHTS
COMMISSION APPLICATION

DATE: October 18, 2006

NAME: Melanie March Leehy

ADDRESS: _____
Falcon Heights, MN 55108

PHONE: (H) _____ (C) _____

HOW LONG AT ABOVE ADDRESS? One Year

IN WHAT CAPACITY DO YOU WISH TO SERVE? I would love to serve on the Neighborhood Commission.

REASON YOU WISH TO SERVE ON ABOVE: I have lived in several cities of our Metro Area. Of all of them Falcon Heights is by far my favorite. I believe that it is important to not only enjoy the benefits of our City, but also do what I can to maintain and add to it.

PRIOR PUBLIC (OR RELATED) SERVICE: As an adult, I have never served in any governmental capacity. My very first job as a teenager was Girl Friday to the City Clerk of Brooklyn Park. Other than that, I have served in various volunteer roles in the Metro Area.

OTHER RELEVANT BACKGROUND (OR COMMENTS): I believe that my years of experience with non-profit organizations have helped to groom me as a servant to my neighbors. One such position was chairing a collaborative of Minneapolis youth organizations meeting the needs of At-Risk Youth.

ITEM: Close Out Fund 315 (1993 TIF Refinancing Bond) and Transfer the remaining balance in the fund to Fund 413 (TIF District 2-1)

SUBMITTED BY: Roland Olson, Finance Director

REVIEWED BY: Justin J. Miller, City Administrator and
Matt Mayer, CPA, Kern, DeWenter, Viere, Ltd

Summary and action requested:

The 1993 TIF Refinancing Bond has been paid off. A small balance of \$7,198.14 remains in this bond fund as of September 30, 2006. Our auditors have recommended closing this fund with any balance transferred back to the appropriate TIF capital fund from which it originated. This capital fund is Fund 413 (TIF District 2-1). Staff requests closing Fund 315 and transferring this small balance back to Fund 413 with an effective date of September 30, 2006. This small balance can then be used for future TIF needs and obligations.

Meets goal # 4: To provide a responsive and effective city government.

Strategy #4: To effectively manage the city's financial resources.

Action Requested:

Approve the closure of Fund 315 (1993 TIF Refinancing Bond Fund) and transfer the small remaining balance back to Fund 413 (TIF District 2-1) for future TIF needs and obligations.

ITEM: **Increase the Community Development Special Revenue Fund (Fund 208) “Other Professional Services” line item to reflect the unplanned and unbudgeted expenses associated with the “Drive Thru” Zoning and Planning Study**

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

REVIEWED BY: **Justin Miller, City Administrator**
 Matt Mayer, CPA, Kern, DeWenter, Viere Ltd.

Summary:

The “Drive Thru” Zoning and Planning Study expenses were not budgeted for the 2006 budget because the determination to conduct such a study was not made until the early months of 2006. The 2006 budget had previously been finalized in December of 2005. These expenses would be recognized in the Community Development Special Revenue Fund 208. The “Drive Thru” expenses total approximately \$4,500 year to date.

Staff recommends increasing the budget line item “Other Professional Services” by \$5,000. This would increase this line item in the budget up to \$8,000 allowing additional room for any additional community development expenses that might occur before the end of 2006.

In addition, the fund balance in the Community Development Special Revenue Fund (208) needs to be increased to provide the funds for these expenditures. With these additional expenditures, the fund now carries a negative fund balance of \$2,913. Staff recommends transferring \$5,000 from the Infrastructure Capital Fund (419) to the Community Development Special Revenue Fund (208) to cover this negative fund balance and allow for some additional funds if needed in the future.

Meets Goal #4: To provide a responsive and effective city government.

Strategy #4: To effectively manage the city’s financial resources.

Action Requested:

Amend the Community Development Special Revenue Fund 208 “Other Professional Services” line item by increasing by \$5,000. Also, approve a transfer of funds totaling \$5,000 from the Infrastructure Fund (419) to the Community Development Special Revenue Fund (208).

ADDENDUM
CONSENT F7
10/25/06

ITEM: Resolution authorizing SCORE Grant application

SUBMITTED BY: Deb Jones, Planning and Zoning Director

REVIEWED BY: Justin Miller, City Administrator
Roland Olson, Finance Director

EXPLANATION:

Summary: The Council is being asked to authorize the Mayor and Administrator to sign the 2007 SCORE recycling grant contract from Ramsey County and adopt the attached resolution. The grant is in the amount of \$10,674.

