

City of Falcon Heights

A G E N D A

Regular Meeting of the City Council May 10, 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: April 26, 1995
- V. CONSENT AGENDA:
 - C-1. Disbursements
 - a. General disbursements through 5/4/95, \$33,289.63
 - b. Payroll, 4/16/95 to 4/30/95, \$10,888.37
 - C-2. Licenses
 - C-3. Authorization to contract for consultant services to review and update the city's tax increment capital
 - C-4. Landscape planning for empty lot in front of city hall
 - C-5. Authorization for the city attorney to provide legal services related to the Falcon Crossing property tax court appeal
 - C-6. Community Park bench purchases
- VI. PUBLIC HEARING:
 - PH-1. Public Hearing on proposed assessments for the 1995 alley reconstruction project
- VII. POLICY AGENDA:
 - P-1. Consideration of Resolution No. 95-13 adopting assessment roll for 1995 alley reconstruction project
ACTION: _____
 - P-2. Consideration of Resolution No. 95-14 awarding a bid for the 1995 alley reconstruction project to F. M. Frattalone
ACTION: _____
 - P-3. Request to amend the city code to require leashing of cats (Chapter 5, Section 3.01)
ACTION: _____

- P-4. Proposed revisions to the zoning code Chapter 9, Subdivision 1.02, Part 8, Subdivision 2, and Part 10, Subdivision 2 and 3 regarding gun shops as a conditional use in a B-3 zone

ACTION: _____

- P-5. Proposed ordinance deleting Chapter 5, Section 5, the interim moratorium on commercial development, from the city code

ACTION: _____

- P-6. Consideration of a resolution to support the assault weapons ban

ACTION: _____

VIII. INFORMATION AND ANNOUNCEMENTS:

- I-1. Solid Waste Commission Minutes of March 12, 1995

IX. ADJOURNMENT

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 26, 1995**

DRAFT

Mayor Baldwin convened the meeting at 7:05 p.m.

PRESENT

Baldwin, Gehrz, Gibson Talbot, Hustad, and Jacobs. Also present were Hoyt and Asleson.

COMMUNITY FORUM

There were no comments from the floor.

MINUTES OF APRIL 12, 1995

As minutes were not yet available to the council, they were not approved at this meeting.

CONSENT AGENDA APPROVED

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

1. Disbursements
 - a. General disbursements through 4/20/95: \$67,285.31
 - b. Payroll, 4/1/95 to 4/15/95: \$12,726.35
2. Licenses
3. Approval of Resolution No. 95-10, approving a variance from Chapter 9-2.04 subd. 2(b) of the zoning code for 1857 N. Fairview Avenue
4. Approval of Community Park seeding and maintenance contracts

POLICY AGENDA

**CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT AT 1532 W.
LARPENTEUR AVENUE FOR THE OPERATION OF A SECONDHAND GOODS STORE**

Administrative Assistant/Planner Asleson reported that the owners of the Northome Shopping Center, Halsted Wehmann and James Ladner, were requesting a conditional use permit for a secondhand furniture store for 1532 w. Larpenteur Avenue. Mr. William Erickson, the proprietor of the store, was on hand to represent the owners.

Asleson noted that the Planning Commission had recommended approval of the conditional use permit to permit this use. They recommended several conditions upon the permit, including the provision that the only used merchandise that could be sold would be furniture and related household type materials like lamps and plant stands. Any change to the type of merchandise to be sold would require an amendment to the conditional use permit.

Councilmember Hustad moved approval of Resolution No. 95-11, approving the conditional use permit. Mayor Baldwin suggested a friendly amendment to the motion, accepted by Councilmember Hustad, to add the following condition: "The city reserves the right to review the conditions of this permit upon a change in proprietor to the store". Motion passed unanimously.

PRESENTATION AND DISCUSSION OF THE FIRST DESIGN OF THE LARPENTEUR AVENUE CORRIDOR PLANS

Administrator Hoyt reported that the Larpenteur Avenue corridor plan was ready to be presented by the Hoisington/Koegler planning firm. She explained that the street reconstruction project, planned for in 1997 and 1998 under the county's jurisdiction, would involve creating protected left turn lanes along the roadway, increasing the total width from approximately 71 feet to approximately 74 feet. There is also the possibility that an underpass will be put in by the University Golf Course for golfers and pedestrians. She explained that the Larpenteur Avenue project has been in the city's tax increment plan since 1988 and that tax increment funds would be available to fund some or all of the proposed corridor amenities that are not typically assessed to property owners. Prior to introducing Fred Hoisington and Michael Schroeder to present the plans, she said that the planning commission had reviewed the plans and had endorsed them in concept. Hoyt also said that the city staff had not suggested any changes in the concept that was proposed in order to provide the planners with the opportunity to describe their design.

Mr. Hoisington informed the council that his firm has a first landscape plans for Larpenteur Avenue and at this time he would like to be sure that the council is comfortable with the overall concepts, if not the particular details. Hoisington explained that the objectives in the design were to develop an image for the corridor, create linkages across the street to prevent Larpenteur from becoming a barrier, to minimize potential adverse affects on adjacent uses, and to bring together the public and representatives from major corridor elements as active participants in the planning process.

Michael Schroeder, the principal designer on the project, went through the extensive plans and described the proposed changes in terms of five "zones" on Larpenteur, with an emphasis on edges. These areas included: 1) the "oak district", Eustis to Larpenteur; 2) the agricultural district, Cleveland to Prior; 3) a mixed area from Prior to Fry,; 4) the commercial/business area, Fry to Arona; and 5) a residential district from Arona to Hamline. Among the proposed changes and additions in these areas were trees, lighting, colored concrete medians, city identification signs in key locations, and a "butler building" placed at the entrance to the state fair.

Councilmember Gehrz asked about security issues as it pertains to landscaping. Schroeder explained that this was considered during the planning process. Additional lighting was included in areas that were particularly dense.

Councilmember Hustad inquired about the feasibility of the city identification or "gateway" sign being made of glass. Schroeder replied that the sign is proposed to be made of glass because it reflects light better than acrylic or plexiglass and is actually a very strong material. It would be constructed in panels so that if a portion were to crack, the entire structure would not need to be replaced.

Councilmember Gibson Talbot asked if a pedestrian crossway over Snelling and Larpenteur had been considered. Schroeder said that his plan is to bring together the edges of Snelling and Larpenteur to make the roadways seem smaller and more user friendly. It was Schroeder's opinion that a bridge at this intersection would be the wrong way to go.

Councilmember Gehrz asked about the amount of visibility that businesses would have if all of the proposed plantings are completed. Schroeder explained that this was taken into consideration during the planning process and that a window was constructed between the trees and the hedges so that businesses could be seen from passing vehicles.

A number of design issues were discussed at this point, including the type and color of trees and plantings, the colors to be used on the concrete medians, the usefulness of city banners on street lights, and the butler building idea.

Councilmember Jacobs stated that he liked the concept designs. He noted his reservations about the colored concrete, but also stated that he looked forward to seeing the details after the plans had been submitted to local affected groups. He asked if the final cost estimates would include the maintenance costs of caring for the newly installed shrubs and trees. Schroeder explained that this would be discussed with staff and an estimate made based upon the cost relative to the value of the city's investment in the project.

Mayor Baldwin said that he liked the design and was glad to see that the city was being proactive in this area, as many cities do not encourage aesthetics. Baldwin also stated that he felt that this project is the one thing that the council will be able to do in the next ten years that is worth spending a large amount of money on and encouraged the council to not "cut corners" on the project.

Councilmember Hustad told Mr. Hoisington and Mr. Schroeder that he endorses the direction that they are taking with this project, but also stated that he'd like to see further investigation of alternatives for a crossing at Snelling and Larpenteur Avenues.

Councilmember Gehrz had several likes and dislikes about the details of the design. Among the things she liked in the plan were the above ground telephone poles in the rural portion of the corridor and the highlights near the fair entrance. She expressed reservations about the greenhouse signs, the butler building, and banners on the light poles.

Councilmember Gibson Talbot noted that banners could unite portions of Larpenteur and the city into a whole - but perhaps this could be done in another way. She also stated that she particularly liked the glass gateway sign.

Mayor Baldwin asked the council if they approved the landscape plan in concept and they responded affirmatively. Baldwin then stated that the next step was to present the plans to the many interested property owners along Larpenteur Avenue for review.

DISCUSSION REGARDING PRECINCT TWO POLLING PLACE

Administrator Hoyt reviewed with the council the city's plans to change the polling place in precinct two from Falcon Heights United Church of Christ to Falcon Heights Elementary School. Staff has reviewed the school site and while there is ample room inside for voting, there is inadequate parking for both the school staff and the average of 88 voters per hour that arrive during state and federal elections. Hoyt asked the council if there was a strong feeling about moving this polling place or if there would be support for leaving the polling place at the church.

Councilmembers Gehrz and Hustad stated that the church has been a gracious host of the precinct's elections over the years and did not have a problem with leaving the polling place in that location. However, Mayor Baldwin and Councilmember Gibson Talbot strongly preferred to have voting take place at a public building. The council discussed several options with respect to this precinct, including having all voters in Falcon Heights vote at city hall. Staff was asked to further investigate the options for making the voting process work at the school.

CITY INFORMATION AND ANNOUNCEMENTS

Councilmember Gehrz reported on successful, chemically-free social events being held in the Roseville schools with the assistance of the Mayor's Commission Against Drugs group.

Mayor Baldwin thanked staff for the work on a successful volunteer recognition event. He also mentioned the Northwest Youth and Family Services would be asking for the city's support on a Community Development Block Grant application.

Administrator Hoyt reported on upcoming May events and maintenance projects underway in the city.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Tom Baldwin, Mayor

Carla Asleson
Recording Secretary

Meeting Date: 5/10/95

Agenda Item: C - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Joe Rigdon, City Accountant

EXPLANATION/SUMMARY:

- a. General disbursements through 5/4/95, \$33,289.63
- b. Payroll, 4/16/95 to 4/30/95, \$10,888.37

ACTION REQUESTED: Approval

APPROVAL OF BILLS
PERIOD ENDING: 05/04/95

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
5	ASLESON, CARLA	MILEAGE	TREE PRO	6.72
6	ASLESON, CARLA	MILEAGE	ADMINIST	2.80
7	ASLESON, CARLA	KITCHEN SUPPLIES	ADMINIST	18.54
8	ASLESON, CARLA	VOLUNTEER DINNER SUPPLIE	COMMUNIC	24.49
9	*** TOTAL FOR ASLESON, CARLA			52.55
11	AMERICAN LINEN SUPPLY CO.	LINEN CLEANING	FIRE FIG	35.42
13	CHAMPION AUTO STORES	JACK STANDS	BUILDING	39.39
14	CHAMPION AUTO STORES	955 OIL CHANGE	STREETS	15.89
15	*** TOTAL FOR CHAMPION AUTO STORES			55.28
17	30498 COLONIAL INSURANCE	BAUMANN & LEMAY PREMIUMS	FIRE FIG	45.65
18		IVERSON PREMIUM	FIRE PRE	36.45
19	*** TOTAL FOR COLONIAL INSURANCE			82.10
21	E-Z RECYCLING, INC.	4/95 RECYCLING	SOLID WA	2,389.50
23	EMERGENCY APPARATUS MAINT 752	NFPA; PARTS & LABOR	FIRE FIG	875.54
24	EMERGENCY APPARATUS MAINT 752	OIL CHANGE	FIRE FIG	167.75
25	EMERGENCY APPARATUS MAINT 753	WIPERS	FIRE FIG	157.14
26	*** TOTAL FOR EMERGENCY APPARATUS			1,200.43
28	FOCUS NEWSPAPERS	LEGAL NOTICE	LEGISLAT	101.12
30	GOPHER SIGN COMPANY	NO PARKING SIGNS (TATUM)	STREETS	249.85
32	HEJNY RENTALS, INC.	BACKHOE RENTAL	TREE PRO	175.93
34	HARVEST STATES COOP.	FUEL	SANITARY	47.60
36	BRAINGER, W. W., INC.	RADIO BATTERIES	FIRE FIG	44.99
37	BRAINGER, W. W., INC.	LAMP CITY HALL SIGN	BUILDING	62.49
38	*** TOTAL FOR BRAINGER, W. W., INC			107.48
40	ICMA RETIREMENT TRUST 457 5/95	CONTRIBUTIONS	ADMINIST	100.00
41	ICMA RETIREMENT TRUST 457 5/95	CONTRIBUTIONS	FINANCE	100.00
42	*** TOTAL FOR ICMA RETIREMENT TRUS			200.00
44	ICMA DUES RENEWAL	95 ICMA MEMBERSHIP HOYT	ADMINIST	375.00
46	INSTY-PRINTS PLUS	ENVELOPES	ADMINIST	130.57
47	INSTY-PRINTS PLUS	CITY LETTERHEAD	ADMINIST	75.99
48	INSTY-PRINTS PLUS	FIRE LETTERHEAD	ADMINIST	66.30
49	INSTY-PRINTS PLUS	FIRE ENVELOPES	ADMINIST	80.44
50	INSTY-PRINTS PLUS	IVERSON BUSINESS CARDS	FIRE PRE	40.12
51	INSTY-PRINTS PLUS	NOTESHEETS	ADMINIST	53.98
52	*** TOTAL FOR INSTY-PRINTS PLUS			447.40
54	IVERSON, TERRY	4/95 MILEAGE	ADMINIST	19.60
55	IVERSON, TERRY	4/95 MILEAGE	FIRE PRE	83.44
56	IVERSON, TERRY	NORTH SUB GAVEL MEETING	FIRE PRE	9.73
57	*** TOTAL FOR IVERSON, TERRY			112.77
	KONICA BUSINESS MACHINES	FINAL KONICA MAINTENANCE	ADMINIST	43.78

