

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

**April 8, 1998**

**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: March 25, 1998
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
  - 1. Disbursements
    - a. General disbursements through 4/2/98, \$82,883.43
    - b. Payroll, 3/16/98 to 3/31/98, \$10,745.55
  - 2. Licenses
  - 3. Approval of change order #1 with Custom Fire for the fire truck refurbishing
  - 4. Consideration of change order #3 from North Metro Landscaping
- G. POLICY AGENDA:
  - 1. Discussion of the costs for the 1998 Larpenteur Avenue street reconstruction by Ramsey County
  - 2. Direction of the community sign for the east end of Larpenteur Avenue
  - 3. Consideration of an ordinance amending chapter 2-4.01 and 2-4.05 and amending Chapter II D of the administrative manual to sunset the solid waste commission
  - 4. Consideration of a contract for service with Northwest Youth and Family Services
  - 5. Request to participate in liquor compliance checks with the North Suburban Tobacco Compliance Project and the U of M Alcohol Epidemiology Program
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

**DRAFT**

**CITY OF FALCON HEIGHTS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF MARCH 25, 1998**

Acting Mayor Jacobs convened the meeting at 7 p.m.

**PRESENT**

Gibson Talbot, Hustad, Jacobs. Also present was Hoyt, Engineer Maurer and Phillips.

**ABSENT**

Gehrz and Kuettel

**COMMUNITY FORUM**

Philip Dorn, 1687 W. Larpenteur Ave. came forward to say that he is concerned about the upkeep of the housing stock in the city and wondered if Falcon Heights had a housing code. Since Falcon Heights is a first ring suburb with older homes, he would like the city to make sure they are being kept up so people will continue to buy homes in Falcon Heights.

Administrator Hoyt said the city adopted a housing code last year but it primarily deals with fire and safety issues. Hoyt said the city maintains its infrastructure, streets, sidewalks, and has 24 hour policing. Hoyt also said residents are informed of any lower interest loans that may be available through public agencies.

**PUBLIC HEARING**

Acting Mayor Jacobs opened the public hearing at 7:07 p.m.

Philip Dorn, 1687 W. Larpenteur Ave. addressed the council and said this was the first time he has experienced the assessment process and asked what impact the State Fair property which is across the street from his home has on his assessment. Mr. Dorn also asked about the planned sidewalks and whether homeowners were being assessed for them as well.

Administrator Hoyt said the State Fair and the University of Minnesota are being assessed at twice the rate of homeowners and homeowners are not being assessed for sidewalks.

Since there were no other persons wishing to speak, Acting Mayor Jacobs closed the public hearing at 7:12 p.m.

## **MINUTES OF MARCH 11, 1998**

Minutes were approved by unanimous consent.

### **CONSENT AGENDA APPROVED**

Councilmember Hustad moved to approve the following consent agenda. The motion passed unanimously.

1. Disbursements
2. Licenses
3. Proposed text changes in the city's cooperative service policy to conform to legal practice

### **POLICY AGENDA**

#### **APPROVAL OF RESOLUTION 98-07 ADOPTING THE 1998 LARPENTEUR AVENUE ASSESSMENT ROLL**

Engineer Maurer said a resolution needs to be passed adopting the assessment roll. A motion was made by Councilmember Gibson Talbot to approve Resolution 98-07, adopting the 1998 Larpenteur Avenue assessment roll. The motion passed unanimously.

#### **UPDATE ON THE CITY COSTS FOR PHASE II OF THE LARPENTEUR AVENUE STREET RECONSTRUCTION**

Administrator Hoyt updated the council on the cost of the second phase of the Larpenteur Avenue reconstruction. The costs to the city are much higher than expected, mostly due to underestimated stormsewer costs. After some discussion, council indicated they would like the county engineer to appear before the council at some time in the near future to explain the discrepancies. Mr. Dorn appeared before council again and asked if the new stormsewer would alleviate the water problems on Larpenteur Ave. after a rainfall. Engineer Maurer said the problem should be alleviated unless there was an unusually heavy rainfall.

#### **CONSIDERATION OF AN ASSESSMENT RATE FOR STREETLIGHTS ON HOYT AVENUE WEST OF CLEVELAND**

Administrator Hoyt said that during the upcoming reconstruction of Hoyt Avenue, the City of St. Paul requested Falcon Heights to install residential streetlights along the northside of Hoyt Avenue in order to create the

appropriate level of lighting and to provide aesthetic consistency throughout the streetfront. Property owners expressed an interest in having these St. Paul style streetlights even though an assessment would be associated with them. Several options for assessing the streetlights were discussed by the council. Gibson Talbot moved to assess the cost of the 13 St. Paul style streetlights to the abutting property owners on a front footage basis after the cost of 7 NSP style streetlights currently used in the Grove were subtracted from the total cost of the streetlight work to be done by St. Paul since the city would likely be responsible for these 7 NSP style light fixtures in the future, if the new St. Paul style streetlights were not being installed in 1998.

**RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING FOR HEARING ON THE 1998 IMPROVEMENT OF HOYT AVENUE (WEST OF CLEVELAND AVENUE)**

Engineer Maurer said the report referencing the improvement of Hoyt Avenue between Cleveland Avenue and Fulham Street was received by the council on March 25, 1998. Councilmember Hustad moved to adopt Resolution 98-08 receiving the feasibility report and call for a hearing on the 1998 improvement of Hoyt Avenue (west of Cleveland Avenue) on April 22, 1998. Motion passed unanimously.

**UPDATE ON THE PETITION FOR THE CAPITAL REGION WATERSHED DISTRICT FROM THE BOARD OF WATER AND SOIL RESOURCES (BWSR)**

Administrator Hoyt updated council on the petition for the Capital Region Watershed District via letter sent to Mr. Ronald Harnack, executive director of BWSR for the public record for the hearing that is set for April 6, 1998.

**CONSIDERATION OF 1998 VOLUNTEER RECOGNITION ACTIVITIES**

Acting Mayor Jacobs said the council is being asked to decide on a way of recognizing community volunteers and council discussed a number of the ideas presented. Council agreed on having a recognition picnic in mid to late June. It was also agreed to have another group photo taken. Additional discussion on this will take place at a future meeting.

**CONSIDERATION OF REQUEST FROM DISPUTE RESOLUTION CENTER TO PROVIDE FUNDING FOR A COOPERATIVE SERVICE VENTURE**

Council had been asked to make an expenditure to Dispute Resolution Center of \$500 to aid in its annual operations. Acting Mayor Jacobs read a memo sent from Mayor Gehrz asking council to consider a smaller amount based upon a more equitable per capita figure. Mayor Gehrz' recommendation was not to exceed \$265. After brief discussion, Councilmember Hustad moved

to give Dispute Resolution Center the sum of \$300. Motion carried unanimously.

### **CHANGE IN SOLID WASTE COMMISSION MEETING PLANS**

Acting Mayor Jacobs also is liaison to Solid Waste Commission and briefed council on the changing role of the commission. Jacobs said the commission has done an outstanding job over the years but seems to have fulfilled its mission. The commission would prefer to not meet any longer unless there is a specific task at hand to address. Councilmember Gibson Talbot asked if the commission would be set up similar to the Human Rights Commission. Councilmember Hustad suggested the commission be completely terminated and if something in the future needs to be addressed, a task force can be utilized with the present solid waste commissioners. After brief discussion, Councilmember Hustad moved to terminate the Solid Waste Commission and amend Chapter 2, Section 4 of the ordinance accordingly. Councilmember Gibson Talbot thought the motion should be delayed until the next meeting when there is a quorum. Councilmember Hustad withdrew his motion.

