

City of Falcon Heights

A G E N D A

Regular Meeting of the City Council April 12, 1995

- I. CALL TO ORDER: 7 p.m.
- II. BALDWIN _____ GEHRZ _____ GIBSON TALBOT _____ HUSTAD _____
JACOBS _____ HOYT _____ ASLESON _____
ATTORNEY _____ ENGINEER _____
- III. COMMUNITY FORUM
- IV. APPROVAL OF MINUTES: March 22, 1995
- V. CONSENT AGENDA:
 - C-1. Disbursements
 - a. General disbursements through 4/6/95, \$73,858.89
 - b. Payroll, 3/16/95 to 3/31/95, \$11,124.37
 - C-2. Licenses
 - C-3. Community Park building and city hall door modifications - - - ADA compliance
 - C-4. Authorization for the purchase of a copy machine for use in the city office
 - C-5. Approval of purchase of office products from Facility Systems, Inc.
 - C-6. Approval of purchase of ventilators and stretcher chairs for the rescue department
- VI. PUBLIC HEARING:
 - PH-1. Second hearing regarding the 1995 alley reconstruction project
- VII. POLICY AGENDA:
 - P-1. Presentation of bids received for 1995 alley reconstruction project

ACTION: _____
 - P-2. Consideration of Resolution No. 95-08, declaring cost to be assessed and ordering preparation of assessment roll

ACTION: _____
 - P-3. Consideration of Resolution No. 95-09 scheduling assessment hearing for the proposed 1995 alley reconstruction project

ACTION: _____

P-4. A request to amend the assessment agreement on Falcon Crossing

ACTION: _____

P-5. Request to contract for prosecution services

ACTION: _____

VIII. INFORMATION AND ANNOUNCEMENTS:

IX. ADJOURNMENT

DRAFT

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 22, 1995**

Mayor Baldwin convened the meeting at 7:01 p.m.

PRESENT

Baldwin, Gehrz, Gibson Talbot, Jacobs. Also present were Hoyt, Phillips, Maurer and Sampson.

ABSENT

Hustad, Asleson

COMMUNITY FORUM

There were no comments from the floor.

MINUTES OF MARCH 8, 1995

Minutes were approved unanimously as presented.

CONSENT AGENDA APPROVED

Motion was made by Councilmember Gehrz to approve the following consent agenda.

1. Disbursements
 - a. General disbursements through 3/16/95, \$90,909.67
 - b. Payroll, 3/1/95 to 3/15/95, \$12,148.84
2. Approval of fire department capital purchase
3. Request for authorization to prepare plans and specifications and advertise for bids for the 1995 street sealcoating project
4. Request for authorization to prepare specifications and advertise for bids for the roof of city hall
5. Authorization for the purchase of two personal computers for administrative/secretarial use and one personal computer with corresponding software conversions for finance/accounting use
6. Request for authorization to hire a streetsweeper for the city's spring and fall streetsweeping

Motion carried unanimously.

POLICY AGENDA

REVISITING THE ALLEY ASSESSMENT FOR SPECIFIC PROPERTIES LOCATED IN THE 1995 ALLEY RECONSTRUCTION PROJECT

Mayor Baldwin gave council a brief update on the reason behind the request to revisit the 1995 alley assessment. The reconstruction of Albert and Pascal Streets in 1982 affected certain properties in the Northome area and those properties were assessed based on the full length of their sideyard rather than on the 50' front length. Because they were assessed an additional amount and because the situation was unique, the policy was changed from 1982 to 1984 for the same street project after the fact, Mayor Baldwin requested the council to adjust the '95 alley assessment by reducing the assessment by \$500 for single property and \$1,000 for the apartment property. Councilmember Gehrz indicated she was not comfortable going back to this and feels the time to challenge that decision was in 1984, not 1995. Councilmember Jacobs said the only way to determine a fair assessment is based on what the added value is to the property in a realistic sense. He said the assessment policy should have a ceiling and a cap. Jacobs also felt these property owners had the option to contest the assessment back in 1982. Councilmember Gibson Talbot felt this request could present potential difficulty with other past projects and questioned the issue of what precedent the council might be setting. Attorney Sampson said there was no definitive legal answer on this, it could be construed as precedent but could also be construed as unique. She said the time to appeal would have been in 1984.

Mayor Baldwin said the next step would be for a councilmember to make a motion to revisit the alley assessment for specific properties located in the 1995 alley reconstruction project. No motion was made.

UPDATE ON UPCOMING COMMUNITY EVENTS

Administrator Hoyt updated the council about several community events tentatively scheduled for the next few months. They are a volunteer recognition dinner, neighborhood watch block captains meeting, tree care workshop, an Arbor Day celebration, citywide garage sale and rescue open house/bicycle safety day. Council felt that since the garage sale and rescue open house/bicycle safety are scheduled on the same day, there might be a conflict. Administrator Hoyt said she would talk to the rescue department to see if a different date might work out for them.

UPDATE ON POLICE SERVICES

Chief Engstrom presented council with police statistics in Falcon Heights since the St. Anthony Police Department took over on January 1, 1995. The traffic enforcement is considerably heavier than it was in the past and overall, he said we have a "healthy" city with very little crime. The officers are patrolling constantly through the parks, business area and neighborhoods. They occasionally will stop to visit with a businessowner or a resident if they are in the yard. Chief Engstrom and his officers want the community to feel comfortable with the police and want them to become involved in "community policing". Chief Engstrom answered council's questions about the weekly reports, court system and the ride-along program.

CITY INFORMATION AND ANNOUNCEMENTS

Councilmember Jacobs reported the local recycling spot market is up and that is why E-Z Recycling has decided not to raise their rates on the contract the city has with them. According to the terms of the contract, they could have raised their rate by 2.9% and by not doing so, a substantial savings is passed on to the city.

Mayor Baldwin invited everyone to attend Arbor Day celebration on May 19th at the Falcon Heights School.

Jan Gibson Talbot said that the Human Rights Commission attendance has been down.

Administrator Hoyt announced that streetsweeping is scheduled for the first or second week in April.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Mayor

Acting Recording Secretary

Meeting Date: 4/12/95

Agenda Item: C - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Joe Rigdon, City Accountant

REVIEWED BY:

EXPLANATION/SUMMARY:

- a. General disbursements through 4/6/95, \$\$73,858.89
- b. Payroll, 3/16/95 to 3/31/95, \$11,124.37

ACTION REQUESTED: Approval

a.

APPROVAL OF BILLS
PERIOD ENDING: 04/06/95

| CHECK# | VENDOR NAME | DESCRIPTION | DEPT. | AMOUNT |
|--------|------------------------------------|-----------------------------------|----------|----------|
| | AT&T | MAINTENANCE 3/26-4/25/95 BUILDING | | 73.39 |
| | ASLESON, CARLA | MILEAGE | 95 ALLEY | 5.04 |
| | ASLESON, CARLA | CLERK'S CONFERENCE HOTEL | ADMINIST | 180.63 |
| | ASLESON, CARLA | CONFERENCE MILEAGE | ADMINIST | 37.18 |
| | ASLESON, CARLA | MILEAGE | ADMINIST | 2.80 |
| | ASLESON, CARLA | OFFICE SUPPLIES (COFFEE) | ADMINIST | 13.98 |
| | ASLESON, CARLA | POSTAGE | ELECTION | 2.44 |
| | *** TOTAL FOR ASLESON, CARLA | | | 242.07 |
| | EARL P. ANDERSEN & ASSOC | BASKETBALL NETTING | PARK PRO | 72.93 |
| | BLOMBERG PHARMACY | FILM/DEVELOPING | | 14.45 |
| | COLONIAL INSURANCE | BAUMANN & LEMAY PREMIUMS | FIRE FIG | 45.65 |
| | COLONIAL INSURANCE | IVERSON PREMIUM | FIRE PRE | 36.45 |
| | *** TOTAL FOR COLONIAL INSURANCE | | | 82.10 |
| | E-Z RECYCLING, INC. | 3/95 RECYCLING | SOLID WA | 2,389.50 |
| | E-Z RECYCLING, INC. | OVERPMT REFUSE LICENSE | | 30.00 |
| | *** TOTAL FOR E-Z RECYCLING, INC. | | | 2,419.50 |
| | FACILITY SYSTEMS | DELIV. ADMIN OFFICE SHLV | ADMINIST | 56.36 |
| | FIRE MARSHALS ASSOC OF MN | 95 MEMBERSHIP | FIRE PRE | 35.00 |
| | FOCUS NEWSPAPERS | LEGAL NOTICES | LEGISLAT | 88.08 |
| | GLENWOOD INGLEWOOD | 15 GALLONS WATER | BUILDING | 16.65 |
| | GOPHER BEARING CO. | SNOW BLOWER PARTS | STREETS | 10.53 |
| | 30485 GOVERNMENT TRAINING SERV. | LAND USE PLANNING WKSHPS | PLANNING | 170.00 |
| | HERMAN MILLER INC., | ADMIN. OFFICE SHELING | GENERAL | 448.86 |
| | GRAINGER, W. W., INC. | JETTER GLOVES | | 8.05 |
| | GRAINGER, W. W., INC. | GLOVES; LAMPS | BUILDING | 56.23 |
| | *** TOTAL FOR GRAINGER, W. W., INC | | | 64.28 |
| | INSTY-PRINTS PLUS | EMS GUIDELINES MANUALS | RESCUE S | 90.84 |
| | INSTY-PRINTS PLUS | ENVELOPES | ADMINIST | 20.15 |
| | *** TOTAL FOR INSTY-PRINTS PLUS | | | 110.99 |
| | IVERSON, TERRY | 3/95 MILEAGE | ADMINIST | 9.52 |
| | IVERSON, TERRY | 3/95 MILEAGE | FIRE PRE | 82.60 |
| | IVERSON, TERRY | GAVEL LUNCH MEETING | FIRE PRE | 8.56 |
| | *** TOTAL FOR IVERSON, TERRY | | | 100.68 |
| | JANKE, KATHLEEN | 4/95 CLEANING | FIRE FIG | 80.00 |
| | KONICA BUSINESS MACHINES | COPY OVERAGE | ADMINIST | 158.44 |
| | KONICA BUSINESS MACHINES | MAINTENANCE 4/95 | ADMINIST | 121.16 |