APPROVAL OF BILLS
PERIOD ENDING: 05/04/95

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	LEAGUE OF MN CITIES	95 ANNUAL CONF - GEHRZ	LEGISLAT	235.00
	LEAGUE OF MN CITIES	95 ANNUAL CONF-HOYT, ASLN	ADMINIST	470.00
	*** TOTAL FOR LEAGUE OF MN CITIES			705.00
30500	LEONARD, STREET & DEINARD	PUBLIC FINANCE SEMINAR	ADMINIST	30.00
	LEONARD, STREET & DEINARD	LEGAL SVC THROUGH 3/31	LEGAL	2,626.70
	*** TOTAL FOR LEONARD, STREET & DE			2,656.70
	METROPOLITAN AREA MANAGE-	MAMA LUNCH 4/20/95	ADMINIST	13.50
	M-75 BUILDING MAINTENANCE	4/95 CLEANING	BUILDING	208.65
	MAIER STEWART & ASSOC.	2/23-4/1 ENGINEERING	ENGINEER	274.01
	MAIER STEWART & ASSOC.	2/23-4/1 ENGINEERING	LARRENTE	999.92
	MAIER STEWART & ASSOC.	2/23-4/1 ENGINEERING	95 ALLEY	6,026.88
	*** TOTAL FOR MAIER STEWART & ASSO			7,300.81
	METRO FIRE	PUMP PACK	FIRE FIG	117.15
	MIDWEST DELIVERY SERVICE	DELIVERY	ADMINIST	7.65
30496	MN DEPARTMENT OF REVENUE	STATE WITHHELD 4/30/95	ADMINIST	665.55
	NSP	4/95 ELECTRIC	EMERGENC	6.28
	NSP	4/95 ELECTRIC	PARK MAI	21.37
	*** TOTAL FOR NSP			27.65
	NSP	4/95 STREET LIGHTING	STR. LIG	1,872.57
30495	NORTH STAR STATE BANK	FED WITHHELD 4/30/95	ADMINIST	3,596.99
	OFFICE MAX, INC.	DESK JET CARTRIDGES, MISC	ADMINIST	119.32
	OFFICE MAX, INC.	MICROCASSETTE RECORDER	ADMINIST	64.16
	*** TOTAL FOR OFFICE MAX, INC.			183.48
	ON SITE SANITATION, INC	4/14 TO 5/11 SANITATION	PARK MAI	68.65
	PERA	PERA WITHHELD 4/30/95	ADMINIST	1,229.21
	PETERSON, FRAM, & BERGMAN	3/95 PROSECUTIONS	PROSECUT	3,114.90
	PRECISION COMPUTER SYSTEM	PRECISION USER GROUG M76	FINANCE	65.00
	RAMSEY COUNTY	3/95 SNOWPLOWING/SANDING STREETS		2,532.60
	ROSEVILLE ROTARY CLUB	ROTARY DUES	ADMINIST	75.00
	ROSEVILLE ROTARY CLUB	ROTARY MEETING FEES	ADMINIST	103.25
	*** TOTAL FOR ROSEVILLE ROTARY CLU			178.25
	STATE CHEMICAL MFG. CO.	CITY HALL PKG LOT PAINT	BUILDING	160.83
	SUBURBAN HARDWARE	BATTERIES	FIRE FIG	6.12

APPROVAL OF BILLS
PERIOD ENDING: 05/04/95

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
4	SUBURBAN HARDWARE	LOCKING DEVICE FILE CABT	FIRE FIG	7.82
5	SUBURBAN HARDWARE	WATER HEATER PARTS	BUILDING	5.06
6	SUBURBAN HARDWARE	KEYS	BUILDING	3.43
7	SUBURBAN HARDWARE	CONCRETE FOR SIGN POSTS	STREETS	6.89
8		*** TOTAL FOR SUBURBAN HARDWARE		29.32
9				
10	SUPER AMERICA	FUEL 4/6-4/26/95	STREETS	27.53
11	SUPER AMERICA	FUEL 4/6-4/26/95	PARK MAI	25.52
12	SUPER AMERICA	FUEL 4/6-4/26/95	FIRE FIG	26.13
13	SUPER AMERICA	FUEL 4/6-4/26/95	RESCUE S	26.15
14		*** TOTAL FOR SUPER AMERICA		105.33
15				
16	T. R. F. SUPPLY	RAIN SUITS	BUILDING	54.52
17	TAFF, SUSAN HOYT	SIMEKS DINNER MEETING	LEGISLAT	22.97
18				
19	TOLL GAS & WELDING SUPPLY	COMPRESSED AIR	FIRE FIG	36.22
20	TOLL GAS & WELDING SUPPLY	COMPRESSED AIR	FIRE FIG	45.98
21		*** TOTAL FOR TOLL GAS & WELDING S		82.12
22				
23	USWEST COMMUNICATIONS	5/95 PHONE	PARK & R	55.66
24				
25	BUSINESS RECORDS CORP.	BALLOT PENS	ELECTION	77.98
26				
27	30499 ST. PAUL WATER UTILITY	4/95 WATER	BUILDING	16.59
28		4/95 WATER	PARK MAI	6.96
29		*** TOTAL FOR ST. PAUL WATER UTILI		23.55
30				
31	BERNARDY, CONNIE LANNERS	5/15/95 MCAD SERVICES	MCAD	1,470.86
32				
33	RIGDON, JOE	4/95 MILEAGE, PARKING	FINANCE	15.10
34				
35	VIKING ELECTRIC	BUILDING LIGHT CITY HALL	BUILDING	46.69
36	VIKING ELECTRIC	SOCKETS-CITY HALL SIGN	BUILDING	21.63
37		*** TOTAL FOR VIKING ELECTRIC		68.32
38				
39	FASTSIGNS	PLAYROOM SIGN	PARK PRO	96.82
40				
41	NEXTEL COMMUNICATIONS, INC	REPAIR RADIO		22.74
42	NEXTEL COMMUNICATIONS, INC	REPAIR RADIO	FIRE PRE	22.74
43		*** TOTAL FOR NEXTEL COMMUNICATION		45.48
44				
45	SALLY'S CATERING	VOLUNTEER DINNER	COMMUNIC	498.76
46				
47	COMMUNICATION SKILLS, INC	TRAINING MATERIALS	FIRE & RE	226.60
48				
49	KINKO'S	FIRE PREVENT. VISUAL AID	FIRE PRE	21.49
50				
51	AT&T WIRELESS SERVICES	PUBLIC WORKS PAGER 5/95	BUILDING	13.30
52				
53		*** TOTAL FOR BANK 01		33,289.63
54				
55				
56		*** GRAND TOTAL ***		33,289.63
57				

PERIOD END DATE 04/30/95
 SYSTEM DATE 04/28/95

FILE NOT UPDATED

CHECK REGISTER

CHECK TYPE	CHECK DATE	EMPLOYEE NAME	CHECK NUMBER	CHECK AMOUNT
1				
2				
3				
4	COM	4 28 95 1 BALDWIN, THOMAS	23304	300.31
5	COM	4 28 95 6 GEHRZ, SUSAN	23305	217.05
6	COM	4 28 95 8 JACOBS, SAM	23306	277.05
7	COM	4 28 95 10 JAN GIBSON TALBOT	23307	169.05
8	COM	4 28 95 11 JOHN HUSTAD	23308	277.05
9	COM	4 28 95 30 BAUMANN, NICHOLAS	23309	122.78
10	COM	4 28 95 34 KURHAJETA, CLEMENT	23310	294.37
11	COM	4 28 95 38 MORGAN, JAY	23311	32.75
12	COM	4 28 95 40 ANDERSON, KEVIN	23312	46.17
13	COM	4 28 95 42 CLARKIN, MICHAEL D.	23313	27.70
14	COM	4 28 95 43 DOW, MICHAEL J	23314	64.64
15	COM	4 28 95 48 HOLMGREN, JOHN H.	23315	69.26
16	COM	4 28 95 56 PETERSON, GREGORY S.	23316	44.64
17	COM	4 28 95 59 FULLER, GREGORY M.	23317	36.17
18	COM	4 28 95 61 DENNIS G. LEMAY	23318	104.67
19	COM	4 28 95 1002 TAEF, SUSAN HOYT	23320	1421.97
20	COM	4 28 95 1003 IVERSON, TERRY	23321	949.16
21	COM	4 28 95 1005 KRIEGLER, CAROL	23322	357.07
22	COM	4 28 95 1006 MORGAN, JAY	23323	856.89
23	COM	4 28 95 1007 PHILLIPS, PATRICIA	23324	777.51
24	COM	4 28 95 1008 SWENSON, DELORIS	23325	722.30
25	COM	4 28 95 1010 ASLESON, CARLA	23326	881.19
26	COM	4 28 95 1011 KLINGENBERG LAWRENCE A.	23327	979.45
27	COM	4 28 95 1012 RIGDON, JOSEPH M.	23328	807.94
28	COM	4 28 95 1026 CIERNIA, JASON	23329	32.32
29	COM	4 28 95 1033 TRETSVEN, DAVE	23330	609.59
30	COM	4 28 95 1078 MICHAEL R SHIER	23331	62.98
31	COM	4 28 95 1104 ANDRE~ L. BARTE~	23332	9.23
32	COM	4 28 95 1105 RUTH M. PETERSEN	23333	90.50
33				
34				
35				
36		****TOTALS****		10641.76
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GRAND TOTAL: \$10,888.37

RECYCLED FIBER

Meeting Date: 5/10/95

Agenda Item: C-2

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Dee Swenson

MUNICIPAL

*American Family Insurance #3230
1551 W. Larpenteur

GENERAL CONTRACTOR

Park Edge Construction Co. #3231

* Denote new business

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Authorization to contract for consultant services to review and update the city's tax increment capital plan

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Staff recently met with Bob Thistle of Springsted Public Finance Advisors and reviewed the city's tax increment plan that was developed in 1988. It is time to update the plan to detail the types of development, redevelopment and enhancement activities that the city wants to include. The administrator will work with the consultant to put together the plan, hopefully, keeping costs to a minimum. The service will be charged at an hourly rate of \$100 for the consultant's time. The maximum estimated cost for the review, update, hearings and council meetings is \$2,000.

ACTION REQUESTED:

Authorize the administrator to use Springsted Public Finance Advisors to review and update the city's tax increment financing capital plan.

Meeting Date: 5/10/95

Agenda Item: C - 4

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Landscape planning for empty lot in front of city hall

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

EXPLANATION/SUMMARY: The lot in front of city hall, acquired by the city last summer, is scheduled for modest landscaping this spring. Proposed improvements include the addition of top soil, minor grading, and turf establishment. It is recommended that top soil be purchased and delivered to the site and then graded and seeded in-house by the public works staff. The following price quotes have been obtained for 150 cubic yards of top soil (delivered):

- Herman's..... \$1,584.00
- Designer Soils..... \$1,500.00
- J & C Landscaping
& Excavating..... \$1,410.00

It is recommended that top soil be purchased from J & C Landscaping based on cost and quality assurance.

ACTION REQUESTED: Authorization to purchase top soil (delivered) and proceed with work associated with turf establishment on the lot in front of city hall

CONSENT

CONSENT

CONSENT

CONSENT

CONSENT

CONSENT

Meeting Date: 5/10/95

Agenda Item: C - 5

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Authorization for the city attorney to provide legal services related to the Falcon Crossing property tax court appeal

SUBMITTED BY: Ellen Sampson, City Attorney

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

The city attorney is recommending that the council submit legal materials in conjunction with the Falcon Crossing property tax court appeal. An attorney specializing in tax law will handle the city's work.

ACTION REQUESTED:

Authorize the city attorney to provide legal services related to the Falcon Crossing property tax court appeal.

CONSENT

CONSENT

CONSENT

CONSENT

CONSENT

CONSENT

Meeting Date: 5/10/95

Agenda Item: C - 6

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Community Park bench purchases

SUBMITTED BY: Carol Kriegler, Parks & Recreation Director

EXPLANATION/SUMMARY: With the recent rehabilitation of the Community Park pathway and the establishment of the prairie, park benches are recommended to further enhance the park. The intermittent availability of benches along the pathway is recommended for simple enjoyment as well as compliance with recommendations concerning ADA.

It is also recommended that benches be made available adjacent to the hardcourt area. Use of this facility is extremely high and the need for park benches has become evident. This will provide for a place to rest and watch the activity.