### **INFORMATION AND ANNOUNCEMENTS**

Councilmember Hustad said he had been interviewed by a young resident who was working on a report on city government for a school class.

Administrator Hoyt said there were two CPR classes held at city hall in March and taught by Terry Iverson. Also, the summer recreation program flyers are expected to be available soon.

### **ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

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Sam Jacobs, Acting Mayor

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Patricia Phillips  
Acting Recording Secretary

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- B. ROLL CALL:           GEHRZ \_\_\_ GIBSON TALBOT \_\_\_ HUSTAD \_\_\_  
                                  JACOBS \_\_\_ KUETTEL \_\_\_ HOYT \_\_\_ ASLESON \_\_\_  
                                  ATTORNEY \_\_\_ ENGINEER \_\_\_
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: March 25, 1998 (Tab #1)
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
  - 1. Disbursements (Tab #2)
    - a. General disbursements through 4/2/98, \$82,883.43
    - b. Payroll, 3/16/98 to 3/31/98, \$10,745.55
  - 2. Licenses (Tab #3)
  - 3. Approval of change order #1 with Custom Fire for the fire truck refurbishing (Tab #4)
  - 4. Consideration of change order #3 from North Metro Landscaping (Tab #5)
- G. POLICY AGENDA:
  - 1. Discussion of the costs for the 1998 Larpenteur Avenue street reconstruction by Ramsey County (Tab #6)
  - 2. Direction of the community sign for the east end of Larpenteur Avenue (Tab #7)
  - 3. Consideration of an ordinance amending chapter 2-4.01 and 2-4.05 and amending Chapter II D of the administrative manual to sunset the solid waste commission (Tab #8)
  - 4. Consideration of a contract for service with Northwest Youth and Family Services (Tab #9)
  - 5. Request to participate in liquor compliance checks with the North Suburban Tobacco Compliance Project and the U of M Alcohol Epidemiology Program (Tab #10)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

CONSENT  
Meeting Date: 4/8/98  
Item: 1

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

- a. General disbursements through 4/2/98, \$82,883.43
- b. Payroll, 3/16/98 to 3/31/98, \$10,745.55

ACTION REQUESTED: Approval

a.

APPROVAL OF BILLS  
PERIOD ENDING: \_4-2-98\_

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	DISPUTE RESOLUTION CENTER	98 SVC PYMT	LEGISLAT	300.00
	NORTH SUBURBAN SENIOR	EXPENDITURE FOR SVC	LEGISLAT	1,215.00
	*** TOTAL	FOR DEPT 11		1,515.00
	CARLA ASLESON	MEAL	ADMINIST	9.18
	CARLA ASLESON	REIM MILEAGE MCFA CONF	ADMINIST	103.03
	AMERICAN OFFICE PRODUCTS	PENS/LEGAL PADS/CARTRIDG	ADMINIST	17.61
	CARTRIDGE CARE	LETTER FEEDER REPAIR/LAS	ADMINIST	325.00
	INSTY-PRINTS PLUS	2 ADDRESS STAMPS	ADMINIST	33.97
	LEAGUE OF MN CITIES	ADDITIONAL INS PREM	ADMINIST	116.00
36065	MN DEPARTMENT OF REVENUE	3/31 FED/ST WITHOLDINGS	ADMINIST	664.83
	N. SUBURBAN GAVEL ASSOC.	19TH ANN LDRSHP RECEPTN	ADMINIST	17.50
	OFFICE MAX CREDIT PLAN	FOLDERS	ADMINIST	25.52
36064	PERA	3/31 PERA WITHHOLDINGS	ADMINIST	1,350.96
	PERA LIFE	4/98 PHILLIPS	ADMINIST	12.00
	PHILLIPS, PATRICIA	50TH BIRTHDAY MEET SUPPL	ADMINIST	3.95
	TAFF, SUSAN HOYT	4/98 AUTO ALLOWANCE	ADMINIST	200.00
	UNIV OF MINN	CONF-DEMOGRAPHICS/POLICY	ADMINIST	150.00
	*** TOTAL	FOR DEPT 12		3,029.55
	AGA	98 DUES	FINANCE	65.00
	*** TOTAL	FOR DEPT 13		65.00
	RAMSEY COUNTY	POSTAL VERIFICATIN CARDS	ELECTION	13.92
	*** TOTAL	FOR DEPT 15		13.92
	ALPHA VIDEO & AUDIO, INC.	VIDEO TAPE FOR COUNCL CH	COMMUNIC	127.48
	CIERNIA, JASON	MISC CABLES	COMMUNIC	27.09
	INSTY-PRINTS PLUS	NEWSLETTER	COMMUNIC	888.58
	PHILLIPS, PATRICIA	50TH BIRTHDAY MEET SUPPL	COMMUNIC	15.37
	*** TOTAL	FOR DEPT 16		1,058.52
	NSP	ELECT 3/20	EMERGENC	6.28
	*** TOTAL	FOR DEPT 21		6.28
	ST. ANTHONY VILLAGE	4/98 POLICE SVCS	POLICE	28,028.33
	*** TOTAL	FOR DEPT 22		28,028.33
	AMERICAN LINEN SUPPLY CO.	LINEN CLEANING	FIRE FIG	39.35
	COLONIAL INSURANCE	3/98 BAUMAN	FIRE FIG	29.65
	CY'S UNIFORMS	BB CAPS AND PATCHES	FIRE FIG	162.74
	LEMAY, BARBARA	SECTIONAL FIRE SCHL-DULT	FIRE FIG	149.38
	NATIONAL FIRE PROTECTION	98 RENEWAL MEMBERSHIP	FIRE FIG	115.00
	PERA LIFE	4/98 BAUMAN	FIRE FIG	12.00
	SPEEDWAY SUPERAMERICA LLC	FUEL 753	FIRE FIG	30.32
	*** TOTAL	FOR DEPT 24		538.44
	IVERSON, TERRY	1ST QTR INS REIMB	FIRE PRE	75.00
	PERA LIFE	4/98 IVERSON	FIRE PRE	12.00
	*** TOTAL	FOR DEPT 25		87.00
	AT&T WIRELESS SERVICES	PAGER-PUBLIC WORKS	CITY HAL	15.67
	BOARD OF WATER COMMISSNRS	WATER	CITY HAL	4.90