The SCORE grant helps offset the cost of providing recycling services to our residents, as well as providing educational materials to residents.

ATTACHMENT:

- Resolution 2006-27

ACTION REQUESTED:

- Approval of Resolution 2006-27

CITY OF FALCON HEIGHTS
RESOLUTION 2006-27

**RESOLUTION AUTHORIZING THE MAYOR AND STAFF TO SIGN THE 2007
RAMSEY COUNTY SCORE GRANT, AND ENTER INTO AN AGREEMENT
WITH RAMSEY COUNTY FOR FUNDING**

WHEREAS, the City of Falcon Heights has a recycling program, which serves the residents of the City; and

WHEREAS, the City utilizes the SCORE funding to offset costs of that program each year; and

WHEREAS, the City Council has determined that participation in this program is beneficial to the residents of Falcon Heights;

NOW, therefore, be it resolved by the City Council of the City of Falcon Heights, Minnesota;

The Mayor and City Administrator are authorized to enter into an agreement with Ramsey County for funding under the 2007 SCORE Grant.

Adopted, unanimously, by the City Council of Falcon Heights on October 25, 2006.

APPROVED: _____
Susan L. Gehrz, Mayor
October 25, 2006

ATTEST: _____
Justin Miller
City Administrator
October 25, 2006

ITEM: **Approval of Subordination Agreement – Falcon Heights Town Square**

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

EXPLANATION:

Sherman Associates, the developer of the Falcon Heights Town Square project, has approached the city requesting our approval of the attached subordination agreement with their lending institution. In order for them to finalize their financing, Sherman Associates are taking out a mortgage with Washington County Bank, and the terms of this mortgage require that the city subordinate, or relinquish, our rights in respect to title interest in the property.

This action was anticipated when the development agreement was approved. In fact, the exact language in the development agreement states:

Section 7.3. Subordination of Agreement. In order to facilitate the obtaining of financing for the construction of the Minimum Improvements, the City agrees that it will consider and agree to reasonable requests to subordinate its rights with respect to the Development Property and the Minimum Improvements to the rights of the Developer's lenders under their loan documents.

Approval of this agreement in no way impacts the progress of the project, requirements of the developer to construct the project in the same manner as previously approved, or our obligations in regards to the tax increment financing agreement. The city attorney has reviewed the agreement and finds it satisfactory.

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council approve the attached Subordination Agreement with Washington County Bank, N.A. in regards to the Falcon Heights Town Square development.

SUBORDINATION AGREEMENT

This Subordination Agreement (the "Subordination Agreement") is made and entered into this _____ day of October, 2006, by and between the City of Falcon Heights, a Minnesota municipal corporation (the "City") and Washington County Bank, N.A., a national banking association (the "Mortgagee").

RECITALS

A. The City and Townhomes at Town Square LLC, a Minnesota limited liability company (the "Company") have heretofore entered into a certain Development Agreement dated July 18, 2003, filed January 14, 2004, as Document Number 1798794, in the Office of the Registrar of Titles, Ramsey County, Minnesota (the "Contract"), relating to the development of certain real property situated in the County of Ramsey, State of Minnesota and legally described on Exhibit A attached hereto (the "Townhome Development Property").

B. In order to provide funds for the construction and installation of the townhomes constructed on the Townhome Development Property (the "Project"), the Mortgagee has agreed to make a loan to the Company pursuant to a Loan Agreement, dated of even date herewith (the "Loan Agreement") as evidenced by that certain promissory note, dated of even date herewith in the amount of _____ Million and 00/100 Dollars (\$_____.00) and payable to the order of the Mortgagee (the "Note").

C. To secure its obligations under the Note, the Company is executing and delivering to the Mortgagee a Combination Mortgage, Security Agreement, Fixture Financing Statement and Assignment of Leases and Rents (the "Mortgage") dated of even date herewith encumbering and creating a lien on those portions of the Townhome Development Property legally described on Exhibit B attached hereto (the "Mortgaged Property").

D. The Note, the Mortgage, the Loan Agreement are hereinafter collectively referred to as the "WCB Loan Documents".

E. The Company's development of Townhome Development Property is subject to the covenants, conditions, restrictions and provisions of the Contract, certain provisions of which are or may be in conflict with the provisions of the WCB Loan Documents, and this Subordination Agreement is being entered into for the purpose of resolving such conflicts.