A recommendation concerning specific model number and cost will be available prior to the council meeting.

ACTION REQUESTED: Authorization to purchase park benches for Community Park.

Meeting Date: 5/10/95

Agenda Item: PH - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Public hearing on proposed assessments for the 1995 alley reconstruction project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

Notices regarding this public hearing were published in the Focus newspaper and mailed to each affected property owner two weeks prior to the hearing date, as required by law. Individual property owner's notices detailed the amount of assessment that is proposed to be due and the means by which a property owner may pay it. This notice also outlined the means by which a property owner may protest his assessment amount: either by submitting a written objection to the clerk before the hearing or to the mayor at the time of the hearing. To date, no written objections to assessment amounts have been received.

The assessment amounts were derived by multiplying the front footage of the property by \$22.58. The majority of properties in the assessment area are 50 feet wide and therefore are assessed \$1129.00 each.

Attachment:

1. Example of hearing notices sent to affected property owners.

ACTION REQUESTED:

Conduct public hearing on proposed assessment amounts. Per publication, this hearing cannot begin before 7:10 p.m.

Current Owner
1491 W. California Avenue
Falcon Heights, MN 55108

CITY OF FALCON HEIGHTS ASSESSMENT INFORMATION ENCLOSED

Reconstruction of your alley is scheduled to begin in early June. Enclosed you will find information on the public hearing and assessment amount owed for the reconstruction. The materials enclosed are in a format required by law. While these documents are important and should be read carefully, they can be summarized as follows:

THE AMOUNT OF ASSESSMENT THAT YOU OWE:

\$1,129.00

PUBLIC HEARING TO BE HELD ON THIS ASSESSMENT:

May 10, 1995 at 7:10 p.m., Falcon Heights City Hall

IF YOU WISH TO PROTEST YOUR ASSESSMENT AMOUNT, YOU MUST EITHER:

- Submit a written statement of protest to the City Clerk prior to the hearing (this may be done by mail); or
- Attend the public hearing on May 10th and submit a written protest at that time.

Written protests should include the property owner's name, address, and reason for protesting the amount of assessment.

YOU HAVE TWO OPTIONS WITH RESPECT TO THIS PAYING THIS ASSESSMENT:

1. If you pay the entire assessment amount to the city before June 10, 1995, you will not owe any interest. Payments may be mailed to: City of Falcon Heights, 2077 W. Larpenteur Avenue, Falcon Heights, MN 55113, or made in person at City Hall between the hours of 8:30 a.m. and 4:30 p.m.
2. If your full assessment amount is not received by the city by June 10, it will be placed with applicable interest on your property tax statement. The payback period is ten years and the interest rate is seven percent per year. See the enclosed sheet for your yearly tax payment amount.

You may pay off the entire amount owed, with applicable interest, at any time after June 10 through the Ramsey County Department of Revenue (266-2020).

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

NOTICE OF ASSESSMENT HEARING

April 24, 1995

STATE OF MINNESOTA
CITY OF FALCON HEIGHTS

[REDACTED]
1491 W. California Avenue
Falcon Heights, MN 55108

TO WHOM IT MAY CONCERN:

Notice is hereby given that the council will meet at 7:10 p.m. on May 10, 1995 at Falcon Heights City Hall to pass upon the proposed assessment for the improvement of the following alleys:

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

The following is the area proposed to be assessed: all lots within Blocks 2, 3, and 6, Northome; and all lots within Blocks 12 and 13, Northome 3rd Addition.

The amount to be specially assessed against your particular lot, piece, or parcel of land is \$1129.00. You may at any time prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid within 30 days from this adoption of the assessment. You may at any time thereafter pay to the Ramsey County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the next succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is seven percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is \$136,265.56. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

Under Minnesota Statutes, Sections 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the ordinance (resolution) adopted under it may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on his property.

Hearing impaired persons planning to attend who need an interpreter or others persons with disabilities who require auxiliary aids should contact Carla Asleson at 644-5050 no later than one week prior to the hearing.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

Carla Asleson
City Clerk

ASSESSMENT SCHEDULE
Constant Principal Payment Method

Project: NORTHOME AREA ALLEY IMPROVEMENTS
 Parcel: 22-29-23-22-0013
 Owner: ROY N. & SUSAN BOLLEY McALLISTER
 LOT : EAST HALF OF LOT 3
 BLOCK : 13
 NORTHOME
 THIRD ADDITION

Interest Start Date: 10-Jun-95
 Repayment Period: 10 years
 Interest Rate: 7.00%

Assessments:	Quantity	Unit Measure	Unit Price	Amount
a. ALLEY IMPROVEMENTS	50.00	FF	22.58	\$1,129.00
		Total Assessment		\$1,129.00

YEAR	ANNUAL PAYMENT	PRINCIPAL PAYMENT	INTEREST PAYMENT	PRINCIPAL REMAINING
1995				\$1,129.00
1996	\$236.32	\$112.90	\$123.42	\$1,016.10
1997	\$184.03	\$112.90	\$71.13	\$903.20
1998	\$176.12	\$112.90	\$63.22	\$790.30
1999	\$168.22	\$112.90	\$55.32	\$677.40
2000	\$160.32	\$112.90	\$47.42	\$564.50
2001	\$152.42	\$112.90	\$39.51	\$451.60
2002	\$144.51	\$112.90	\$31.61	\$338.70
2003	\$136.61	\$112.90	\$23.71	\$225.80
2004	\$128.71	\$112.90	\$15.81	\$112.90
2005	\$120.80	\$112.90	\$7.90	(\$0.00)

\$1,608.05 =Total of Annual Payments

NOTE: Prepayment of entire assessment amount may be made to the City of Falcon Heights any time before JUNE 10, 1995 without interest.

Meeting Date: 5/10/95

Agenda Item: P - 1

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Consideration of Resolution No. 95-13, adopting assessment roll for 1995 alley reconstruction project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

Following the public hearing, state statute requires that the council adopt the final assessment roll via resolution. If the council wishes to change the assessment amount on one or more properties, it must be done prior to the passing of Resolution No. 95-13.

ACTION REQUESTED:

If deemed appropriate, approve Resolution No. 95-13 to adopt the final assessment roll.

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

Date: May 10, 1995

RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR THE 1995 ALLEY
IMPROVEMENT PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment 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

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 1996 and shall bear interest at the rate of seven per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1995. To each subsequent installment when due shall be added interest for one year on the unpaid installments.

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 treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the city treasurer 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 next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the proper tax lists of the county, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the council this 10th day of May, 1995.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor
May 10, 1995
Date

Attested by: _____

City Clerk
May 10, 1995
Date

Meeting Date: 5/10/95

Agenda Item: P - 2

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Consideration of Resolution No. 95-14, awarding a bid for the 1995 alley reconstruction project to F.M. Frattalone

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY:

The final council approval needed to proceed with the 1995 alley reconstruction project is to award the project bid to the low bidder, F.M. Frattalone, for \$111,306.55.

ACTION REQUESTED:

Award bid of 1995 alley reconstruction project to F.M. Frattalone, at \$758,643.75.

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

Date: May 10, 1995

A RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvements 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

bids were received, opened, and tabulated according to law, and the following bids were received complying with the advertisement:

F.M. Frattalone	\$111,306.55
Valley Paving, Inc.	\$121,910.50
Barber Construction	\$125,892.00
Master Asphalt Company	\$135,055.10
Tower Asphalt, Inc.	\$148,960.00
Hard Drives, Inc.	\$149,244.45
Ashback Construction Company	\$152,401.05
Bituminous Consulting and Contracting	\$153,006.81
Bituminous Roadways, Inc.	\$211,034.50

AND WHEREAS, it appears that F.M. Frattalone is the lowest responsible bidder.

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

1. The mayor and clerk are hereby authorized and directed to enter into a contract with F.M. Frattalone in the name of the City of Falcon Heights for the improvement of the above-named alleys according to the plans and specifications therefore approved by the city council and on file in the office of the city clerk.

Resolution No. 95-14
May 10, 1995
Page Two

2. The city clerk is hereby authorized and directed to return forthwith the all bidders the deposits made with their bids, except the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the council this 10th day of May, 1995.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor
May 10, 1995
Date

Attested by: _____

City Clerk
May 10, 1995
Date

Meeting Date: 5/10/95

Agenda Item: P - 3

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

ITEM: Request to amend the city code to require leashing of cats (chapter 5 Section 3.01)

SUBMITTED BY: Ms. Jo Behm, 1417 W. California

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Ms. Behm requested the council to consider amending its animal control ordinances to require cats to be leashed. She is particularly concerned about the birding behavior of cats.

Please see the attached staff report for an explanation and discussion of this request.

ATTACHMENTS:

A - Letter from Ms. Behm, dated

B - Staff report dated May 5, 1995

C - Summary of code related information

D - Possible proposed revisions to the city's code

ACTION REQUESTED:

1. Staff report
2. Questions and comments by Ms. Behm
3. Discussion among councilmembers
4. Direct staff as appropriate

A.

1417 W. California
Falcon Heights, MN 55108
April 19, 1995

APR 24 1995

Susan Hoyt
City Hall
2077 W. Larpenteur
Falcon Heights, MN 55108

Greetings,

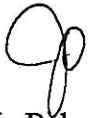
I am writing to express my deep concern about neighbor cats that are allowed to roam free and kill wild birds. Yesterday morning, I watched a neighbor cat stalk and chase robins, chickadees and sparrows. Fortunately, no birds were caught during this escapade. Neighbor cats spray our front stoop and we have constant cat smell at our front door. Not a pleasant odor when guests come to the house.

The city used to have an ordinance where cats had to be tied up as well as dogs. When I spoke to one of the councilpeople last year about my concern, she was rather flip about the idea. After all, she had cats and they just had to run free.

I am wondering if we are trying to eliminate all the wild birds from our neighborhoods because we need to have our cats run free. There is a pair a cardinals that visit our bird feeder. They are beautiful birds with a sweet song. I hope they survive the summer.

It's time to change the ordinance about cats. Two of our neighbors do tie up their cats on a 6 foot leash like we do with our dog. I am asking that this be discussed at a council meeting. It probably sounds trivial with all the others things going on in life. But saving a few birds who add beauty and music to our world can add some happiness to our busy and sometimes violent lives.

Sincerely,



Jo Behm

SECTION 3. MISCELLANEOUS REGULATIONS

5-3.01 Regulation of Animals.

A. Definitions. As used in this chapter, "owner" means any person owning a dog, cat, or other animal. "At large" means off the premises of the owner and not under the control of the owner, a member of his/her immediate family, or a person designated by the owner, in the case of a dog, by a leash, cord, or chain not more than 6 feet in length.

B. Dogs Which are Public Nuisances. Any dog which exhibits any of the following behavior is hereby declared to be a public nuisance:

1. causes noise, disturbance or annoyance to persons residing in the vicinity by loud and frequent barking, howling or yelping;
2. running at large;
3. destroying property or habitually trespassing on any property of persons other than its owner;
4. attacking or biting a person;
5. showing vicious characteristics or molesting pedestrians or interfacing with vehicular traffic on public right-of-way; and
6. defecates on any public or private property unless the person in control of the dog cleans up the feces and disposes of such in a sanitary manner; and
7. the provisions of this section shall not apply to guide dogs accompanying a blind person or to a person with dogs engaged in search or rescue activities.

C. Cats Which Are Public Nuisances. Any cat which exhibits any of the following behaviors is declared to be a public nuisance:


1. damages property, plantings or a structure;
2. which deposits fecal matter on property other than the owners;
3. which scratches or bites persons while at large; and
4. which habitually mews or cries.

D. Responsibility of Owner. Any person who owns or harbors a cat or dog declared to be a nuisance shall be deemed to be maintaining a nuisance.

City of Falcon Heights
Memorandum

DATE: 5 May 1995

TO: Mayor and Councilmembers

FROM: Susan Hoyt, City Administrator 

RE: Staff report on the request to require cats to be leashed

Request. In a letter to the city administrator, Ms. Behm expressed her concern about cats in the city killing birds. She asked that the city council consider passing a leashing requirement for cats in order to curb this behavior.

Background.

Belling ordinance. In the past the city had an ordinance requiring cats to be "belled" as a warning mechanism for birds. This was deleted from the city's code in 1989 because it was believed to be ineffective in protecting birds and difficult to enforce.

Current code. The city code currently states that cats are considered a nuisance for purposes of city enforcement when they:

- 1) damage property
- 2) defecate on public or private property
- 3) scratch or bite people
- 4) continually mew or cry

Given this, technically to be in violation of the city code (and subject to enforcement) a complainant must demonstrate that the cat's behavior meets one of the above criteria. Cats are not defined as a public nuisance for running at large.

Animals at large. Animals "at large" are defined as those not on the owner's premises or under the control of the owner or his designee. Dogs are considered the only animal that is a public nuisance if it is running at large. Dogs are also the only domestic animal clearly identified as being in violation of the city nuisance code if they are not on a leash, cord or chain not more than six feet in length when they are off their owner's property. This is probably because dogs have different behaviors than many other pets (e.g. quickly darting out to chase a car, rabbit, etc.) and require different care (e.g. regular walks on public streets.)