APPROVAL OF BILLS  
 PERIOD ENDING: \_4-2-98\_

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	BOARD OF WATER COMMISSNRS	SS	CITY HAL	11.66
	GRAINGER, W. W., INC.	TOWELS FOR RESTROOMS	CITY HAL	69.03
	GRAINGER, W. W., INC.	U.S. FLAG 4' BY 6'	CITY HAL	45.63
	MCI	LONG DISTANCE CHRGS	CITY HAL	19.52
	M-75 BUILDING MAINTENANCE	3/98 CITY HALL MAINTENCE	CITY HAL	206.88
36063	STATE OF MN CPV PROGRAM	MEMBERSHIP 1998	CITY HAL	350.00
	SUBURBAN HARDWARE	FASTENERS	CITY HAL	4.95
	SUBURBAN HARDWARE	AAA BATTERIES	CITY HAL	7.86
	SUBURBAN HARDWARE	RUG DOCTOR/LUMBER	CITY HAL	23.76
	TSCHIDA BROS. PLUMBING	REPLACE LEADING H2O LINE	CITY HAL	135.00
	*** TOTAL	FOR DEPT 31		894.86
	GOPHER SIGN COMPANY	STREET & STOP SIGNS	STREETS	511.01
	SUBURBAN HARDWARE	CABLE	STREETS	8.92
	SUBURBAN HARDWARE	PUNCTURE SEAL	STREETS	6.38
	SUBURBAN HARDWARE	FUSES	STREETS	6.36
	SPEEDWAY SUPERAMERICA LLC	FUEL FOR TRACTORS/MOWERS	STREETS	126.57
	UNITED LABORATORIES	TRUCK BED SPRAY	STREETS	185.65
	G.T. PARTS CO.	BATTERY FOR ROLLER	STREETS	47.85
	*** TOTAL	FOR DEPT 32		892.74
	BOARD OF WATER COMMISSNRS	WATER	PARK & R	5.21
	BOARD OF WATER COMMISSNRS	SS	PARK & R	11.66
	BOARD OF WATER COMMISSNRS	WATER	PARK & R	5.21
	BOARD OF WATER COMMISSNRS	SS	PARK & R	11.66
	COLONIAL INSURANCE	3/98 IVERSON	PARK & R	36.45
	NSP	ELECT 3/20	PARK & R	44.33
	USWEST COMMUNICATIONS	TELEPHONE 3/22	PARK & R	60.39
	*** TOTAL	FOR DEPT 41		174.91
	E-Z RECYCLING, INC.	3/98 RECYCLING	SOLID WA	2,559.40
	INSTY-PRINTS PLUS	NEWSLETTER	SOLID WA	126.94
	*** TOTAL	FOR DEPT 56		2,686.34
	ALPHA VIDEO & AUDIO, INC.	CABLE:CHARACTER GENERATR	GENERAL	2,653.01
	*** TOTAL	FOR DEPT 63		2,653.01
	CITY OF FALCON HEIGHTS	98 LARP ASSESSMENTS	INFRASTR	17,665.20
	*** TOTAL	FOR DEPT 71		17,665.20
	SPEEDWAY SUPERAMERICA LLC	FUEL FOR JETTER	SANITARY	39.00
	G.T. PARTS CO.	BATTERY	SANITARY	81.78
	*** TOTAL	FOR DEPT 75		120.78
	JEMS	JOURNAL	RESCUE S	44.97
	MIDTOWN CLEANERS	CLEANED BLANKETS	RESCUE S	80.50
	*** TOTAL	FOR DEPT 76		125.47
	JAY BROTHERS INC	PYMT # 5 (SIGNS)PARTIAL	LARPENTE	20,000.00
36066	JOSEPH RYERSON & SON INC	STEEL LANDSCAPE EDGING	LARPENTE	2,100.95
	*** TOTAL	FOR DEPT 82		22,100.95
	BERNARDY, CONNIE LANNERS	4/1 TO 4/15 PROF SVCS	MCAD	1,227.13

APPROVAL OF BILLS  
PERIOD ENDING: 4-2-98

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
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		*** TOTAL FOR DEPT 84		1,227.13
		*** TOTAL FOR BANK 01		82,883.43
		*** GRAND TOTAL ***		82,883.43

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	3 31 98	6 SUSAN GEHRZ	28483	285.81
COM	3 31 98	8 SAM JACOBS	28484	277.05
COM	3 31 98	10 JAN GIBSON TALBOT	28485	200.00
COM	3 31 98	11 JOHN HUSTAD	28486	277.05
COM	3 31 98	12 LAURA A. KUETTEL	28487	277.05
COM	3 31 98	34 CLEMENT KURHAJETZ	28488	275.33
COM	3 31 98	40 KEVIN ANDERSON	28489	72.95
COM	3 31 98	42 MICHAEL D. CLARKIN	28490	124.67
COM	3 31 98	47 NATHANIEL HEROLD	28491	46.17
COM	3 31 98	60 TERRY D. IVERSON	28492	29.56
COM	3 31 98	63 RACHELLE L. MARVIN	28493	59.31
COM	3 31 98	66 ALFRED HERNANDEZ	28494	46.17
COM	3 31 98	1002 SUSAN HOYT TAFF	28495	1325.18
COM	3 31 98	1003 TERRY IVERSON	28496	1052.94
COM	3 31 98	1005 CAROL KRIEGLER	28497	646.88
COM	3 31 98	1007 PATRICIA PHILLIPS	28498	830.30
COM	3 31 98	1010 CARLA ASLESON	28499	1025.65
COM	3 31 98	1013 WILLIAM MAERTZ	28500	999.87
COM	3 31 98	1026 JASON CIERNIA	28501	116.36
COM	3 31 98	1033 DAVE TRETSVEN	28502	752.86
COM	3 31 98	1088 DONALD R. MEISSNER	28503	446.23
COM	3 31 98	1103 DIANE MEYER	28504	270.12
COM	3 31 98	1107 RICHARD P. TALBOT III	28505	105.28
COM	3 31 98	1110 JULIE OBERMILLER	28506	114.29
COM	3 31 98	1136 ROLAND O. OLSON	28507	942.81
COM	3 31 98	1138 TERRY LAGERQUIST	28508	145.66

COMPUTER CHECKS	10745.55
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

\*\*\*\*\*TOTALS\*\*\*\*\* 10745.55

CONSENT  
Meeting Date: 4/8/98  
Item: 2

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Carla Asleson, AA/Planner

EXPLANATION/SUMMARY:

**GENERAL CONTRACTOR**

Doyle Maintenance, Inc. #3681

**MECHANICAL CONTRACTOR**

Comfort Plus Heating & Cooling #3682  
Forrest Heating Inc. #3683

ACTION REQUESTED: Approval

CONSENT 3  
Date: 4/8/98

ITEM: Approval of change order #1 with Custom Fire for the fire truck refurbishing

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Clem Kurhajetz, Acting Fire Chief

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve change order #1 for \$2,445 from Custom Fire for the refurbishing of the fire truck. The change order was initiated by Chief Kurhajetz when he determined that the fire truck needs to have its pressure governor replaced. Custom Fire provided a cost of for the repair. Emergency Maintenance Apparatus provided a cost of \$2,695. Staff recommends adding this work to the refurbishing that will be done later this spring.

ACTION REQUESTED:

Approve change order #1 from Custom Fire.

CONSENT 4  
Date: 4/8/98

ITEM: Consideration of change order # 3 from North Metro Landscaping

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Michael Shroeder, HKGi

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve change order #3 with North Metro Landscaping for a decrease in the contract amount by \$1,183.00. The decrease results from the elimination of some rose bushes and other plantings that can't be accommodated in the Larpentuer project. Although many of the rose bushes have been relocated to other areas on the project, such as in the planter bed by Falcon Crossing, there is still not space to accommodate all of them. Much of the change is due to a revision in the plans along the northside of the agricultural fields where the extensive planting of rose bushes along the edge of the fields is reduced in area. However, the decrease is offset by the plans to add some additional arborvitae to the area around the sign at the Roselawn and Snelling intersection to provide a back-drop and visual division between the single family home's front yard and the sign on the right of way.

