

City of Falcon Heights
Regular Meeting of the City Council
City Hall
2077 W. Larpenteur Avenue

September 24, 1997

A G E N D A

- A. CALL TO ORDER: 7 p.m.

- B. ROLL CALL: GEHRZ ___ GIBSON TALBOT ___ HUSTAD ___
 JACOBS ___ KUETTEL ___ HOYT ___ ASLESON ___
 ATTORNEY ___ ENGINEER ___

- C. COMMUNITY FORUM

- D. APPROVAL OF MINUTES: September 10, 1997

- E. CONSENT AGENDA:
 - 1. Disbursements
 General disbursements through 9/18/97, \$80,212.40
 Payroll from 9/1/97 to 9/15/97, \$10,285.92
 - 2. Appointment to the Fire/Rescue Department
 - 3. Request to approve the acquisition of temporary and permanent easement for the 1998 Larpenteur Avenue improvements from the Minnesota Department of Transportation (MnDOT)
 - 4. Request to approve compensation and car allowance for the city administrator
 - 5. Request to purchase an air lift bag safety system
 - 6. Request to proceed with preparing specifications and bidding for refurbishing fire truck 752
 - 7. Award contract for the 1997 sidewalk replacement/repairs

- F. POLICY AGENDA:
 - 1. Consideration of Ordinance 97-06, amending Chapter 9-15.05 of the zoning code, related to the process for amendments to the zoning code.
 - 2. Consideration of Ordinance 97-07, amending the Chapter 9 of the city code concerning telecommunications towers and antennas
 - 3. Consideration of a resolution eliminating parking along Larpenteur Avenue between Lindig and Fairview Avenues
 - 4. Consideration of guidelines for reserving city facilities
 - 5. Consideration of changes in fees
 - 6. Consideration of a Resolution 97-41 continuing participation in the Metropolitan Livable Communities Act

- G. INFORMATION AND ANNOUNCEMENTS:

- H. ADJOURN

City of Falcon Heights
Regular Meeting of the City Council
City Hall
2077 W. Larpenteur Avenue

September 24, 1997

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- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ___ GIBSON TALBOT ___ HUSTAD ___
 JACOBS ___ KUETTEL ___ HOYT ___ ASLESON ___
 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: September 10, 1997 (Tab #1)
- E. CONSENT AGENDA:
1. Disbursements (Tab #2)
 General disbursements through 9/18/97, \$80,212.40
 Payroll from 9/1/97 to 9/15/97, \$10,285.92
 2. Appointment to the Fire/Rescue Department (Tab #3)
 3. Request to approve the acquisition of temporary and permanent easement for the 1998 Larpenteur Avenue improvements from the Minnesota Department of Transportation (MnDOT) (Tab #4)
 4. Request to approve compensation and car allowance for the city administrator (Tab #5)
 5. Request to purchase an air lift bag safety system (Tab #6)
 6. Request to proceed with preparing specifications and bidding for refurbishing fire truck 752 (Tab #7)
 7. Award contract for the 1997 sidewalk replacement/repairs (Tab #8)
- F. POLICY AGENDA:
1. Consideration of Ordinance 97-06, amending Chapter 9-15.05 of the zoning code, related to the process for amendments to the zoning code. (Tab #9)
 2. Consideration of Ordinance 97-07, amending the Chapter 9 of the city code concerning telecommunications towers and antennas. (Tab #10)
 3. Consideration of a resolution eliminating parking along Larpenteur Avenue between Lindig and Fairview Avenues (Tab #11)
 4. Consideration of guidelines for reserving city facilities (Tab #12)
 5. Consideration of changes in fees (Tab #13)
 6. Consideration of a Resolution 97-41 continuing participation in the Metropolitan Livable Communities Act (Tab #14)
- G. INFORMATION AND ANNOUNCEMENTS:
- H. ADJOURN

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 10, 1997**

DRAFT

Mayor Gehrz convened the meeting at 7:08 p.m.

PRESENT

Gehrz, Hustad, Jacobs, and Kuettel. Also present were Hoyt, Asleson, and Maurer.

ABSENT

Gibson Talbot.

COMMUNITY FORUM

There was no one wishing to take advantage of the community forum.

MINUTES OF AUGUST 27, 1997

Minutes were approved by unanimous consent.

CONSENT AGENDA APPROVED

Motion was made by Councilmember Kuettel to approve the following consent agenda. Motion passed unanimously.

1. Disbursements
2. Licenses
3. Planning Commission appointment and resignation
4. Approval of request to proceed with the purchase of a new tractor
5. Approval of agreement for legal services
6. Approval of the 1998 Lauderdale fire contract
7. Acceptance of Metropolitan Council grant for comprehensive planning
8. Approval of payment #1 to Jay Brothers

POLICY AGENDA

**PRESENTATION AND PROPOSED AGREEMENT WITH NORTHWEST YOUTH AND
FAMILY SERVICES**

Kay Andrews of Northwest Youth and Family Services (NWYS) reviewed proposed revisions to the city's joint powers agreement with the organization. The revisions were made to reflect changes to NWYS' organizational structure. It also proposed a new funding formula which would request funding from cities on a per-resident basis. The city council agreed to have the agreement reviewed by the city attorney, and to take action by November 1, 1997.

REPORT ON THE PLANS FOR GIBBS FARM

Bob Olsen, representing the Ramsey County Historical Society, gave a brief presentation regarding long-range plans for the Gibbs Farm site. The plans include, among other things, a trail and interpretive center. The council agreed to have Mayor Gehrz send a letter to the Historical Society indicating the council's support for the proposed plans.

REQUEST TO APPROVE RESOLUTION 97-35, APPROVING RAMSEY COUNTY'S FINAL PLANS FOR THE 1998 RECONSTRUCTION OF LARPENTEUR AVENUE

Dan Soler, Ramsey County Project Engineer, reviewed the final 1998 Larpenteur Avenue plans with the city council.

Motion was made by Councilmember Jacobs to approve Resolution 97-35, approving Ramsey County's final plans for the 1998 reconstruction of Larpenteur Avenue. Motion passed unanimously.

REVIEW AND APPROVAL OF THE COST PARTICIPATION AGREEMENT FOR THE 1998 RECONSTRUCTION OF LARPENTEUR AVENUE

Dan Soler reviewed the various funding sources for the 1998 reconstruction of Larpenteur Avenue. Falcon Heights' share of the project costs are \$182,332.15, of which \$28,427.35 is reimbursed by Municipal State Aid funds. The entire project cost is \$3,544,626.00.

Motion was made by Councilmember Hustad to approve the cost participation agreement for the 1998 reconstruction of Larpenteur Avenue. Motion passed unanimously.

REVIEW AND APPROVAL OF AGREEMENTS FOR MAINTENANCE OF TRAFFIC CONTROL SIGNALS AT THE FARIVIEW/LARPENTEUR AND GORTNER/LARPENTEUR INTERSECTIONS

Dan Soler explained that the proposed agreements require the city to maintain the Emergency Vehicle Preemption devices at the Fairview/Larpenteur and Gortner/Larpenteur intersections. The county maintains the facility and the city pays the power costs because the signals are at the intersections of a city road.

The council briefly discussed whether it would be appropriate for the University of Minnesota and/or Hewlett Packard to share in the cost of the contract as their private roads are part of each of the intersections. Soler indicated that the county requires that the maintenance agreement be signed with the city. The city is free to decide on its own if it requires payment from property owners.

DRAFT

Motion was made by Councilmember Hustad to approve the agreements for maintenance of the traffic control signals at Fairview/Larpenteur and Gortner/Larpenteur intersections. Motion passed unanimously.

LARPENTEUR AVENUE STREETScape ELEMENTS

Michael Schroeder and Todd Halunen of Hoisington Koegler gave updates on the status of the streetscape project. Schroeder presented a new design for the picnic shelter pavilion at city hall. He will get cost estimates on the design for later council consideration.

Motion was made by Councilmember Hustad to approve change order #1 with Killmer Electric, for an electrical service re-feeds at Dino's Gyros (5,098.00) and Amoco (\$5,635.00) and for furnishing and installing lighting and power connections for the city signs (\$15,445.00). Motion passed unanimously.

Motion was made by Councilmember Hustad to authorize up to \$11,000 for concrete removal and replacement and lighting changes at the front of city hall. Motion passed unanimously.

REQUEST TO APPROVE RESOLUTION 97-36, CERTIFYING THE BUDGET AND LEVY TO THE RAMSEY COUNTY AUDITOR

Motion was made by Councilmember Kuettel to approve Resolution 97-36, certifying the proposed general fund budget of \$1,205,981 and a certified levy of \$589,410 to the Ramsey County Auditor. Motion passed unanimously.

ESTABLISHING PUBLIC HEARING DATES ON THE CITY'S BUDGET AND PROPERTY TAX LEVY

The public hearing date for the 1998 budget and property tax levy hearing was set for December 3, 1997. If a continuation hearing is necessary, it will be held on December 17, 1997.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Susan L. Gehrz, Mayor

Carla Asleson
Recording Secretary

CONSENT
Date: 9/24/97
Item: 1

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

- a. General disbursements through 9/18/97, \$80,212.40
- b. Payroll, 9/1/97 to 9/15/97, \$10,285.92

ACTION REQUESTED: Approval

a.

APPROVAL OF BILLS
 PERIOD ENDING: 9/18/97

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	FOCUS NEWS	TELECOM	LEGISLAT	26.35
	FOCUS NEWS	ZONING CODE	LEGISLAT	21.25
	*** TOTAL FOR DEPT 11			47.60
	CARLA ASLESON	POSTAGHE VIDEO MAILED	ADMINIST	1.74
	CARLA ASLESON	MILEAGE	ADMINIST	8.69
	AMERICAN OFFICE PRODUCTS	PAPER/ADDING MACHINETAPE	ADMINIST	34.03
	AWARDS BY HAMMOND	SIGN	ADMINIST	12.17
	BANK CARD CENTER-FBS	POSTAGE	ADMINIST	936.79
	BANK CARD CENTER	MISC	ADMINIST	147.20
	JEANE THORNE INC	TAMP RECEPTIONIST	ADMINIST	100.43
	MIDWEST DELIVERY SERVICE	DELIVERISE	ADMINIST	11.90
35305	MN DEPARTMENT OF REVENUE	ST 9/15 WITH	ADMINIST	617.67
35304	PERA	K9/15 PERA WITH	ADMINIST	1,187.04
	PERA LIFE	9/97 PHILLIPS	ADMINIST	12.00
	RAMSEY COUNTY	INS PREMIUMS 9/97	ADMINIST	2,939.54
	BRODERICK, BERNARD	MILEAGE	ADMINIST	11.87
	*** TOTAL FOR DEPT 12			6,021.07
	CARLA ASLESON	BANK MILEASGE	FINANCE	1.39
	BANK CARD CENTER-FBS	EXCEL TNG CLASS	FINANCE	85.00
	ROLAND OLSON	GFOA CONF EXPENSES	FINANCE	43.61
	*** TOTAL FOR DEPT 13			130.00
	CAMPBELL KNUTSON	US WEST	LEGAL	88.00
	CAMPBELL KNUTSON	US WEST	LEGAL	77.00
	CAMPBELL KNUTSON	8/97 GENERAL LEGAL	LEGAL	2,948.33
	*** TOTAL FOR DEPT 14			3,113.33
	BANK CARD CENTER-FBS	POSTAGE	COMMUNIC	320.00
	BANK CARD CENTER	KODAK FUN SVR	COMMUNIC	85.11
	C.J. LARSON PHOTOGRAPHY	VOLUNTEER RECOGNITION	COMMUNIC	123.54
	LAURIE PARKER	PH SCHOOL EVENTY	COMMUNIC	80.00
	*** TOTAL FOR DEPT 16			608.65
	CASTLE INSPECTION SVC	BLDG INSP AUG	PLANNING	866.35
	CASTLE INSPECTION SVC	AUGUST INSP	PLANNING	145.00
	DAHLGREN SHARDLOW & UBAN	PARKING ISSUES	PLANNING	383.82
	PAKOY, GENE	3RD QTR MECH PERMIT	PLANNING	581.25
	*** TOTAL FOR DEPT 17			1,976.42
	HUGHES & COSTELLO	9/97 PROSECUTION	PROSECUT	2,104.10
	*** TOTAL FOR DEPT 23			2,104.10
	AMERICAN LINEN SUPPLY CO.	LINEN	FIRE FIG	39.82
	CY'S UNIFORMS	LEMAYS JUMPSUIT	FIRE FIG	38.40
	DANKO EMERGENCY EQUIPMENT	REPAIR SCBA	FIRE FIG	59.00
	EMERGENCY APPARATUS MAINT	REPAIR 757 BATTERIES	FIRE FIG	441.10
	EMERGENCY APPARATUS MAINT	REPAIR 757 LADDER	FIRE FIG	492.11
	JANKE, KATHLEEN	9/97 CLEANING	FIRE FIG	80.00
	MN STATE FIRE CHIEF ASSOC	OPENHOUSE SAFEHOUSE/CAR	FIRE FIG	155.00
	PERA LIFE	9/97 BAUMAN	FIRE FIG	12.00
	RAMSEY CLINIC	IMMUNIZATION- KRAJEWSKI	FIRE FIG	58.00