Other cities' codes. Most Ramsey County suburban cities' codes declare any animal a nuisance if it is at large, which means when it is off the owner's property or not restrained. In other words if a pet stays within the owner's property by a leash, fence, training or other mechanism, the pet is not in violation of the nuisance code. If it leaves the owner's property and is not under restraint (cage, leash, etc.) it is in violation of the nuisance code.

The city of St. Paul does not require restraint of cats. It provides its residents with a list of potential problems with cats.

Complaints. The city staff and police take complaints about animal behavior. A letter is sent to the potentially offending party informing them of the complaint and asking them to take care of it. A police officer responds to complaints in progress. It is difficult to enforce these ordinances since they are related to behavior at a specific point in time and that behavior may have changed by the

time the letter or police officer arrives. The city does not drive around looking for violations of the running at large ordinance for dogs. However, if there is clearly a stray dog without an owner, the animal control people are called and the owner sought.

From 1994 through May, 1995 the city staff had a total of 13 dog related complaints; two of which were at large. The city staff had 3 cat related complaints; 2 related to killing birds and 1 related to droppings. Staff occasionally receives an inquiry about how the city code addresses cat and dog behavior. These inquiries are not recorded as complaints.

Alternatives. From the staff's perspective, there are four alternatives for the council to consider.

1) Make no changes in the city code, thereby, requiring that only dogs be in violation of the code for being at large and for not being leashed.

2) Require cats or all domestic animals to be in violation of the city nuisance code if they are at large, which is defined as off of the owner's property and not under the control of the owner or someone designated by the owner. But not require that all cats or domestic animals that are at large (off the owner's property) be restrained by a leash as applies to a dog.

Under this option, if a domestic animal is in a neighbor's yard the person could notify the city or police that the pet's owner is in violation of the city code and the police could remove the animal if it was there upon the police's arrival.

This tightens up the ordinance, which currently states that a cat must violate one of the four behavioral criteria before being considered a nuisance violation. It would also make other domestic pets, currently not considered nuisances in the code, governable by the city ordinance. This approach does not make a leash mandatory, which is a specific way to accomplish control, but it does require controlling cats and keeping them on their owner's property.

3) Require cats or all domestic animals to be in violation of the city nuisance code if they are at large which would include being required to be on the owner's property or when off the owner's property that the animal be controlled by a restraint such as a leash.

Under this option, if a cat or domestic animal is in a neighbor's yard, the pet's owner would be in violation of the city nuisance code just as in the second alternative. However, it would also be violating the code because it was not leashed when it was off the owner's property.

4) Require cats to be in violation of the city nuisance code if they are not on a leash regardless of whether or not the cat is in its owner's yard.

Under this option, a cat would be required to be on a leash at all times whether or not the cat was in or out of its owner's yard. This might be done if it is felt that leashing a cat will curb the birding behavior and, therefore, protect the birds. This is the nature of the request made by Ms. Behm. This might reduce cats' ability to get to birds, especially if cats are leashed away from vegetation that harbors birds.

Staff recommendation. Enforcing complaints is a challenge. Animal complaints are particularly difficult since frequently different people have different tolerances for animal behavior. It is important to make a code clear and enforceable and to try to avoid specific requirements that don't clearly fit the situation because these might be used to exacerbate a problem between neighboring property owners.

At a minimum staff recommends that the council amend the city code to make it a violation of the nuisance code to have a domestic animal (not just cats) at large. In other words, any domestic animal which is off of the owner's property or out of the owner's control would be against the city code. This recommendation does not necessarily require that all domestic animals be leashed as a means of control when they are off their owner's property. Unlike the current code, it would not matter what the pet was doing off of the owner's property (e.g. defecating, stalking birds, eating plants, chasing cars). Since under this alternative, the presence of a cat or other domestic animal outside its owner's yard would be against the code, from an enforcement perspective, it might be redundant to require a leash on the animal - if the purpose of the ordinance is to keep pets in their owners' yards or under the owner's immediate control.

Requiring that cats or domestic animals be subject to a specific type of restraint such as a leash when the pet is on the owner's property is atypical for a city ordinance. There are a variety of methods for restraining pets available to pet owners to choose from and, typically, cities let pet owners select the best way for them to keep their pets on their own property. Requiring that a pet be leashed whenever it is outside of a dwelling would mean that anytime a cat or domestic animal was unleashed and outside it would be a reportable code violation. It should be clear that this requirement accomplishes some specific goal if it is adopted by the city council.

C

ANIMALS

Current Falcon Heights Code (Chapter 5-3.01):

DOGS ARE CONSIDERED A NUISANCE WHEN THEY:

- 1. Continuously bark
- 2. Run at large
- 3. Destroy property or habitually trespass
- 4. Attack or bite people
- 5. Show "vicious characteristics", "molest pedestrians" or interfere with traffic
- 6. Defecate on public or private property without the owner providing clean-up

NOTE: These provisions do not apply to seeing eye dogs.

CATS ARE CONSIDERED A NUISANCE WHEN THEY:

- 1. Damage property
- 2. Defecate on public or private property
- 3. Scratch or bite people
- 4. Continually mew or cry

REGULATIONS ON OTHER ANIMALS:

There is no mention of animals other than dogs and cats in the animals section. The zoning code allows the keeping of domestic pets in residential districts. Farm animals are not permitted in residentially zoned areas. Here's the definitions of domestic and farm animals:

10. Animals, Domestic Pets. Dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

11. Animals, Farm. Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.

ANIMAL LEASH LAWS:

- Arden Hills - no
- Lauderdale - yes
- Little Canada - yes
- New Brighton - yes
- Maplewood - yes
- Mounds View - no
- Roseville - yes
- St. Anthony - yes
- St. Paul - no
- Shoreview - yes

(All of these cities have dog leash laws)

ANIMAL COMPLAINTS RECEIVED AT CITY HALL 1994 TO DATE

- Dogs barking: 5
- Dogs in the park: 3
- Dogs at large: 2
- Dog droppings: 3
- Cats killing birds: 2
- Cat droppings: 1

These numbers do not reflect complaints logged with the city's police provider.

ALTERNATIVE 1

5-3.01 Regulation of Animals.

A. Definitions. As used in this chapter, "owner" means any person owning a dog, cat, or other animal. "At large" means off the premises of the owner and not under the control of the owner, a member of his/her immediate family, or a person designated by the owner, in the case of a dog, by a leash, cord, or chain not more than 6 feet in length.

B. Animals. No domestic animal shall be at large.

ALTERNATIVE 2

5-3.01 Regulation of Animals.

A. Definitions. As used in this chapter, "owner" means any person owning a dog, cat, or other animal. "At large" means off the premises of the owner and not under the control of the owner, a member of his/her immediate family, or a person designated by the owner ~~in the case of a dog,~~ by a leash, cord, or chain not more than 6 feet in length.

B. Animals. No domestic animal shall be at large.

Meeting Date: 5/10/95

Agenda Item: P - 4

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

ITEM: Proposed revisions to the zoning code Chapter 9, Subdivision 1.02 Part 8 Subdivision 2, and Part 10 subdivision 2 and 3 regarding gun shops as a conditional use in a B - 3 zone

SUBMITTED BY: Planning Commission
REVIEWED BY: Susan Hoyt, City Administrator
Eric Galatz, Attorney
Ellen Sampson, City Attorney

EXPLANATION/DESCRIPTION:

Interim commercial development moratorium and planning studies. In March, 1993 the city adopted an interim moratorium on commercial development to allow the city to study the uses in its commercial business districts. The moratorium automatically expires on September 30, 1995 after two and a half years. In May, 1994 the city approved a variety of amendments to the city's zoning code to define and delineate the land uses in the city's business district. Today, one use, store that sell firearms, remains under the city's interim moratorium.

Applicable state statutes. Under Minnesota State Statute 471.633 municipalities are preempted from regulations of firearms. In 1993 under state statute 471.635, the legislature permitted municipalities with the authority to zone for the location of businesses where firearms are sold.

Planning commission recommendation. The planning commission discussed and reviewed the proposed zoning code amendments for three meetings. A public hearing was held on April 24, 1995 and no one was in attendance. The planning commission is unanimously recommending that the zoning code be amended as summarized:

- 1) Definitions of firearm; firearm, antique; firearms dealer; gun shop and shooting gallery
- 2) Proposed: Gun shops be permitted as a conditional use in a B - 3 Snelling and Larpenteur Community Business District zone as long as the following conditions are met:
 - 1) a minimum of 1,000 feet from any residential zone except for a minimum of 150 feet from any residential zone when the residential zone is buffered by a separate commercial facility.
 - 2) A minimum of 750 feet from any park.
 - 3) A minimum of 1,000 feet from any public or private preschool, elementary or secondary school or church.
 - 4) The firearms dealers security standards as mandated by Minnesota Statute 624.7161 and 624.7162 are met.

ATTACHMENTS:

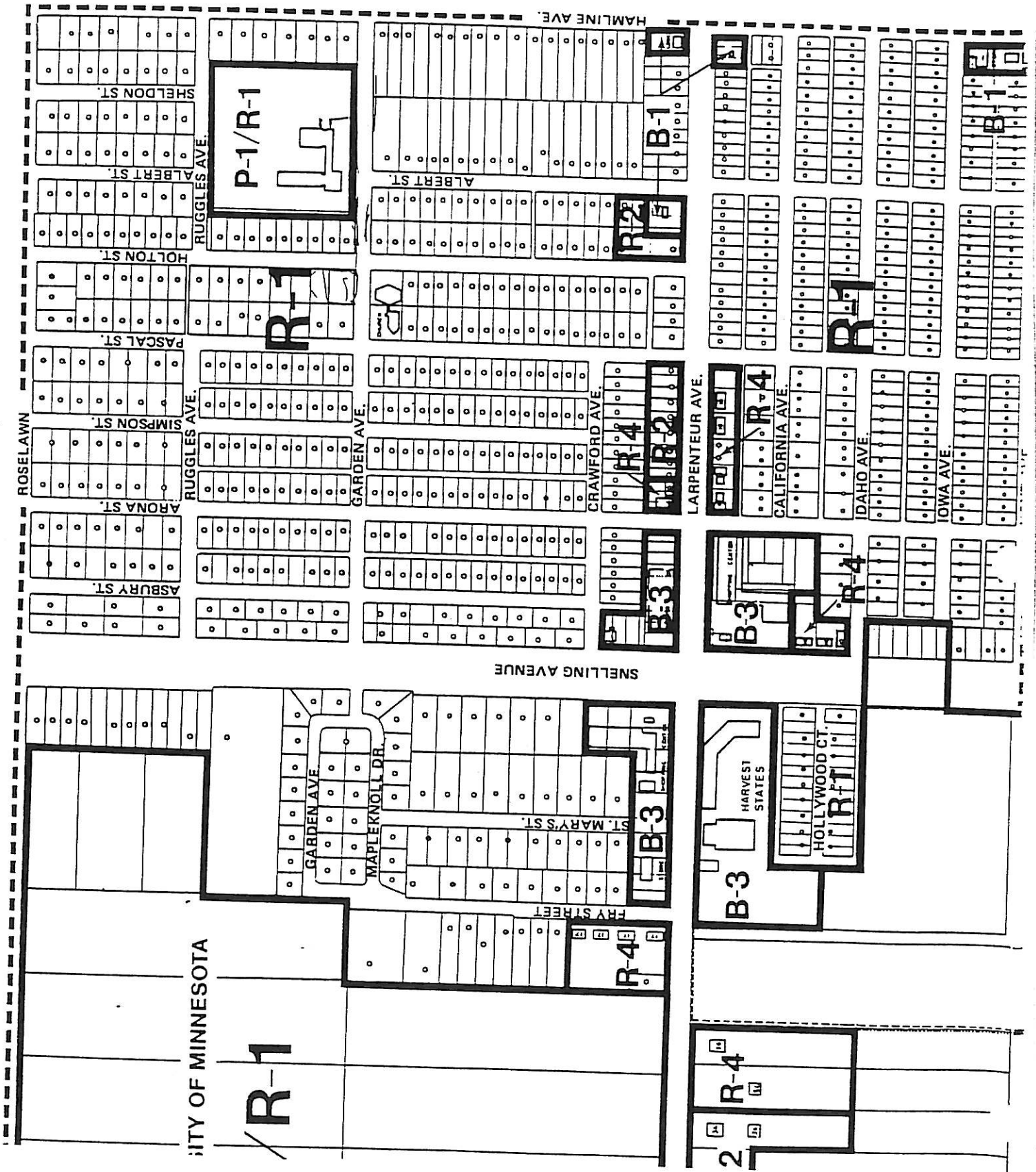
- A - Map of the commercial zoning districts
- B - Proposed ordinance 95-01 with amendments to the zoning code
- C - Proposed resolution 95-15
- D - Proposed resolution 95-12 to publish a summary of the ordinance amendments as adopted by the city council
- E - Staff report on findings related to gun shops

ACTION REQUESTED:

1. Staff report on planning commission recommendation
2. Questions and discussion
3. Adopt the proposed amendments to the zoning code and the accompanying resolution.

CITY OF FALCON HEIGHTS
MAP OF COMMERCIAL ZONING DISTRICTS

MAY, 1995



No. O-95-01

CITY OF FALCON HEIGHTS

O R D I N A N C E

Date May 10, 1995

AN ORDINANCE AMENDING THE ZONING CODE RELATING TO STORES THAT
SELL FIREARMS

The City Council of the City of Falcon Heights does hereby ordain:

1. Section 9-1.02 subd. 2 is amended to add the following definitions:

67. Firearm: Any weapon (including starter gun) which will, can, or is designed to, or may readily be converted to expel any missile, projectile, bullet or other mass through a barrel by means of explosives or gas or air, and any frame, receiver, muffler or silencer of any such weapon, but excluding the following: children's toy guns, "BB" guns, antique firearms, scuba guns, medical instruments, industrial tools such as stud and nail guns and any replica of any firearm which replica cannot, is not designed to, and cannot be readily converted to, expel any missile, projectile, bullet or other mass through a barrel by any means.

68. Firearm, antique: Any firearms (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

69. Firearms dealer: A person who is federally licensed to sell firearms and operates a gun shop in which firearms are sold from a permanent business location or any person engaged in the business of repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms.

80. Gun Shop: A building or a portion of a building occupied by a firearms dealer which has devoted some portion of its floor area to the sale of firearms or ammunition.

153. Shooting Gallery: A covered shooting range equipped with targets for practice with firearms.

2. Section 9-8.01 subd. 2 (k) is amended to read as follows:

k. Other small miscellaneous retail shopping goods stores (excluding repair and service establishments and gun shops) having a maximum floor area of 1,000 square feet which sell food, apparel and small specialty shopping goods including antique, sporting goods, book, stationary, jewelry, camera, novelty and optical stores (SIC 594) and small cafes and restaurants.

3. Section 9-10.01 subd. 2 (o) is amended to read as follows:

o. Miscellaneous retail establishments (SIC 59) including antique stores but excluding fuel dealers (SIC 598) and gun shops.

4. Section 9-10.01 subd. 3 is amended to include the following:

i. Gun shops are a conditional use on the northwest corner of Snelling and Larpenteur as long as the following conditions exist:

- 1) A minimum of 1,000 feet from any residential zone except for a minimum of 150 feet from any residential zone when the residential zone is buffered by a separate commercial facility.
- 2) A minimum of 750 feet from any park.
- 3) A minimum of 1,000 feet from any public or private preschool, elementary or secondary school or church.
- 4) The firearms dealers security standards as mandated by Minnesota Statute 624.7161 and 624.7162 are met.

5. This ordinance, passed the 10th day of May, 1995, shall become effective upon publication.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor
May 10, 1995
Date

Attested by: _____

City Clerk
May 10, 1995

Date

No. 95-15

CITY OF FALCON HEIGHTS

C O U N C I L R E S O L U T I O N

Date: May 10, 1995

A RESOLUTION REGARDING THE NEGATIVE SECONDARY IMPACTS FROM GUN FINDINGS ON GUN SHOPS

WHEREAS, the aforementioned reports and studies, reviewed by the staff and on file at city hall document negative secondary impacts from proximity to gun shops,

NOW, THEREFORE BE IT RESOLVED that the City Council of Falcon Heights finds that:

1. That it is the City of Falcon Heights responsibility to protect the health, safety and welfare of the citizens of Falcon Heights.
 2. That the presence of gun shops create negative secondary impacts in a community.
 3. That areas within close proximity to residential uses, schools and parks where children may congregate should be a minimum distance from a gun shop to minimize children's unsupervised and unsolicited exposure to guns.
 4. That the conditions put upon the location of gun shops in the city's zoning code are reasonable given the unique characteristics of the City of Falcon Heights.
-

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____
Mayor

Date

Attested by: _____
City Administrator

Date

No. 95-12

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: May 10, 1995

A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE 95-01

WHEREAS, Ordinance No. 95-01 is entitled "An ordinance amending the zoning code relating to stores that sell firearms" and contains several pages of text; and

WHEREAS, the contents of said ordinance can be summarized as follows:

Amends Section 9-1.02 subd. 2 definitions to include definitions of the following terms: firearm, antique firearm, firearms dealer, and gun shop, and shooting gallery.

Amends Section 9-8.01 subd. 2 (k) and Section 9-10.01 subd. 2 (o) to exclude gun shops as a permitted use in a B - 1 neighborhood business district or a B - 3 community business district.

Amends Section 9-10.01 subd. 3 (i) to permit gun shops as a conditional use in a B - 3 community business district under specified conditions.

WHEREAS, Minnesota Statutes Section 412.191 authorizes publication of ordinance summaries in lieu of publication of the entire text of ordinances under certain circumstances.

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Falcon Heights, Minnesota that:

1. Publication of this resolution, which includes a summary of Ordinance 95-01 will clearly inform the public of the intent and effect of the ordinance.
2. A copy of this resolution shall be published in lieu of publishing a copy of Ordinance 95-01 in its entirety.
3. A copy of the complete ordinance shall be available for public inspection in the office of the city.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor

Date

Attested by: _____

City Clerk

Date

City of Falcon Heights
Report on Findings Related to the Location of Gun Shops

DATE: 5 May 1995

TO: Mayor and Councilmembers

FROM: Susan Hoyt, City Administrator

RE: Findings related to the location of gun shops

After reviewing the Gun Shop Zoning Study by the City of St. Paul, the Report from the State of Minnesota Administrative Law Judge in the Application of the St. Paul Firearms Company for a Firearms Dealer's License at 634 North Snelling Avenue, 1993, and A Survey of Experiences, Perceptions, and Apprehensions About Guns Among Young People in America prepared for the Harvard School of Public Health, conducted by LH Research Inc., 1993, which are on file with the City of Falcon Heights, the following findings relating to the location of gun shops are made:

1. Children's unsupervised exposure to firearms can create potential images of violence for children and cause them to be afraid.
2. Children's unsupervised exposure to firearms may stimulate an interest in guns and may be associated with increasing violence in society.
3. Gun shops may reduce residential property values due to the number of burglaries that occur at gun shops.
4. Gun shops may experience a higher incident of robberies and, therefore, present a safety hazard to a community.
5. The City of St. Paul minimized potential negative impacts from the location of gun shops on children and residential property values by adopting zoning regulations that locate gun shops and shooting galleries in an industrial zone at least 1,000 feet from all residential zones and at least 1,000 feet from all protected uses (school, identified day-care, churches and parks).
6. The City of Falcon Heights, which abuts the City of St. Paul and shares some similar neighborhood characteristics with the neighborhoods along the northern border of St. Paul, finds that minimal radial distances within the city's community business district are necessary to protect children and residential property values from the potential negative impacts of gun shops in the city.
7. The City of Falcon Heights is uniquely configured. At this time the city cannot adopt uniform minimum 1,000 foot distance requirements from all residential and protected uses in the city and still provide a zoned location for a gun shop. Therefore, the zoned location for a gun shop is conditioned upon minimal distances of 750 feet for parks, 1,000 feet for schools and churches and 150 feet for a residential zone that is buffered by a separate commercial facility.
8. The minimal distances designated in the City of Falcon Heights zoning code are subject to change by a zoning amendment, if the city's land use configuration is altered to permit an increase in minimum radial distances between gun shops and residential zones and between gun shops and protected uses; or if there is new information that may be cause for the city to amend the zoning requirements governing the zoned location of gun shops in the city.

Meeting Date: 5/10/95

Agenda Item: P - 5

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

ITEM: Proposed ordinance deleting chapter 5, Section 5, the interim moratorium on commercial development, from the city code.

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

If the city council adopts the amendments to the zoning code regarding stores that sell firearms it is appropriate to terminate the interim moratorium on commercial development because there are no uses under review. Regardless of whether or not the city takes any action on stores that sell firearms the moratorium will expire on September 30, 1995, after a maximum life of 2 1/2 years.

ATTACHMENT:

A - Proposed ordinance deleting chapter 5, Section 5 from the city code

ACTION REQUESTED:

If zoning controls on stores that firearms are adopted by the city council, terminate the city's interim moratorium on commercial development by amending the ordinance, .

No. O-95-02

CITY OF FALCON HEIGHTS

ORDINANCE

Date May 10, 1995

AN ORDINANCE REPEALING SECTIONS 5-5.01, 5-5.02, 5-5.03 AND 5-5.04 OF
THE CITY CODE RELATED TO THE INTERIM DEVELOPMENT MORATORIUM ON
COMMERCIAL ZONING DISTRICTS

The City Council of the City of Falcon Heights does hereby ordain:

1. Sections 5-5.01, 5-5.02, 5-5.03 and 5-5.04 of the city code, related to the interim development moratorium on commercial zoning districts, are hereby repealed in their entirety.
2. This ordinance, adopted the 10th day of May, 1995, will become effective upon publication.

Moved by: _____

BALDWIN ___ In Favor
GEHRZ
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____
Mayor

Date

Attested by: _____
City Clerk

Date

Meeting Date: 5/10/95

Agenda Item: P - 6

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

ITEM: Consideration of a resolution to support the assault weapons ban

SUBMITTED BY: The National League of Cities

EXPLANATION/DESCRIPTION:

The National League of Cities is working to encourage the United States Congress to support the assault weapons ban adopted in 1994. Currently, there is legislation proposed that would:

- 1) repeal current law provision banning the manufacture and importation of 19 specific semi-automatic assault weapons and their large-capacity ammunition magazines; and
- 2) permit individuals to file a civil suit in federal court seeking damages, injunctive relief, and attorney's fees against a state or municipality for enforcing any local firearms restrictions -- effectively preempting enforcement of local weapons laws and ordinances.

The National League of Cities plans to do a major campaign on this issue starting on May 12, 1995.

ATTACHMENTS:

A - Information from the National League of Cities

B - Proposed resolution

ACTION REQUESTED:

Consider the resolution supporting the assault weapons ban and, if adopted, direct staff on its distribution.

A.

National League of Cities



ACTION ALERT

JOIN NLC'S EFFORT TO SAVE THE ASSAULT WEAPONS BAN

April 26, 1995. Congress is poised to take up a proposal to repeal the federal law banning assault weapons and to subject cities and towns to fines and preemption of local ordinances banning or limiting firearms. Action is expected in the House as early as next week, with the Senate expected to follow suit before the end of May. NLC is organizing a grass roots effort to send a loud VOTE NO message to Congress against any proposal to repeal or weaken the assault weapons ban or to preempt your city's authority to enforce local ordinances. We are also joining with 100 national organizations to support a week of action to stop the assault weapons ban repeal beginning May 11. For more information about the legislation or about this national campaign to save the assault weapons ban, contact Janet Quist at (202) 626-3020.

BACKGROUND

On April 7, Rep. Bob Barr (R-GA) introduced HR 1488, a bill to repeal the 1994 national assault weapons ban and effectively overturn many state and local gun control laws. Rep. Barr introduced this bill on behalf of a Task Force created by House Speaker Newt Gingrich (R-GA). Speaker Gingrich has indicated his strong support for the work of the Task Force. Senate Majority Leader Bob Dole (R-KA) has promised repeal proponents that he will get the bill through Congress before August.

The bill would:

- repeal current law provisions banning the manufacture and importation of 19 specific semi-automatic assault weapons and their large-capacity ammunition magazines; and
- permit individuals to file a civil suit in federal court, seeking damages, injunctive relief, and attorney's fees against a state or municipality for enforcing any local firearms restrictions - effectively preempting enforcement of local weapons laws and ordinances.

NLC POSITION

NLC *supports* national assault weapons control as a key component of local efforts to restore safety in our cities and towns. NLC *opposes* any national action that preempts local authority to enact and enforce local ordinances or subjects cities to federal fines for enforcing local laws.

B.

No. 95-16

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: 5/10/95

RESOLUTION SUPPORTING THE ASSAULT WEAPONS BAN

WHEREAS, Americans overwhelmingly support common sense gun laws that keep assault weapons out of the hands of criminals and terrorists;

WHEREAS, efforts are underway to repeal the common sense gun laws that were included in the 1994 Violent Crime Control and Law Enforcement Act of 1994, which was signed into law by President Clinton on September 13, 1994;

WHEREAS, Congress is considering legislation (HR 1488) which would not only repeal the ban on 19 specific semiautomatic assault weapons and their large capacity ammunition magazines, but also subject cities and towns to fines for enforcing local ordinances banning or limiting firearms;

WHEREAS, enactment of this legislation could have a significant impact on local budgets, local authority, and, most important, safety in our communities;

WHEREAS, the National League of Cities has declared 1995 as a year for Rethinking Public Safety by creating new partnerships that will lead to positive action, increasing public awareness about civic responsibility to ensure safe communities, and strengthening working relationships among levels of government to ensure that public safety is both a community and a national goal;

WHEREAS, any action to weaken the assault weapons ban and preempt local authority to make decisions about local public safety would represent a giant step backward;

WHEREAS, the National League of Cities and more than 100 other groups who support common sense gun laws are joining together in a national campaign May 11-17 to educate the public about the impact of Congress' efforts and to save the assault weapons ban;

NOW, THEREFORE, BE IT RESOLVED that the City of Falcon Heights opposes any effort to weaken the assault weapons ban and preempt local authority to enact and enforce local ordinances limiting firearms;

BE IT FURTHER RESOLVED that the City of Falcon Heights endorses the efforts of the National League of Cities and other groups to inform citizens about the impact of pending Congressional action and to work with our Congressional delegation to save the assault weapons ban.

Moved by: _____

BALDWIN
GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS

Approved by: _____

Mayor

Date

Attested by: _____

City Clerk

Date

CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 12, 1995

DRAFT

Mayor Baldwin convened the meeting at 7:04 p.m.

PRESENT

Baldwin, Gehrz, Gibson Talbot, and Jacobs. Also present were Hoyt, Asleson, Maurer, Sampson, Martin, and Jans.

ABSENT

Hustad.

COMMUNITY FORUM

There were no comments from the floor.

MINUTES OF MARCH 22, 1995

Minutes were approved unanimously as presented.

CONSENT AGENDA APPROVED

Upon unanimous consent, item C-7 was added to the consent agenda.

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

1. Disbursements
 - a. General disbursements through 4/6/95: \$73,858.89
 - b. Payroll, 3/16/95 to 3/31/95: \$11,124.37
2. Licenses
3. Approval of ADA modifications to the Community Park building and city hall door
4. Authorization for the purchase of a copy machine for use in the city office
5. Approval of purchase of office products from Facility Systems, Inc
6. Approval of purchase of ventilators and stretcher chairs for the rescue department
7. Authorization for purchase of 94 boulevard trees

PUBLIC HEARING

SECOND HEARING REGARDING THE 1995 ALLEY RECONSTRUCTION PROJECT

Mayor Baldwin explained that due to improper notification of ten properties in the affected assessment area, a second public hearing was being held.

Engineer Maurer gave a brief review of the project's scope and estimated cost.

Mayor Baldwin opened the public hearing at 7:10 p.m.

Mr. Richard Kranz, 1484 Crawford Avenue, asked if any of the alleys north of Larpenteur Avenue were scheduled for reconstruction. Maurer replied that the five alleys being reconstructed were all south of Larpenteur Avenue.

Mr. Kranz commented that the alley behind his house had some drainage problems and needed some maintenance. Mayor Baldwin stated that the purpose of the public hearing being held was to address only the reconstruction of the five alleys south of Larpenteur. Reconstruction of other alleys can be considered at another time. Mayor Baldwin told Mr. Kranz that he would be sent a letter by Administrator Hoyt describing the maintenance that may be performed on his alley this year.

There being no one else wishing to be heard, Mayor Baldwin closed the hearing at 7:14 p.m.

POLICY AGENDA

PRESENTATION OF BIDS RECEIVED FOR 1995 ALLEY RECONSTRUCTION PROJECT

Engineer Maurer presented the council with bids received for the alley reconstruction project. Nine bids were received, with the low bidder being F.M. Frattalone at \$111,306.55. This bid will keep the assessment rate at \$22.58 per front foot.

Maurer noted that included in the specifications was an alternative bid to add storm sewer improvements to one of the affected alleys. This additional work, if completed, will not change the final assessment amounts by more than a few dollars per lot. Maurer recommended including the extra amount in the cost to be assessed since the city can choose at a later date to assess less but cannot assess more once the resolution has been passed. The decision over whether to include the storm sewer work is best made at the time of construction. Maurer noted that this bid presentation was for the council's information only; the bids should be accepted after the assessment hearing of May 10.

CONSIDERATION OF RESOLUTION NO. 95-08, DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF THE ASSESSMENT ROLL.

Motion was made by Councilmember Jacobs to approve Resolution No. 95-08 and order preparation of the assessment roll with a 7% annual interest rate and a payback period of ten years. Motion passed unanimously.

**CONSIDERATION OF RESOLUTION NO. 95-09, SCHEDULING ASSESSMENT
HEARING FOR THE 1995 ALLEY RECONSTRUCTION PROJECT**

Motion was made by Councilmember Gehrz to approve Resolution No. 95-09, scheduling the assessment hearing for May 10, 1995. Motion passed unanimously.

REQUEST TO CONTRACT FOR PROSECUTION SERVICES

Administrator Hoyt reported that staff had sent out letters of inquiry to four law firms regarding providing prosecution services for the city on a retainer basis due to an anticipated increase in prosecutions with a 24 hour police officer in the city's limits. Letters of inquiry were sent to firms with some affiliation with the city or the St. Anthony Police Department. Of the firms that responded to the inquiry, the lowest bid was from the Hughes and Costello firm. Hughes and Costello provide prosecution services for many cities (including Lauderdale, Maplewood, New Brighton, Mounds View, and Richfield) and received positive reviews from those cities. By contracting on a retainer fee basis, the city should see significant savings.

Motion was made by Councilmember Gehrz to contract with the Hughes and Costello law firm, effective June 1, and to notify the current prosecutor of the change. Motion passed unanimously.

REQUEST TO AMEND THE ASSESSMENT AGREEMENT ON FALCON CROSSING

Administrator Hoyt gave the initial background on this request. In 1984, the city gave financial assistance in the form of \$1,400,000 of commercial revenue bonds and \$600,000 of general obligation bonds to improve blighted commercial property at the northeast corner of Snelling and Larpenteur Avenue (now known as "Falcon Crossing"). This is the only retail center that has ever received public assistance and the only retail center with an assessment agreement (the city also has an assessment agreement on the 1666 Coffman project). The current owner, Mr. Steven Wellington, is asking for termination of the assessment agreement in 1999 to reduce his property taxes after 1999 and, in turn, to reduce rents to his tenants. Since the request had financial implications for the city, Springsted Public Finance Advisors was asked to analyze the request to determine if termination of the agreement would be in the best public interest of the city.

Keith Jans, Springsted, reviewed the reasons for the request and its financial implications. Mr. Wellington's stated reasons for the request are to 1) a desire to reduce the negative financial impact to the property (taxes are higher on this property than they would be without the assessment agreement because the assessment agreement has a minimum market value) and 2) to expedite TIF revenue back to the county and the schools. Mr. Wellington states that

termination of the assessment agreement is a reasonable request since it will not affect the city's ability to repay the bonds that were issued.

Mr. Jans's analysis found that without termination of the assessment agreement, the projected TIF fund balance in 2005 would be \$950,284. If the agreement was terminated in 1999, the fund balance in 2005 would be \$135,952. Using a present value basis, the tax savings to the applicant would be \$414,068 while the city would lose \$646,953 in anticipated TIF revenue and interest to use for planned TIF projects.

Rich Martin, the city's legal counsel, made two comments. First, the city is permitted to grant the applicant's request, but it is not required to do so. Secondly, the assessment agreement is enforceable. The applicant has already filed an assessment appeal with the tax courts. The applicant argues that the development agreement and assessment agreements state that TIF funds generated from Falcon Crossing should be used only to fund improvements on the Falcon Crossing site. Mr. Martin stated that the city is legally permitted to use the TIF funds generated at Falcon Crossing for any project within the TIF district.

To conclude the consultant's and staff's analysis, Administrator Hoyt noted the following findings: 1) the city and Mr. Wellington have the same goal to maintain and enhance a healthy business community; 2) the city frequently provides business owners with non-financial assistance on solving land-use issues; 3) Falcon Heights is a fully developed city with no opportunities to generate additional tax base and 66% of its land is tax-exempt. Therefore, the city must rely on its tax increment revenue to maintain the tax base for all tax-paying jurisdictions; and 4) past requests for assessment adjustments by individual property owners have been denied because of the possible detrimental effect granting them might have on all city taxpayers. From these findings, staff recommends denial of the request. Alternative proposals would be considered with the applicable escrow fees to cover the city's financial and legal costs.

Mr. Bob Long, attorney for the applicant, explained that his client purchased his property on the belief that the assessment agreement and development agreement only guarantee repayment of the bonds, not financing for public improvements within the commercial district. Furthermore, Mr. Long argued that "minimum improvements" are specified only to those to be performed to the Falcon Crossing (Bullseye) site itself, not to other public and private properties:

Mr. Long also stated that the city currently has no specific, formally approved plans for the projects described in the TIF plan. He suggested that the city may be able to find other funds for projects planned for TIF revenue. For example, the Larpentuer Avenue improvements and improvement of the southeast corner of the business district could be funded through other programs, including county/state aid money, Community Development Block Grant funds, Housing Redevelopment Authority funds, and special assessments.

Continuing on, Mr. Long stated that Mr. Wellington is paying much higher taxes than other commercial centers in the area. Any tax savings realized after 1997 would be passed along to tenants in the form of lower rents. Mr. Long admitted that Falcon Crossing is not going "under" but commented that when leases come due, some tenants may be leaving to cheaper rents unless the council takes action to lower the property taxes on this property. The goals of the council and applicant are the same - a healthy business community.

Mayor Baldwin stated that the council expects any property owner to attempt to improve their financial situation and they expect that the city will be asked for help. The city, however, has several restrictions on helping in this situation, including a small staff, limited funding, and covenants made with the taxpayers of the city. This project was originally part of an agreement between the developer and the citizens of Falcon Heights that, in return for financial assistance, additional revenue would be generated for the project and development that the city could not otherwise finance. Baldwin noted that the policy issue is that a covenant was made with city taxpayers - the city took on the financing of this project with the promise of a payoff to the public. The council needs to deliver to the public on the \$650,000 beyond the initial investment.

Baldwin stressed that he does not want to cut off discussions with Mr. Wellington about how to improve his business situation but that in order to terminate the assessment agreement, the applicant will need to find funds not otherwise available to the city to replace the \$650,000 lost to TIF revenue. Since the city's legal counsel has stated that the city is legally entitled to enforce the agreement, the city's obligation is to litigate if necessary to avoid termination of the assessment agreement.

Councilmember Jacobs asked Mr. Wellington for the meaning of the term "negative economic impact", outside of increased property taxes on the project.

The applicant, Mr. Wellington, made several comments in reply. These included that he was not part of the original agreement on the property and that the property taxes on this property are burdensome. Falcon Crossing is not about to "tip over" but some tenants are having problems with their rent levels. Mr. Wellington stated that he would like to see the special assessment approach to public improvements rather than the use of TIF funds and that the amount of proposed improvements might be extreme. Mr. Wellington also noted his dissatisfaction with being asked to pay for the city's consultants in order to continue discussions.

Continuing on, Mr. Wellington asserted that the tenant base at Falcon Crossing needs to be solidified and that he would like to be able to compete effectively for quality tenants. The property will always have limitations in attracting new tenants, particularly limitation in parking and vehicular access. Finally, Mr.

Wellington stated that this proposal will not put taxpayers at risk because TIF funds would be used to defease the bonds and terminate the assessment agreement.

Councilmember Jacobs thanked Mr. Wellington for the improvements that he has made to the appearance of Falcon Crossing. Jacobs commented that he is impressed with Mr. Wellington's entrepreneurial spirit but that he is also impressed with the fact that Mr. Wellington bought a retail building for \$330,000 when Mr. Wellington's appraisal gave it a value of \$749,000. Jacobs also noted that some tenants have recently moved from across the street to Falcon Crossing and therefore, the rents and relative commercial space must be somewhat competitive. He noted that Mr. Wellington chose not to release rent rates to the city when requested and that when the property was purchased in July 1994, Mr. Wellington knew what the taxes were, he knew it was in a TIF district, and he had been told by the City Administrator that it was unlikely that the city could find a public purpose to amend the assessment agreement. Jacobs stated that if the assessment agreement is terminated, the city stands to lose \$650,000 and Mr. Wellington stands to gain over \$414,000. Finally, Jacobs said that at this time he doesn't believe Mr. Wellington will allow the property to deteriorate and that the tenants will stay even if the city does nothing. Jacobs concluded by asking Mr. Wellington "What's really in this for the city?"

Mr. Wellington replied that his building's appraisal was done without information about the TIF and debt arrangements, so it is really not reflective of the buildings value. He chose not to release rent information to the city because it would become public information that his competitors would use against him.

Councilmember Gibson Talbot commented that, in her mind, there is a single policy question: "What is the benefit to the public?". She noted that she can't find any specific public good in the current proposal as presented. She agreed with Councilmember Jacobs' appreciation for the site improvements done and the quality of tenants attracted thus far. Other individual assessment amounts have not been reduced and it would not be fair to reduce this one unless a positive public good can be served.

Mr. Long asked the council if they felt that Larpenteur Avenue improvements would be the best use of this money when compared to what the county and school district could do with the funds. He said that he believes that TIF itself is questionable as a public policy tool since it redirects taxes from counties and school districts and gives them to cities for development projects.

Councilmember Gehrz remarked that the future of TIF is an unknown - the legislature might change the use rules, for example. Gehrz said that she would be open to looking at a new proposal in the future, but that she could not support the proposal presently before the council. The city council is responsible to all city taxpayers.

Mayor Baldwin concluded the discussion by noting his satisfaction with the current owner of the Falcon Crossing site. He reiterated that the taxes on the site may be a burden to the owner, but that burden was known to the applicant when the property was purchased. Baldwin stated that he would like to get the property off of the TIF roll without breaking the financial covenant made with taxpayers. If new funds that could not otherwise be available to the city are available to get the property off the TIF roll, those funds could be dedicated to relieving this property's tax burden.

Councilmember Jacobs moved the following:

"The city council denies the applicant's request to defease the bonds and amend the assessment agreement on the Falcon Crossing property (formerly Bullseye Plaza) because of the potential negative impact that it would have on all city property taxpayers from the loss of anticipated tax increment revenue to implement planned public improvements and revitalization efforts in the city as identified in the tax increment plan, including the reconstruction of Larpenteur Avenue and the commercial revitalization of the southeast corner."

Councilmember Jacobs stated that he does not want to bring to end any discussions of a public-private partnership on this issue. However, he also stated that he hopes the motion brings to an end any discussions regarding "cutting a deal" regarding the TIF arrangement.

Councilmember Gibson Talbot remarked that she would not be in favor of amending the assessment agreement even if there is \$650,000 in other funds (like CDBG) available. Mayor Baldwin asked Gibson Talbot if she would favor a termination if the money came from a new source, such as funding from the legislature specifically to pay off the bonds. Councilmember Gibson Talbot replied that would be acceptable, provided that the funds come from a source not already available to the city.

The motion to deny the applicant's request, as noted above, was voted upon and unanimously approved.

CITY INFORMATION AND ANNOUNCEMENTS

Councilmember Gehrz announced that the Ramsey County League of Local Governments would be holding a session on crime at their April 19th meeting. The public was invited to attend.

Mayor Baldwin reported that he'd recently attended the AMM Urban Issues Task Force and had participated in a good discussion on common concerns such as affordable housing. He also reported on a compliment he'd received from a resident about the city's excellent police and rescue service.

Councilmember Gibson Talbot reported that attendance was good the first of two Neighborhood Watch block captain meetings. She also announced that Falcon Heights Elementary would be holding a community parade on May 18th.

Administrator Hoyt made several announcements regarding park and street maintenance and upcoming community events.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

Tom Baldwin, Mayor

Carla Asleson
Recording Secretary

ADDENDUM: APRIL 12 MINUTES - ATTACHED
(Reviewed by city attorney.)

ADDITIONAL INFORMATION:

C - 5 Memo from city attorneys re: Falcon Crossing assessment agreement; recommended action is approximately \$6,000 to \$8,000 out of the city's tax increment funds.

C- 6 Estimated cost of frames and assembly for five Community Park benches is \$1,150

Estimated cost of four waste receptacles is \$1,000 (possible reimbursement by the Lions Club)

PUBLIC HEARING ON ASSESSMENTS ON ALLEY:

Letter protesting the alley assessment from Mr. Harold Arneman, 1403 California Avenue

(Minutes from March 22, 1995 meeting where this was discussed are attached and will be sent to Mr. Arneman.)

Also note that two recent property owners called to say they were not informed about the alley assessments prior to purchasing their homes - Susan Bonne at 1492 Idaho and Steve Burd at 1491 California.

Realtors who call about pending assessments are told about the alley project.

Meeting Date: 5/10/95

Agenda Item: IV. Minutes

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Minutes of April 12, 1995 meeting

SUBMITTED BY: Carla Asleson, Administrative Assistant

EXPLANATION/SUMMARY: The minutes of the April 12, 1995 council meeting are being submitted for council approval.

ACTION REQUESTED: Approval of April 12, 1995 Minutes.

C-5 - Falcon Crossing
ATTORNEY

City of Falcon Heights

Memorandum

DATE: 9 May 1995

TO: Mayor and Councilmembers

FROM: Susan Hoyt, City Administrator



RE: Attorney's communication regarding the Falcon Crossing minimum assessment agreement

Please find the attached attorney's summary that I received yesterday regarding the city's proposed intervention in the tax court information related to the Falcon Crossing minimum assessment agreement.

It states that:

- the attorney's recommend that the city intervene on the tax court petition
- that the city file a summary judgement
- the cost for this legal action is estimated at \$6,000 to \$8,000
- the city's anticipated loss from a change in the assessment agreement is \$657,000 in present value terms

This information supports the staff recommendation under C - 5 on the May 10, 1995 agenda.

M E M O R A N D U M

Attorney-Client Communication
Attorney Work Product

TO: Susan Hoyt, Falcon Heights City Administrator

FROM: Ellen G. Sampson
Marc D. Simpson

RE: Falcon Crossing Minimum Assessment Agreement

DATE: May 5, 1995

FILE NO.: 6429-1

On March 31, 1995, Falcon Crossing, LLC, a Minnesota Limited Liability Company ("Falcon Crossing"), filed a tax petition pursuant to Chapter 278 of the Minnesota Statutes to reduce the market value of its property to a level at which taxes are "sufficient to pay the principal and interest due on the Bonds." See attached Petition. While it is not known precisely what this market value would be, it is certainly a value far lower than the market value of \$2,036,000 set forth in the Minimum Assessment Agreement. If Falcon Crossing's Petition is successful, the City will no longer receive the surplus that accumulates because of the fact that the tax increment is in excess of the amount necessary to pay principal and interest on the bonds. According to the Springsted Report dated April 12, 1995, the cumulative surplus expected from 1995-2005 will be \$436,020, and this does not include interest that could be earned on the cumulative surplus. See Springsted Report, p. E-5.

We recommend that the City intervene in Falcon Crossings' Tax Court action and oppose its efforts to reduce the market value of the property below the market value of \$2,036,000 set forth in the Minimum Assessment Agreement. The first step we will take is to seek the consent of Falcon Crossing to our intervention, and if that consent is not forthcoming, to file a notice of intervention, and possibly a motion in the Tax Court to permit the City to intervene. We do not anticipate any problem with intervening because other Tax Court decisions involving assessment agreements have permitted cities to intervene. The second step we will need to take is to file a motion for summary judgment to enforce the terms of the Minimum Assessment Agreement. In connection with the summary judgment motion we will file an affidavit from someone from

Memo to Susan Hoyt
May 5, 1995
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Attorney-Client Communication
Attorney Work Product

the City demonstrating that all of the legal requirements for the Minimum Assessment Agreement have been met. Finally, if the motion for summary judgment is denied, we will proceed to a trial before a Tax Court Judge who would take evidence to determine the intent of the parties to the Minimum Assessment Agreement and the Development Agreement.

Primary responsibility for this matter will be with Marc Simpson, a partner in the Real Estate Tax Department, whose hourly rate is \$165 per hour. Marc will be assisted by Greg Fitzharris, an associate in that department, whose hourly rate is \$95 per hour. We estimate that the City will incur legal fees through the summary judgment stage of approximately \$6,000-\$8,000. We will provide an estimate of legal fees for a trial of this matter, if the summary judgment motion is denied. We will not proceed beyond the summary judgment stage without receiving the City's prior approval to proceed.

We look forward to obtaining a successful resolution of this matter for the City of Falcon Heights. After City Council approval of our representation is obtained, Marc would like to obtain some additional background documents and information from you that will be necessary for our motion for summary judgment.

Please give either one of us a call if you have any questions, or need any further information before obtaining the City Council's approval of our representation.

clp/307914
Attachment

09-95-3267

AMENDED AND RESTATED

A-00007-01 (06/94)

~~FA~~ ~~6.00~~

MINNESOTA TAX COURT FORM 7 - REAL PROPERTY TAX APPEAL. MINN. STAT. CHAPTER 278

1. PETITIONER NAME(S):

Falcon Crossing, LLC
a Minnesota Limited Liability Company

FILED
Court Administrator
MAR 31 1995

2. INDICATE THE TAX COURT DIVISION BEING APPEALED TO:

- Regular Division ~~C.S. 95-3267~~
- Small Claims Division (see instruction No. 1). UPON THIS SELECTION, PETITIONER(S) IS(ARE) AWARE OF THE FACT THAT NO APPEAL MAY BE HAD FROM A SMALL CLAIMS JUDGMENT AND AGREES THAT THE DECISION OF THE TAX COURT SHALL BE CONCLUSIVE.

3. PROPERTY LOCATION:

(a) City/Township of: Falcon Heights
(b) County of: Ramsey

JFK

4. PETITIONER'S INTEREST IN THE SUBJECT PROPERTY:

- (a) Owner or Part Owner
- (b) Other (Specify): _____

5. PROPERTY DESCRIPTION: You must ATTACH to this petition and to each copy of this petition ONE OF THE FOLLOWING:


(a) the contested notice of valuation, (b) property tax statement, or (c) a legal description of the property (including the Property I.D. Number).

6. ASSESSMENT DATED: January 2, 19 94 for taxes payable in the year 19 95.

7. Petitioner alleges the following error(s) in the assessment (check any applicable boxes) and requests from the Tax Court a judgment correcting the errors:

- (a) Estimated market value is greater than property's actual market value.
- (b) The subject property is unequally assessed when compared with other property.
- (c) Classification is incorrect.
- (d) The subject property is exempt from taxation, Assessment Agreement and Development Agreement permit a reduction in market value to
- (e) Other (specify): level at which taxes are "sufficient to pay the principal and interest due on the Bonds"

ATTORNEY'S SIGNATURE:



Signature of Attorney for Petitioner

Larry Wertheim

Please Print Attorney's Name

Attorney Registration No. 116014

Attorney Address: Holmes & Graven, Chartered
470 Pillsbury Center
Minneapolis, MN 55402

Telephone No: (612) 337-9300

8a. PETITIONER'S SIGNATURE: (if not using an attorney)

Signature of Petitioner

Please Print Petitioner's Name

Petitioner's Address:

Telephone No. Work: () _____

Home: () _____

This amends and restates our appeal of March 30, 1995

INSTRUCTIONS

1. SMALL CLAIMS DIVISION REQUIREMENTS: To file in the Small Claims Division, two conditions must be met:

- (a) You must have first appealed the assessment at issue to your local and county boards of equalization (notification of their meetings is on your annual Notice of Assessment); AND.
- (b) The property's total estimated market value must be less than \$100,000 -OR- the subject property is the petitioner's homestead.

If both conditions have been met, you may appeal in either the Regular Division or the Small Claims Division. If both conditions have not been met, you may only appeal in the Regular Division.

2. FILING DEADLINE: The petition must be filed in the office of the Court Administrator of the District Court in the county in which the property is located (see instruction #3) on or before March 31st of the year in which the tax becomes payable.

3. FILING PROCEDURE: You must serve a copy of the petition with any attachments on the appropriate county officials:

- (a) In counties where the offices of County Treasurer and County

and the county officials to be served. Contact the Court Administrator of the District Court for instructions.

- (b) In counties where the Office of Treasurer and Auditor are not combined three copies of the petition and any attachment(s) must be served upon the County Assessor, and one copy each on the County Auditor, the County Treasurer and the County Attorney.

You must file the original petition with any attachments and proof of service in the form of an affidavit or admissions of service (see reverse side of petition) with the Court Administrator of the District Court in the county where the property is located.

4. FILING FEES: The filing fees payable to the District Court are:

- Regular Division of Tax Court
.....\$50.00 PLUS the county's law library fee
- Small Claims Division of Tax Court
..... \$5.00 PLUS the county's law library fee.

The amount of the law library fee varies in each county. Contact the District Court Administrator for the amount.

If you have any questions concerning the filing of this petition, you may

ENCLOSE THIS COPY WITH FORM M-1PR WHEN FILING FOR REFUND OF STATE AND LOCAL TAXES TO DEPT OF REVENUE

CLASS	COMMERCIAL	COMMERCIAL
RELATIVE INO		
EST MKT	31,900	31,900
TAXABLE MKT	31,900	31,900
NONTAL TAX		
LINE 1		
LINE 2	.00	.00

PROPERTY ID NO./PIN 15 29 23 33 0105 6 C 623

TAXPAYER AMERICAN FAMILY LIFE INS CO ATTN ALAN F DONSING PO BOX 7430 Q3099 EAST WASHINGTON AVE MADISON WI 53780-0001

IF THIS BOX IS CHECKED YOU OWE DELINQUENT TAX

ENCLOSE THIS COPY WITH FORM M-1PR WHEN FILING FOR REFUND OF STATE AND LOCAL TAXES TO DEPT OF REVENUE

STATEMENT OF PROPERTY TAX PAYABLE IN 1995 RAMSEY COUNTY, MN

PROPERTY ADDRESS/ABBREVIATED TAX DESCRIPTION 1708 SWEILING AVE N KELLER'S RE-ARRANGEMENT OF W 1/2 OF VAC ALLEY ADJ AND LOT 3

RETAIN THIS COPY FOR YOUR RECORDS

PROPERTY ID NO./PIN 15 29 23 33 0105 6 623C

AMERICAN FAMILY LIFE INS CO ATTN ALAN F DONSING PO BOX 7430 Q3099 EAST WASHINGTON AVE MADISON WI 53780-0001

33 FALCON HEIGHTS

PROPERTY CLASS/ES IMPROVEMENTS EXCLUDED NEW IMPROVEMENTS ESTIMATED MKT VALUE TAXABLE MKT VALUE	1993 PAYABLE 1994 COMMERCIAL	1994 PAYABLE 1995 COMMERCIAL
	31,900	31,900
	31,900	31,900
1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.		.00
2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR.	.00	
How Much of Your Property Tax And How It Is Reduced By The State		
3. Your property tax before reduction by state-paid acts and credits	2,013.92	2,030.50
4. Aid paid by the state of Minnesota to reduce your property tax	.00	.00
5. Credits paid by the state of Minnesota to reduce your property tax		
A. Homestead and Agricultural Credit	.00	.00
B. St. Paul Rental Equity Project Credit Amount	.00	.00
6. Your property tax after reduction by state-paid acts and credits	2,013.92	2,030.50
Where Your Property Tax Dollars Go		
7. County	.00	.00
8. City or town	.00	.00
9. School district		
A. Excess levy referenda tax	.00	.00
B. Remaining school tax	.00	.00
10. Special taxing districts		
A. Metropolitan special taxing districts	.00	.00
B. Other special taxing districts	.00	.00
C. TAX INCREMENT 42	1,570.26	1,378.06
D. FISCAL DISPARITIES	443.66	652.44
11. Non-school voter approved referenda taxes		
12. Total property tax before special assessments	2,013.92	2,030.50
13. Special assessments/service charges added to this property tax bill	.00	.00
14. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	2,013.92	2,030.50

DETACH HERE AND RETURN THIS PORTION WITH PAYMENT

REAL ESTATE 2nd HALF STUB - 1995 DELO

CHECK BOX IF MAILING ADDRESS CHANGE HAS BEEN MADE ON BACK

33 1708 SWEILING AVE N

PROPERTY ID NO./PIN

15 29 23 33 0105 6 TOTAL TAX 2,030.50

TO AVOID PENALTY PAY ON OR BEFORE OCTOBER 15, 1995

RECORD USE TAX 1,015.25

MAKE CHECKS PAYABLE TO: RAMSEY COUNTY MAIL TO: 50 KELLOGG BLVD. W. SUITE 200 ST. PAUL, MN 55102-1000

YOUR CANCELLED CHECK IS YOUR RECEIPT

DETACH HERE AND RETURN THIS PORTION WITH PAYMENT

REAL ESTATE 1st HALF STUB - 1995 DELO

CHECK BOX IF MAILING ADDRESS CHANGE HAS BEEN MADE ON BACK

33 1708 SWEILING AVE N

PROPERTY ID NO./PIN

15 29 23 33 0105 6 TOTAL TAX 2,030.50

TO AVOID PENALTY PAY ON OR BEFORE MAY 15, 1995

FIRST USE TAX 1,015.25

MAKE CHECKS PAYABLE TO: RAMSEY COUNTY MAIL TO: 50 KELLOGG BLVD. W. SUITE 200 ST. PAUL, MN 55102-1000

YOUR CANCELLED CHECK IS YOUR RECEIPT

ENCLOSE THIS COPY WITH WHEN FILING FOR REFUND FROM MINN. DEPT. OF REVENUE

NEW IMPROVEMENTS

CLASS 1934 CONNRL PRF 1935 CONNRL PRF
RELATIVE WD
EST MKT 2,004,500 2,004,500
TAXABLE MKT 2,004,500 2,004,500
RENTAL TAX LINE 1 .00 .00 LINE 2 .00 .00

PROPERTY ID NO./PIN 15 29 23 33 0136 0 C 623

TAXPAYER FALCON CROSSING LLC C/O WELLINGTON MANAGEMENT 413 WACOUTA STREET SUITE 350 ST PAUL MN 55101-1957

IF THIS BOX IS CHECKED YOU OWE DELINQUENT TAX

ENCLOSE THIS COPY

STATEMENT OF PROPERTY TAX PAYABLE IN 1995 RAMSEY COUNTY, MN

PROPERTY ADDRESS/ABBREVIATED TAX DESCRIPTION 1535 LARPEMTEUR AVE W KELLER'S RE-ARRANGEMENT OF LOTS 6 THRU LOT 15

RETAIN THIS COPY FOR YOUR RECORDS

PROPERTY ID NO./PIN 15 29 23 33 0136 0 623C

SPECIAL ASSESSMENTS/SERVICE CHARGES WASTE RGT 0097 261.28 86-1 ALLEY 5676 1,829.98

FALCON CROSSING LLC C/O WELLINGTON MANAGEMENT 413 WACOUTA STREET SUITE 350 ST PAUL MN 55101-1957

33 FALCON HEIGHTS

Table with 3 columns: PROPERTY CLASS(ES) IMPROVEMENTS EXCLUDED NEW IMPROVEMENTS ESTIMATED MKT VALUE TAXABLE MKT VALUE. Rows include 1993 PAYABLE 1994 CONNRL PRF, 1994 PAYABLE 1995 CONNRL PRF, and various tax adjustments.

1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.

2. Use this amount for the special property tax refund on schedule I of Form M-1PR.

Your Property Tax And How It Is Reduced By The State

- 3. Your property tax before reduction by state-paid aids and credits
4. Aids paid by the state of Minnesota to reduce your property tax
5. Credits paid by the state of Minnesota to reduce your property tax
A. Homestead and Agricultural Credit
B. St. Paul Rental Equity Project Credit Amount
6. Your property tax after reduction by state-paid aids and credits

Where Your Property Tax Dollars Go

- 7. County
8. City or town
9. School district
A. Excess levy referenda tax
B. Remaining school tax
10. Special tax by district
A. Metropolitan special taxing districts
B. Other special taxing districts
C. TAX INCREMENT 42
D. FISCAL DISPARITIES
11. Non-school voter approved referenda levies
12. Total property tax before special assessments
13. Special assessments/service charges added to this property tax bill

14. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS

DETACH HERE AND RETURN THIS PORTION WITH PAYMENT

REAL ESTATE 2nd HALF STUB - 1995 DELQ

CHECK BOX IF MAILING ADDRESS CHANGE HAS BEEN MADE ON BACK

33 1535 LARPEMTEUR AVE W
MAKE CHECKS PAYABLE TO: RAMSEY COUNTY MAIL TO: 50 KELLOGG BLVD. W. SUITE 820 ST. PAUL, MN 55102-1806

PROPERTY ID NO./PIN 15 29 23 33 0136 0
TOTAL TAX 127,415.32

TO AVOID PENALTY PAY ON OR BEFORE OCTOBER 15, 1995

SECOND 1/2 TAX 63,707.66

DETACH HERE AND RETURN THIS PORTION WITH PAYMENT

REAL ESTATE 1st HALF STUB - 1995 DELQ

CHECK BOX IF MAILING ADDRESS CHANGE HAS BEEN MADE ON BACK

33 1535 LARPEMTEUR AVE W
MAKE CHECKS PAYABLE TO: RAMSEY COUNTY MAIL TO: 50 KELLOGG BLVD. W. SUITE 820 ST. PAUL, MN 55102-1806

PROPERTY ID NO./PIN 15 29 23 33 0136 0
TOTAL TAX 127,415.32

TO AVOID PENALTY PAY ON OR BEFORE MAY 15, 1995

FIRST 1/2 TAX 63,707.66

C-6

Meeting Date: 5/10/95

Agenda Item: C - 6

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Park bench purchases (additional information)

SUBMITTED BY: Carol Kriegler, Parks & Recreation Director

EXPLANATION/SUMMARY: It is recommended that 5 Pilot Rock, Model SWRB/6-PW, park bench frames be purchased for installation at Community Park. This is the model that already exists at Community Park and in each of the other two parks.

It is suggested that frames only be purchased with timbers being obtained independently from a local lumber supply. This will provide for a considerable savings from purchasing a complete bench package. Cost of bench frames are \$139.00 each. Wooden benches are already installed at Community Park. For consistency, wood is considered preferable to recycled plastic which may now come in gray for \$451/bench or \$2,255.00. Benches will then be assembled and installed by public works.

Staff is also requesting \$1,000 toward the purchase of 4 waste receptacles for Community Park. (This may be reimbursed by the Lion's Club).

ACTION REQUESTED: Authorization to purchase 5 Pilot Rock park benches (Model SWRB/G-6 PW) (frames only) at a cost of about \$700.00, and to purchase required lumber and hardware at a cost of about \$450.00 for a total of \$1,150 and \$1,000 toward the purchase of 4 waste receptacles. Funds would come from the park capital fund.

PH

Council Funding
Bill

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5. The council will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.

6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the council will revert back to its open discussion mode of operation. From this point on public input will only be appropriate when solicited by the council.

7. It shall be the intent of the council to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.

8. No public hearing will extend beyond 10 P.M.

9. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.

10. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

11. If the public hearing is to set an assessment rate, the assessment formula(s) under discussion cannot be altered. This implies that the council has fully discussed any formulas prior to the hearing and that the appropriate legal, fiscal and engineering consultants have passed on formula(s) viability, legality and feasibility.

12. If the hearing is to set an assessment, it cannot be scheduled later than the first meeting in September. This is to allow time to correct any errors prior to the time needed to certify the rolls to the county.

PH - Letter from
Mr. Arneman

TO: Susan Hoyt, City Administrator, Falcon Heights

FROM: Harold F. Arneman, 1403 W. California Av.

Harold F. Arneman

Subject: Assessment for Rebuilding Alley

I wish to contest my assessment for rebuilding the alley between Larpenteur Avenue and California Avenue - Pascal to Albert Streets.

The City of Falcon Heights set a precedent when Albert Street was rebuilt in 1982 by reassessing property owners whose properties abutted Albert Street for \$566.52 more than those not abutting Albert Street. I understand that this reassessment was brought about by an error by the City in the first assessment notification. This reassessment is not in keeping with present day assessment policies with the City. This discrepancy in assessment should have been rectified before this time as one may point out but it never was rectified. Hindsight is usually 20/20 but to be fair to these property owners who were reassessed for this added amount this amount could be deducted from our present assessment to correct this error. I am enclosing a copy of the 1982 reassessment so there be no doubt of the inequality of policy of assessments in the past.

I respectfully request that those property owners whose property was reassessed in 1982 receive credit for that amount on this present day assessment.

Enc.

cc. Tom Baldwin



City of Falcon Heights

2077 W. Larpentour Avenue
Falcon Heights, Minnesota 55113
Phone: 844-5080

CITY COUNCIL
MAYOR
RONALD C. EGGERT, M.D.
COUNCIL MEMBERS
PAUL CIERNIA
RICE CHESTOVICH
TOM BALDWIN
STEPHEN HARD
CLERK—ADMINISTRATOR
DEWAN B. BARNES

September 26, 1984

TO: WHOM IT MAY CONCERN
FROM: DEWAN B. BARNES, CLERK ADMINISTRATOR
RE: REASSESSMENT OF 1982 PASCAL AND ALBERT STREET IMPROVEMENTS

The City Council of Falcon Heights held a public hearing on the reassessment of Pascal and Albert Street improvements on September 5, 1984.

Under the policy adopted previously as to how collector street improvements shall be assessed the following is a determination of your assessment:

Previous Assessment	\$ <u>537.00</u>
Current Assessment	\$ <u>1,103.52</u>
Prepayment	\$ <u>(537.00)</u>
Balance to be Assessed	\$ <u>566.52</u>

You are entitled to prepay the balance before October 5, 1984 to the Clerk Administrator of the City of Falcon Heights to avoid interest. Thereafter the rate of interest will be 10% per annum.

Dewan B. Barnes
Clerk Administrator

DBB/sgc

33-55000-240-02

Home of the Minnesota State Fair and the U of M Institute of Agriculture



CITY OF
FALCON HEIGHTS

2077 W. LARPEUR AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

9 May 1995

Mr. Harold Arneman
1403 West California Avenue
Falcon Heights, Minnesota 55108

Dear Mr. Arneman:

I received your letter protesting your assessment on your alley and have distributed it to the mayor and city council. The minutes from the March 22, 1995 council meeting, at which the council discussed the possibility of revising the alley assessment for some corner lots based upon the assessments incurred by these properties during the 1982 and 1984 assessment process, are enclosed for your information. As the minutes indicate, the council decided not to revise the proposed 1995 alley assessments because of prior street assessments. In making this decision, the council and city attorney noted that property owners were given the opportunity to protest those assessments as part of the 1982 and 1984 assessment process.

Thank you for delivering your written protest to city hall. You will be notified of the next steps in the protest process, if you choose to pursue them, after the city council adopts the assessment roll for the 1995 alley project.

Sincerely,

Susan Hoyt
City Administrator

c: Mayor and Councilmembers
Terry Maurer, City Engineer
Carla Asleson, Administrative Assistant/Planner

HOME OF THE MINNESOTA STATE FAIR AND THE U OF M INSTITUTE OF AGRICULTURE



PRINTED ON RECYCLED PAPER

Page 2
Council Minutes
3/22/95

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.