ATTACHMENTS:

1 Change order #3

ACTION REQUESTED:

Approve change order #3 from North Metro landscaping for a decrease of \$1,183.00.

## CHANGE ORDER

No. 3

PROJECT:

Larpenteur Avenue Streetscape  
Improvements  
Bid Package 'A' - Landscaping

DATE OF ISSUANCE: 24 March 1998

OWNER:

City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, Minnesota 55113

OWNER'S Project No.: -- none --

CONTRACTOR:

North Metro Landscaping, Inc.  
11050 Lamont Avenue  
P.O. Box 9  
Hanover, Minnesota 55341-0009

LANDSCAPE ARCHITECT:

Hoisington Kogler Group Inc.  
123 North Third Street, Suite 100  
Minneapolis, Minnesota 55401

CONTRACT FOR:

Bid Package 'A' (Landscaping)

LANDSCAPE ARCHITECT'S Project No.: 97-35b

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You are directed to make the following changes in the Contract Documents:

Description:

- a) Install 8- 6' Techny Arborvitae (6 ft. ht., bb) near the sign on Roselawn & Snelling Street at location staked by L.A. & homeowner at a price of \$200.00 each.
- b) Install 3- 6' Colorado Green Spruce (6 ft. ht., bb) near the sign on Roselawn & Snelling Street at location staked by L.A. & homeowner at a contract price.
- c) Install 94 Belle Poitevine Shrub Roses along retaining wall and fence at the Larpenteur & Fulham Community Marker relocated from the proposed planting location north of the U of M pasture east of Cleveland Avenue at the contract price.
- d) Install 27 Champlain Shrub Roses in the Falcon Crossings entry drive planting beds relocated from the proposed location at Larpenteur Avenue east of St. Mary's Street at the contract price.
- e) Line item #9 – Delete 1 Common Hackberry.  
1 @ \$210.00 each = (\$ 210.00)
- f) Line item #10 – Delete 8 Thornless Hawthorn.  
8 @ \$135.00 = (\$1,080.00)
- g) Line item #12 – Delete 2 Fallgold Ash.  
2 @ \$210.00 each = (\$420.00)
- h) Line item #14 – Delete 4 Skyline Honeylocust.  
4 @ \$200.00 = (\$800.00)
- i) Line item #20 – Delete 63 Belle Poitevine Shrub Roses.  
63 @ \$9.50 each = (\$598.50)
- j) Line item #21 – Delete 33 Champlain Roses.  
21 @ \$9.50 each = (\$199.50)

Purpose of Change Order:

- 1) Screen Community Location Marker from residence.
- 2) Delete plants unable to fit within the R.O.W.

Attachments:

For items "a & b" above:	HKGi sketch (dated revision 3-24-98)
For item "c thru j" above:	Proposal for work North Metro Landscaping (dated 3-16-98)
	HKGi Revision 1 plan set (dated 3-13-98) Sent 3-13-98

<u>CHANGE IN CONTRACT PRICE</u>	<u>CHANGE IN CONTRACT TIME</u>
Original Contract Price	Original Contract Time
\$163,088.60	507 (days or date)
Previous Change Orders No. 1 thru No. 2	Net Change from previous Change Orders
\$7,845.00	0 (days)
Contract Price prior to this Change Order	Contract Time prior to this Change Order
\$ 170,933.60	507 (days or date)
Net Increase Decrease of this Change Order	Net Increase Decrease of this Change Order
\$(1,183.00)	0 (days)
Contract Price with all approved Change Orders	Contract Time with all approved Change Orders
\$169,750.60	507 (days or date)

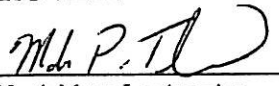
**RECOMMENDED:**

By:   
 Hoisington Koegler Group Inc.

**APPROVED:**

By: \_\_\_\_\_  
 City of Falcon Heights

**APPROVED:**

By:   
 North Metro Landscaping



ITEM: Discussion of the costs for the 1998 Larpenteur Avenue Street Reconstruction by Ramsey County

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Terry Maurer, City Engineer

EXPLANATION/DESCRIPTION:

Summary and action requested. The council will have the opportunity to discuss the costs of the 1998 Larpenteur Avenue reconstruction with Dan Soler, Ramsey County's project engineer as requested by the council at its March 25, 1998 meeting. The actual bid costs for Falcon Heights's share is \$217,153.26 or \$112,701 higher or over twice as high as the estimated costs by the county (see attachment 1 for detail). The cost increase is the result of two things. First, the cost sharing formula has changed on this phase of the project because the federal ISTEA dollars are reduced and the county is making up the difference with county state aid dollars where the county state aid formula permits it to do so. It is the staff's understanding that these formula changes will apply to the rest of the Larpenteur Avenue reconstruction project. Second, the cost estimates for stormsewer were significantly lower than the actual stormsewer costs. This is, in part, due to additional stormsewer work done between the estimate and the final plans and, in part, due to the county's underestimation of the expense. This is a good time to find out how Ramsey County will assure the city of closer cost estimates for the last phase of the project and to encourage Ramsey County to complete the Larpenteur work in Falcon Heights in 1999 so the city can move on with its own infrastructure projects.

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

ATTACHMENT:

- 1 Summary of the city's share of the Ramsey County costs for reconstructing Larpenteur Avenue in 1998

ACTION REQUESTED:

Discuss the costs for the 1998 Larpenteur Avenue reconstruction project with Ramsey County Project Engineer Dan Soler.

D. SOLID WASTE COMMISSION

1. Purpose. The purpose of the commission is to guide and plan for current and future abatement and handling of solid waste materials in the city. This is to ensure a safe, pleasant and economical environment for the city.
2. Composition & Qualifications. The commission shall consist of not less than seven nor more than nine members to be appointed by the mayor and approved by the council as follows:
  - a. Members of the commission shall be appointed according to their ability to contribute to and perform the functions, powers and duties imposed upon the commission.
  - b. The majority of the members shall be residents of Falcon Heights.
3. Terms, Vacancies, Oaths. The term of office of all commission members shall be three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term. No member shall serve more than two consecutive three year terms.

Members shall hold office until their successors are appointed. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the city council.
4. Removal. Commission members shall be subject to removal for cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.
5. Organization, Officers. Each commission shall elect a chairperson from among its appointed members for a term of one year. The commission shall appoint a secretary from among its members and may create and fill such other offices as determined necessary.
6. Meetings, Records, Reports. The commissions shall hold scheduled meetings, not less than one per calendar quarter. They shall adopt rules for the transaction of business and shall keep written public records of resolutions, recommendations and findings. On or before February 15 of each year, the commissions shall submit to the council work reports for the preceding calendar year.

7. Commission's Duties. In fulfillment of its purpose the commission's duties and responsibilities shall be to:
  - a. recommend community objectives and policy
  - b. make recommendations regarding the handling of solid waste within the city
  - c. review all matters relating or affecting current and future handling of solid waste within the city
  - d. draft and recommend for adoption regulations and additions or amendments to the code authorizing and empowering the enforcement of its findings relating to issues of solid waste within the city
  - e. serve as a forum for citizen involvement, and
  - f. develop and implement programs to raise the public's understanding of the problems created by solid waste and the opportunities of solution.

ITEM: Direction on the community sign for the east end of Larpenteur Avenue

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to direct the administrator on proceeding with the location of a community marker at the city's eastern entrance on Larpenteur Avenue. The streetscape plans provide for a community marker at this location that requires an easement from the Thatcher Clinic. After meeting with the Thatcher's about the proposed location for the sign and after reviewing the possible sign options for the city, there may be an opportunity to create a sign that maintains the city's theme and style but is scaled back to fit more easily into this area of the Larpenteur roadway. If it is located on an easement from the Thatcher's, it would be important to make sure that Thatcher's, who plan to move their sign to their Larpenteur frontage, is distinct from the city sign. There is one constructed community sign that can be put elsewhere in the city. The original plans call for a location at city hall, which was eliminated due to cost. A second location might be the Community Park area on Cleveland and Roselawn.

Meets goal #2. Maintain the unique characteristics of the city's neighborhoods.

Additional information.

- Discussions with the Thatcher's indicate that there may be some conflicting locations proposed for the city sign on an easement on their property because they plan to move their sign to the Larpenteur frontage. They also need space for snow storage.
- The city entrance off of Hamline and Larpenteur has less open area than the locations of the other tall community signs and, therefore, lends itself to a smaller scale sign with a variation of the same theme and colors. The project designer, Michael Schroeder, could design a sign meeting this theme and for less cost than the original signs.
- This section of Larpenteur Avenue is being reconstructed in 1999 (hopefully) which will disrupt the area adjacent to the proposed location of the community sign so there is time to design a sign and install it after this section of roadway is reconstructed.

- Although the staff will again review potential locations for the city sign at the east end of Larpenteur Avenue, it is very possible that an easement will be required from the Thatcher's to locate a sign there. It may be easier to work toward getting that easement with a scaled back version of the city sign that takes up less space and provides the Thatcher's an opportunity to relocate their sign. Condemnation of an easement area remains as a tool of last resort for locating the sign on the east end of Larpenteur and can be used when deemed absolutely necessary.
- The tall community sign may be located elsewhere in the city. Two options seem appropriate. The city hall site and the Community Park are two locations that seem most useful for identifying city property.

City Hall

ties city hall to Larp. streetscape  
 adjacent to ag fields  
 adjacent to streetlights  
 visible from Cleveland,  
 especially at night  
 on city property

Community Park

at city boundary line  
 visible on Cleveland  
 on U of M property but used by  
 the city

If the city hall site is the preferred site, the staff can get an estimate on the cost of moving the current commander board sign to the entrance along Prior Avenue and the cost of replacing the yellowing panels and getting more letters for the sign if the council desires.




- If the council chooses to consider a smaller sign for the east entrance to the city on Larpenteur, the staff will meet with the project designer and get a firm cost for designing the sign and constructing the sign.

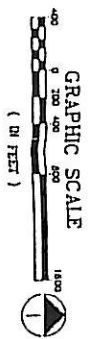
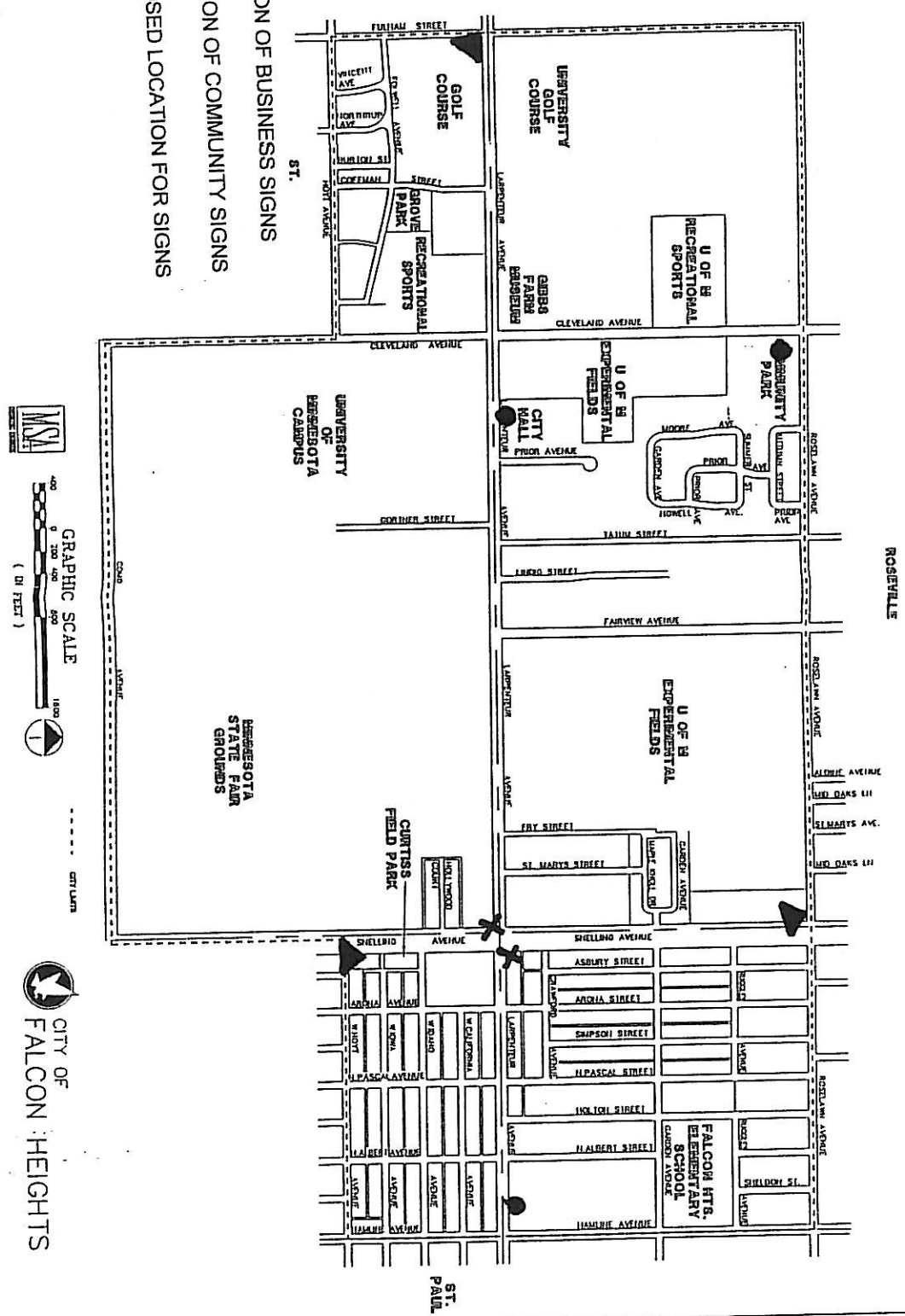
ATTACHMENTS:

- 1 Map of current and proposed sign locations

ACTION REQUESTED:

Direct the staff on how to proceed with locating a community sign at the eastern boundary of Larpenteur Avenue and on locating the constructed community sign.

-  LOCATION OF BUSINESS SIGNS
-  LOCATION OF COMMUNITY SIGNS
-  PROPOSED LOCATION FOR SIGNS



CITY OF  
FALCON HEIGHTS

ITEM: Consideration of an ordinance amending chapter 2- 4.01 and 2-4.05 and amending Chapter II D of the administrative manual to sunset the solid waste commission

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The city council is being asked to consider amending the city's ordinances and administrative code to sunset the solid waste commission. At its March meeting, solid waste commissioners discussed the mission of the commission and determined that it has accomplished its goals over the past years and no longer needs to meet on a regular basis. Councilmembers discussed sunsetting the commission at this time because there are no anticipated issues that require the commission's reformation foreseeable at this time. If an issue surfaces in the future, the council will contact current members and new members to form a task force to respond to this emerging need.

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

ATTACHMENTS:

- 1 Proposed ordinance 98-02 amending the city code to sunset the solid waste commission.
- 2 Chapter II D of the administrative manual governing the mission and organization of the solid waste commission

ACTION REQUESTED:

Discuss the role of the solid waste commission.

If sunsetting is desired, adopt ordinance 98-02 amending the city code to eliminate the solid waste commission.

Move to delete chapter II D of the administrative manual governing the mission and organization of the solid waste commission.

CITY OF FALCON HEIGHTS

ORDINANCE

Date April 8, 1998

-----  
AN ORDINANCE DELETING REFERENCES TO THE SOLID WASTE COMMISSION

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

Section 1. Chapter 2-4.01 is hereby amended as follows:

- 2-4.01 The city council has established the following Commissions:
  - Planning Commission
  - Human Rights Commission
  - Park and Recreation Commission
  - ~~Solid Waste Commission~~

Section 2. Chapter 2-4.05 is hereby deleted in its entirety.

~~2-4.05 Solid Waste Commission. The duties of the commission are to guide and plan for current and future abatement and handling of solid waste material in the city. This is to ensure a safe, pleasant and economical environment for the city.~~

Section 3. Chapter 2-4.06 is hereby amended as follows:

2-4.06 Planning Commission. The commission shall be the city planning agency authorized by Minnesota Statutes, Section 462.354, Subd. 1.

The duties of the planning commission are: to guide future development of land, services, and facilities to ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and to promote the public health, safety, and general welfare of the community. These duties are to be carried out by:

1. establishing community objectives and policy;
2. making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.
3. reviewing and making recommendations on all matters relating to or affecting the physical development of the city.

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

Adopted this 8th day of April, 1998, by the City Council of the City of Falcon Heights.

Moved by: \_\_\_\_\_

GEHRZ  In Favor  
GIBSON TALBOT  
HUSTAD  Against  
JACOBS  
KUETTEL

Approved by: \_\_\_\_\_

Mayor  
April 8, 1998  
Date

Attested by: \_\_\_\_\_

City Clerk  
April 8, 1998  
Date





ITEM: Consideration of a contract for service with Northwest Youth and Family Services

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve a contract with Northwest Youth and Family Services for a variety of services provided to youth and families in the North Suburban Area. The proposed contract replaces the long standing joint powers agreement among the north suburban communities participating in the program. The funding formula remains the same as in the past. It is based upon a per capita charge. In 1998 the city is paying \$6,689 for services provided from this agency. The contract provides for a representative from every participating city on the board of directors of the agency. The contract went through several iterations over the past several months. Attorney Roger Knutson approves this version. Since the council has already chosen to participate in the Northwest Youth and Family Services in 1998, staff recommends approving this contract.

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

Strategy 4. Participating in early intervention programs with juveniles.

Action item: Support Northwest Youth and Family Services and the Teen Court

ATTACHMENT:

- 1 Proposed contract with Northwest Youth and Family Services
- 2 Report on Northwest Youth and Family Services

ACTION REQUESTED:

Approve the proposed contract with Northwest Youth and Family Services.

# AGREEMENT

## I. PARTIES.

This Agreement is made and entered into by and between the City of Falcon Heights, Minnesota ("City") and Northwest Youth and Family Services ("NYFS").

## II. RECITALS.

- A. NYFS is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within their community environment with emphasis on providing services through collaboration and coordination with existing community resources. These services are available to youth and families residing in the northwest suburbs of Ramsey County, including, but not limited to, the municipalities which are signatory to agreements which are identical to this Agreement ("participating municipalities") and students and families from Independent School Districts 621, 623 and 282.
- B. Through this Agreement the City intends to contract with NYFS to provide such services to its residents and to act as a sponsor of NYFS by providing financial support, a method to establish appropriate services to be provided and policy guidance for its activities.
- C. This Agreement shall be used as the form agreement between NYFS and each of the participating municipalities. This Agreement replaces a Joint Powers Agreement and is intended to continue the spirit of cooperation and collaboration in the provision of social services between the City and NYFS.

## III. TERMS AND CONDITIONS.

In consideration of the mutual understandings of this Agreement, the parties hereby agree as follows:

- A. **Prior Agreements Cancelled.** By execution of this Agreement any prior agreements and amendments thereto between the parties are hereby cancelled.
- B. **Services Provided.** NYFS shall provide the City and its residents with youth and family counseling and programs set forth in the Addendum Attached hereto.
- C. **Principles of Services and Program Establishment and Operations.** On a yearly basis and prior to submission of its annual budget, as provided for hereafter, NYFS shall:
  - 1. Report regarding proposed changes in services and programs to the City; and

2. Establish a fair and open bidding/request for proposal (RFP) process to contract, manage or provide such services and programs which are not directly provided by NYFS staff.

D. **Funding.**

1. In addition to the participating municipalities share of the Annual budget, funds for the operation of NYFS will be raised By NYFS endeavoring to secure user fees, grants and appropriations from private organizations, the State of Minnesota, Federal and County agencies, and other legal and appropriate sources.
2. The City shall pay annually to NYFS an amount equal to \$1.20 per capita ("Per Capita Payment") based upon City's population in Ramsey County. The City's population shall be determined by using the most recent Metropolitan Council population data. the Per Capita Payment may be adjusted annually for inflation/ deflation using the Implicit Price Deflation index with 1997 as the base year. Such adjustment shall not exceed plus or minus 5% in any year. Any adjustment in the Per Capita Payment beyond those indicated by reference to the Implicit Price Deflation index shall require approval of each of the participating municipalities.
3. Amounts payable by the City shall be paid to NYFS on or before January 30, of each year to cover the City's share for that year.

E. **Board of Directors.** This Agreement is contingent upon the City having a designated seat on the Board of Directors. The Board of Directors shall be limited to not more than **20** Board members.

F. **Further Obligations of the NYFS.** In addition to the obligations set forth elsewhere in this Agreement, this Agreement is further contingent upon NYFS doing the following:

1. The Bylaws of NYFS shall be amended to add provisions requiring an open process for contracting services as provided for in paragraph C.2., above, and prohibiting NYFS from supporting or opposing individual candidates for election to public office in any of the participating municipalities; and adding the requirement that IRS 501.C3 status be maintained.
2. On or before June 30, of any year NYFS shall submit a written report to the City including an Annual Report, the audited financial statement, a program specific summary of services provided to the municipality, and the proposed city budgeted amount for the subsequent year; in addition, 30 days from the end of each calendar quarter, NYFS shall submit a written report to the participating municipality.