APPROVAL OF BILLS
 PERIOD ENDING: 9/18/97

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	USWEST COMMUNICATIONS	SEPT PHONE	FIRE FIG	172.64
	*** TOTAL FOR DEPT 24		1,548.07	
	OSTERMAN API	JFM HELMET Penco LABEL	FIRE PRE	63.00
	PERA LIFE	9/97 IVERSON	FIRE PRE	12.00
	*** TOTAL FOR DEPT 25		75.00	
	GRAINGER, W. W., INC.	URINAL SCREEN	CITY HAL	31.58
	GRAINGER, W. W., INC.	TOWELS/TISSUE	CITY HAL	83.55
	MCI	LONG DISTANCE 9/13	CITY HAL	10.29
	UNITED LABORATORIES	BIOCHARGE CARTRIDGE	CITY HAL	325.49
	USWEST COMMUNICATIONS	CITY HALL 9/1	CITY HAL	358.07
	USWEST COMMUNICATIONS	CITY HALL 9/1	CITY HAL	0.04
	ZARNOTH BRUSH WORKS	20/60 POLYTUBE BROOM	CITY HAL	306.72
	*** TOTAL FOR DEPT 31		1,115.74	
	BANK CARD CENTER-FBS	BILLS APWA SEMINAR	STREETS	297.01
	MIDWEST CONCRETE DRIVEWAY	SIDEWALK REPLACE/ HALINE	STREETS	650.00
	NORTH STAR TURF, INC.	50 LBX BOULEVARD MIX	STREETS	259.86
	*** TOTAL FOR DEPT 32		1,206.87	
	HOWARD GREEN COMPANYC.	97 SIDEWALK IMPROVEMNT	ENGINEER	232.37
	HOWARD GREEN COMPANYC.	NE AREA STREET IMPROVMT	ENGINEER	517.92
	*** TOTAL FOR DEPT 33		750.29	
	S & S TREE SPECIALISTS	IN TREE/STUMP REMOVAL	TREE PRO	1,128.90
	*** TOTAL FOR DEPT 34		1,128.90	
	CERES ENVIRONMENTAL SVCS	HARDWOOD MULCH(2ND LOAD)	PARK & R	144.67
	MUSKA ELECTRIC CO.	TAKEDOWN POWER POOL	PARK & R	176.15
	NSP	ELECT 8/6 TO 9/5	PARK & R	53.03
	ON SITE SANITATION	SATELITTE COMM PARK	PARK & R	68.65
	USWEST COMMUNICATIONS	COMMUNIT PARK 9/10	PARK & R	59.68
	*** TOTAL FOR DEPT 41		502.18	
	C.W. HOULE INC	REPAIRS STORN SEWER	STORM SE	822.25
	*** TOTAL FOR DEPT 51		822.25	
	BANK CARD CENTER	EMPLOOYEE RECOGNITION	EMPLOYEE	15.98
	*** TOTAL FOR DEPT 52		15.98	
	NSP	ELECT 8/1 TO 9/1	STREET L	2,017.96
	*** TOTAL FOR DEPT 54		2,017.96	
	FIRE EQUIPMENT SPECIALTIE	SET BUNKER GEAR-ALLEN	FIRE & R	768.00
	*** TOTAL FOR DEPT 64		768.00	
	BANK CARD CENTER-FBS	BILLS APWA SEMINAR	SANITARY	112.99
	METROPOLITAN COUNCIL,	10/97 SS	SANITARY	29,759.00
	NSP	ELECT 8/5 TO 9/3	SANITARY	133.65
	NSP	ELECT 8/6 TO 9/5	SANITARY	8.80
	*** TOTAL FOR DEPT 75		30,014.44	
	35307 DANKO EMERGENCY EQUIPMENT	HURST HYDRAULIC FLUID	RESCUE S	48.99

APPROVAL OF BILLS
 PERIOD ENDING: 9/18/97

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
35307	DANKO EMERGENCY EQUIPMENT	REPAIR HURST TOOL	RESCUE S	59.00
	DANKO EMERGENCY EQUIPMENT	HURST TOOL REPAIR	RESCUE S	175.80
	BARBARA LEMAY	EMT BOOK REIMBURSEMENT	RESCUE S	62.85
	OXYGEN SERVICE COMPANY	02 AMBULANCE	RESCUE S	28.77
	OXYGEN SERVICE COMPANY	02 AMBULANCE	RESCUE S	9.00
	OXYGEN SERVICE COMPANY	02 AMBULANCE	RESCUE S	49.50
	AIRTOUCH CELLULAR	AMBULANCE CELLULR PHONE	RESCUE S	17.61
	*** TOTAL FOR DEPT 76			451.52
	BANK CARD CENTER	MEETING EXP	LARPENTE	33.01
	BANK CARD CENTER	PROJECT SETS	LARPENTE	266.25
	HOISINGTON KOEGLER GROUP	8/1 TO 8/31 PLANN/DESIGN	LARPENTE	2,354.30
35306	JAY BROTHERS INC	SIGNS STREETSCAPE	LARPENTE	17,313.75
	HOWARD GREEN COMPANYC.	PROJ 330025 m	LARPENTE	1,621.42
	HOWARD GREEN COMPANYC.	PROJ 330043m	LARPENTE	1,212.18
	*** TOTAL FOR DEPT 82			22,800.91
	HOWARD GREEN COMPANYC.	PROJ 330044m	LINDIG S	1,510.39
	MARGOLIS BROTHERS	2 COLORADO BLUE SPRUCE	LINDIG S	255.60
	*** TOTAL FOR DEPT 83			1,765.99
	BERNARDY, CONNIE LANNERS	9/16 TO 9/30 PROF SVC	MCAD	1,227.13
	*** TOTAL FOR DEPT 84			1,227.13
	*** TOTAL FOR BANK 01			80,212.40
	*** GRAND TOTAL ***			80,212.40

SYSTEM DATE 09/15/97

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

CHECK TYPE	CHECK DATE	EMPLOYEE NAME NUMBER	CHECK NUMBER	CHECK AMOUNT
COM	9 15 97	30 NICHOLAS BAUMANN	27984	32.76
COM	9 15 97	32 RAYMOND BROWN	27985	141.42
COM	9 15 97	34 CLEMENT KURHAJETZ	27986	71.06
COM	9 15 97	35 LEO LINDIG	27987	91.13
COM	9 15 97	40 KEVIN ANDERSON	27988	87.19
COM	9 15 97	42 MICHAEL D. CLARKIN	27989	174.59
COM	9 15 97	45 JAMES D. FULLER	27990	136.57
COM	9 15 97	47 NATHANIEL HEROLD	27991	66.26
COM	9 15 97	48 JOHN H. HOLMGREN	27992	32.73
COM	9 15 97	50 JOSEPH L. MARTINEZ	27993	38.80
COM	9 15 97	56 GREGORY S. PETERSON	27994	55.10
COM	9 15 97	60 TERRY D. IVERSON	27995	52.61
COM	9 15 97	63 RACHELLE L. MARVIN	27996	82.28
COM	9 15 97	66 ALFRED HERNANDEZ	27997	141.01
COM	9 15 97	67 BRENT W. KOSKELA	27998	129.33
COM	9 15 97	69 JASON J. HYATT	27999	52.42
COM	9 15 97	70 JUSTIN T. NOVAK	28000	128.32
COM	9 15 97	72 JOHN R. WOLFSBERGER	28001	154.57
COM	9 15 97	73 JEREMY HUTCHISON	28002	93.33
COM	9 15 97	74 MARK J. ALLEN	28003	64.25
COM	9 15 97	75 JOSEPH P. KRAJEWSKI	28004	59.09
COM	9 15 97	76 STEVEN M. HOY	28005	35.15
COM	9 15 97	77 BARBARA J. LEMAY	28006	72.32
COM	9 15 97	78 JON ERICHSON	28007	28.69
COM	9 15 97	1002 SUSAN HOYT TAFF	28008	1495.05
COM	9 15 97	1003 TERRY IVERSON	28009	1019.36
COM	9 15 97	1005 CAROL KRIEGLER	28010	614.51
COM	9 15 97	1007 PATRICIA PHILLIPS	28011	807.81
COM	9 15 97	1010 CARLA ASLESON	28012	975.64
COM	9 15 97	1013 WILLIAM MAERTZ	28013	979.57
COM	9 15 97	1026 JASON CIERNIA	28014	33.25
COM	9 15 97	1032 TWAROSKI, ANITA	28015	110.82
COM	9 15 97	1033 DAVE TRETSVEN	28016	734.57
COM	9 15 97	1084 CHRISTINE AMMANN	28017	81.50
COM	9 15 97	1088 DONALD R. MEISSNER	28018	406.73
COM	9 15 97	1123 ABRAHAM T. CYR	28019	121.10
COM	9 15 97	1136 ROLAND O. OLSON	28020	885.03

****TOTALS****

10285.92

CONSENT
Date: 9/24/97
Item: 2

ITEM: Appointment to the Fire/Rescue Department

SUBMITTED BY: Nick Baumann, Fire Chief

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Chief Baumann is recommending the appointment of Byron Schultz to the Fire/Rescue Department. Mr. Schultz served on the department from January 1993 through February 1997, when he resigned. Mr. Schultz is now requesting reappointment, pending a physical exam, which is a requirement of being appointed to the Fire Department.

ACTION REQUESTED:

Appointment of Byron Schultz to the Fire/Rescue Department, subject to passing the required physical test and probationary period.

CONSENT
Date: 9/24/97
Item: 3

ITEM: Request to approve the acquisition of temporary and permanent easement for the 1998 Larpenteur Avenue improvements from the Minnesota Department of Transportation (MnDOT)

SUBMITTED BY: MnDOT on behalf of Ramsey County

REVIEWED BY: Susan Hoyt, City Administrator
Terry Maurer, City Engineer

EXPLANATION/DESCRIPTION:

Summary and action requested. The 1998 Larpenteur Avenue improvements requires using the city's property for making these improvements. The state is required to pay for this temporary and permanent use of property associated with the improvements. The council is being asked to approve MnDOT's purchase of a temporary easement along city for \$2,300 and a permanent/temporary easement for \$1,400 for a total of \$3,700. The value being offered is \$4 per square foot which is based upon market value for a B-2 zoned property.

Meets goal 2. To maintain and promote the assets of the city's unique neighborhoods.

Strategy 5. To enhance the physical land use characteristics of the community.

Background.

- Ramsey County contracted with MnDOT to proceed with the acquisition of temporary and permanent easements that are required for the road construction associated with the Larpenteur Avenue improvements.
- All properties that are affected by the road reconstruction through the temporary disruption of the property or the permanent use of the property for the road improvements must be reimbursed for that use according to state and federal laws.
- A MnDOT appraiser values the use of the property that is disrupted by the project based upon the zoning of the property and the appraised market values of similar properties in the area.