APPROVAL OF BILLS
PERIOD ENDING: 04/06/95

| CHECK# | VENDOR NAME | DESCRIPTION | DEPT. | AMOUNT |
|--------|------------------------------------|--------------------------|-----------|----------|
| | *** TOTAL FOR KONICA BUSINESS MACH | | | 279.60 |
| | M. A. B. ENTERPRISES, INC | INFLATABLE CAR SEATS | RESCUE S | 241.27 |
| | MCI TELECOMMUNICATIONS | 2/95 LONG DISTANCE | BUILDING | 6.19 |
| | M-75 BUILDING MAINTENANCE | 3/95 CLEANING | BUILDING | 155.15 |
| | MAIER STEWART & ASSOC. | 1/29-2/25/95 ENGINEERING | ENGINEER | 103.75 |
| | MAIER STEWART & ASSOC. | 1/29-2/25/95 ENGINEERING | LARPENTE | 319.98 |
| | MAIER STEWART & ASSOC. | 1/29-2/25/95 ENGINEERING | 95 ALLEY | 1,771.52 |
| | *** TOTAL FOR MAIER STEWART & ASSO | | | 2,195.25 |
| | MIDWEST BUSINESS PRODUCTS | OFFICE SUPPLIES | ADMINIST | 135.66 |
| | MIDWEST DELIVERY SERVICE | DELIVERY | ADMINIST | 7.65 |
| 30487 | MN DEPARTMENT OF REVENUE | STATE WITHHELD 3/31/95 | ADMINIST | 665.46 |
| | DISPATCH COMMUNICATIONS | PAGER EQUIPMENT | FIRE & RE | 5,196.17 |
| 30482 | MINNESOTA GFOA | MGFOA INVESTMENT SEMINAR | FINANCE | 50.00 |
| | MN STATE FIRE CHIEF ASSOC | IVERSON 95 MEMBERSHIP | FIRE PRE | 25.00 |
| | NSP | 2/95 GAS | PARK MAI | 826.02 |
| | NSP | 3/95 ELECTRIC | PARK MAI | 21.28 |
| | NSP | 2/95 ELECTRIC | SANITARY | 13.25 |
| | NSP | 3/95 ELECTRIC | EMERGENC | 6.28 |
| | *** TOTAL FOR NSP | | | 866.83 |
| | NSP | 3/95 STREET LIGHTING | SFR. LIG | 1,867.23 |
| 30488 | NORTH STAR STATE BANK | FED WITHHELD 3/31/95 | ADMINIST | 3,601.01 |
| | PERA | PERA WITHHELD 3/31/95 | ADMINIST | 1,231.56 |
| | PERA LIFE | PHILLIPS 4/95 PREMIUM | ADMINIST | 12.00 |
| | PERA LIFE | BAUMANN 4/95 PREMIUM | FIRE FIG | 12.00 |
| | PERA LIFE | IVERSON 4/95 PREMIUM | FIRE PRE | 12.00 |
| | *** TOTAL FOR PERA LIFE | | | 36.00 |
| | PHILLIPS, PATRICIA | MILEAGE/PARKING | ADMINIST | 3.06 |
| | PHILLIPS, PATRICIA | TIPS FOR FOOD DELIVERY | LEGISLAT | 4.00 |
| | PHILLIPS, PATRICIA | COFFEE SUPPLIES | ADMINIST | 20.97 |
| | *** TOTAL FOR PHILLIPS, PATRICIA | | | 28.03 |
| 30486 | PRECISION COMPUTER SYSTEM | 25% FINANCE PC/CONVERT | GENERAL | 1,999.00 |
| | RAMSEY COUNTY | LIFTSTATION MAINTENANCE | STURM SE | 5,895.10 |
| | RAMSEY COUNTY | FINAL ENGINEERING COSTS | CLEVELAN | 689.98 |
| | RAMSEY COUNTY | FINAL CONSTRUCTION COSTS | CLEVELAN | 5,749.84 |
| | RAMSEY COUNTY | CRT USE 1/95 | 95 ALLEY | 27.09 |

APPROVAL OF BILLS
PERIOD ENDING: 04/06/95

| CHECK# | VENDOR NAME | DESCRIPTION | DEPT. | AMOUNT |
|--------|-------------------------------------|-----------------------------|----------|-----------|
| | RAMSEY COUNTY | SALT/SAND MIXTURE | STREETS | 29.08 |
| | RAMSEY COUNTY | 2/95 SNOWPLOWING/SANDING | STREETS | 1,973.77 |
| | RAMSEY COUNTY | PROPERTY REPORT | FINANCE | 65.00 |
| | *** TOTAL FOR RAMSEY COUNTY | | | 14,429.86 |
| | S & S TREE SPECIALISTS | IN REMOVE ELM TREE 1512 ID. | TREE PRO | 350.39 |
| | SCHARBER & SONS | #955 TRACTOR FLUID CHG | STREETS | 47.88 |
| | SOUTHAM BUSINESS | ADVERTISE ALLEY BIDS | LEGISLAT | 112.50 |
| | STATE FIRE SCHOOL - STC | TUITIONS STATE FIRE SCHL | FIRE FIG | 690.00 |
| | SUBURBAN HARDWARE | MISC CLEANING/ROOF SUPPL | BUILDING | 29.63 |
| | SUBURBAN HARDWARE | TRUCK SWITCH | STREETS | 5.55 |
| | SUBURBAN HARDWARE | PARK SUPPLIES | PARK MAI | 9.67 |
| | *** TOTAL FOR SUBURBAN HARDWARE | | | 44.85 |
| | SUPER AMERICA | FUEL 2/27-3/21/95 | SANITARY | 26.84 |
| | SUPER AMERICA | FUEL 2/27-3/21/95 | STREETS | 71.75 |
| | SUPER AMERICA | FUEL 2/27-3/21/95 | PARK MAI | 25.08 |
| | SUPER AMERICA | FUEL 2/27-3/21/95 | FIRE FIG | 49.66 |
| | SUPER AMERICA | FUEL 2/27-3/21/95 | RESCUE S | 57.10 |
| | *** TOTAL FOR SUPER AMERICA | | | 230.43 |
| | SWEET COMPUTER SERVICES | AMBULANCE SOFTWARE SUPPT | RESCUE S | 248.19 |
| | TOLL GAS & WELDING SUPPLY | COMPRESSED AIR | FIRE FIG | 83.65 |
| | UNITED LABORATORIES | VANDALISM PAINT REMOVAL | PARK MAI | 159.63 |
| | U.S. POSTMASTER | 6000 STAMPS | ADMINIST | 1,920.00 |
| | UNITED WAY | 1ST QTR DONATIONS | ADMINIST | 33.00 |
| | UNITED WAY | 1ST QTR DONATIONS | FIRE PRE | 20.40 |
| | UNITED WAY | 1ST QTR DONATIONS | PARK & R | 30.00 |
| | UNITED WAY | 1ST QTR DONATIONS | PARK MAI | 30.00 |
| | *** TOTAL FOR UNITED WAY | | | 113.40 |
| | 30484 USWEST CELLULAR | 2/95 CELLULAR PHONE | RESCUE S | 18.22 |
| | 30483 USWEST COMMUNICATIONS | 3/95 COMM PK PHONE | PARK & R | 57.64 |
| | USWEST COMMUNICATIONS | PHONE SVC 3/22-4/21/95 | PARK & R | 55.66 |
| | *** TOTAL FOR USWEST COMMUNICATION | | | 113.30 |
| | SUBURBAN CHAMBER COMMERCE | NE REGIONAL COMM BRKFAST | ADMINIST | 8.00 |
| | ST PAUL WATER UTILITY | 3/95 WATER | BUILDING | 15.08 |
| | ST PAUL WATER UTILITY | 3/95 WATER | PARK MAI | 12.81 |
| | *** TOTAL FOR ST PAUL WATER UTILIT. | | | 27.89 |
| | BERNARDY, CONNIE LANNERS | 4/15/95 MCAD SERVICES | MCAD | 1,470.86 |
| | BERNARDY, CONNIE LANNERS | US WEST 1/95 & 2/95 | MCAD | 193.85 |