3. Periodically advising the City of services available through NYFS  
To the City's residents:
4. Establishing a sliding scale for counseling services available through NYFS to the City's residents and periodically advising the City of such fees:
5. Providing other reasonable information requested by the City;
6. Purchasing a policy of liability insurance in the amount of at least \$1,000,000.00, naming the City as an additional insured and providing a copy of the insurance certificate evidencing such policy to the City, annually;
7. Provide the City with a copy of its Articles of Incorporation, Bylaws, Amendments thereto, and the IRS tax exempt status letter;
6. NYFS shall defend and indemnify the City from any and all claims or causes of actions brought against the City of any matter arising out of this Agreement or the services provided pursuant to this Agreement; and,
7. Without the written approval of the City, NYFS will not enter into any agreement with any other city which differs from the terms and conditions of this Agreement.

G. **Term.** This Agreement shall remain in full force and effect for an indefinite term unless any party gives the other party at least 6 months written notice of its intent to cancel this Agreement effective December 31, of the year in which the notice is made.

H. (A) **Distribution of Assets Upon Dissolution.**

If NYFS ceases to operate, the Board of Directors will do one of the following:

1. Give the assets to one or more non-profit agencies providing similar social services in the northern suburbs of Ramsey County; or,
2. Form a new Foundation to fund appropriate social service programming in the northern suburbs of Ramsey County.

The final Distribution of Assets Plan must be approved by the Ramsey County District Court.

**(B) Deviation from the Mission.**

If the City Council determines that NYFS has materially deviated from its mission (See II. Recitals, A.), the City Council may ask the NYFS Board of Directors to consider dissolving the agency and liquidating the assets. The Board will do one of the following:

1. Consider the request and by a majority vote deny it.
2. Consider the request and by a majority vote agree to modify the programs to be consistent with the mission.
3. Consider the request and by a majority vote agree with the request and move to dissolve the agency and liquidate the assets.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on this date set forth below.

**CITY OF FALCON HEIGHTS**

By: \_\_\_\_\_  
**Mayor**

Its: \_\_\_\_\_  
**Clerk/Manager**

Dated: \_\_\_\_\_

**NORTHWEST YOUTH & FAMILY SERVICES**

By: \_\_\_\_\_  
**Executive Director**

Its: \_\_\_\_\_  
**Chairman of Board of Directors**

Dated: \_\_\_\_\_



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# Northwest Youth & Family Services

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3490 Lexington Avenue North • Shoreview, MN 55126 • (612) 486-3808 • FAX (612) 486-3858

March 19, 1998

TO: Susan Hoyt, City Administrator  
City of Falcon Heights

FROM: Kay Andrews, Executive Director  
Northwest Youth & Family Services

SUBJECT: The Contract

After a year of many hours of discussion, various drafts and proposals, I think we have a Contract. As I hope you understand, this Contract will replace the present Joint Powers Agreement. The same Contract is being used by all cities, therefore preserving the sense of a collective effort to insure the provision of social services in the northwest suburbs of Ramsey County. This version has been approved by the Roseville City Council and will be approved by our Board at their April 9, 1998 meeting. I do not anticipate any problem arising around its approval.

This leaves the next step up to you and your Council. They will need to examine the Contract, discuss it and hopefully agree to it. I would encourage you to take action on this as soon as reasonable so we can all put this matter to rest. After positive action has occurred, please execute the appropriate signatures and return it to me. I will then get the Contract signed here and return one original to you.

You can expect to receive quarterly reports as indicated in the Contract. The NYFS board is presently working on a by law revision. When that is completed I will send to you the other materials indicated in the Contract. If you have any questions about any of this, please give me a call. I will however be on vacation until April 6. If you need assistance while I am gone please ask for David Evertz.

One housekeeping matter - if you paid your city allotment only for the first quarter, please remit the remainder.

Again, thanks for all the time and cooperation you have given to making this transition become a reality. I do believe this Contract allows us to move smoothly into the future and continue our collaborative relationship with you.

Thank you.

Sincerely,

Kay Andrews, LICSW

**Northwest Youth & Family Services**  
**Program Activity Report**

City of Falcon Heights  
 1997

Services Provided	Hourly Rate	# of Clients Served	City YTD Totals			NYFS YTD Totals		
			Total Hours of Service Provided	Total Benefit Utilized	# of Clients Served	Total Hours of Service Provided		
Counseling Services	\$95	8	114.00	\$10,830.00	469	3,383.00		
In-Home Services		0			26 families	335.75		
Counseling	\$95			\$0.00				
Skills Education	\$50			\$0.00				
Diversion Services	\$50	11	33.00	\$1,650.00	438	1,314.00		
Community Service Restitution	\$11	3	24.00	\$264.00	139	3,193.00		
Awareness Seminars	\$50	9	26.00	\$1,300.00	408	1,503.00		
Teen Court		0	0.00		0	0.00		
Youth Run Businesses	N/A	0			93	6,464.00		
Senior Chore								
Youth		4			154			
serving Seniors	\$11	8	40.00	\$440.00	444	1,874.75		
Family Support Project	\$50	0			12	128.00		
Young Fathers Program	\$50	0			59	137.50		
<b>Totals</b>		<b>43</b>	<b>237.00</b>	<b>\$14,484.00</b>	<b>2,242</b>	<b>18,333.00</b>		

<b>Health Education Services</b> <i>*(All Cities)</i>			
Health Education Presentations	Number of Participants	Number of Sessions	Number of Hours
Health Education Groups	315 (Dup)	90	128.50

\* Health Education Services are provided in large groups and schools, we are unable to accurately track participants by city or school district.



POLICY 5  
Date: 4/8/98

ITEM: Request to participate in liquor compliance checks with the North Suburban Tobacco Compliance Project and the U of M Alcohol Epidemiology Program

SUBMITTED BY: The North Suburban Tobacco Compliance Project  
The U of M Alcohol Epidemiology Program

REVIEWED BY: Susan Hoyt, City Administrator  
Carla Asleson, Administrative Assistant

EXPLANATION/DESCRIPTION:

Summary and action requested. In 1996 the council agreed to participate in a U of M liquor compliance project if a grant was received by the Alcohol Epidemiology Program. The grant has been received and the North Suburban Tobacco Compliance Project is preparing to undertake liquor compliance checks in communities that agree to participate. The council is being asked if Falcon Heights, with its four on sale and one off sale liquor establishment wants to participate in this project, which will provide two compliance checks a year for each establishment or a total of ten in Falcon Heights. The maximum cost to the city's police department would be \$503 a year. This cost is part of the police contract for service. The city estimates an additional cost of \$82.00 to \$100.00 per year for some of the miscellaneous costs. The U of M will reimburse the city's police department for some of the costs, but an amount has not been determined at this time. The council should not enter into this with the expectation that the police department will be paid for its entire fiscal commitment to the project.

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

Background.

- Falcon Heights currently participates in the North Suburban Tobacco Compliance Project, which works with the police department and trained young people, to test tobacco vendors to make sure that they are not selling tobacco to minors. In 1998 the city is paying the North Suburban Tobacco Compliance for its participation in the program. The city staff notifies each tobacco vendor about complying with underage sales of tobacco and about the compliance checks with the renewal of the tobacco license. (Tobacco compliance checks are now mandated by state statute.)

- The city has five establishments with liquor licenses. These are charged the maximum liquor license fee as set by state statute for a total of \$7651 a year in revenue to the city.

J's Liquor – off sale (\$150)  
 Ciatti's – on sale (\$4,200)  
 Pizza Hut – beer license (\$500)  
 Chinatown – wine/beer license (\$2,001)  
 Falcon Bowl – beer/bottle club (\$800)

- A person who sells liquor to a minor is charged with a gross misdemeanor which has a fine of up to \$3,000 fine, one year in jail, or both.
- The alcohol compliance checks would be managed in the same way as the tobacco compliance checks with a trained minor attempting to purchase liquor from these establishments. If the city agrees to participate the following responsibilities will be allocated among organizations.

The U of M and North Suburban Tobacco will train the minors, schedule the checks with the police department and report the results of the checks over the next two years. In addition, the U of M will provide for training for liquor vendors so they are prepared to deal with liquor compliance checks. Some money may be provided to the police department by the U of M grant.

The city will provide the police personnel to do the checks and the prosecution for failed compliance checks. The city's police department must schedule overtime for this activity for a cost of \$503. An additional \$16.40 per vendor a year or a total of about \$82.00 is expected for paying for the compliance checker and photocopying. The prosecution costs are covered by the city's prosecutor's retainer at this time.

- The city's ordinance already has an established civil process for dealing with liquor establishments that break the law.

After 2 license violations within 12 months the city may suspend the license for up to 60 days (after a hearing process) or impose a civil fine against the business owner for \$2,000.

After 3 license violations within 12 months the city may revoke the license or, if so desired, impose another suspension or fine.

- The city may wish to review its ordinance related to liquor penalties and add a financial penalty to the first offense. Staff recommends having the city attorney review the civil penalties for consistency with other cities as well as enforceability.

- One way to evaluate the city's interest in participating in this program is to ask, would the city favorably consider doing regular (not scheduled) compliance checks at its liquor establishments if there were not an organized program offering this assistance or any funds to cover some of the costs to guarantee compliance with liquor laws governing sales of liquor to minors?
- If the city chooses to participate in the compliance checks, the staff suggests that it be asked to notify all liquor vendors that the city is participating in compliance checks and that vendor training will be available for their employees.

**ATTACHMENTS:**

- 1 Letter from North Suburban Tobacco Compliance Project dated 16 March 1998
- 2 City ordinance related to liquor licenses Chapter 6 Section 3.06

**ACTION REQUESTED:**

Discuss the request.

Decide on the city's participation in this project.

If participation is desired, direct the staff to work with the city attorney to review the city ordinance regarding penalties associated with failing liquor compliance checks and report back to the council.

# North Suburban Tobacco Compliance Project

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Falcon Heights · Maplewood · New Brighton · North St. Paul · Roseville · Shoreview · White Bear Lake

16 March 1998

City of Falcon Heights  
Carla Asleson, Administrative Assistant  
2077 West Larpenteur Avenue  
Falcon Heights, MN 55113

Dear Carla:

Falcon Heights has the opportunity to join other members of the North Suburban Tobacco Compliance Project (NSTCP) to test the effectiveness of alcohol age-of-sale law compliance checks. As project coordinator for NSTCP I believe we should be proud that in 1997, our fifth year, we achieved 87% and 89% compliance rates with tobacco age-of-sale laws. In the past, members of NSTCP expressed interest in creating an alcohol compliance program modeled after the tobacco program. The University of Minnesota Alcohol Epidemiology Program, as part of a research project, is willing to help us with staff and funding for license education and law enforcement compliance checks for alcohol outlets. I believe that we are ready to start alcohol sales compliance checks. I have worked with the University of Minnesota staff to develop the following plan for your consideration:

To complete age-of-sale law compliance checks in your city:

NSTCP and U of MN would:

- Recruit and train youths to serve as underage buyers.
- Schedule the buyers and coordinate the compliance checks with your officers following the same processes used now for tobacco checks.
- Collect, analyze and report data on the purchase attempts.
- Provide your city with partial subsidization of city personnel costs.

Your responsibilities would be similar to those for the tobacco checks:

- Coordinate the dates and times of the compliance check operations with NSTCP.
- Provide law enforcement staff for the compliance checks.
- Provide the U of MN access to compliance check outcome data.

U of MN will pay for:

- My time as coordinator and support to U of MN staff.
- Data collection and analyses, as well as periodic and final reports.
- Portions of the costs of each compliance check. The exact amount and manner of subsidization is open to discussion.
- Training materials and free workshops for all alcohol vendors.

Funded by:



*Minnesota ASSIST is a shared project between the Minnesota Department of Health, the American Cancer Society, Minnesota Division, and the communities of Minnesota and is funded by the National Cancer Institute*

# North Suburban Tobacco Compliance Project

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Falcon Heights · Maplewood · New Brighton · North St. Paul · Roseville · Shoreview · White Bear Lake

Your city will pay for:

- Law enforcement personnel costs (partially subsidized by the U of MN research grant).
- Approximately \$16.40 per license to cover costs of underage buyers' wages, liquor, photocopying and NSTCP coordinator mileage.

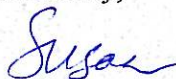
The U of MN is offering to assist us with two compliance checks annually at each outlet for a minimum of two years.

The U of MN staff will contact you in the near future to provide additional information, identify any additional needs you may have, and discuss how the subsidy funds can be used most effectively. They will also be glad to attend any public, business group, or city council meetings at which adoption of the project may be considered.

I strongly urge you to consider this program. The University's resources, experience, and funding afford us a great opportunity to start this project with minimal work and expense. I will contact you to see if you have any questions. Please feel free to contact me at 770-3394 anytime.

Thanks for your time. I look forward to talking with you.

Sincerely,



Susan Richter-Eggert  
NSTCP Project Coordinator

Funded by:



*Minnesota ASSIST is a shared project between the Minnesota Department of Health, the American Cancer Society, Minnesota Division, and the communities of Minnesota and is funded by the National Cancer Institute*

City Council Discretion

A. Granting/Refusing/Suspension/Fine/Revocation

1. Granting or Refusing of License. All facts set out in the applications shall be investigated. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion. Each license granted shall be issued to the applicant only and shall not be transferable to another holder unless in accordance with Section 6-7.01. Each license shall be issued only for the compact and contiguous premises described in the application. No license may be transferred to another place without the approval of the City Council.



2. Suspension/Fine. The city council may suspend a retail license or permit under this chapter for up to 60 days or impose a civil fine up to \$2,000 for each violation after a hearing and a finding that the licensee has failed to comply with an applicable statute, regulation or ordinance relating to alcoholic beverages following the second violation within any 12 month period.

No suspension shall become effective until the licensee or permit holder has been afforded an opportunity for a hearing under Minn. Stat. Chapter 14. Notice of the time and place of the suspension hearing shall be given at least 10 days in advance and shall state the nature of the charges against the licensee.



3. Revocation. The city council may revoke retail licenses after a hearing finding that the licensee has had three offenses during a 12 month period or has willfully violated an applicable statute, regulation or ordinance relating to alcoholic beverages which, under state law, requires mandatory revocation.

Licenses shall not be revoked until the licensee or permit holder has been afforded an opportunity for a hearing under Minn. Stat. Chapter 14 9(1985). As in the case of suspensions, notices shall be given 10 days in advance of the hearing and shall provide the time and place of hearing as well as state the nature of the charges against the licensee.