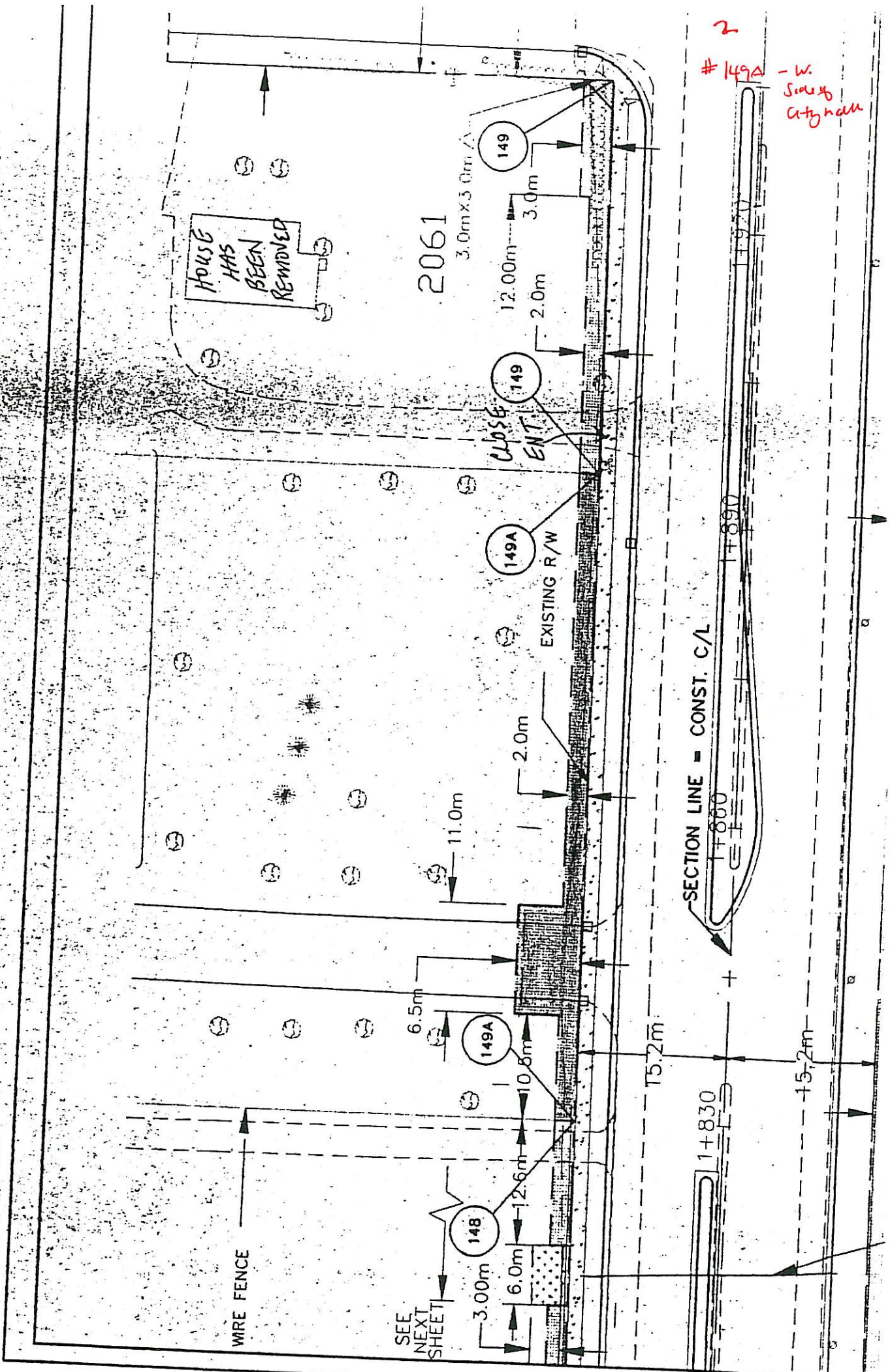
- The MnDOT appraiser used the B-2 zone to value the property because the eastern parcel, where the old house was located, is zoned B-2. The value is \$4 per square foot. For the temporary easements this translates into a sum of \$3,400, which is based upon rental of the property for three years. This offer is consistent with what other B-2 zoned properties are being offered for temporary easements throughout the city.
- MnDOT will be purchasing two temporary easements along the front of the city hall property in order to install the sidewalk and to make it fit into the roadway. This is 1,935 square feet and 947 square feet for a total of 2,882 square feet (149A and 149 attachment 1 and 2). The value offered for the temporary easements are: \$1,100 for parcel 149A and \$2,300 for parcel 149 based upon renting the area for three years at a 12% return and payment in today's dollars rather than in future dollars.
- MnDOT is also purchasing a permanent easement along the northwestern tip of Prior Avenue to create the handicapped accessible ramp that accompanies the sidewalk or 54 square feet (attachment 2). The value offered for the permanent easement is \$4 per square foot for the area of 54 square feet or \$216 rounded up to \$300.
- The total offer is for \$3,700.
- On an unrelated note, the city is assessing itself \$17,665.70 for this road construction project.

ATTACHMENTS:

- 1 Map of 149 area for temporary easement
- 2 Map of 149A area for temporary/permanent easement
- 3 MnDOT letter for parcel 149 and proposed agreement
- 4 MnDOT letter for parcel 149A and proposed agreement
- 5 Example of calculation for temporary easement purchase

ACTION REQUESTED:

Approve the purchase of temporary and permanent easement by MnDOT for a sum of \$3,700 for the 1998 Larpenteur Avenue project.



#149A - w. some utility



Minnesota Department of Transportation

Transportation Building

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

Date: 9-3-97

612-296-3241

Office of the Mayor
Falcon Heights City Hall
2077 W. Larpenteur Ave.
Falcon Heights, MN 55113

In reply refer to: 7300
S.P. 62-630-43 *TA99862
County Ramsey
Parcel 149 - City of Falcon Heights
Property Address:

The State of Minnesota, Department of Transportation is the acquisition agent for the County of Ramsey, and will be acquiring part of your property for the construction of Larpenteur Avenue. The individual delivering this letter is a Real Estate Specialist representing the Minnesota Department of Transportation. This individual will explain the procedures involved in the acquisition process.

The monetary damage to your property due to this acquisition is \$1,400.00, this being the amount of the County's certified offer. This amount is based on an appraisal by a qualified real estate appraiser(s). The monetary damage includes \$300.00 for real estate being acquired and \$1,100.00 for loss in value to the remaining property.

Please be advised that lawful owners and/or occupants of the property on the date of this offer may be entitled to relocation assistance and payments in accordance with Federal and State laws.

It is important you read the information provided in the purchase packet. It will help you to understand your rights during the acquisition process and assist you in making sound decisions.

Page 2

As the acquisition of your property proceeds, you will undoubtedly have additional questions. Please direct them to the Mn/DOT representative who submitted this offer.

Sincerely,

A handwritten signature in black ink, appearing to read "Merritt Linzie". The signature is written in a cursive style with a large, stylized initial "M".

Merritt Linzie, Director
Office of Land Management

Package Contents:

"Guide for Property Owners" Booklet
Legal Description describing acquisition
Offer to Sell and Memorandum of Conditions (reference copy)
Conveyance Instrument (reference copy if applicable)
"Relocation Assistance" Booklet (if applicable)
Appraisal Reimbursement Claim Form
R37530F.r1w

PARCEL 149
HIGHWAY EASEMENT

That part of the West 123 feet of the East 1690.5 feet of the South 268 feet of the Southwest Quarter of Section 16, Township 29, Range 23 described as follows:

Beginning at the intersection of the north line of the South 50 feet and the east line of said West 123 feet; thence northerly along said east line 3 meters; thence southwesterly to a point on said north line and 3 meters westerly of the point of beginning; thence easterly 3 meters to the point of beginning.



Minnesota Department of Transportation

4

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

Date: 9-3-97

612-296-3241

Office of the Mayor
Falcon Heights City Hall
2077 W. Larpenteur Ave.
Falcon Heights, MN 55113

In reply refer to: 7300
S.P. 62-630-43 *TA99862
County Ramsey
Parcel 149A - City of Falcon Heights
Property Address:

The State of Minnesota, Department of Transportation is the acquisition agent for the County of Ramsey and will be acquiring a temporary easement on part of your property for the construction of Larpenteur Avenue. The individual delivering this letter is a Real Estate Specialist representing the Minnesota Department of Transportation. This individual will explain the procedures involved in the acquisition process.

The monetary damage to your property due to this temporary easement is \$2,300.00, this being the County's certified offer. The monetary damage to your property has been determined by a person knowledgeable in the valuation of real estate. A complete appraisal has not been made on this parcel as the size and effect of the acquisition is relatively minor. The monetary damage to your property is considered to be a loss in value to your property.

Please be advised that lawful owners and/or occupants of the property on the date of this offer may be entitled to relocation assistance and payments in accordance with Federal and State laws.

It is important you read the information provided in the purchase packet. It will help you to understand your rights during the acquisition process and assist you in making sound decisions.

Page 2

As the acquisition of your property proceeds, you will undoubtedly have additional questions. Please direct them to the Mn/DOT representative who submitted this offer.

Sincerely,

A handwritten signature in black ink that reads "Merritt Linzie". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail on the "z".

Merritt Linzie, Director
Office of Land Management

Package Contents:

"Guide for Property Owners" Booklet
Legal Description describing acquisition
Conveyance Instrument (reference copy if applicable)
Appraisal Reimbursement Claim Form
R37531F.r1w

PARCEL 149A
TEMPORARY SLOPE EASEMENT

The South 2 meters and the North 4.5 meters of the South 6.5 meters of the East 11 meters of the West 21.5 meters of the following described parcel:

The South 462 feet of the 21 acres East of the West 44 acres of the West One-Half of the Southwest Quarter of Section 16, Township 29, Range 23, Ramsey County, Minnesota, except the East 123 feet of the South 268 feet thereof, and except the South 50 feet thereof.

Examples of Calculations for Easement Acquisition

Assumption: The market value of the property in a B-2 zone at this location is \$4/square foot.

1. Permanent easement for 149.

54 sq. feet X \$4/sq. foot = \$216 rounded to \$300

2. Temporary easement calculation for 149.

947 sq. feet X \$4/sq. foot = \$3,788 market value

Rental rate /year is 12% of market value of the property

\$3,788 X 12%/year = \$454.56/year

For 3 years of rent

\$454.56 / year X 3 years = \$1,363.68 total rent

But the payment is in today's dollars (present value), not paid over the course of three years. Therefore, the present value of \$1,363.68 is \$1,091.78 (calculation provided by MnDOT).

The payment for the temporary easement in 149A is rounded to \$1,100.

CONSENT
Date: 9/24/97
Item: 4

ITEM: Request to approve compensation and car allowance for the city administrator

SUBMITTED BY: Mayor Sue Gehrz

REVIEWED BY: City Council

EXPLANATION/DESCRIPTION:

The city administrator's anniversary date is August 15, 1997. A salary adjustment is made each year at this time. Mayor Gehrz is recommending a salary of \$55,182.46 effective August 15, 1997 and an increase in the automobile allowance to \$200 per month effective September 1, 1997.

ACTION REQUESTED:

Approve the annual salary of \$55,182.46 for the administrator effective August 15, 1997 and an automobile allowance of \$200 effective September 1, 1997.

CONSENT

Date: 9/24/97

Item: 5

ITEM: Request to purchase an air lift bag safety system

SUBMITTED BY: Nick Baumann, Fire Chief

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is requested to approve an air lift safety bag system for the fire department for \$2,564. The system is used to lift stabilize structures or vehicles when the firefighters are removing individuals from automobiles or buildings when they are trapped. This expenditure is included in the city's 1997 capital plan.

Meets goal 1. To protect the public health and safety.

Background.

- The proposed purchase from FES company is for \$2,564. Danko also makes a system for \$3,100.
- Fire departments keep this on hand to use to assist in situations when people are trapped under debris to stabilize the vehicle or structure while the firefighters rescue the individuals.
- Chief Baumann states that the fire department had three opportunities to use this equipment this year.
- This is the only specialized equipment that is specifically identified for purchasing in the city's five year public safety capital plan. Other equipment is routine replacement of existing gear.

ATTACHMENT

1 Information on the air bag system

ACTION REQUESTED:

Approve the purchase of the air lifting bag system for \$2,564 from the public safety capital funds.

Maxiforce Air Bags . . .

The Most Efficient Use Of Energy, To Provide The Maximum Amount Of Force.

The MAXIFORCE Air Lifting Bag is a thin, strong, molded envelope. It is made from Neoprene covered Kevlar reinforcement. Each lifting bag has a single inlet/outlet used to inflate and deflate the bag. The inflation agent is typically compressed air.

WORKS QUICKLY

A MAXIFORCE system is quickly set up and even the largest bag can be fully inflated in less than 60 seconds.

WORKS QUIETLY

Completely silent in use. There are no engine sounds or loud mechanical noises when MAXIFORCE IS USED.

SIMPLE TO OPERATE

Just position the bag under the load and inflate. Using the energy of compressed air, the load is moved in seconds. The bags fit into extremely tight places, as they require only one inch of insertion space (2.5 CM). They operate on air pressure up to 118 PSI (8 Bar). This means that any air source, such as SCBA air cylinders, truck air brake systems, compressors, or even a foot pump can be used to inflate MAXIFORCE air bags. Inflation and deflation is operator controlled by use of a safety control valve that controls two bags independently. Carrying or positioning the bags presents no problem either, as the weight of a Kevlar MAXIFORCE bag is only 1.1 to 60 pounds (.5 to 27 KG) depending on size and type.

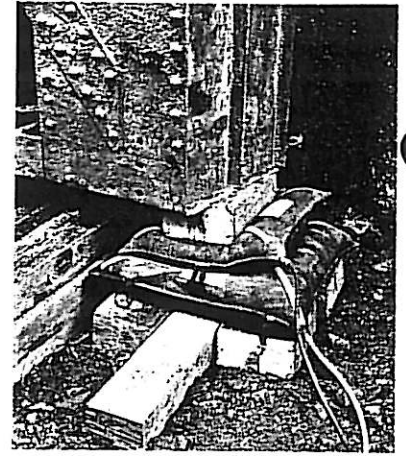
SAFE

The bags are extremely tough, made of Neoprene embedded with three (3) full layers of Kevlar aramid fiber reinforcement on each side, giving the bags tremendous strength at full inflation. All bags have an extremely effective positive grip surface designed for maximum friction and hold. As an additional safety precaution during operation, a bright yellow "X" is molded into both sides of each bag. This allows high visibility and exact centering of the bag under the load for maximum lifting heights and stability. Each air bag has been subjected to a stringent factory pressure test to assure maximum operator safety.