NOW, THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. The City certifies that as of the date of this Subordination Agreement, no Event of Default, as defined in the Contract, exists under the terms of the Contract.
2. The City hereby subordinates, in all respects, to the lien of the Mortgage and the interest of the Mortgagee thereunder, any and all right, title or interest the City has, may have or may hereafter acquire in the Mortgaged Property, the portions of the Project located on the Mortgaged Property or any insurance proceeds or condemnation awards with respect thereto, which City interest and rights are and shall in all respects continue to be subordinate to the lien of the Mortgage notwithstanding the order of recording, date of execution and delivery, order of performance or any other priority requirements which may otherwise exist.
3. The City acknowledges receipt of copies of the WCB Loan Documents and further acknowledges that this Subordination Agreement, the WCB Loan Documents and the loan evidenced thereby are each hereby authorized, consented to and approved under the terms of the Contract.
4. The City hereby agrees that all rights of the City to approve or disapprove changes to the Construction Plans for the Project or any amendments thereto are set forth in the Contract, it being understood that this paragraph is not intended to limit the authority of the City to approve or disapprove the construction plans for the Project as provided in its city code and ordinances.
5. If, prior to the City's issuance of "Certificates of Completion", as defined in the Contract, for the Mortgaged Property, the Company defaults under the Mortgage, the Mortgagee must, before commencing proceedings to foreclosure the Mortgage, notify the City, in writing of:
 - (a) the fact of the default;
 - (b) the elements of the default; and
 - (c) the actions required to cure the default.

If the default entitles the Mortgagee to foreclosure upon the Mortgaged Property, and if, under the Mortgage, the Company has the right to cure the default before the Mortgagee may commence proceedings to foreclosure the Mortgage, the City shall have the same cure rights as the Company. Nothing contained in this paragraph shall be deemed to grant the City any cure rights other than cure rights expressly granted to the Company in the Mortgage.

6. In the event that, after receipt of a notice from the City of default or Event of Default under the Contract, the Mortgagee (or any successor in interest to the Mortgagee) elects, within the time allowed under the Contract to exercise any right under the Contract to cure or remedy any breach or default by the Company under the Contract with respect to construction of the Minimum Improvements (as defined in the Contract) then such exercise of rights or cure or remedy, including, without limitation, the time limits thereon, shall be in accordance with the terms of the Contract. Nothing herein shall be construed to create any obligation of the Mortgagee to perform under the Contract or to cure or remedy any default of the Company under the Contract.
7. The City represents to the Mortgagee as follows:
 - (a) The Contract constitutes the legal, valid and binding obligation of the City and is enforceable against the City in accordance with its terms;
 - (b) The Project, as defined in the Contract, is in conformance with the development objectives set forth in the Tax Increment Plan, as defined in the Contract; and
 - (c) Upon the execution and delivery by the City, this Subordination Agreement will constitute the legal, valid and binding obligation of the City, enforceable against the City in accordance with its terms.
8. The City and the Mortgagee acknowledge that the Mortgagee is not a party to the Contract, that the City is not a party to the WCB Loan Documents and that this Subordination Agreement contains the entire agreement between the City and the Mortgagee with respect to each other under the Contract, and that this Subordination Agreement may be amended only in writing signed by both parties hereto.
9. The rights given to the Mortgagee under this Subordination Agreement are in addition to the rights of the Mortgagee under the WCB Loan Documents and the documents related thereto. In the event of any inconsistency between the terms of this Subordination Agreement and the terms of the WCB Loan Documents or the Contract, the terms of this Subordination Agreement shall control to the benefit of each of the parties hereto and their respective successors and assigns. In addition, the rights of the City hereunder are in addition to its rights under the Contract.

10. Any notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when mailed by certified or registered mail, postage prepaid, when the property addresses indicated below. Unless otherwise designated by the respective parties, all notices, certificates and communications to each of them shall be sent to the addresses designated below:

City: City of Little Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, Minnesota 55113
Attn: City Administrator

Mortgagee: Washington County Bank, N.A.
990 Helena Avenue North
Oakdale, Minnesota 55128
Attn: Dennis Martodam

11. This Subordination Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns including any subsequent holder of the Mortgage.

[The remainder of this page has been left blank intentionally.
Signature pages follow.]

IN WITNESS WHEREOF, the parties have caused this Subordination Agreement to be executed as of the day and year first above written.

WASHINGTON COUNTY BANK, N.A.

By: _____

Dennis Martodam
Its: Senior Vice President

STATE OF MINNESOTA)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me the _____ day of October, 2006, by Dennis Martodam, the Senior Vice President of Washington County Bank, N.A., a national banking association, for and on behalf of the association.