APPROVAL OF BILLS
PERIOD ENDING: 04/06/95

| CHECK# | VENDOR NAME | DESCRIPTION | DEPT. | AMOUNT |
|--------|------------------------------------|---------------------------|----------|-----------|
| | BERNARDY, CONNIE LANNERS | MAILBOXES ETC. POSTAGE | MCAD | 35.25 |
| | BERNARDY, CONNIE LANNERS | MPRC SUPPLIES | MCAD | 11.07 |
| | BERNARDY, CONNIE LANNERS | MISC. MEETINGS | MCAD | 13.01 |
| | BERNARDY, CONNIE LANNERS | JEWISH COMM CTR MTG | MCAD | 18.00 |
| | BERNARDY, CONNIE LANNERS | SACC GEN MBRSHIP LUNCHEON | MCAD | 15.00 |
| | BERNARDY, CONNIE LANNERS | GAVEL ASSOC. MBRSHIP | MCAD | 15.00 |
| | *** TOTAL FOR BERNARDY, CONNIE LAN | | | 1,772.84 |
| | ST. ANTHONY VILLAGE | 4/95 POLICE SERVICES | POLICE | 26,416.66 |
| | ANOKA-HPN TECH COLLEGE | HAZARDOUS MATERIALS CLSS | FIRE FIG | 0.00 |
| | ANOKA-HPN TECH COLLEGE | HAZARDOUS MATERIALS CLSS | FIRE FIG | 95.00 |
| | *** TOTAL FOR ANOKA-HPN TECH COLLE | | | 95.00 |
| | RIGDON, JOE | COPIER MILEAGE | ADMINIST | 27.16 |
| | RIGDON, JOE | BANK MILEAGE | FINANCE | 11.20 |
| | *** TOTAL FOR RIGDON, JOE | | | 38.36 |
| | REMUS, JEAN | YOUTH COUNCIL | MCAD | 3.71 |
| | BUILDER'S BOOK INC. | 1994 U.B.C. VOLUME 1 | PLANNING | 61.57 |
| | GAVEL ASSOCIATION | LEADERSHIP DINNER | FIRE PRE | 15.00 |
| | PC EXPRESS, INC. | 486DX2/66 2 FLOPPY DRIVE | GENERAL | 1,823.28 |
| | PC EXPRESS, INC. | 486DX2/66 1 FLOPPY DRIVE | GENERAL | 1,696.55 |
| | *** TOTAL FOR PC EXPRESS, INC. | | | 3,519.83 |
| | 30489 VIKING ELECTRIC | COMM PK LIGHT LENS | PARK MAI | 82.50 |
| | GRANDSTRAND, EARL | PC SETUP & INSTALLATION | ADMINIST | 130.00 |
| | AT&T WIRELESS SERVICES | PUBLIC WORKS PAGER 4/95 | BUILDING | 13.30 |
| | COOK, FERNE | OVERPMT AMBULANCE BILL | | 439.00 |
| | *** TOTAL FOR BANK 01 | | | 73,858.89 |
| | *** GRAND TOTAL *** | | | 73,858.89 |

f.

PERIOD END DATE 03/31/95
SYSTEM DATE 03/30/95

FILE NOT UPDATED

PAGE 1

C H E C K R E G I S T E R

| CHECK TYPE | CHECK DATE | EMPLOYEE NUMBER | EMPLOYEE NAME | CHECK NUMBER | CHECK AMOUNT |
|------------|------------|-----------------|-------------------------|--------------|--------------|
| COM | 3 30 95 | 1 | BALDWIN, THOMAS | 23220 | 300.31 |
| COM | 3 30 95 | 6 | GEHRZ, SUSAN | 23221 | 217.05 |
| COM | 3 30 95 | 8 | JACOBS, SAM | 23222 | 277.05 |
| COM | 3 30 95 | 10 | JAN GIBSON TALBOT | 23223 | 169.05 |
| COM | 3 30 95 | 11 | JOHN HUSTAD | 23224 | 277.05 |
| COM | 3 30 95 | 30 | BAUMANN, NICHOLAS | 23225 | 122.78 |
| COM | 3 30 95 | 34 | KURHAJETZ, CLEMENT | 23226 | 294.37 |
| COM | 3 30 95 | 38 | MORGAN, JAY | 23227 | 32.75 |
| COM | 3 30 95 | 40 | ANDERSON, KEVIN | 23228 | 46.17 |
| COM | 3 30 95 | 42 | CLARKIN, MICHAEL D. | 23229 | 27.70 |
| COM | 3 30 95 | 43 | DOW, MICHAEL J | 23230 | 64.64 |
| COM | 3 30 95 | 48 | HOLMGREN, JOHN H. | 23231 | 69.26 |
| COM | 3 30 95 | 56 | PETERSON, GREGORY S. | 23232 | 44.64 |
| COM | 3 30 95 | 59 | FULLER, GREGORY M. | 23233 | 36.17 |
| COM | 3 30 95 | 61 | DENNIS G. LEMAY | 23234 | 104.67 |
| COM | 3 30 95 | 1002 | TAFF, SUSAN HOYT | 23237 | 1421.97 |
| COM | 3 30 95 | 1003 | IVERSON, TERRY | 23238 | 949.16 |
| COM | 3 30 95 | 1005 | KRIEGLER, CAROL | 23239 | 482.88 |
| COM | 3 30 95 | 1006 | MORGAN, JAY | 23240 | 856.89 |
| COM | 3 30 95 | 1007 | PHILLIPS, PATRICIA | 23241 | 777.51 |
| COM | 3 30 95 | 1008 | SWENSON, DELORIS | 23242 | 722.30 |
| COM | 3 30 95 | 1010 | ASLESON, CARLA | 23243 | 881.19 |
| COM | 3 30 95 | 1011 | KLINGENBERG LAWRENCE A. | 23244 | 1004.45 |
| COM | 3 30 95 | 1012 | RIGDON, JOSEPH M. | 23245 | 807.94 |
| COM | 3 30 95 | 1026 | CIERNIA, JASON | 23246 | 22.62 |
| COM | 3 30 95 | 1031 | TREEFUL, LINDA | 23247 | 199.32 |
| COM | 3 30 95 | 1033 | TRETSVEN, DAVE | 23248 | 582.40 |
| COM | 3 30 95 | 1035 | LISA LOVDAHL | 23249 | 99.73 |
| COM | 3 30 95 | 1078 | MICHAEL R SHIER | 23250 | 121.53 |
| COM | 3 30 95 | 1102 | AUSTIN M. PETERSON | 23251 | 110.82 |

****TOTALS****

11124.37

Meeting Date: 4/12/95

Agenda Item: C-2

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Dee Swenson

REFUSE/RECYCLING HAULER

*Evergreen Environmental #3223

DRAIN OR SEWER CONNECTION CLEANERS

Ken's-Willard's Plumbing & Sewer Service #3225

MECHANICAL CONTRACTORS

*3-D Heating Co. #3224

TREE TRIMMING

Twin City Tree Service #3226

* Denote new business

Meeting Date: 4/12/95
Agenda Item: C - 3

**CITY OF FALCON HEIGHTS
REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION: Community Park Building and City Hall door modifications
- - - - - ADA compliance

SUBMITTED BY: Carol Kriegler, Parks & Recreation Director
Pete Klingenberg, Public Works/Parks Superintendent

EXPLANATION/SUMMARY: The following door modifications are recommended in an effort to comply with ADA requirements:

Community Park: North and south vestibule doors modified with new heavy duty door closers to reduce required pull weight. Replacement of panic bars for ease in use and increased security. Installation of ADA approved door thresholds for wheelchair accessibility.

City Hall: Install automatic (electric push button operated) door openers on the south side lobby doors. Install new door closers to reduce required pull weight. Installation of ADA approved door thresholds for wheelchair accessibility.

It is recommended that the Community Park building modification be accomplished in-house by Pete Klingenberg. It is anticipated that required parts and equipment will cost approximately \$1200. Three quotations were obtained for the furnishing and installation of the work. They ranged from \$1700 to \$2500. These are included in the capital budget.

The following proposals have been received for the necessary furnishing and installation of the city hall modification:

| | |
|-------------------------------|------------|
| Door Service Co.: | \$4,524.00 |
| Nagangast Const. & Doors: | 4,600.00 |
| Hauenstein & Burmeister, Inc. | 5,340.00 |

ACTION REQUESTED: Staff recommends that Door Service Company be contracted for the city hall door modification involving the installation of automatic door openers and that staff be authorized to complete the Community Park Building door modifications at a cost not to exceed \$1,200.

Meeting Date: 4/12/95

Agenda Item: C - 4

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Authorization for the purchase of a copy machine for use in the city office

SUBMITTED BY: Joe Rigdon, City Accountant

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY: Quotes have been obtained for a copy machine to replace the current Konica 3290 copier which was originally purchased in 1989 at a cost of \$7,500.00. The present copier has become unreliable with increased service and maintenance requirements and no longer suits the city's copying needs. The 1995 general capital improvement plan includes \$12,000 budgeted for this copier purchase.

Quotations including sales tax, delivery and installation are listed below. All quotes represent total cost after trade-in of the city's Konica 3290 copier.

| | | |
|---------------------------------------|-------------|-------------|
| Metro Sales Inc. | Ricoh 6645 | \$12,962.12 |
| Konica Business Machines | Konica 4155 | 14,424.67 |
| Konica Business Machines | Konica 4255 | 15,926.32 |
| Coordinated Business Systems, Ltd. | Mita 5685 | 11,709.68 |

See the attachment for comparison between all quotes, including maintenance agreement costs. After evaluating demonstrations of each copier, it is recommended that the Mita 5685 copy machine be purchased from Coordinated Business Systems, Ltd. at a cost of \$11,709.68. The Mita 5685 is a console copier including large capacity tray, 20 bin stapling sorter, automatic document feeder and automatic duplexing.

The Mita 5685 has a copy speed of 56 copies per minute (a 75% increase over the current Konica 3290's 32 cpm). Annual maintenance agreement charges including supplies are estimated to be \$1,600 which compares favorably to the current four-year average service and supply cost of \$2,450.00.

A four hour service guarantee is included with purchase of the Mita 5685 and maintenance agreement from Coordinated Business Systems, Ltd. In addition, the manufacturer (Mita Copystar America, Inc.) will guarantee a purchased copier for three full years.

ATTACHMENTS: Comparison of copier quotes

ACTION REQUESTED: Approve the purchase of a Mita 5685 copying system from Coordinated Business Systems, Ltd. at a cost of \$11,709.68.

COMPARISON OF COPIER QUOTES

| FEATURE | RICOH 6645 | KONICA 4155 | KONICA 4255 | MITA 5685 |
|--------------------------------------|-------------|-------------|-------------|-------------|
| COPIER TYPE | CONSOLE | CONSOLE | CONSOLE | CONSOLE |
| COPY SPEED (CPM) | 45 | 55 | 55 | 56 |
| 1ST COPY SPEED (SECONDS) | 3.1 | 3.0 | 3.0 | 3.9 |
| PAPER TRAY CAPACITY | 1650 | 1000 | 1000 | 1000 |
| LARGE CAPACITY TRAY | N | 2500 | 2500 | 2500 |
| BYPASS TRAY | 50 | 150 | 150 | 50 |
| TOTAL CAPACITY | 1700 | 3650 | 3650 | 3550 |
| 20 BIN SORTER | Y | Y | N | Y |
| FINISHER | N | N | Y | N |
| STAPLER | Y | N | Y | Y |
| STAPLE POSITIONS | 4 | - | 1 | 1 |
| COVER SHEET INSERTION | Y | Y | Y | Y |
| AUTOMATIC DUPLEXING | Y | Y | Y | Y |
| DUPLEX CAPACITY | 50 | 50 | 50 | 100 |
| REDUCTION/ENLARGEMENT | Y | Y | Y | Y |
| DUAL JOB FEEDER | Y | N | N | N |
| <u>COST</u> | | | | |
| PRICE | \$12,171.00 | \$13,441.00 | \$14,851.00 | \$10,995.00 |
| SALES TAX | 791.12 | 873.67 | 965.32 | 714.68 |
| DELIVERY & INSTALLATION | 0.00 | 110.00 | 110.00 | 0.00 |
| TOTAL COST* | \$12,962.12 | \$14,424.67 | \$15,926.32 | \$11,709.68 |
| <u>ANNUAL SERVICE & SUPPLIES</u> | | | | |
| MAINTENANCE AGREEMENT ** | \$1,860.00 | \$1,988.00 | \$2,042.00 | \$1,600.00 |
| TONER ** | 581.00 | INCLUDED | INCLUDED | INCLUDED |
| DEVELOPER ** | 140.00 | INCLUDED | INCLUDED | INCLUDED |
| TOTAL SERVICE & SUPPLIES | \$2,581.00 | \$1,988.00 | \$2,042.00 | \$1,600.00 |

* INCLUDING TRADE-IN OF KONICA 3290 COPIER

** ESTIMATED ANNUAL VOLUME OF 160,000 COPIES

Meeting Date: 4/12/95

Agenda Item: C - 5

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Approval of purchase of office products from Facility Systems, Inc.

SUBMITTED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

For a few months, staff members have been discussing ways to better utilize the existing office space at city hall. Some full-time staff members have expressed a need for more desk space, specifically desk depth, to accommodate computers, large spreadsheets, and bulky building plans. A representative from Facility Systems (the company that supplies our office dividers and desks) has developed a plan whereby full-time staff members will have more desk space and the under-utilized office space of seasonal and contracted employees will be minimized.

The cost for the office rearrangement is estimated at \$798.00. This cost includes several 30" deep work surfaces, another office panel, and electrical access to the new work areas. The Public Works Superintendent has agreed to perform the installation of the materials, saving the city an additional \$340.00 in potential costs.

The costs for this purchase are budgeted for 1995.

ACTION REQUESTED: Approval of the purchase of office products from Facility Systems, at a cost not to exceed \$798.00 plus applicable tax and delivery charges, to be taken from the General Capital Fund.

Meeting Date: 4/12/95

Agenda Item: C - 6

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Approval of purchase of ventilators and stretcher chairs for the rescue department

SUBMITTED BY: Mike Dow, Rescue Captain

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

Two rescue capital equipment purchases require the approval of the city council. The first is for automatic transport ventilators. The following quotations were received:

Northern Airgas: \$2796.00

M.A.B.: \$2905.00

The second capital item requiring approval is that of two stretcher chairs. The following quotations were received:

M.A.B.: \$1192.00

Road Rescue: \$1270.00

Armstrong Medical: \$1356.00

Staff is recommending the purchase of these items from the low bidders, Northern Airgas and M.A.B, respectively.

ATTACHMENT: Letter of request from Mike Dow, Rescue Captain

ACTION REQUESTED:

Authorize purchase of an automatic transport ventilator from Northern Airgas at a cost of \$2796.00 (plus applicable taxes) and of two stretcher chairs from M.A.B. at a cost of \$1192.00 (plus applicable taxes). These purchases will be charged to the Fire/Rescue Capital Improvement Fund.

4/6/95

TO: Carla, Administrative Assistant & Planner
FR: Mike Dow, Second EMS Captain
RE: EMS Expenditures

1. Ramsey EMS has required all Basic Level Ambulance Services in the Ramsey EMS System to purchase Autovent #2000 Automatic transport ventilators this year. I was able to get quotes from two of 4 vendors we sought bids from. Matrix Medical did not respond. Armstrong Medical Does not carry the Autovent. MAB and Northern Airgas did submit bids. I recommend we purchase the units from Northern Airgas since their representative seemed to be the most knowledgeable about the products, offered to in service the department, and gave some ideas about flexibility in use. Northern Airgas was the vendor who made the Autovent presentation to Ramsey EMS during the initial evaluation of transport ventilators. Their bid was \$2796.00 vs \$3093.83 for MAB. The budget category is 92000, capital outlay

2. Northern Airgas also gave us pricing of \$198.75 for a new demand valve. We need it to comply with last years directive from Ramsey to update those devices. We updated 4 of the 5 units last year. This would complete the project. The unit this replaces is too old to be upgraded. The budget category is 92000, capital outlay.

3. We want approval to purchase 2 Ferno #107 stretcher chairs from MAB for the price of \$596.00 ea. These items are to replace an old unit on 756 and add a unit to 754. These will reduce the likelihood of rescuers suffering a back injury. They allow us to use better posture while moving patients through the "narrow winding hallways" of houses in our service area. A number of members of the department have looked at one of these before making this decision. We had one in the station for several months. The manufacturer kind enough to let us have one to evaluate. The budget category is 92000, capital outlay. The competitors quoted as follows; Road Rescue, \$635.00 ea. Armstrong Medical, \$678.00 ea.

We would like these items to be brought up to the council for approval so we can proceed, and be in compliance with Ramsey EMS. Please call me when you hear it is approved,(or denied).

ADDENDUM

ITEM NO. C-7

Meeting Date: 4/12/95

Agenda Item: C - 7

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Authorize purchase of 94 trees for 1995

SUBMITTED BY: Linda Treeful, City Forester

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Approximately 80 of the trees are funded by the Unitree Grant and will be planted in the Northome neighborhood. The remaining trees are to be planted as replacements throughout the city or as part of the expanded planting program.

Proposals were requested from 7 nurseries; 6 responded but three could not supply all the materials requested. The following quotes are comparable and from highly recommended companies. They include all materials, delivery charges and sales tax.

| | |
|-------------|---|
| \$10,928.09 | Anoka Rum River Tree Farm/Centerville Tree Farm |
| 9,861.90 | Hoffman & McNamara, Hastings, MN |

Staff is recommending purchasing the trees from Hoffman & McNamara. TreeMendous, Inc. supplied trees to Falcon Heights in 1994 but some were not good quality and, therefore, was not considered. Their proposal was for \$7,821.93. The 1995 tree planting budget is \$4,000 and the Unitree Grant is \$6,800.00.

ACTION REQUESTED: Authorize purchase of 94 trees from Hoffman & McNamara at a cost not to exceed \$9,861.90.

Meeting Date: 4/12/95

Agenda Item: PH - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Second hearing regarding the 1995 alley reconstruction project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

As explained at a previous council meeting, ten of 111 property owners affected by the 1995 alley reconstruction project did not receive proper mailed notification of the February 8, 1995 public hearing. By holding a second public hearing for these ten owners at this time, the project can proceed as previously scheduled.

In compliance with state statutes, hearing notices were mailed to the affected ten property owners and a hearing notice was published twice in the city's official newspaper.

The purpose of this hearing is to receive public comment about the proposed project as a whole. It is not intended to discuss specific assessment amounts to properties. If the council chooses to proceed with this project following the second public hearing, an assessment hearing can be scheduled for May 10. At that hearing, individual property owners will have been notified of the amount that would be due for their particular property.

City Engineer Maurer will be in attendance at the council meeting to give a presentation and answer questions regarding the proposed project.

ACTION REQUESTED:

- Hear city engineer's presentation
- Open Public Hearing
- Receive public comment on proposed project
- Close public hearing

Meeting Date: 4/12/95

Agenda Item: P - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Presentation of bids received for 1995 alley reconstruction project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

City Engineer Terry Maurer will be in attendance at the council meeting to present the bids received on the 1995 alley reconstruction project. Copies of these amounts will be distributed at the meeting.

ACTION REQUESTED: Hear Engineer's report on bids received for 1995 alley reconstruction project.

Meeting Date: 4/12/95

Agenda Item: P - 2

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Consideration of Resolution No. 95-08, declaring cost to be assessed and ordering preparation of assessment roll

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

In order to proceed with assessments for the 1995 alley project, the council must pass a resolution declaring the cost to be assessed and order the preparation of the assessment roll. This resolution is attached for your consideration.

In order to prepare the assessment roll, an interest rate and payback period must be determined:

Interest Rate. The current interest rate on street improvement G.O. bonds is approximately 5¼ percent. Past practice in the city has been to assess at the current bond rate plus 1½ to 2 percent. Staff therefore is recommending that an interest rate of **seven percent** be adopted for this assessment.

Payback Period. The assessment payment on a typical 50' Northhome lot with an interest rate of 7% would equal the following amounts (assumes an \$1127 assessment):

| | |
|---------------------|--------------------------------|
| Five Year Payback: | \$274.86/year or \$22.90/month |
| Seven Year Payback: | \$209.12/year or \$17.48/month |
| Ten Year Payback: | \$160.46/year or \$13.37/month |

A table showing the amortization of each payback period, including total interest paid under each scenario, is attached for your review.

The past two street projects gave property owners a ten year payback for assessments that typically ranged from \$2,000 to \$2,500. A five year payback for this project would be consistent with this approach as these assessments will average about \$1,100 for each property. However, the 1993 street project did include some \$800 sidewalk only and \$1,500 overlay only assessments in the Grove which were

included in the ten year term. Staff does not have a strong recommendation on this payback period since the revenue is being loaned out of the city's infrastructure funds and is not directly tied to a bond issue.

ATTACHMENTS:

1. Proposed Resolution 95-08
2. Assessment amortization tables

ACTION REQUESTED:

1. Adopt Resolution No. 95-08, declaring cost to be assessed and ordering preparation of assessment roll
2. Motion to approve an assessment rate of 7%.
3. Motion to approve with a payback period to be determined by the city council.

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: April 12, 1995

A RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING
PREPARATION OF PROPOSED ASSESSMENT

WHEREAS, a contract has been let (costs have been determined) for the improvement of the following alleys:

- Between Larpenteur Avenue and California Avenue
 - Arona Street to Pascal Street
 - Pascal Street to Albert Street

- Between California Avenue and Idaho Avenue
 - Arona Street to Pascal Street
 - Pascal Street to Albert Street

- Between Idaho Avenue and Iowa Avenue
 - Pascal Street to Albert Street

and the contract (bid) price for such improvement is \$121,700.00 and the expenses incurred or to be incurred in the making of such improvement amount to \$34,100.00 so that the total cost of the improvement will be \$155,800.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS, MINNESOTA:

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$15,580.00 and the portion of the cost to be assessed against benefitted property owners is declared to be \$140,220.00.

2. The city clerk, with the assistance of the consulting city engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in the City office for public inspection.

3. The clerk shall upon completion of such proposed assessment, notify the council thereof.

Adopted by the council this 12th day of April, 1995.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor
April 12, 1995
Date

Attested by: _____

City Clerk
April 12, 1995
Date

ASSESSMENT OF \$1127 FOR 5 YEARS AT 7.0%

| YEAR | YEARLY PAYMENT | PRINCIPAL | INTEREST | PRINCIPAL BALANCE |
|------|----------------|-----------|----------|-------------------|
| 1 | 274.86 | 195.97 | 78.89 | 931.03 |
| 2 | 274.86 | 209.69 | 65.17 | 721.33 |
| 3 | 274.86 | 224.37 | 50.49 | 496.96 |
| 4 | 274.86 | 240.08 | 34.79 | 256.88 |
| 5 | 274.86 | 256.88 | 17.98 | 0.00 |

1,374.32 1,127.00 247.32

ASSESSMENT OF \$1127 FOR 7 YEARS AT 7.0%

| YEAR | YEARLY PAYMENT | PRINCIPAL | INTEREST | PRINCIPAL BALANCE |
|------|----------------|-----------|----------|-------------------|
| 1 | 209.12 | 130.23 | 78.89 | 996.77 |
| 2 | 209.12 | 139.34 | 69.77 | 857.43 |
| 3 | 209.12 | 149.10 | 60.02 | 708.33 |
| 4 | 209.12 | 159.54 | 49.58 | 548.79 |
| 5 | 209.12 | 170.70 | 38.42 | 378.09 |
| 6 | 209.12 | 182.65 | 26.47 | 195.44 |
| 7 | 209.12 | 195.44 | 13.68 | (0.00) |

1,463.83 1,127.00 336.83

ASSESSMENT OF \$1127 FOR 10 YEARS AT 7.0%

| YEAR | YEARLY PAYMENT | PRINCIPAL | INTEREST | PRINCIPAL BALANCE |
|------|----------------|-----------|----------|-------------------|
| 1 | 160.46 | 81.57 | 78.89 | 1,045.43 |
| 2 | 160.46 | 87.28 | 73.18 | 958.15 |
| 3 | 160.46 | 93.39 | 67.07 | 864.76 |
| 4 | 160.46 | 99.93 | 60.53 | 764.84 |
| 5 | 160.46 | 106.92 | 53.54 | 657.92 |
| 6 | 160.46 | 114.41 | 46.05 | 543.51 |
| 7 | 160.46 | 122.41 | 38.05 | 421.10 |
| 8 | 160.46 | 130.98 | 29.48 | 290.11 |
| 9 | 160.46 | 140.15 | 20.31 | 149.96 |
| 10 | 160.46 | 149.96 | 10.50 | 0.00 |

1,604.59 1,127.00 477.59

Meeting Date: 4/12/95

Agenda Item: P - 3

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Consideration of Resolution No. 95-09, scheduling assessment hearing for the proposed 1995 alley reconstruction project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

Following the council's order to prepare an assessment roll, it is appropriate to schedule an assessment hearing, at which time individual property owners may question their specific assessment amount. Given legal notification constraints, the earliest that this hearing could take place is May 10, 1995.

The engineer and staff will be calculating assessment amounts in the upcoming week. Notices to individual property owners, stating the amount of assessment due, would be mailed no later than April 25th. Published notice of the assessment hearing would appear in the April 25 edition of Focus News.

ACTION REQUESTED: Approval of Resolution No. 95-09, calling for a hearing on the proposed 1995 alley improvement project at 7:10 p.m. on May 10, 1995.

CITY OF FALCON HEIGHTS
C O U N C I L R E S O L U T I O N

Date: April 12, 1995

A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed by the council on April 12, 1995, the city clerk was directed to prepare a proposed assessment of the cost of improving the following alleys:

- Between Larpenteur Avenue and California Avenue
 - Arona Street to Pascal Street
 - Pascal Street to Albert Street

- Between California Avenue and Idaho Avenue
 - Arona Street to Pascal Street
 - Pascal Street to Albert Street

- Between Idaho Avenue and Iowa Avenue
 - Pascal Street to Albert Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS, MINNESOTA:

1. A hearing shall be held on the 10th day of May, 1995, in the city hall at 7:10 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

2. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to Ramsey County the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Adopted by the council this 12th day of April, 1995.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor
April 12, 1995
Date

Attested by: _____

City Clerk
April 12, 1995
Date

Meeting Date: 4/12/95

Agenda Item: P - 4-

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: A Request to Amend the Assessment Agreement on Falcon Crossing

SUBMITTED BY: Stephen Wellington, Jr., President of Wellington Management Inc.
on behalf of the property owners Falcon Crossing Limited Liability Company

REVIEWED BY: Susan Hoyt, City Administrator
Ellen Sampson, City Attorney
Richard Martin, Attorney
Keith Jans, Springsted Public Finance Advisors
Bob Thistle, Springsted Public Finance Advisors

EXPLANATION/SUMMARY:

Mr. Wellington is requesting the city to defease the general obligation bonds on the Falcon Crossing property in 1998 rather than 2005 and to amend the assessment agreement to terminate in 1999 rather than in 2005.

The staff report and financial analysis follow.

ATTACHMENTS:

- A - Map of the community business district
- B - Letter from Mr. Wellington, dated October 19, 1994
- C - Falcon Crossing Request Financial Analysis Report by Springsted Publi Finance Advisors
- D - Staff report

ACTION REQUESTED:

1. Staff introduction
 - Report from Keith Jans, Springsted
 - Comments from city attorney
2. Council questions to the staff/consultants
3. Presentation by the applicant
4. Council questions to applicant
5. Discussion
6. Consider adopting the motion included in staff report

Meeting Date: 4/12/95
 Agenda Item: P -5

**CITY OF FALCON HEIGHTS
 REQUEST FOR COUNCIL CONSIDERATION**

ITEM DESCRIPTION: Request to contract for prosecution services

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Dick Engstrom, Police Chief

EXPLANATION/SUMMARY:

In February, 1995 the city sent out four letters of inquiry to law firms that have an association with the city or with the St. Anthony Police Department to ask about their interest in providing services on a retainer basis. This request was not the result of dissatisfaction with the current prosecution service that the city is receiving, but it was done to control potentially rising prosecution costs and to streamline prosecution services for the St. Anthony Police Department. The contacted firms included: Peterson, Fram and Bergman; Leonard, Street and Deinard; Foster, Ojile, Wentzell and Brever; and Hughes and Costello.

The city received three cost proposals for the remainder of 1995 as follows:

- Leonard, Street and Deinard \$3,000/ mo. \$36,000/year
- Foster, Ojile, Wentzell
and Brever \$2,800/mo. \$33,600/yr.
- Hughes and Costello \$1,500/mo.
\$ 100 max./mo. \$19,200/yr.
expenses

Staff recommends the lowest proposer, Hughes and Costello, for prosecution services. This firm provides prosecution services for the cities of Richfield, Maplewood, New Brighton, Lauderdale, and West St. Paul. The firm comes highly recommended by all entities that use them. The firm anticipates a significant increase in prosecutions with the St. Anthony police department. The firm has guaranteed a maximum of \$2,0000 a month for 1996 depending the increase in the caseload. In 1993 and 1994 the city paid approximately \$22,000 a year for prosecution services. Staff recommends starting with a new prosecutor on June 1, 1995. This allows time to notify the current prosecutor about the change in service.

ATTACHMENTS:

- A - Correspondence from Hughes and Costello
- B - Correspondence from Leonard, Street and Deinard
- C - Foster, Ojile, Wentzell and Brever

ACTION REQUESTED: Move to hire Hughes and Costello as the city prosecutor and to notify Peterson, Fram and Bergman of the change in prosecutors for the city.

A.

HUGHES & COSTELLO

ATTORNEYS AT LAW

1230 LANDMARK TOWERS

345 ST. PETER STREET

ST. PAUL, MINNESOTA 55102-1637

TELEPHONE (612) 227-8427

FAX (612) 227-8428

Reply to:
MARTIN J. COSTELLO
St. Paul Office

MINNEAPOLIS OFFICE

SUITE 500 - 701 FOURTH AVENUE SOUTH

MINNEAPOLIS, MINNESOTA 55415-1631

March 24, 1995

Susan Hoyt, City Administrator
City of Falcon Heights
2077 West Larpentour Avenue
Falcon Heights, Minnesota 55113-5594

RE: Request for Prosecution Service Information

Dear Ms. Hoyt:

This is a follow-up to our correspondence and discussions regarding Falcon Heights Municipal prosecutions. Enclosed is Hughes & Costello's proposal for Falcon Heights prosecution services.

The law firm of Hughes and Costello proposes to undertake all municipal prosecutions in Ramsey County District Court for the City of Falcon Heights for a retainer fee of \$1,500.00 per month, plus out of pocket expenses not to exceed \$100.00 per month. Out of pocket expenses include photocopies, transcripts, certified documents, and the like.

Because Falcon Heights may immediately experience a drastic increase in its prosecution case load, due to using the St. Anthony Police Department, this firm will closely monitor the case load and report to the city council during its budgeting process in July of this year. The above retainer fee, however, would be guaranteed through 1995. Any proposed increase would be based on a ratio of present to projected future case load. Hughes and Costello would commit to a limit on 1996 prosecution fees of no more than \$2,000.00 per month, plus expenses, and possibly less, based on our quantitative analysis.

It would be a privilege for this firm to serve as Falcon Heights city prosecutors. If you have any questions or need additional information about this proposal, please call me.

Sincerely,

HUGHES & COSTELLO



Martin J. Costello
Enclosure

MJC/kmt

MUNICIPAL PROSECUTION PROPOSAL

for

THE CITY OF FALCON HEIGHTS

Falcon Heights City Hall
2077 West Larpenteur Avenue
Falcon Heights, Minnesota 55113-5594

SUBMITTED BY THE LAW FIRM OF

HUGHES & COSTELLO

ST. PAUL OFFICE
1230 Landmark Towers
345 St. Peter Street
St. Paul, Minnesota 55102

MINNEAPOLIS OFFICE
Suite 500
701-4th Avenue South
Minneapolis, Minnesota 55415

INTRODUCTION

This is *Hughes & Costello's* proposal for the municipal prosecution services for the City of Falcon Heights, Minnesota. To serve the needs of the municipal clients, the law firm has developed a group of experienced prosecuting attorneys, legal assistants and other people. A brief résumé for each of these people is given below.

Chief Prosecutor

MARTIN J. COSTELLO, has twenty years prosecution experience, comprising over fifty percent of his time. He was born in St. Paul, Minnesota on March 14, 1947. *Education:* College of St. Thomas (B.A., cum laude, 1969); University of Minnesota (J.D., cum laude, 1974); University of Wisconsin-Madison (M.A., 1982); and University of Minnesota (Ph.D., 1987). *Admitted to bar:* Minnesota (1974); U.S. District Court, District of Minnesota and U.S. Court of Appeals, Eighth Circuit (1978); U.S. Supreme Court (1981). Chief Prosecutor for the Cities of Maplewood, Lauderdale, North Oaks, Richfield, Mendota Heights, and West St. Paul. *Author:* *Minnesota Misdemeanors and Moving Traffic Violations*, Butterworth Legal Publishing Co., St. Paul, Minnesota (1990). *Teaching:* Instructor, Criminal Law and Procedure, William Mitchell College of Law (1975 - present); Adjunct Professor, Criminal Law and Procedure, University of Minnesota Law School (1974 - present). *Member:* Ramsey County, Minnesota State and American Bar Associations; Minnesota/American Trial Lawyers Association.

Assistant Prosecutor

THOMAS R. HUGHES, has over twenty years prosecution experience, comprising over fifty percent of his time. He was born in St. Paul, Minnesota on October 25, 1942. *Education:* University of Minnesota (B.S., 1968); University of Minnesota (J.D., cum laude, 1972). *Admitted to bar:* Minnesota and U.S. District Court, District of Minnesota (1972); U.S. Court of Appeals, Eighth Circuit (1972). Chief Prosecutor for the City of St. Paul, 1975-78; Chief Prosecutor for the City of New Brighton, 1978-present; Moundsview, 1994-present. *Teaching:* Adjunct Instructor, Criminal Law, William Mitchell of Law (1986 to Present); Instructor, Ramsey County Sheriff's Training Courses (1972 to Present). *Member:* Ramsey County, Minnesota State and American Bar Associations; and Minnesota Trial Lawyers Association.

Legal Assistant

KIM TUCKNER has been employed in prosecution as a legal assistant for the past ten years, and works almost exclusively in municipal prosecution. *Education:* High School; Rasmussen Business College; St. Paul TVI.

Municipal Prosecution Services

The following is a summary of the prosecution work *Hughes & Costello* would do as Falcon Heights city prosecutors:

1. **Advising Police Agencies:** Our firm has an attorney available for consultations with police agencies throughout the week, evenings and weekends.

2. **Ordinance Enforcement:** A successful ordinance violation prosecution program includes two elements: (1) vigorous prosecution of ordinance violations, and; (2) keeping the ordinances current with other legal developments. We will work closely with the various City departments to enforce all City ordinances. Additionally, we will advise the Falcon Heights City Council as requested or required on all ordinance law developments and changes.
3. **Peace Officer Training:** We will inform, advise and train the Falcon Heights (St. Anthony) Police and other city departments on legislative changes, case law developments, and courtroom procedures, as scheduled by the appropriate department head. In-house legal seminars would include an annual law up-date on domestic violence, DWI, juvenile law, obscenity/pornography and similar topics.
4. **Charging:** All complaints issue within seven (7) days of submission, or less if needed. We will draft complaints for statutory and ordinance violations (petty misdemeanor, misdemeanor, and gross misdemeanor). All gross misdemeanor cases (aggravated DWI, gross misdemeanor DWI, gross misdemeanor assault, etc.) must start with a complaint drafted by the prosecutor. Misdemeanor and petty misdemeanor violations are sometimes initiated by the drafting of a complaint and sometimes initiated by citations issued by police agencies; thereafter, the prosecution must amend, recharge or reinstate charges by filing a complaint. If probable cause exists, we will draft appropriate documents and arrange to have the complaint signed before a judge of the Ramsey County District Court. Further arrangements are then made to have the defendant appear in response to appropriate process.
5. **Calendar Appearances:** The City should be competently represented at every stage of the criminal process, and the prosecutor must be prepared. Arraignments for the City of Falcon Heights are on Monday and Friday mornings in Ramsey County District Court, Maplewood. We will prepare, assemble and review all case files; draft any appropriate documents (motions, orders, etc.); appear for and represent the City of Falcon Heights at the arraignments; take necessary follow-up action (filing amended complaints, obtaining further records or documentation, directing additional investigation, etc.). The prosecuting attorney continues to handle any matter for which a further appearance is scheduled pursuant to the defendant's no guilty plea or continued arraignment. Additional calendar appearances include any continued arraignments, pretrial diversion, sentencing, post-conviction relief, etc.
6. **Court Trials:** Seemingly minor cases—but nonetheless important—are often resolved by non-jury trials. Trials for petty misdemeanors (and some misdemeanors) are in Ramsey County District Court, Maplewood on Mondays and Wednesdays. We will represent the City by assembling a case file, notifying and/or subpoenaing all necessary witnesses, obtaining all necessary documentation (certified driving records, prior conviction records, insurance records, etc.), meeting with and interviewing witnesses, presenting the City's case and attending any subsequent proceedings (sentencing, probation revocation, etc.). Typical court trial cases include minor traffic violations (speeding, stop signs, lane use, etc.) and minor criminal matters (possession of a small amount of marijuana, paraphernalia, etc.).
7. **Pretrial Conferences and Omnibus Hearings:** In misdemeanor and gross misdemeanor cases, pretrial conferences and/or omnibus hearings are held in Ramsey County District Court, Maplewood, on Mondays and Wednesdays. We will represent the City of Falcon Heights by preparing a case file, obtaining all necessary documentation (certified driving records, certified conviction records, etc.), notifying and/or subpoenaing any necessary witnesses, contacting victims pursuant to the Crime Victims' Rights Act (to solicit input on dispositions, restitution, etc.), making and responding to pretrial motions, and appearing for the city at the pretrial/omnibus hearings. Typical gross misdemeanor cases set for an omnibus hearing include aggravated driving while under the influence of alcohol, fleeing a police officer, some forms of assault, theft, bad checks, forgery and criminal damage to property.

8. **Jury Trials:** More serious cases—misdemeanors and gross misdemeanors—are tried to six person juries. Jury trials are in Ramsey County District Court, Maplewood, every second week of the month. Cases set for jury trials are those that do not result in a guilty plea at the pretrial conference and/or omnibus hearing. Normally jury trials are set for a "week certain"; that is, cases are scheduled for a weekly calendar call and then set for trial on specific days throughout the week. The prosecuting attorney will be available throughout the week should the case be called for trial. We will prepare the case file, notify and/or subpoena necessary witnesses, obtain all necessary documents, make a response to pretrial motions and present Falcon Heights' case at jury trials.
9. **Sentencing:** Normally sentencings occur at the time of the guilty finding, verdict, or plea (arraignment, pretrial conference, omnibus hearing); however, in many cases (assault, gross misdemeanor violations, etc.), the court conducts a presentence investigation and has sentencing occur at a latter date. We will represent the City at the sentencing, present information pursuant to the Crime Victims' Rights Act, supply the court with all necessary information (prior record, restitution claims, etc.) and argue Falcon Heights' case at sentencing.
10. **Appeals:** Appeals from district court are to the Minnesota Court of Appeals and then a discretionary appeal to the Minnesota Supreme Court. Appeals are rarely taken by the defense in non-felony matters and are almost never pursued by the prosecution. Such appeals are not covered by the retainer proposal, and would only be initiated with the express permission of the City.

FEES

The law firm of Hughes and Costello proposes to undertake all municipal prosecutions in Ramsey County District Court for the City of Falcon Heights for a retainer fee of \$1,500.00 per month, plus out of pocket expenses not to exceed \$100.00 per month. Out of pocket expenses include photocopies, transcripts, certified documents, and the like.

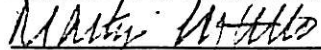
Because Falcon Heights may immediately experience a drastic increase in its prosecution case load, due to using the St. Anthony Police Department, this firm will closely monitor the case load and report to the city council during its budgeting process in July of this year. The above retainer fee, however, would be guaranteed through 1995. Any proposed increase would be based on a ratio of present to projected future case load. Hughes and Costello would commit to a limit on 1996 prosecution fees of no more than \$2,000.00 per month, plus expenses, and possibly less, based on our quantitative analysis.

The above legal services include all back-up resources necessary for proper discharge of the prosecution responsibilities. Back-up includes secretarial, office supplies, travel, and the like. The only additional charges are certain out-of-pocket expenses such as filing fees, transcript fees, photocopying, etc., for documents and materials required to be served and/or filed by the court. Such expenses are posted to the monthly retainer fee statement on a cost item basis.

It would be a privilege for *Hughes & Costello* to serve as prosecuting attorneys for the City of Falcon Heights , and we look forward to the opportunity to be of service to the City.

Respectfully submitted,

HUGHES & COSTELLO



Martin J. Costello

FALCON HEIGHTS CRIMINAL PROSECUTION PROJECT

A Proposal by Leonard, Street and Deinard

Leonard, Street and Deinard, P.A.
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
(612) 335-1500

March 15, 1995

INTRODUCTION

Leonard, Street and Deinard ("LS&D") appreciates the opportunity to present this proposal to provide the City of Falcon Heights ("City") with criminal prosecution services. There is a tremendous level of enthusiasm for this work within the firm, and we believe we are uniquely qualified to provide the City with excellent legal services at a reasonable cost. Currently, LS&D serves as the City's general municipal and civil legal counsel.

The City has seen a sharp rise in the number of violations reported in the last few months. Since the Police Department of the City of St. Anthony has contracted with the City to provide police services, the number of citations and arrests has skyrocketed. It is unclear if this sudden increase is to be sustained, or if it is only an aberration resulting from immediate increased attention. Even if the sustainability of this rise is questionable, the fact that the City will be faced with more criminal prosecutions in 1995 than in 1994 is not. With renewed calls for limiting the burden of government on its taxpayers, the City must be prepared to efficiently address its criminal law enforcement goals. LS&D can help the City achieve this goal.

LEONARD, STREET AND DEINARD

Founded in 1922, LS&D is one of the Twin Cities oldest law firms. The firm has grown from four partners in 1922 to more than 125 attorneys today. In total, the firm employs more than 350 people and provides legal services to clients throughout Minnesota, the Midwest and the Nation. Most of our clients have been with the firm for years.

LS&D has always had a strong sense of community. The firms' founding partners were active in civic and political affairs. There was no issue of the day which was not

influenced in some manner by George B. Leonard, Arthur L.H. Street, Benedict Deinard and Amos S. Deinard. Each was a learned scholar and an involved citizen.

This sense of civic duty has always been a cornerstone of the firm's existence. Most recently and notably, the firm established a *pro bono* legal clinic within the Phillips Neighborhood of Minneapolis. Appropriately, the firm worked very closely with Dr. Amos Deinard, son of founding partner Amos S. Deinard, to create a legal clinic within the Community University Health Care Center and Variety Club Children's Clinic in order to provide needed legal services to the patients visiting the clinic. In its first year of existence, the Phillips Neighborhood Legal Clinic has represented clients on 114 matters. Over 100 attorneys, legal assistants, law clerks and case clerks have volunteered their time, and they exceeded the aspirational goal of a 5% *pro bono* effort proposed by the American Bar Association, achieving a 6% *pro bono* effort. Firm-wide, the firm contributed more than 9,400 hours to *pro bono* efforts, or 3.9%. When added to other *pro bono* efforts on behalf of public interest groups, fledgling businesses and needy individuals, LS&D's commitment to its community is without question.

Both the legal and practical skills of our attorneys are excellent. Our attorneys and staff work closely with our clients to ensure the firm understands the needs of the client, as well as the practical limitations of any particular representation. With the City, for instance, the firm recognizes the need to provide consistent prosecution services while, at the same time, providing some protection from unexpected or ever-rising legal fees associated with that representation.

By working closely with one another, the City and LS&D can forge a lasting partnership beneficial to both.

PROPOSAL

LS&D proposes to provide criminal prosecution services to the City in 1995 for a flat-fee monthly charge of \$3,000. Due to the uncertainty of the City's prosecution services, however, this flat-fee would be adjustable based upon pre-determined objective standards agreed to in advance by both the City and the firm. We are prepared to begin the transfer of litigation files beginning April 1, 1995, and to assume the representation of the City at any point after that time.

LS&D is not proposing to assess its typical billing rates. Instead, the firm recognizes the opportunities to our attorneys in representing the City in this manner, and we are willing to provide a substantial discount to the City. Rather than an average hourly rate of approximately \$145.00, LS&D proposes a monthly fee of \$3,000 which corresponds to an hourly rate of \$75.00 for the first 40 hours every month.¹ This results in a savings of approximately 50% to the City over LS&D's normal billing rates. This monthly fee arrangement provides greater certainty to the City as compared to an hourly billing arrangement. The City will be able to budget for legal expenses and not be captive to large, uncertain swings in financial outlays for prosecution services. At the same time, however, LS&D will be assuming a large portion of this risk.

¹ Forty-two hours per month for 12 months results in 504 hours annually. In 1994, the contract City Attorney lodged only 394 hours. The 504 hours per year permitted under LS&D's proposed \$3,000/month flat fee, would permit almost a 30% increase in the number of hours worked by the City's contract City Attorney. Although the increase in billings, and presumably caseload, was only 7% from 1993 to 1994, it is anticipated that the workload will rise dramatically with 24-hour-per-day law enforcement capability.

In order to minimize the tremendous uncertainty attendant to the new law enforcement posture in the City, LS&D proposes a method by which the City and LS&D would, at year's end, review the total hours worked in order to fairly allocate the unknown financial risk. For instance, the following chart could be used to determine a surcharge payable to LS&D based upon hours worked.

| <i>YEAR-END RECONCILIATION</i> | | | |
|--------------------------------|-----------------------|-------------|-----------------------|
| NUMBER OF HOURS | PERCENTAGE REIMBURSED | HOURLY RATE | EFFECTIVE HOURLY RATE |
| 0 - 480 | 100% | \$75.00 | \$75.00 |
| 481 - 1,000 | 87% | \$65.00 | \$70.00 |
| 1,001 - 1,500 | 73% | \$55.00 | \$66.00 |
| >1,500 | 67% | \$50.00 | unknown |

LS&D would track the number of hours worked, and would provide this information to the City on a monthly basis to enable the City to track the allocation of time throughout the year. At the end of the year, the total number of hours worked by LS&D would be compiled. If LS&D worked 480 hours or less, there would be no surcharge to be paid by the City at years-end. If, however, LS&D worked more than 480 hours, but less than 1,001 hours, LS&D would receive a surcharge based upon the reduced hourly rate for these extra hours. For instance, if LS&D worked 750 hours in 1995, the firm would receive the following:

$$\begin{aligned}
 (\$3,000/\text{month}) (12 \text{ months}) &= \$36,000.00 \\
 (\$65.00/\text{hour}) [(750-480) \text{ hours}] &= \underline{17,550.00} \\
 &= 53,550.00
 \end{aligned}$$

In this way, LS&D would not be forced to solely shoulder all of the risk involved with the new law enforcement capability, yet the City would be ensured that LS&D will work as

efficiently as possible. While even the first 480 hours are effectively billed at substantially reduced hourly rates, each additional hour above this threshold would result in an even lower level of reimbursement to LS&D. Should the City wish to discuss this year-end reconciliation formula in greater detail, LS&D would be happy to do so.

This monthly fee recognizes that our actual hours will fluctuate. We would anticipate keeping the fee agreement in place for one year, at which time we will re-evaluate the appropriateness of this arrangement with the City.

LS&D issues invoices on a monthly basis. While we do not have a standard invoice for criminal prosecution matters, we would propose modifying our existing invoice format slightly to accommodate the court file number and other information to aid in tracking specific billing items. Each new prosecution would be given a unique matter number. In this way, we should be able to work with the City to identify those types of prosecutions that are most time-consuming, and attempt to identify ways in which to decrease these future costs.

Finally, it should be noted that LS&D does not charge for secretarial or other clerical support. These costs are included in the attorney's billing rate or, in the situation above, the monthly fee negotiated with the City. Secretarial and clerical employees do not keep track of their hours, so their efforts cannot be used to increase the fee paid to LS&D as a result of the above-described year-end reconciliation.

| |
|----------|
| STAFFING |
|----------|

LS&D proposes to provide prosecution services to the City through a Supervising Prosecutor, and two Staff Prosecutors. In time, LS&D would like to rotate other attorneys

through these prosecution roles, always having at least two experienced prosecutors available at all times.

Initially, the City will be represented by William H. Koch, a senior Associate with the firm, who has extensive experience as both a prosecutor and defense counsel. He will be assisted by two other Associates and one Legal Assistant. In time, the other two Associates will assume primary litigation responsibilities, and Bill will train additional Associates for service to the City. Ultimately, LS&D would like to establish a constant presence of experienced attorneys to represent the City, while maximizing the educational opportunity of such a program. To this end, LS&D proposes to have three attorneys working on prosecution matters at all times, with two experienced counsel and one junior counsel. Each attorney would serve for a specific, yet rotating, period of time.

The initial corps of prosecutors will be Bill Koch, Nicole A. Engisch and Jeffrey A. Eyres. Biographical information for each of these attorneys is contained within the enclosed firm brochure. Each brings experience and dedication to this position.

Bill began his criminal trial experience in law school, when he represented indigent defendants charged with misdemeanor offenses in Washington, DC's Superior Court; his first trial, against an Assistant United States Attorney resulted in a victory. Bill then joined the United States Air Force where he served as a prosecutor, and later defense counsel, at Andrews Air Force Base outside Washington, DC. As a prosecutor, Bill successfully prosecuted Air Force members charged with child molestation, drug use and distribution, larceny, assault, and other felonies and misdemeanors. At the same time, he served as a Special Assistant United States Attorney and solely administered a docket of over 1,200

misdemeanor cases in the United States District Court of Maryland, achieving a 99% conviction rate. Later, as defense counsel for Air Force members, Bill was responsible for the active representation of all personnel at ten bases in five states. He defended major felony, as well as more traditional misdemeanor, charges. Bill achieved a 90% retention rate in administrative discharge boards and was similarly successful in the criminal context. Since joining LS&D in November 1991, Bill has continued his involvement in a criminal defense practice, *albeit* on a more limited basis. He serves on the Planning Board of the American Bar Association/Young Lawyers Division Criminal and Juvenile Law Committee, and is a member of both the national and state bar association committees regarding the same.

Nicole is an experienced civil litigator. Coming to LS&D following a judicial clerkship with the Honorable Murry D. Brochin, New Jersey Superior Court, Appellate Division, Nicole has represented numerous clients involved in civil litigation, including matters involving deceptive trade practices, fraud, and misappropriation of trade secrets. In her three-and-a-half years of practice, Nicole has tried two, three-day civil jury trials from beginning to end. In addition, Nicole was the second chair and had substantial witness examination responsibilities in a two-week, multi-million dollar copyright infringement trial. In her *pro bono* practice, Nicole has represented numerous indigent tenants in fast-paced, unlawful detainer (eviction) trials in Hennepin County Housing Court, and she has represented clients in domestic abuse court proceedings. Nicole's trial experience is supplemented by her experience in presenting civil motions, including motions for emergency temporary restraining orders. Nicole is a member of the Board of Directors of

Volunteer Lawyers Network, Ltd. (the *pro bono* arm of the Hennepin County Bar Association) and is an *ex officio* member and legal advisor to the Board of Directors of Harriet Tubman Center in Minneapolis.

Jeff came to LS&D last fall, following a two-year judicial clerkship with the Honorable Donald D. Alsop of the United States District Court for the District of Minnesota. During his two years with Judge Alsop, Jeff had the opportunity to be involved in a wide variety of criminal prosecutions, including bank robbery, securities fraud, embezzlement, and assorted drug crimes. Likewise, during law school, Jeff had the opportunity to gain extensive courtroom experience as a student attorney and case supervisor in the law school's domestic violence clinic. Jeff currently works in LS&D's product liability department, which represents manufacturing companies in civil litigation throughout the country.

Each of these three attorneys will have the opportunity to discuss case strategy with other members of the firm including Byron Starns, former Chief Deputy Attorney General for the State of Minnesota, and Joan Lancaster, former Assistant United States Attorney. Byron and Joan have wide-ranging experience managing litigation and supervising attorneys. Such expertise is an added benefit of a firm such as LS&D. If specialized knowledge is required, the firm likely already has it readily available.

LS&D attorneys recognize the need to work closely with law enforcement personnel. While with the Air Force, Bill helped coordinate investigations, court preparation, witness testimony and discovery with military, federal and local law enforcement agencies. LS&D recognizes the severe financial and time pressures placed upon local governments and law enforcement personnel, respectively, when officers are pulled from their normal duties or

are required to come in during their time off to testify. For these reasons, LS&D shall work closely with the St. Anthony Police Department and court personnel to coordinate efficient trial calendars. Likewise, any plea negotiations should occur early in a case, with the involvement of the police officer(s) involved in the incident, as well as any victim(s), in order to determine if a trial is required. Reducing last-minute pleas helps alleviate having officers report to court, only to be released upon agreement to a plea. The preliminary meetings with the St. Anthony Police Department and others as appropriate would be free of charge to Falcon Heights—LS&D recognizes this is an inherent cost it should absorb.

CONCLUSION

LS&D is pleased to submit the above proposal to the City to act as prosecutor for the City's criminal matters. As indicated in our earlier proposal to the City in 1993, which resulted in our being retained to act as legal counsel to the City for civil matters, we believe we can provide excellent and efficient legal representation for the City. Our team of attorneys, legal assistants and support staff are second to none.

We would be happy to meet with any representative of the City to discuss this proposal in greater detail.

C.

FOSTER, OJILE, WENTZELL & BREVER, LLC

ATTORNEYS AT LAW

Thomas E. Brever
Joseph A. Wentzell*
Michael E. Ojile
Robert J. Foster
Steven P. Carlson, of Counsel

Suite 201 Anthony Place
2855 Anthony Lane So.
St. Anthony, MN 55418

Telephone: (612) 789-1331
Fax: (612) 789-2109

MAR 15 1995

*Also Admitted in Texas

March 14, 1995

Ms. Susan Hoyt
City Administrator
City of Falcon Heights
2077 West Larpentour Avenue
Falcon Heights, Minnesota 55113-5594

$2800 \times 12 = 33600$
 $\frac{5600}{12}$
2800

Re: Inquiry for Prosecution Services

Dear Ms. Hoyt:

This correspondence is to serve as our response to your inquiry of February 24th and your follow-up dated March 10, 1995. We have reviewed your enclosure entitled Information and Prosecution Services and accordingly believe that the information below satisfies your inquiry.

A. Who will be providing the prosecution services and what qualifications do they have for the position?

Answer: It is anticipated that the prosecution services will be provided primarily by Steven P. Carlson with assistance from Thomas Brever and Michael Ojile. Mr. Carlson has, for the last ten years, served in the capacity of Assistant City Attorney for the City of Newport, handling all matters of prosecution from the drafting of complaints through trial. This also included working with the police department in Newport with regard to review and approval of various police department policies and procedures. In private practice, Mr. Carlson has also worked on petty, misdemeanor and gross misdemeanor criminal defense work for cases where there has not been a conflict of interest.

Mr. Brever has substantial experience as a senior trial attorney for the Internal Revenue Service and Special Assistant United States Attorney prosecuting federal criminal cases.

Ms. Susan Hoyt
March 14, 1995
Page Two

Mr. Ojile, like Mr. Carlson, has served as an assistant with Newport prosecution matters and likewise has practiced in criminal defense in non-conflict cases.

Currently the firm of Foster, Ojile, Wentzell & Brever has been appointed prosecuting attorneys for the City of St. Anthony effective April 1, 1995.

B. Do you provide prosecution services for other municipalities? If so, Which ones?

Answer: As noted above, Mr. Carlson and Mr. Ojile have, until December 31, 1994, provided prosecution services for the City of Newport and effective April 1, 1995, the firm of Foster, Ojile, Wentzell & Brever will provide prosecution services for the City of St. Anthony.

C. Based upon the information provided, what fee does your firm propose charging for prosecution services on a monthly basis for 1995? Can you anticipate a rate for 1996? If yes, what would it be? If no, what would determine the 1996 rate?

Answer: A thorough review of the information provided has led us to believe that we can efficiently and effectively provide prosecution services for the City of Falcon Heights at the rate of \$2,800.00 per month. As to 1996 rates, given the City's current situation, that being the change of police contracts, it would be difficult to anticipate a rate for 1996. Understandably, the 1996 rate would depend on several factors, including number of prosecutions, whether or not there would be an anticipated increase from 1995, and inflationary considerations, such as increase in costs and overhead. The single biggest factor, however, would be the amount of time spent on prosecution services for 1995 and whether or not it was determined that the City was receiving cost effective prosecution services at a level consistent with its needs and expectations.

D. Please attach a copy of your standard invoice for prosecution services.

Ms. Susan Hoyt
March 14, 1995
Page Three

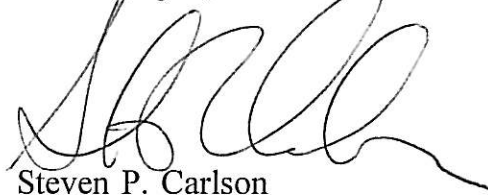
Answer: Inasmuch as the City will not be invoicing our current municipal client until April of 1995, we have not had an opportunity to generate such an invoice. It is anticipated, however, that the invoice will include an itemization of legal services rendered on behalf of the City broken down on a daily basis and specifically providing identification of matters and the time spent on each matter. This type of invoicing would allow both the City and our office to determine whether or not the retainer paid by the City for legal services was allowing for cost effective representation.

We would anticipate that if the City would be interested in pursuing additional information, that a formal request for proposal would be submitted outlining additional services we would provide to the City, including case updates, case assignments, staff availability and a more in-depth analysis of the services that we would be providing to the City, as well as more detailed information on the attorneys who would be primarily responsible for rendering the prosecution services.

We appreciate the opportunity to provide the City with this information and would ask that if any additional information is needed, that you please contact us immediately. We look forward to hearing from you shortly.

Sincerely,

Foster, Ojile, Wentzell & Brever



Steven P. Carlson

SPC:wjm

*Cancelled due to
lack of quorum*

City of Falcon Heights

NOTICE OF CITY COUNCIL WORKSHOP

DATE: WEDNESDAY, 5 APRIL 1995

TIME: 6:00 PM

**PLACE: CITY HALL
2077 WEST LARPENTEUR AVENUE
FALCON HEIGHTS**

**City of Falcon Heights
City Council Workshop
April 5, 1995
6:00 PM**

AGENDA

1. Presentation and discussion of the proposed landscape plans for Larpenteur Avenue project

(Landscape architect, Michael Schroeder, of Hoisington/Koegler will be present to discuss the design.)

2. Staff update on tax increment financing:
 - a. status of proposed legislation
 - b. financing plan for future activities
 - b. two districts
3. Discussion on proposals from prosecutors
4. Additional items