VERSATILE

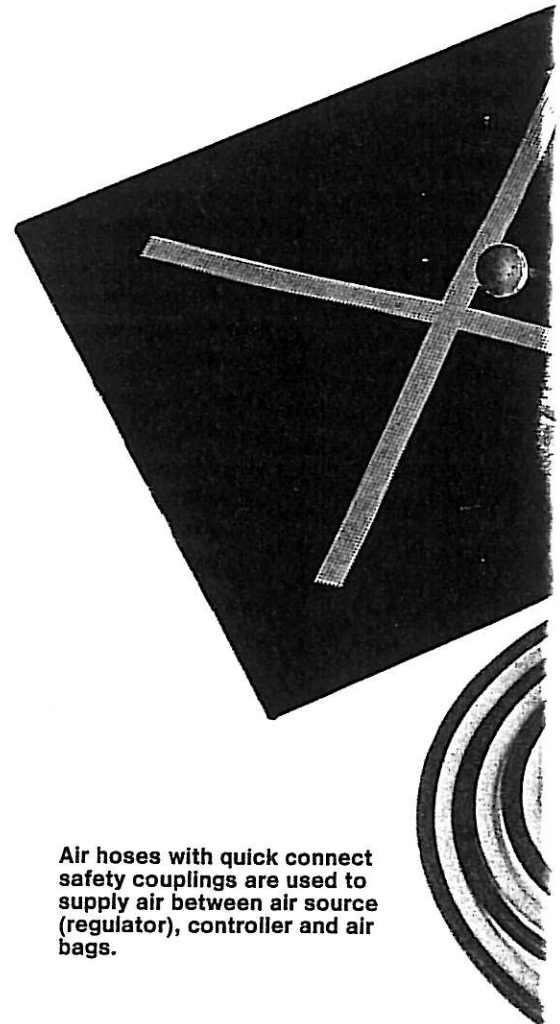
Especially effective when used to:

- Lift or shift pipelines for welding or maintenance
- Changing tires on heavy equipment
- Moving slabs at quarries
- Remove wheels, pulleys and gears from large machinery
- Lifting buildings or other structures
- Rerailing railroad and mining cars
- Positioning and aligning heavy equipment and machinery in shops, mills, etc.
- Lift Cylindrical and odd shaped loads
- In farm and industrial accidents where victims are trapped or pinned in or under machines
- In rail, underground, subway and mining maintenance work
- On soft ground or even underwater, when jacks or other tools sink in, MAXIFORCE will move the load due to its large surface area and low ground pressure



Cover Photo

Here you see two MAXIFORCE Air Bags being used to lift a New York Canal lock gate. This immense gate is being lifted completely off its pivot pin during repair operations.



Air hoses with quick connect safety couplings are used to supply air between air source (regulator), controller and air bags.

Note: This brochure contains only a general description of the MAXIFORCE air bag system. While uses and performance capabilities are described, under no circumstances should the product be used except by qualified, trained personnel and not until the instructions, labels or other literature accompanying it have been carefully read and understood and the precautions therein set forth followed. Only these contain the complete and detailed information concerning this product. All specifications are subject to change without notice.

CONSENT
Date: 9/24/97
Item: 6

ITEM: Request to proceed with preparing specifications and bidding for refurbishing fire truck 752

SUBMITTED BY: Nick Baumann, Fire Chief
Clem Kurhajetz, Truck Committee Chair

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve the preparation of specifications and the bidding of the refurbishing of fire truck 753 for approximately \$ 60,000 with a maximum of \$80,000 budgeted. The council discussed this at the July 9, 1997 council meeting with representatives from the fire department. If necessary, the bids may be rejected by the city council after they are received by the city.

Meets goal 1. To protect the public health and safety.

Background.

- The city's five year capital plan includes refurbishing the 753 fire truck, which is a 1978 pumper truck.
- The truck's life will extend by fifteen years from this refurbishing.
- This truck along with the red 757 that was purchased in 1992 are the city's major pumper trucks responding to fires. 752 is a vehicle that responds to rescue calls.
- The fire department asked for a review of the potential costs for refurbishing this truck in 1996. The result was about \$60,000 of repairs and replacement on the vehicle.
- The city requires at least two pumper trucks to serve Falcon Heights and Lauderdale.
- The chair of the fire truck committee, Clem Kurhajetz, and the city

administrator will work out the process for developing specifications and bidding the refurbishing of this truck.

- The city council may reject all bids for refurbishing the fire truck if circumstances and costs warrant this action at the time.

ACTION REQUESTED:

Approve preparing specifications and bidding the refurbishing of fire truck 753.

CONSENT
Date: 9/25/97
Item: 7

ITEM: Award contract for the 1997 sidewalk replacement / repairs

SUBMITTED BY: Carol Kriegler, Director of Parks, Recreation, and Public
Facilities

REVIEWED BY: Susan Hoyt, City Administrator
Mark J. Graham, City Engineer

EXPLANATION / DESCRIPTION:

The city takes responsibility for replacement and repair of public sidewalks as part of an on-going sidewalk maintenance program. The Parks / Public Works staff conducts an annual sidewalk survey throughout the city to determine which sidewalk panels are cracked or raised to the extent that they pose a hazard or a problem aesthetically. This year, a follow-up survey was conducted by an inspector from Howard R. Green Co. for the purpose of prioritizing, measuring, and cost estimating the identified sidewalk panels.

The panels to be replaced yet this year are located primarily along Idaho and Iowa Avenues. This year's capital budget includes \$8,000 for the purpose of sidewalk repair / replacement. \$650 in replacements was conducted earlier this summer in a few select areas that were considered to be in need of immediate repair. The panels proposed to be replaced are estimated to total about 1000 square feet. The project will also include the removal of about 500 square feet of bituminous currently on the Iowa Avenue right-of-way.

Staff is in the process of soliciting quotations for this project. Quotations will be made available to the council prior to Wednesday night's meeting along with a recommendation concerning the awarding of a contract.

ACTION REQUESTED:

Awarding of the 1997 contract for sidewalk repairs and replacements.

ITEM: Consideration of Ordinance 97-06, amending the Chapter 9-15.05 of the zoning code, related to the process for amendments to the zoning code

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Planning Commission
Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and Action Requested: The city council is being asked to amend the portion of the city's zoning code which addresses how a property owner may request a zoning amendment.

Goal 1: To maintain and promote the assets of the city's unique neighborhoods, including commercial, residential, and open space uses.

Strategy 5: Enhance the physical land use characteristics of the city.

Action Item: Reviewing the comprehensive plan and the zoning code.

Staff Report. In response to a request from the representative of a property owner, the staff and planning commission recently reviewed the city's zoning amendment process to amend the zoning code. It was apparent that this section of the city ordinance is vague and, in some places, inconsistent with state statute. The planning commission held the required public hearing on September 16 and unanimously recommended approval of the ordinance.

Proposed Changes Include:

- the city council, planning commission, or a petition from a property owner can request an amendment to the zoning code;
- if a property owner petitions for a change in zoning district boundaries, notice to all property owners within 350 feet must be given;
- the city council shall not act upon the proposed amendment until the planning commission recommendation is made or until 60 days has elapsed from the first scheduled planning commission at which the proposed amendment was first considered.

The proposed ordinance eliminates some potential legal concerns. These are:

- requiring that a petition for a zoning amendment come before the city council before going to the planning commission for a public hearing and recommendation;
- permitting abutting property owners to petition to request that a neighboring property, that they don't own, be rezoned;
- corrects the notification requirement to a minimum of 350 feet from a minimum of 300 feet.

ATTACHMENTS:

- Proposed Ordinance 97-06, amending Chapter 9 of the city code concerning amendments to the city code
- Proposed Resolution 97-39, allowing for summary publication of the ordinance
- Current city code language on zoning code amendments

ACTION REQUESTED:

- Hear staff report
- Discussion and questions
- Adoption of Ordinance 97-06 and Resolution 97-39.

CITY OF FALCON HEIGHTS

ORDINANCE

Date September 24, 1997

AN ORDINANCE AMENDING CHAPTER 9 OF THE FALCON HEIGHTS CITY CODE
CONCERNING AMENDMENTS TO THE CITY'S ZONING ORDINANCE

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 9, Section 9-15.05 of the Falcon Heights City Code is amended in its entirety to read:

9-15.05 **Amendments**

Subdivision 1. Initiation of Amendments. An amendment to the zoning ordinance may be initiated by the City Council, the Planning Commission, or by petition of a property owner whose property would be affected by the proposed amendment.

Subdivision 2. Application for Amendment. All applications for amendments initiated by a property owner shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee established by City Council resolution and a cash escrow, in an amount determined by the Zoning Administrator, to reimburse the City for all out-of-pocket costs the City may incur in reviewing the application. When the amendment involves the changing of zoning district boundaries, the application shall be accompanied by an abstractor's certified property certificate listing the property owners within 350 feet of the boundaries of the property to which the amendment relates.

Subdivision 3. Public Hearing. When a proposed amendment to the zoning ordinance has been properly initiated, the City Clerk shall call a public hearing before the Planning Commission. A notice of the time, place, and purpose of the hearing shall be published in the City's official newspaper at least ten (10) days prior to the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten (10) days before the date of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceeding, provided a bona fide attempt to comply has been made. The Planning Commission shall conduct the hearing and make a recommendation to the City Council.

Subdivision 4. Action by City Council. The City Council shall not act upon a proposed amendment until it has received the recommendation of the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the proposed amendment was considered. Approval of an amendment shall require a favorable vote of two-thirds of the entire City Council.

Subdivision 5. Consistency with Comprehensive Plan. No amendment to the zoning ordinance shall be adopted which is in conflict with the City's Comprehensive Plan.

Subdivision 6. Time Deadline. Pursuant to Minn. Stat. § 15.99, an application for an amendment must be approved or denied within sixty (60) days from the date a properly completed application is received by the City unless the time period is waived by the applicant or extended as provided by statute.

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

ADOPTED this 24th day of September, 1997, by the City Council of the City of Falcon Heights.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
September 24, 1997

Date

Attested by: _____

City Clerk
September 24, 1997

Date

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: September 24, 1997

A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE 97-06

WHEREAS, Ordinance No. 97-06 is entitled "An ordinance amending Chapter 9 of the Falcon Heights City Code Concerning Amendments to the City's Zoning Ordinance" and contains several pages of text; and

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

Clarifies who may request an amendment to the city zoning code.

Describes the required submission materials and the fees required to be paid by the applicant.

Describes the public hearing process and timelines used when the city council considers a zoning amendment.

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 97-06 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 97-06 in its entirety.
3. A copy of the complete ordinance shall be available for public inspection in the office of the city.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
September 24, 1997
Date

Attested by: _____

City Clerk
September 24, 1997
Date

9-15.05

9-15.05 Amendments

Subdivision 1. Amendments. The Council may, by an affirmative vote of four fifths (4/5) of all members thereof, adopt amendments to this Chapter.

Subdivision 2. Initiation of Amendment. Proceedings for amendment of this Chapter shall be initiated by (1) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; (2) a recommendation of the Planning Commission; or (3) by action of the Council. Such notice shall also contain the description of the land and the proposed change in zoning. At least ten (10) days before the hearing the Planning Commission shall mail an identical notice to the owner and to each of the property owners within three hundred (300) feet to the outside boundaries of the land proposed to be rezoned. Failure of the Planning Commission to mail the notice shall not invalidate the proceeds. Within sixty (60) days after the date of referral by the Council, the Planning Commission shall make a written report to the Council stating its findings and recommendation.

Subdivision 3. Application for Amendment. All applications for amendments which are initiated by the petition of the owner or owners of property shall be filed with the Zoning Administrator when application involves the changing of zoning districts and boundary thereof, the application shall be accompanied by an abstractor's certified property certificate showing the property owners within three hundred (300) feet of the outer boundaries of the property in question. The application shall be forwarded to the Council.

Subdivision 4. Referral to Planning Commission. If the application is in the form of a petition and contains the signature of fifty percent (50%) of the property owners abutting the land affected, the Council shall refer the application to the Planning Commission. Any other application may be referred by the Council to the Planning Commission or returned to the applicant. The Council may of its own motion initiate the request for amendment and refer same to the Planning Commission.

Subdivision 5. Planning Commission Notice and Hearing on Application. The Planning Commission shall hold a public hearing affording an opportunity for all parties interested to be heard and shall give not less than ten (10) days nor more than thirty (30) days notice of time and place of such

hearing, published in the designated legal newspaper for the City.

Subdivision 6. Council Notice and Hearing on Application.
The Council shall hold a public hearing within thirty (30) days after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report to the Council within sixty (60) days after the referral of the application, then the Council shall hold a public hearing within thirty (30) days after the expiration of said sixty (60) day period. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the Council. The Council shall give not less than ten (10) days nor more than thirty (30) days notice of time and place of such hearing published in the designated legal newspaper for the City, and such notice shall contain a description of the land and the proposed change in zoning. At least ten (10) days before the hearing the Council shall mail an identical notice to the owner and to each of the property owners within three hundred (300) feet of the outside boundaries of the land proposed to be rezoned. Failure of the Council to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. At the time of hearing the Council may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The Council may also request further information and report from the Planning Commission. The Council shall not rezone any land or area in any zoning district without having first referred it to the Planning Commission. Any other proposed amendment to this chapter may be referred to the Planning Commission for consideration and recommendations.

ITEM: Consideration of Ordinance 97-07, amending the Chapter 9 of the city code concerning telecommunications towers and antennas

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Planning Commission
Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and Action Requested. The council is being asked to approve an ordinance regarding telecommunication antennas and towers. The proposed ordinance amends the portion of the city's zoning code which addresses definitions, permitted locations, and design criteria for the placement of these items.

Goal 1: To maintain and promote the assets of the city's unique neighborhoods, including commercial, residential, and open space uses.

Strategy 5: Enhance the physical land use characteristics of the city.

Action Item: Reviewing the comprehensive plan and the zoning code.

Staff Report. In November 1996, the city council approved an amendment to the city's zoning code regarding telecommunications towers and antennas. After further researching the telecommunications industry's needs and the federal communications commission regulations, it was determined that the city's ordinance required some revisions, which are incorporated into Ordinance 97-07. The planning commission held the required public hearing on September 16 and unanimously recommended approval of the ordinance.

In sum, the proposed amendment:

- permits rooftop antennas under 10 feet in all zoning districts, but does not permit commercial antennas in an R-1 zone.
- effectively permits monopoles 110 feet tall (or less) on the University of Minnesota and State Fair properties as well as the elementary school, city hall, and in the rear of Hermes Floral with a required setback of one foot for every one foot in height of antenna or tower.
- permits towers and antennas over 10 feet in height and up to 25 feet in height on buildings over 45 feet tall (Harvest States and 1666 Coffman condominiums.)
- includes additional application, permit, construction, co-location, and design criteria.

ATTACHMENTS:

1. Proposed Ordinance 97-07, amending Chapter 9 of the city code concerning telecommunications towers and antennas
2. Proposed Resolution 97-40, allowing for summary publication of the ordinance
3. Current city code language regarding telecommunications antennas/towers
4. Map of possible locations under the proposed ordinance
5. Summary of Federal Communications Commission regulations related to telecommunications providers

ACTION REQUESTED:

- Hear staff report
- Discussion and questions
- Adoption of Ordinance 97-07 and Resolution 97-40.

CITY OF FALCON HEIGHTS

ORDINANCE

Date September 24, 1997

AN ORDINANCE AMENDING CHAPTER 9 OF THE FALCON HEIGHTS CITY CODE
CONCERNING TELECOMMUNICATIONS TOWERS AND ANTENNAS

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

Section 1. Chapter 9, Section 9-1.02, Subdivision 2, paragraph 13 is amended to read as follows:

13. **Antenna.** Equipment used for transmitting or receiving telecommunication, television, or radio signals, or other electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes and omnidirectional antennas, such as whip antennas.

Section 2. Chapter 9, Section 9-1.02, Subdivision 2 is amended by adding the following definitions:

Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tower, Multi-User. A tower which is designed to accommodate the antennas of more than one telecommunications provider, personal wireless service provider or governmental entity.

Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, personal wireless services shall not be considered public utility uses, and are defined separately.

Section 3. Chapter 9, Section 9-2.07, Subdivision 2 of the Falcon Heights Zoning Ordinance is amended in its entirety to read as follows:

Subdivision 2. Telecommunication Towers and Antennas

- a. **Purpose:** In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary to:
- (1) Maximize the use of existing and approved towers and buildings to accommodate new personal wireless service antennas in order to reduce the number of new towers necessary to serve the community;
 - (2) Ensure antennas and towers are designed, located, and constructed in accordance with all applicable code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements;
 - (3) Require antennas and tower sites to be secured in order to discourage trespassing and vandalism; and
 - (4) Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to compliment existing structures to minimize adverse visual effects of antennas and towers.
- b. **Permits:**
- (1) It shall be unlawful for any person, firm, or corporation to erect, construct, place or re-erect, replace, or make structural repairs to any tower without first making application for and securing a building permit as provided in this Code, except as provided in paragraph (3) below.
 - (2) The applicant shall provide a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with all applicable structural and electrical standards, including but not limited to the Minnesota State Building Code, and includes the engineer's certification.
 - (3) Permits are not required for:
 - (3a) Adjustment, repair, or replacement of existing antennas or the elements of an antenna array affixed to a tower or antenna, provided that adjustment or replacement does not reduce the safety factor.
 - (3b) Routine maintenance (e.g. painting) and other nonstructural related repairs of towers.

(3c) Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of Paragraph (5) are met, with the exception of subparagraph (5h) (regarding corrosive material) which is waived. Temporary antennas shall be removed within seventy-two (72) hours following installation, unless additional time is approved by the Building Official. Temporary towers erected for emergency purposes may be exempt from setback requirements of this subdivision as determined by the Building Official.

(4) The fee to be paid is that prescribed under Building Permit Fees.

(5) Construction Requirements. All antennas and towers erected, constructed, or located within the City, including all necessary wiring, shall comply with the following requirements:

(5a) All applicable provisions of this Code.

(5b) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform with the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association and all other applicable reviewing agencies.

(5c) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(5d) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

(5e) Antennas which are directly mounted to the ground, or which are mounted in any other way which would allow an individual to easily make contact with the active element, shall be shielded or fenced to reduce its shock hazard.

(5f) All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.

(5g) All towers shall be reasonably protected against unauthorized climbing.

(5h) Antennas and towers may only be erected in accordance with applicable zoning restrictions.

- (5i) Towers shall be constructed of corrosive resistant metal material.
 - (5j) Persons responsible for all communication towers and their antennas shall maintain a general liability insurance policy that provides coverage from any damage to property or injuries to persons caused by collapse of the tower. Said insurance policy shall provide coverage on an occurrence basis in an amount no less than one million dollars (\$1,000,000.00).
- c. Inspections:** All towers may be inspected at least once each year by an official of the City to determine compliance with original construction standards. Deviations from original design for which a permit is obtained constitutes a violation of this Section.

Notice of violations shall be sent by registered mail to the owner of the property and the owner shall have thirty (30) days from the date the notification is issued to make repairs. The owner shall notify the City that the repairs have been made, and as soon as possible thereafter, another inspection shall be made and the owner notified of the results.

d. Height and Zoning District Restrictions:

- (1) Tower Height Determination. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure, the tower, the antenna, and all attachments must meet the height restrictions of this Section.
- (2) Antenna Height Determination. Antenna height includes the height of the antenna from the base of the antenna to the peak and all other attachments.
- (3) Zoning district restrictions and maximum heights for towers and antennas are as follows:
 - (3a) Rooftop Antennas 10 feet or less in height are a permitted use in all zoning districts except that commercial antennas are not permitted in an R-1 zone.
 - (3b) Towers or antennas no more than 110 feet in height are a permitted use in a P-1/R1 zone.
 - (3c) Towers or antennas over 10 feet in height but no more than 110 feet in height are a conditional use in P-1 and B-2 zones if the property does not abut R-1 zoned property.
 - (3d) Non-freestanding towers and non-freestanding antennas over ten feet in height, which are attached to a structure over

forty-five (45) feet in height are a conditional use in all zoning districts under the following conditions:

- (3di) the tower and antennas are located upon structures allowed as principal or conditional uses in the underlying zoning district or upon public structures.
 - (3dii) the tower and antennas are limited to a height of fifteen (15) feet projecting above the structure. The city may permit antenna heights of up to twenty-five (25) feet above the structure if the applicant can demonstrate that, by a combination of tower or antenna design, positioning of the structure or by screening erected or already in place on the structure, off-site views of the antenna are minimized.
- (3e) **Amateur Radio Antennas.** In accordance with the preemption ruling PRB1 of the Federal Communications Commission, towers supporting amateur radio antennas that comply with all other requirements of this Section are exempted from the height limitations of this Section, provided that such height is technically necessary to receive and broadcast amateur radio signals, and does not exceed 70 feet total height.

e. Site Location and Setbacks. In residential and business districts towers and antennas must be located in the rear yard. In all districts, towers and antennas shall conform with each of the minimum setback requirements:

- (1) Towers shall meet the principal structure setbacks of the underlying zoning district except that towers and antennas must be set back one foot from all property lines for each foot of tower and/or antenna.
- (2) Towers shall not be located between a principal structure and a public street.
- (3) A tower or antenna setback may be reduced through a conditional use permit, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, public communications tower, power line support device, or similar structure. The term "integration" may include replacement of an existing structure to include a personal wireless service provider, but does not include replication of a structure.
- (4) Only one tower shall exist at any one (1) time on any one (1) parcel, unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support device, public communications building or other similar structure.

f. **Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

g. **Signs and Advertising.** No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.

h. **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements for accessory structures of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

i. **Design Standards.** Proposed or modified towers and antennas shall meet the following requirements:

- (1) Towers and antennas (including antenna cables) shall be designed to blend into the surrounding environment to the maximum extent possible as determined by the City through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
- (2) Personal wireless service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment.

j. **Co-Location Requirement.** All personal wireless service towers erected, constructed, or located within the City shall comply with the following requirements:

- (1) A proposal for a new personal wireless service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building, that is greater than 60 feet in height, within a one-quarter (1/4) mile search radius for towers less than one hundred ten (110) feet in height or a one-half (1/2) mile search radius for towers equal to or greater than one hundred ten (110) feet in height of the proposed tower due to one or more of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer.

(c) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

- (2) The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made, but an agreement could not be reached.
- (3) Any proposed personal wireless service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over ninety (90) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

k. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of commercial antennas on roofs, walls, and existing towers may be approved by the City, with a conditional use permit, provided the antennas meet the requirements of this Code. In addition to the submittal requirements required elsewhere in this Code, and an application for a building permit for antennas to be mounted on an existing structure shall be accompanied by the following information:

- (1) A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this Code;
- (2) A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this Code;
- (3) Certification by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas.

l. Existing Antennas and Towers. Antennas and towers in residential districts and in existence as of the effective date of this Ordinance which do not conform or comply with this Section are subject to the following provisions:

- (1) Towers may continue in use for the purpose used and existing as of the effective date of this Ordinance, but may not be replaced or structurally altered without complying in all respects with this Section.
- (2) If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a

building permit for the repair or restoration, but without otherwise complying with this Chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be fifty percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Chapter.

m. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property. After the facilities are removed, the site shall be restored to its original or an improved state.

n. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications.

o. Additional Submittal Requirements.

(1) In addition to the information required elsewhere in this Title for an application for a Building Permit for towers and their antennas, applications for conditional use permits for such towers shall include the following supplemental information:

(1a) A report from a qualified and licensed professional engineer which does the following:

(1a1) describes the tower height and design including a cross section and elevation;

(1a2) documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

(1a3) describes the tower's capacity, including the number and type of antennas that it can accommodate; and

(1b) For all personal wireless service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, so long as there is no negative structural impact upon the tower and there is no disruption to the service provided.

(2) Before the issuance of a building permit, the following supplemental information shall be submitted:

(2a) Confirmation that the proposed tower complies with the requirements of the Federal Aviation Administration, Federal Communications Commission, and any appropriate state review authority or that the tower is exempt from those regulations; and

- (2b) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the applicable structural and electrical, but not radio frequency, standards as required under Section 4-7-2(B) and (E) of the Falcon Heights City Code.

p. Exemptions. The following antennas are exempt from the requirements under this Section except as otherwise provided in this paragraph:

- (1) Satellite earth station antennas no more than 10 feet in height that are two (2) meters or less in diameter and located or proposed to be located in a Business District;
- (2) Antennas designed to receive signals as follows:
 - (2a) Antennas that are one (1) meter or less in diameter and that are designed to receive direct broadcast satellite service, including direct-to-home satellite services;
 - (2b) Antennas that are one (1) meter or less in diameter and that are designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
 - (2c) Antennas designed to receive television broadcast signals.
 - (2d) Antennas exempted under this section are subject to the following requirements:
 - (2d1) Antennas (including antenna cables) shall be designed to blend into the surrounding environment through the use of appropriate colors, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 - (2d2) No lighting, signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities;
 - (2d3) Antennas and any guy wires or guy wire anchors shall not be erected within a public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines;
 - (2d4) Antennas shall meet the setback requirements specified under this chapter and, to the extent feasible, placed in a position that is not visible from the street, unless placement in accordance with these

requirements would impair reception of an acceptable signal;

- (2d5) Ground mounted antennas shall not exceed 10 feet in height and all other antennas must meet the height limitations in this chapter, unless the applicable height limitation would impair reception of an acceptable signal; in which case, antennas shall be limited to the maximum height necessary to obtain an acceptable signal;
 - (2d6) Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons;
 - (2d7) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna nor any lines, cable, equipment, or wires or braces in connection with the antenna shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line;
 - (2d8) Antennas, masts, and supporting cables shall conform with the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association and any other applicable reviewing agencies.
- (3) Residential District Standards. Satellite earth station antennas no more than 10 feet in height, and satellite earth station antennas in excess of one (1) meter in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one (1) meter in diameter may be allowed as a conditional use within the residential zoning districts of the City and, in addition to the requirements of this Section, shall comply with the following standards:
- (3a) The lot on which the antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership;
 - (3b) Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the receive window;
 - (3c) The antenna is not greater than three (3) meters in diameter; and
 - (3d) The conditional use permit provisions of this Chapter are considered and determined to be satisfied.

(4) Business and Special Purpose District Standards. Satellite earth station antennas in excess of two (2) meters in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one (1) meter in diameter are allowed as a conditional use within the B-1, B-2, B-3, P-1, P-1/R-1, and P-1/B2 districts of the City and, in addition to the requirements of this Section, shall comply with the following standards:

(4a) The lot on which the antenna is located shall be of sufficient size to assure that an obstruction free transmit-receive window or windows can be maintained within the limits of the property ownership;

(4b) Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window; and

(4c) The conditional use permit provisions of this Title are considered and determined to be satisfied.

q. **Violations.** Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and summary publication.

ADOPTED this 24th day of September, 1997, by the City Council of the City of Falcon Heights.

Moved by: _____

Approved by: _____

Mayor

September 24, 1997

Date

GEHRZ In Favor
GIBSON TALBOT
HUSTAD Against
JACOBS
KUETTEL

Attested by: _____

City Clerk

September 24, 1997

Date

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: September 24, 1997

A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE 97-07

WHEREAS, Ordinance No. 97-0 is entitled "An ordinance amending Chapter 9 of the Falcon Heights City Code concerning telecommunications towers and antennas" and contains several pages of text; and

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

Revises the definition of "antenna" and adds definitions for "personal wireless service", "tower", "tower, multi-user", and "public utility".

Describes permit requirements and permit fees for the placement of antennas and towers within the city.

Defines site locations, height restrictions, and minimum setbacks for antennas and towers.

Defines lighting, design, and co-location requirements for antennas and towers.

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 97-07 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 97-07 in its entirety.
3. A copy of the complete ordinance shall be available for public inspection in the office of the city.

Moved by: _____

Approved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Mayor
September 24, 1997
Date

Attested by: _____
City Clerk
September 24, 1997
Date

12. Animal Unit. A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.



13. Antenna. Equipment used for transmitting or receiving telecommunication, television or radio signals, which is located on the exterior of, or attached to any building or structure, but not including "satellite dish antennas".



14. Antenna - Commercial. Any pole, spire or structure, or any combination, to which an antenna is, or could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces erected for the commercial use of information.



15. Antenna - satellite dish. A parabolic shaped antenna (including all supporting apparatus) used for receiving televisions signals, which is located on the ground or exterior of, or outside of, any building or structure.

15. Apartment. A room or suite of rooms with cooking facilities designed to be occupied as a residence by a single family.

16. Area, Net Developable. Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twelve percent (12%), and unbuildable easements or right-of-ways.

17. Attorney. The City Attorney of Falcon Heights.

18. Automobile Service Station - (Gas Station) (Service Station). A place where any motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing, oiling or sale of automobile accessories on the premises. This definition also includes minor repairs and replacement of parts and motor services to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity. This definition includes a private site where sales and service are not offered to the general public but motor fuel is stored and deliveries are made directly to employee, company owned, or leased motor vehicles. Such private service stations shall comply with all standards as outlined in Section 9-14(17).

19. Commercial Automobile Repair. The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission, or differential; incidental body and fender work, minor painting and upholstering service

9-2.07 Height LimitationsSubdivision 1. Height Limitations

Any structural height that exceeds the zoning code must have a conditional use permit.

a. Exempt:

1. Height limitations shall not apply to belfries, cupolas and domes, monuments, public and public utility facilities, silos, barns, church spires, chimneys, smokestacks, flag poles, and parapet walls extending not more than four feet above the limiting height of the building.

2. Height limitations shall not apply to roof top structures such as mechanical equipment, elevator shaft and equipment enclosures and similar structures, provided said exceptions do not exceed ten (10) feet in height above the roof line and the area does not exceed fifteen percent (15%) of the roof area.

b. Airport:

In all cases, however, no structure shall violate the limits and provisions of the Airport Plan of the Metropolitan Development Guide.

Subdivision 2. Telecommunication Antennas

a. Tower height. Tower heights includes the height of the tower from grade to peak including all antennas and other attachments. If the tower is located on a structure, the tower height is from base to peak including all antennas and other attachments.

b. Antenna height. Antenna height includes the height of the antenna from the base of the antenna to the peak and all other attachments.

c. Private antennas.

1. Private antennas 10 feet or less are a permitted use.

2. Private antennas over 10 feet but no more than 20 feet in height above a man-made structure, where the man-made structure exists as a principal or a permitted

accessory use on the property, shall be a conditional use in all districts.

a. The setback for the antenna must be one foot/per foot of antenna from all property lines.

3. In accordance with the Federal Communications Commission preemptive ruling PRB1,

a. A private antenna may exceed 20 feet in height above a man-made structure for the purpose of supporting amateur radio provided that a determination is made by the city council as part of the conditional use permit that the additional antenna height is technically necessary to successfully engage in amateur radio communications;

b. a free-standing tower or a free-standing antenna not to exceed 50 feet from grade to peak may be constructed for the purpose of supporting amateur radio provided that a determination is made by the city council as part of its conditional use permit that a freestanding tower and/or antenna is technically necessary to successfully engage in amateur radio communications.

1) A free-standing tower or antenna must be located in the rear yard and be set back one foot from the side and rear property lines for each foot of tower and/or antenna.

d. Commercial antennas. Commercial receiving or transmitting antennas shall be prohibited in properties zoned residential, commercial or public except:

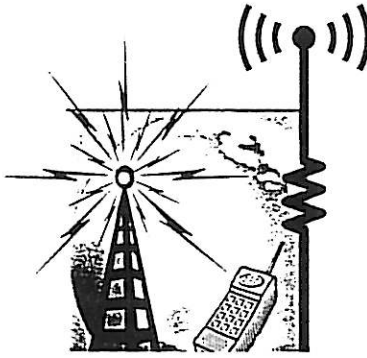
1) when located on existing water towers and public structures within the city limits, but outside the city's land use jurisdiction, as approved by the public institutional property owners controlling these water towers and public structures;

2) when located on city hall with a maximum antenna height of 20 feet under a negotiated lease whenever such placement is technically feasible pending the following minimal conditions;

- a) The antennas will not interfere with the purpose for which the city owned property is intended;
 - b) The antennas or tower have no adverse impact on surrounding private property;
 - c) The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public facilities and other necessary provisions and safeguards. The fees shall be established by the city council;
 - d) The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the antennas' or towers' removal.
 - e) The antennas or tower will not interfere with other users of a higher priority including law enforcement, fire, ambulance, and other governmental agencies.
 - f) Upon reasonable notice, the antennas or towers may be required to be removed at the owner's expense.
 - g) The applicant must reimburse the city for any costs which it occurs because of the presence of the applicant's antennas or towers.
- e. Antennas-Aesthetics. All antennas and towers upon which antennas are placed shall be designed and situated so as to be as visually unobtrusive as possible, screened when appropriate, utilizing a city approved color and containing no signs, logos or lighting, except as may be required by any state or federal regulation. Free standing antennas and towers (built upon the ground as opposed to placement on the roof of an existing building) are found to be an aesthetic blight and are prohibited.
- f. License required. The applicant shall present documentation of the possession of any required license by local, state or federal agencies.
- g. Nonconforming Uses. Existing transmitting and receiving facilities at the time of adoption of this section may remain in service. However, at

such time as any material change is made in the facilities, full compliance with this section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities.

- h. Building Permit. A building permit shall be required for the construction of new antennas and towers upon which antennas will be placed and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer, whenever deemed necessary by the city engineer.
- i. Private satellite dish antennas. Private satellite dish antennas are not subject to this subdivision.
- j. Hand-held telephone, two-way radio or similar devices. Hand-held telephone, two way radio or similar devices not requiring an exterior receptiond or receiving antennae are permitted if operated so as not to be visible from outside a principal building nor producing any electrical or other affect upon adjacent or nearby properties.



LOCAL ZONING AUTHORITY OVER CELLULAR ANTENNAS AND TOWERS

Local governments exercise zoning authority to protect the health and safety of residents and to ensure orderly land use development. Local officials also use zoning to preserve the aesthetic character of the community and guard against new land uses that clutter up neighborhoods with unsightly facilities.

To a great extent, the 1996 Telecommunications Act specifically protects local zoning authority over the placement of cellular towers. At the same time, however, the law places some new federal restrictions on that authority.

The Act addresses the issue of local zoning authority over wireless telecommunications facilities in three ways. First, it establishes a general principle that local zoning authority is preserved, subject to certain conditions. Second, it lists the conditions that local zoning requirements must satisfy. Third, it identifies which disputes will be handled by the courts and which will be handled by the FCC.

Five Conditions Affecting Local Zoning Authority

If local zoning requirements satisfy certain conditions, nothing in the 1996 Telecommunications Act limits or affects the zoning authority of local governments over the placement, construction, and modification of wireless telecommunications facilities. In order to maintain their zoning authority over wireless telecommunications facilities, local governments must satisfy five conditions.

1. *Local zoning requirements may not unreasonably discriminate among wireless telecommunications providers that compete against one another.*

This requirement does not mean that local governments must treat competitive providers in exactly the same way if their

proposed facilities present different zoning concerns. Congress intended to give local governments flexibility in this area. The law recognizes, for example, that a proposed 50-foot tower in a residential district presents different concerns than a 50-foot tower in a commercial district, even if the two towers are going to offer services that compete with one another. As a result, applications to site these facilities may be treated differently. Another defensible difference in treatment of providers interested in siting facilities might be the order or timing of a particular request if it is for use on a limited capacity tower site.

As a general rule, however, local governments should avoid making zoning decisions that give one provider of wireless service a competitive advantage over another. Under the law, if a local government has no rational basis for making a distinction between providers whose facilities have identical characteristics, differential treatment of those providers is prohibited. For example, a zoning ordinance that permits one provider of wireless services to construct a tower in a commercial district, but prohibits the construction of a similarly sized tower by another provider in that same commercial district with no other distinguishable differences in impact, is probably inviting a challenge based upon unreasonable discrimination.

2. *Local zoning requirements may not prohibit or have the effect of prohibiting the provision of wireless telecommunications service.*

This requirement is designed to prevent local governments from imposing outright bans on wireless telecommunications services. However, local ordinances may limit the number and placement of facilities so long as those limits do not prohibit or have the effect of prohibiting a wireless telecommunications

Siting Cellular Towers: What You Need to Know, What You Need to Do

provider's ability to offer service. An ordinance might include such severe restrictions on the placement and number of towers in a community that they interfere with the reception of a signal and make it impossible to deliver service. In such a case, the fact that a local government ordinance permits the siting of cellular towers is insufficient to meet the requirements of the Act if the community remains unable to receive satisfactory service.

There is no requirement that every local community have a cellular tower. The Act says that there should be no prohibition on the service; it says nothing about the specific facilities. Therefore, a community of small geographic size might be able to limit the number of towers, or avoid a cellular tower completely, if it can demonstrate that subscribers can receive adequate service from towers located outside the jurisdiction's corporate boundaries.

Some local governments have instituted temporary freezes or moratoria on the granting of facility siting permits in order to review the requirements of the 1996 Act, develop relevant ordinances, and make long-term land use assessments. The Cellular Telecommunications Industry Association has challenged such moratoria before the FCC, claiming that they are a barrier to market entry and violate the Act. At least one court has determined that a short moratorium is not a "prohibition on wireless facilities, nor does it have a prohibitory effect. It is, rather, a short term suspension of permit issuing while the city gathers information and processes applications." *Sprint Spectrum, L.P. v. City of Medina, Washington*.

Instituting moratoria on the processing of applications and the granting of tower siting permits should not become a regular practice by local governments. If a locality determines that a brief moratorium is necessary in order to develop a procedure for the effective handling of siting requests, the FCC (in its Fact Sheet on National Wireless Facilities Siting policies) recommends that the locality communicate with wireless service providers about the intended duration of the moratorium, the tasks the locality wishes to accomplish during the moratorium, and the ways – such as by providing additional information about facilities and services – in which the providers can assist the locality in ending the moratorium.

There is no requirement that every local community have a cellular tower.

3. *A local government must act within a reasonable period of time on requests for permission to place or construct wireless telecommunications facilities.*

The time taken to act on an application will be considered reasonable if it is no longer than the time the local government usually takes to act on other requests – such as zoning variances – of comparable magnitude that have nothing to do with telecommunications facilities. The Act does not require local governments to give preferential treatment to zoning requests involving telecommunications facilities – such requests can wait their turn. The request should not be moved down the list, but it does not have to be moved up the list.

4. *Any city or county council or zoning board decision denying a request for permission to install or construct wireless telecommunications facilities must be in writing and must be based on evidence in a written record before the council or board.*

This requirement may necessitate a considerable change in practice for some local governments, since it means that written proceedings on a zoning application must be produced. This can be done by having the proceedings transcribed and by requiring the applicant, the city or county staff, and any interested members of the public to submit their comments and arguments in writing to the council or board. Local government staff must ensure that any facts or arguments on which the council or board may rely in denying a request are included in the transcribed hearing or written filings submitted to the council or board before its decision is made. The decision itself also must be in writing and contain reasons that are consistent with the Act's requirements. Localities should consult extensively with city or county attorneys to implement this requirement.

5. *If a wireless telecommunications facility meets technical emissions standards set by the FCC, it is presumed safe. A local government may not deny a request to construct a facility on grounds that its radiofrequency emissions would be harmful to the environment or the health of residents if those emissions meet FCC standards.*

The Act gives the FCC, not local governments, the sole authority to determine what standards wireless facilities must meet to ensure that their radiofrequency emissions do not harm humans or the environment. While local governments can require facilities to comply with the FCC emissions standards, they may not adopt their own standards. If the facilities meet FCC emissions standards, concern about the effects of

LOCAL ZONING AUTHORITY OVER CELLULAR ANTENNAS AND TOWERS

emissions from cellular towers on the health of nearby residents is not a permissible reason for making zoning decisions about the placement of wireless telecommunications facilities.

The Act does not require local governments to give preferential treatment to zoning requests involving telecommunications facilities.

On August 6, 1996, the FCC adopted revised guidelines (Report and Order, FCC 96-326) for evaluating the environmental effects of radiofrequency emissions. Copies of the FCC's Report and Order adopting these guidelines can be obtained from the FCC's duplication contractor, International Transcription Service, 2100 M Street, NW, Suite 140, Washington, DC 20037, 202-857-3800.

Localities can require providers to comply with other federal regulations prior to issuing a tower construction or modification permit. For example, towers taller than 200 feet and located within a certain distance of airport runways must be registered with the FCC. The FCC works with the Federal Aviation Administration (FAA) to ensure that such towers are appropriately constructed, marked, painted, and lighted so that they do not create a hazard to air navigation.

Towers also must comply with the requirements of the National Environmental Policy Act (NEPA) and the requirements of those regulations implementing NEPA affecting wilderness areas, wildlife preserves, endangered species, historical sites, Indian religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods, and radiofrequency emissions in excess of the FCC's guidelines.

Dispute Resolution

If a wireless provider claims that a local government has violated any of the first four conditions above, that provider must seek relief in a state or federal court, not from the FCC. This provision in the Telecommunications Act was a victory for local governments. State and federal courts provide a more neutral and much less costly arena for parties to resolve disputes than the FCC, where industry attorneys have a decided financial and practical advantage over city and county attorneys.

A disappointed applicant may go to the FCC only if it claims that the locality improperly based its adverse siting decision on the harmful effects of radiofrequency emissions from the proposed facility.

Things To Think About

- Does your current ordinance directly prohibit wireless facilities and services or unintentionally discriminate against any category of provider?
- Is the volume of applications for site permits such that you need time to review and revise your ordinance? Have you discussed moratoria with your city or county attorney? Have you organized a process of research and citizen involvement to minimize the length necessary for a moratorium? Have you informed both industry and the public about its purpose, procedures, and duration?
- Have you considered how you will develop a written record to justify your zoning actions concerning towers and antennas under the new Act?
- What steps can you take with local media, wireless providers, and others to educate the public about the new technologies and ways to accommodate them in your community?
- Is it feasible to create an advisory committee with industry and civic representation to develop a comprehensive wireless strategy for your community and a set of guidelines for the preferred placement and design treatment of necessary facilities?
- Does your ordinance encourage placement of antennas on buildings and other existing structures? Have you identified the full range of such places in your community where facilities can reasonably be located without adversely affecting public health and safety or community appearance?
- Does your ordinance encourage co-location of wireless facilities on the same tower? Are providers in your area cooperating with one another to reduce the proliferation of towers and other facilities?
- Have you identified sites appropriate for new towers and monopoles, if needed?
- Is your community prepared to lease publicly-owned property to wireless service providers?

POLICY
Date: 9/24/97
Item: 3

ITEM: Consideration of a resolution eliminating parking along Larpenteur Avenue between Lindig and Fairview Avenues

SUBMITTED BY: Dan Soler, Ramsey County

REVIEWED BY: Susan Hoyt, City Administrator
Terry Maurer, City Engineer

EXPLANATION/DESCRIPTION:

Summary and action requested. The city council is being asked to approved a resolution eliminating parking along the section of Larpenteur from Fairview to Lindig Street, which currently has two hour parking during the daytime and parking at other times. The proposed plans for Larpenteur Avenue eliminate parking along the section between Fairview Avenue and Lindig Street on the northside of Larpenteur. In order to accommodate parking along this portion of roadway, Ramsey County would need to widen the road at this point to extend the shoulder another four feet to six feet to the north.

Meets goal 2. To maintain and promote the assets of the city's unique neighborhoods.

Strategy 4. Maintaining the city's physical infrastrucutre.

Background.

- The only section of the 1998 Larpenteur reconstruction project that permits parking is between Fairview Avenues and Lindig Street on Larpenteur for two hour parking during weekdays and unlimited parking at other times.
- The only section of this parking that is used is in front of the apartment buildings on the northwest side of the intersection at Fairview and Larpenteur Avenues. Typically two cars are parked here during the daytime hours and two cars are parked in the evening. The area is never 'parked up'. There is parking to the rear of the building and along Fairview Avenue to the east of the building.
- The cars using these apartments also use the parking along Fairview Avenue which is across the street from the apartments. This parking

is restricted to two hour parking during the days and is unrestricted for overnight parking.

- All property owners along Larpenteur have been invited to the informational meetings on Larpenteur Avenue and received mailings regarding the proposed changes including the elimination of parking on the roadway and the addition of sidewalks. To date no one from this property contacted the city about parking concerns in response to the mailings or the meetings.
- Eliminating the parking along Larpenteur will create a consistent roadway width with the sidewalk and boulevard and eliminate the safety hazard from turning right onto Larpenteur from Fairview and being blocked by parked cars. (Bicyclists have commented on this.)
- Adding a parking lane to the block adjacent to this apartment complex would require widening the roadway in this location.
- If parking is eliminated from this section of roadway, the staff will work with the apartment caretakers and residents to make moving in and out of the building feasible along Larpenteur, if this access is necessary under these circumstances.

ATTACHMENT

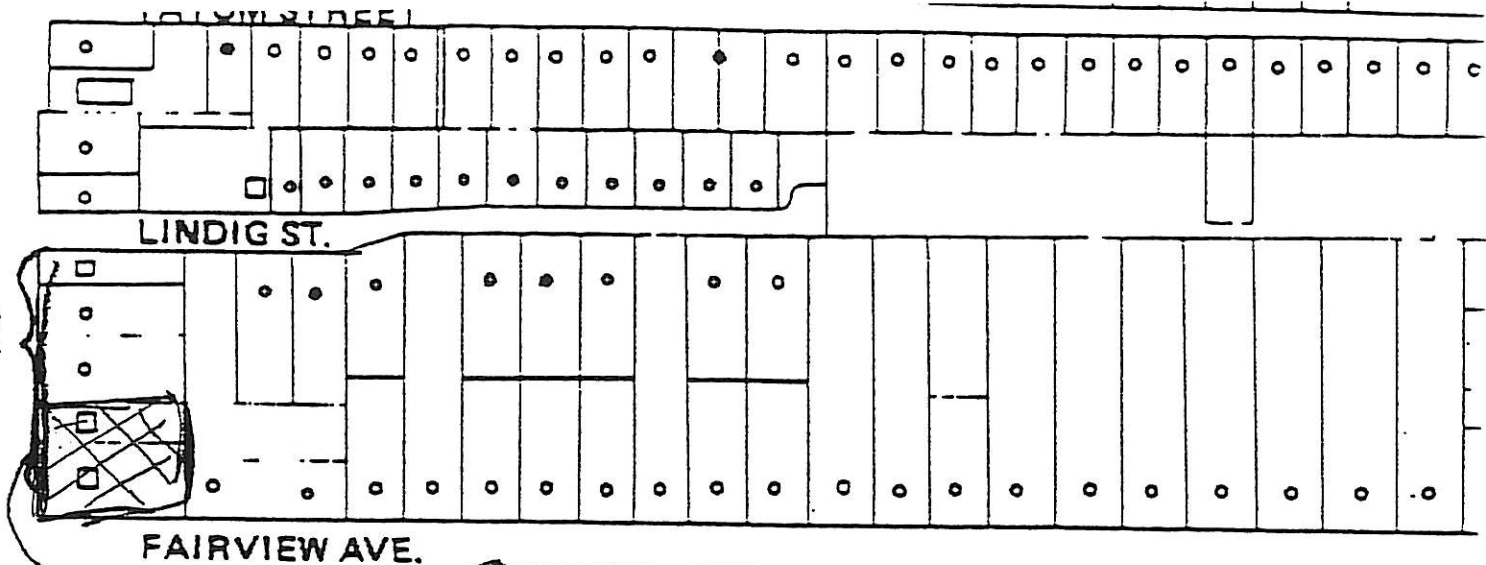
- 1 Map of parking area/no parking area
- 2 Resolution 97 - 38

ACTION REQUESTED:

Approve resolution eliminating parking from the section of Larpenteur Avenue between Fairview and Lindig Streets.

PARKING AREA

(1)

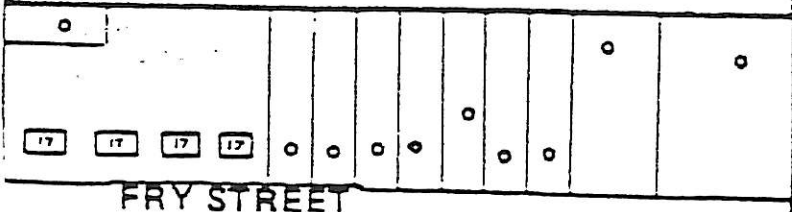


FAIRVIEW AVE.

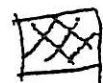
→ 2 Hour Parking M-F
 Proposed to be
 eliminated
 on Laporteur

→ 2 Hr. parking on Fairview
 M-F / will stay

UNIVERSITY OF MINNESOTA



FRY STREET



Apartment
Buildings

No. 97-38

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: 9/24/97

RESOLUTION REQUESTING RAMSEY COUNTY TO RESTRICT PARKING
ALONG A PORTION OF LARPEN TEUR AVENUE

WHEREAS, the County has planned the improvement of Larpenteur Avenue (CSAH 30) from Cleveland Avenue to Snelling Avenue; and

WHEREAS, the County will be expending County State Aid Highway funds (S.P. 62-630-44) on the improvement of said street; and

WHEREAS, said improvement does not conform to the approved minimum standards as previously adopted for such County State Aid streets and that approval of the proposed construction as a County State Aid street project must, therefore, be conditioned upon certain parking restrictions; and

WHEREAS, the extent of these restrictions, that would be a necessary prerequisite to the approval of this construction as a County State Aid project in the City has been determined.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City requests the County to restrict the parking of motor vehicles on the north side of Larpenteur Avenue from Lindig Street to Fairview Avenue.

Moved by: _____

Approved by: _____

GEHRZ In Favor
GIBSON TALBOT
HUSTAD Against
JACOBS
KUETTEL

Mayor
September 24, 1997
Date

Attested by: _____

City Clerk
September 24, 1997
Date

POLICY

Date: 9/24/97

Item: 4

ITEM: Consideration of guidelines for reserving city facilities

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Carla Asleson, Administrative Assistant/Planner
Pat Phillips, Secretary

EXPLANATION/DESCRIPTION:

Summary and action requested. Unlike most city halls, the city of Falcon Heights allows groups to use the city council chambers. Due to the increase in demand for the council chambers and in the community park building from outside groups, the council is being asked to consider guidelines for reserving these facilities.

Purpose of adopting guidelines. The purpose of adopting guidelines is to limit reservations enough:

1. To guarantee some weeknight and Saturday meeting space in the council chambers for unscheduled city meetings/events;
2. To provide opportunities for community groups to use the council chambers without conflicting with flexibility in city meetings/events and provide space for community groups at Community Park.
3. To provide opportunities for residents to host a special event like a birthday party, anniversary reception or family reunion at the council chambers or Community Park building;
4. To provide opportunities for other groups to reserve for meetings if the space is available and does not 'tie up' the facilities.
5. To make an understandable reservation policy for the secretary who explains and takes reservations.

Proposed guidelines for reserving city facilities:

1. *The council chambers cannot be reserved for Wednesday evenings.* (to keep for council, commission or neighborhood meetings);

2. *No group may reserve the city hall council chambers for more than four weekdays, one weeknight (M - F), and one weekend a month.*
3. *No group may reserve the Community Park building for more than four weekdays, one weeknight and one weekend a month except for Falcon Heights hobby groups, local boy scouts/girl scouts, the Falcon Heights/Lauderdale Lions Club.*
4. *Reservations will be accepted no earlier than two months prior to the event.*
5. *Reservations are made on a first-come/first-serve basis.*

Meets goal 4. To provide a responsive and effective government.

Background.

- Unlike most cities Falcon Heights allows groups to reserve its council chambers. It is the intent of these guidelines to continue this practice but to find a way that will guarantee that there is more time available for city meetings on short notice in the city hall council chambers. On occasion city meetings should and can be scheduled elsewhere, but since citizens typically associate city business with city hall, it may be important not to confuse people by moving the location of meetings due to the unavailability of meeting space at city hall. There are also video/cable broadcasting facilities at city hall for public meetings that are not available elsewhere.
- There are an increasing number of groups that wish to reserve the council chambers and the community park building on a regular weekly basis for an organized group activity for several months at a time. For example, a group recently requested to use the park building every Sunday for as many Sundays as possible to plan a regularly scheduled weekly event at the park shelter. Another group asked to reserve the council chambers over several consecutive evenings and weekends. This limits the availability of the facilities for city use and, particularly at the park, for family reunions, boy scout gatherings, etc.
- An example of a recent scheduling conflict is the change in the planning commission meeting date from Monday night to Tuesday night. The council chambers are reserved every week on Tuesday evening so the chambers have been divided to accommodate both meetings. In anticipation of a large group of attendees at the October planning commission meeting, the staff is

requesting that the private group reserving the council chambers use the park building instead. Conflicts arise when it is necessary to schedule neighborhood meetings, public safety workshops or other topics. The staff works to accommodate groups in as many places as possible and to fully use both sides of the council chambers. But there are still times when reservations make it impossible to use the facilities for city business.

- The staff has reviewed the reservation records and discussed what situations create conflicts and what do not. After looking at several options, the staff is recommending these five guidelines be considered for the city park and city hall facilities:

1. *The council chambers cannot be reserved for Wednesday evenings.*

The city council meets as often as three Wednesdays per month so the room is used for this purpose most Wednesdays. By guaranteeing that Wednesday is open, the city council or another city meeting like a neighborhood meeting, will be able to use the facilities. Typically, Wednesday is not a night that groups request.

2. *No group can reserve the council facilities for more than four weekdays, one weeknight (M - F) and one weekend a month .*

Weekdays are typically not a problem for use. However, limiting the number of weekdays a month will limit becoming the frequent meeting place for a group, yet make the space available for a weekly club like the Mom's Club or for a three or four day seminar.

Weeknights are the biggest problem. The problem is from private groups who have been reserving the council chambers for one night/week every month. This automatically eliminates one night a week for city use. Most groups like Girl Scouts leaders, Lions, Audubon, SPACE and the Mineral Club use the room one night per month on a regular basis. Other, non-routine users, include Girl Scout troops, Boy Scout troops, the Mom's Club, League of Women Voters, etc. typically, they use it for only one time per month at the most.

On weekends the space is usually used by residents for special events. However, increasingly some groups are requesting to reserve the space for more than one weekend a month. The city may or may not need the facilities for a weekend event like the

intergenerational dialogue, walk down Larpenteur or new residents breakfast. However, it may be easier to limit the use of the facility to one weekend per month so that there is an opportunity for residents' to use it and, if desired, for a city event.

3. *No group can reserve the park facilities for more than four weekdays, one weeknight and one weekend a month.*

Use of the Community Park building does not conflict with scheduling city meetings. However, it provides a meeting place for some local youth/service groups that are assumed to be a priority for the city. Currently a girl scout, a boy scout and the Lions use the Community Park building two nights per month when the weather permits. Recently outside private groups are looking at reserving the facility on a regular basis. The most extreme request was from the U of M to lease the building for its summer youth program. A less extreme, but recent request, was for every Sunday morning for a group meeting. These on-going reservations might limit some use by other community and family groups wanting to use the park.

Staff recommends exempting the AARP tax consulting for services in the spring from the fourday a week requirement. This is a tax consulting service for lower income senior citizens because this is a useful service and does not interfere with city activities during the day.

The park facilities are not available during the skating season nor on weekday mornings during the summer recreation program for six weeks.

This guideline is not intended to keep groups from renting the bathroom keys and using the outdoor park facilities on a regular basis.

4. *Reservations will be accepted no earlier than two months in advance.*

(Staff suggests considering an exception for groups that have historically used the facility for regular monthly meetings at the same time each month for some years.)

The reservations that are recently being requested on a weekly basis are often requested for several weeks/months at a time. Aside from these types of reservations, most reservations are made no more than two months

in advance with the exception of four groups that have met at city hall on a regular, monthly basis for some time. These include :

- SPACE computer club (Friday) (> 10 years)
- Mineral Club (Saturday)(> 10 years; not in summer),
- Girl Scouts leaders group (Monday)(> 10 years; not in summer)
- Audubon Club of St. Paul (Thursday) (2 years; not in summer)

The special occasion reservations that occur like 50th anniversary parties, 80th birthday parties and Eagle Scout events are typically reserved no more than two months in advance.

There is no recommendation for a 'bump' policy because it would be not be used.

Alternatives to the guidelines. There are several alternatives to the proposed guidelines. Some of them include:

1. Limit the number of times a group can reserve the Community Park or the council chambers per month, but do not grandfather any group into the plan and do not make any exceptions for local service clubs, etc.
2. Eliminate use of the city hall council chambers by all groups on weeknights (M - TH) to give the city complete flexibility in scheduling meetings. This is the simplest method.

Alternative: except for those groups that are 'grandfathered' in

3. Eliminate use of the city hall council chambers for all but the 'non-paying' groups but limit the non-paying groups to the one weeknight per month guideline.

Alternative: apply the same guideline to the park facilities

ATTACHMENTS

- 1 List of non-paying groups

ACTION REQUESTED:

- Summary from staff
- Questions, discussion, revisions
- Adopt some guidelines to use for reserving community facilities (council chambers) for inclusion in the administrative manual.

ITEM: Consideration of changes in fees
SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner
REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and Action Requested:

In order to ensure that fees cover costs for service, the following fee increases are proposed, starting January 1998:

Rental of City Facilities:

City Hall: \$65/first three hours, \$10/additional hour
Community Park: \$65/first six hours, \$10/additional hour
Curtiss Field: \$30/first six hours, \$5/additional hour

Recycling Fee:

\$4.38/household/quarter

Residential Permit Parking Application Fee:

\$150.00 per application

Goal 1. To provide a responsive and effective city government.
Strategy 7. Effectively manage the city's resources.
Action Item. Review and adjust the city's fees for service.

FACILITY RENTAL FEES

Purpose: To ensure that rental fees for city facilities cover the city's maintenance costs.

Use of Facilities (1997)

Does not include those groups who use the facility free of charge

<u>CITY HALL</u>	<u>COMMUNITY PARK</u>	<u>CURTISS FIELD</u>
20 private parties	23 private parties	4 private parties
7 for-profit rentals		
4 organizations/one rental per month		

Rental Costs in Other Cities' Recreation Facilities

It is difficult to make a precise comparison of rental fees due to differing buildings' sizes and amenities. The following show some close matches to Community Park and City Hall (most cities do not rent their city council chambers.)

South St. Anthony Park's Recreation Building: A typical weekend rental would cost about \$20.00/hour for a one room rental or \$28.00/hour for a two room rental. Rooms available include kitchen, meeting room, gym, and a game room. The rate structure is \$8.00/hour per room plus the cost to staff the building, which can vary depending upon the time of the rental and whether overtime is involved.

Little Canada's Old Fire Department Building: \$75.00 for six hours of use plus \$10.00 for each additional hour. Building has a kitchen and a room for parties, showers, etc. with a capacity of 75 people.

Potential Impact on Regular Rental Groups

There are four groups that regularly rent the city hall facility one night per month. Two of these groups (Mineral Club and SPACE group) have rented the council chambers for more than ten years. The Audoban Society has rented for about two years.

These groups are invoiced quarterly for the next three months' rental fee. Any decision about a rental rate increase can be communicated with these groups when they are invoiced at the end of September. The new rate would not be effective until January 1998.

RECYCLING FEE

Purpose: To ensure that the recycling fee covers the cost of providing recycling collection costs.

<u>1997 Fee</u>	<u>1997 Cost</u>	<u>1998 Anticipated Cost</u>
\$4.20/household/ quarter	\$4.26/household/ quarter	\$4.38/household/ quarter

PROPOSED 1998 RECYCLING FEE: \$4.38/household/quarter

History and Background. The city's quarterly fee of \$4.20 per household per quarter has not been raised since 1990. This fee has covered the costs of the actual recycling collection. The city has paid for recycling-related staff time, publicity/educational costs, and purchase of recycling bins through SCORE grant funds received from Ramsey County. The amount of money available through the SCORE program gets smaller each year and may eventually disappear.

Rental Fees: Current and Proposed

City Hall

Current

\$35/first three hours
\$15/for each additional hour

Proposed

\$65/first three hours (\$65 minimum)
\$10/each additional hour
86% increase in fee

Community Park Building

Current

\$50/first six hours
\$5/each additional hour
\$30 for two hour shift when building use is limited to multi-purpose space (no kitchen use beyond coffeepot and/or fridge; no tennis court or ballfield reservation. Intended for meeting use.)

Proposed

\$65/first six hours (\$65 minimum)
\$10/each additional hour
30% increase in fee

Curtiss Field Building

Current

\$20.00 per reservation

Proposed

\$30/first six hours (\$30 minimum)
\$5/each additional hour
50% increase in fee

Background

History of the fees. With the exception of a minor rate adjustment in 1996, facility rental fees have not been raised since 1991. The costs for supplies and staff has gone up in that time (the inflation rate increased 22% between 1991 and 1997.)

Estimated Costs Per Rental. Below are the minimum costs to the city to rent facilities.

- \$17.95 Secretarial (reservation paperwork, distribute and collect keys)
one hour @ \$17.95 = \$17.95
- \$32.72 Clean-up/maintenance (approximately two hours per weekend to
do pre-check of facility for supplies and cleanliness and to do
the heavier post-reservation cleaning)
two hours @ \$16.36 = \$32.72
- \$10.48 Overhead (toilet paper, paper towels, cleaning supplies,
electricity, water, sewer, trash collection) -- 20% overhead cost
= \$10.48
- \$1.75 Snowplowing of parking lots (assumes four snowfalls requiring
plowing outside of regular business hours; 2 hours @ \$16.36 divided
by 75 rentals per year)

TOTAL = \$62.90
The \$62.90 cost is fixed and does not change with the length of rental time. Longer rentals require more cleanup time, supplies, and utility usage.

Cost for Recycling in Other Cities. At \$4.38/household/quarter, Falcon Heights would continue to have one of the lowest recycling charges in the area (1997 rates). Communities may have higher or lower rates depending upon service factors, such as frequency of pickup, number and types of materials collected, etc.

Lauderdale:	\$3.60
Falcon Heights:	\$4.38 (proposed)
Roseville:	\$4.62
New Brighton:	\$5.00
North Oaks:	\$5.17
St. Paul:	\$5.25
Shoreview:	\$6.06

If the fee is not increased, the costs of 1998 collection will exceed revenue from fees by \$84.20 per month or \$1,010.40. The fund balance in the Solid Waste fund will cover this deficit through 1998 if the council chooses to not to raise fees for the service at this time.

RESIDENTIAL PERMIT PARKING APPLICATION FEE

Explanation of Fee. This fee is paid when a group of residents petitions the city to have their street or neighborhood designated as a residential permit parking area. Installing "permit parking only" signs is a necessarily lengthy process because it involves restricting parking on public streets to only people who live in a particular area. The fee pays for the city to review and verify the petition, report on the need for the proposed parking restrictions, preparing and publishing the required legal notice, and for meeting with the planning commission and city council.

Current and proposed fee. The current application fee is \$100 and has not been raised since 1991. Given increases in staff salaries and in public hearing notification and publication costs, **it is recommended that the fee be raised to \$150.**

ACTION REQUESTED: Motion to revise fees as follows, effective January 1, 1998:

Rental of City Facilities:

City Hall: \$65/first three hours, \$10/additional hour
Community Park: \$65/first six hours, \$10/additional hour
Curtiss Field: \$30/first six hours, \$5/additional hour

Recycling Fee:

\$4.38/household/quarter

Residential Permit Parking Application Fee:

\$150.00 per application

POLICY
Date: 9/24/97
Item: 5

ITEM: Consideration of a resolution 97- 41 continuing participation in the Metropolitan Livable Communities Act

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The city has annually participated in the Metropolitan Livable Communities Act to demonstrate its support for affordable housing opportunities throughout the metropolitan area. The city itself has a number of affordable housing units. The city council is being asked to adopt a resolution continuing this participation for 1998.

Meets overall goal. To promote a community that is a good place to live, work and visit.

Background.

- The city is fully developed and has a significant number of affordable housing units, particularly in the rental housing market. The combination of these factors means that the city is not in a position to add affordable housing.
- The city does not participate in the tax base contribution program, Affordable and Life-cycle Housing Opportunities (ALOHA) program, which reserves a limited amount of property tax revenue for the city to promote life cycle affordable housing opportunities.
- In the past, the city has participated in this program to demonstrate support for the concept.

ATTACHMENT

1 Resolution 97 - 41

ACTION REQUESTED:

Adopt resolution 97-39 continuing the city's participation in the Metropolitan Livable Communities Act.

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: September 24, 1997

ELECTING TO CONTINUE PARTICIPATING IN THE LOCAL HOUSING INCENTIVES ACCOUNT PROGRAM UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT

WHEREAS, the Metropolitan Livable Communities Act (Minnesota Statutes 473.25 to 473.254) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

WHEREAS, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account and the Local Housing Incentive Account, is intended to provide certain funding and other assistance to metropolitan area municipalities; and

WHEREAS, a metropolitan area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Trade and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under the Minnesota Statutes section 473.254; and

WHEREAS, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

WHEREAS, each municipality must identify to the Metropolitan Council the actions the municipality plans to take to meet the established housing goals through preparation of the Housing Action Plan; and

WHEREAS, the Metropolitan Council adopted, by resolution after a public hearing, negotiated affordable and life-cycle housing goals for each participating municipality; and

WHEREAS, a metropolitan area municipality which elects to participate in the Local Housing Incentives Account Program must do so by November 15 of each year;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Falcon Heights hereby elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act during the calendar year 1997.

Moved by: _____

Approved by: _____

Mayor

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Date

Attested by: _____

City Clerk

Date