Notary Public

THE CITY OF FALCON HEIGHTS

By: _____

Susan L. Gehrz, Mayor

By: _____

Justin Miller
Its: City Administrator

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me the _____ day of
October, 2006, by Susan L. Gehrz, the Mayor of the City of Falcon Heights, a Minnesota
municipal corporation, on behalf of the City.

Notary Public

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me the _____ day of
October, 2006, by Justin Miller, the City Administrator of the City of Falcon Heights, a
Minnesota municipal corporation, on behalf of the City.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF TOWNHOME DEVELOPMENT PROPERTY

Lot 2, Block 1, Falcon Heights Town Square, according to the recorded plat thereof in Ramsey County, Minnesota.

EXHIBIT B
LEGAL DESCRIPTION OF MORTGAGED PROPERTY

Lots 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, Common Interest Community 677, Ramsey County, Minnesota.

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

Attached to this report are the revised application and license forms, as well as the proposed and current ordinances.

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 or 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:

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.



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 on: _____

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. _____

**AN ORDINANCE AMENDING THE
FALCON HEIGHTS CITY CODE
CONCERNING BACKGROUND CHECKS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 2 of the Falcon Heights City Code is amended by adding Article VII to read as follows:

The purpose of this Article is to authorize the City of Falcon Heights acting through a Police Department to access through the Bureau of Criminal Apprehension Minnesota Computerized Criminal history public data and driver's license history background checks on employees, applicants for employment, volunteers and applicants for the following City licenses: intoxicating liquor, wine, 3.2 malt liquor, refuse haulers, tobacco, peddler, solicitor and massage. The City may conduct comprehensive background investigations, including but not limited to accessing data through other automated and non-automated sources and contacting references. The City may periodically conduct a driver's license inquiry upon employees or volunteers where possession of a valid driver's license is an essential qualification of the position. Before the investigation is undertaken, the person must authorize the Police Department in writing to undertake the investigation and to release the information to the City Administrator, and other City staff as appropriate. If a questioned identity situation occurs, fingerprint verification shall be obtained. Should the City reject an applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes Section 364.09, the City Administrator shall notify the applicant in writing of the following:

- (a) The grounds and reasons for the denial;
- (b) The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
- (c) The earliest date the applicant may reapply for employment; and
- (d) All competent evidence of rehabilitation will be considered upon reapplication.

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

ADOPTED this _____ day of _____, 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

- (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;

5. Proof of License. Upon receipt of a complete application, the City Clerk shall transmit the same to the City Administrator for approval. 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 have one copy of the registrant's photograph attached to the same, and 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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, by ringing a bell, 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.

11. 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.

12. 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.

13. 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.

14. 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 _____ day of _____, 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY:

Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

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: **Amendment to City Code Relating to Background Checks**

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

EXPLANATION:

In order to perform the background checks associated with the new solicitor licensing requirements, the city attorney has advised us that revisions need to be made to our city code. The state attorney general's office has provided guidance on what is needed in such an ordinance, and our legal counsel has used this guidance in preparing the proposed ordinance.

ACTION REQUESTED:

Staff recommends that the Falcon Heights City Council approve the attached ordinance amending the Falcon Heights City Code concerning background checks.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
FALCON HEIGHTS CITY CODE
CONCERNING BACKGROUND CHECKS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 2 of the Falcon Heights City Code is amended by adding Article VII to read as follows:

The purpose of this Article is to authorize the City of Falcon Heights acting through a Police Department to conduct computerized criminal history and driver's license history background checks on employees, applicants for employment, volunteers and applicants for City licenses and other City approvals. The City may conduct comprehensive background investigations, including but not limited to accessing data through other automated and non-automated sources and contacting references. The City may periodically conduct a driver's license inquiry upon employees or volunteers where possession of a valid driver's license is an essential qualification of the position. Before the investigation is undertaken, the person must authorize the Police Department in writing to undertake the investigation and to release the information to the City Administrator, and other City staff as appropriate. Should the City reject an applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes Section 364.09, the City Administrator shall notify the applicant in writing of the following:

- (a) The grounds and reasons for the denial;
- (b) The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
- (c) The earliest date the applicant may reapply for employment; and
- (d) All competent evidence of rehabilitation will be considered upon reapplication.

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

ADOPTED this _____ day of _____, 2006, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Susan L. Gehrz, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk