

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 W. Larpenteur Ave.

December 6, 1999
AGENDA

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ____ GIBSON TALBOT ____ HUSTAD ____
 KUETTEL ____ HOYT ____
 ATTORNEY ____ ENGINEER ____
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: November 24, 1999
- E. CONSENT AGENDA:
 - 1. Licenses
 - 2. Authorization for administrator to hire for the position of assistant to the city administrator
 - 3. Approve first responder training requirements for firefighters and eliminatae emergency medical technician (EMT) training
 - 4. Appointment of Mr. Gregory Youngs, Jr. as a firefighter
- F. PUBLIC HEARING:
 - 1. Hearing on the proposed 2000 budget and associated tax levy
- G. POLICY AGENDA:
 - 1. **Resolution 99-28** approving two amendments to the Joint Powers Agreement (JPA) for the Middle Mississippi River Watershed Management Organization (MMRWMO)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

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- B. ROLL CALL: GEHRZ ____ GIBSON TALBOT ____ HUSTAD ____
 KUETTEL ____ HOYT ____
 ATTORNEY ____ ENGINEER ____
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: November 24, 1999 **(Tab #1)**
- E. CONSENT AGENDA:
 - 1. Licenses **(Tab #2)**
 - 2. Authorization for administrator to hire for the position of assistant to the city administrator **(Tab #3)**
 - 3. Approve first responder training requirements for firefighters and eliminatae emergency medical technician (EMT) training **(Tab #4)**
 - 4. Appointment of Mr. Gregory Youngs, Jr. as a firefighter **(Tab #5)**
- F. PUBLIC HEARING:
 - 1. Hearing on the proposed 2000 budget and associated tax levy **(Tab #6)**
- G. POLICY AGENDA:
 - 1. Resolution 99-28 approving two amendments to the Joint Powers Agreement (JPA) for the Middle Mississippi River Watershed Management Organization (MMRWMO) **(Tab #7)**
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

DRAFT

City of Falcon Heights
City Council Minutes
24 November 1999

PRESENT: Gehrz, Hustad, Kuettel

ABSENT: Gibson Talbot

ALSO PRESENT: Susan Hoyt, City Administrator

COMMUNITY FORUM:

There was no one wishing to speak at the Community Forum.

MINUTES OF OCTOBER 27 AND NOVEMBER 3, 1999

Minutes from October 27, 1999 were approved.
Minutes from November 3, 1999 were approved.

CONSENT AGENDA:

Councilmember Hustad moved approval of the consent agenda including No. 11 which was added as an addendum.

1. General disbursements and payroll
2. Licenses
3. Request to remove waste oil tank from city hall property
4. Resolution 99-26 authorizing a summary publication of Ordinance 99-06
5. Minor modifications to job description
6. Close the Community Development Special Revenue Fund (208) and transfer the remaining fund balance to the General Fund
7. Change the mileage reimbursement for year 2000
8. Close the street lighting Special Revenue Fund (206) and transfer the remaining fund balance to the General Fund
9. Fund transfers from the General Fund to selected other funds
10. Resolution 99-27 authorizing a change in assessment for 1841 Asbury St.
11. Consideration of a proposal for auditing services with Kern DeWenter and Viere

City Council Minutes
November 24, 1999

POLCY AGENDA:

Acceptance of Sam Jacobs resignation as a councilmember. Mayor Gehrz noted that Councilmember Jacobs was no longer a member of the city council since he moved from the city on November 6, 1999. All councilmembers expressed their pleasure in having served with Councilmember Jacobs at some time during his ten years on the city council.

Consideration of plans and contracts for a pavilion. Landscape Architect Scott Midness presented the final plans for the proposed pavilion on the front lawn of city hall and the accompanying costs for the work. After some discussion, Councilmember Hustad moved that the city accept the quotes of \$24,950 from Minnetonka Steel, \$18,500 from W.L. Hall and \$5,005 from Muska Lighting for the construction of the pavilion. The motion passed unanimously. Councilmember Kuettel moved that the city encumber \$9,719 for the site work and limestone slabs associated with the project. The motion passed unanimously.

Consideration of a contract with SafeAssure for OSHA compliance monitoring and training. Councilmember Hustad moved that the city enter into a one year contract for \$2,450 with SafeAssure for OSHA training and monitoring. The motion passed unanimously.

Accomplishments for 1999. Administrator Hoyt presented the council with a summary of the accomplishments from 1999 as identified by budget goal.

The meeting was adjourned at 8:35 PM.

Respectfully submitted,

Susan Hoyt
City Administrator/Recording Secretary

CONSENT 1
Meeting Date: 12/6/99

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

CHRISTMAS TREE SALES:

University of Minnesota Forestry Club #99-549

ACTION REQUESTED: Approval

CONSENT 2
Date: 12/6/99

ITEM: Authorization for administrator to hire for the position
of assistant to the city administrator

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to formally authorize the city administrator to hire an assistant to the city administrator. As the chief executive office, the administrator carries out the hiring process, but the city council approves the position. Because the candidate for this position will most likely be hired between the last council meeting of 1999 on December 15 and the first council meeting in January, 2000, it will be most efficient to have the administrator hire the candidate so the person can arrange to start work by mid-January.

ACTION REQUESTED:

Authorize the administrator to hire an assistant city administrator without formal council action on the individual being offered the job.

CONSENT ³
Date: 12/6/99

ITEM: Approve first responder training requirements for firefighters and eliminate emergency medical technician (EMT) training

SUBMITTED BY: Susan Hoyt, City Administrator

DISCUSSED WITH: Clem Kurhajetz, Fire Chief

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to formally clarify that the first responder training level is the level required by firefighters on or joining the fire department since the end of ambulance service on October 18, 1999. This is the level of training that the city will finance through its fire department budget. The city will no longer cover the EMT training that was required as part of the city's basic life support ambulance service. Chief Kurhajetz originally raised this change when the decision to end the ambulance service was made. Medical emergencies are being handled by St. Paul Fire. The St. Anthony Police continue to be first responders to medical incidents in Falcon Heights.

ACTION REQUESTED:

Approve first responder training requirements for firefighters and eliminate emergency medical technician (EMT) training requirements for firefighters.

CONSENT 4
Meeting Date: 12/6/99

ITEM DESCRIPTION: Appointment of Mr. Gregory Youngs, Jr. as a firefighter

SUBMITTED BY: Clem Kurhajetz, Fire Chief
Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve the appointment of Mr. Gregory Youngs, Jr. to the fire department pending passing the physical and all other requirements.

ACTION REQUESTED: Appoint Mr. Gregory Youngs, Jr. to the fire department pending passing the physical examination and other requirements to be a firefighter.

PUBLIC HEARING
Date: 12/6/99

ITEM: Public hearing on the proposed 2000 budget and associated tax levy

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: City Council
Roland Olson, City Accountant

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to hold a hearing on the city's proposed 2000 budget and associated tax levy. The final budget and tax levy will be adopted at the December 15, 1999 council meeting.

ACTION REQUESTED:

Introduction/ open public hearing – Mayor Gehrz

Presentation- Susan Hoyt, City Administrator
Roland Olson, City Accountant

Questions /discussion from the council

Questions /discussion from the members of the public

Close public hearing

THE PRESENTATION AND RELATED MATERIALS WILL BE DISTRIBUTED
AT THE HEARING AND AVAILABLE TO THE PUBLIC

ITEM: Resolution approving two amendments to the Joint Powers Agreement (JPA) for the Middle Mississippi River Watershed Management Organization (MMRWMO)

SUBMITTED BY: Tom Frame, MMRWMO staff, City of Minneapolis

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to approve two amendments to the joint powers agreement (JPA) with the Middle Mississippi River Watershed Management Organization (MMRWMO). As part of this watershed, Falcon Heights participates in the organization even though it is only .2% of the area and there are no watershed issues in this section of the city west of Coffman to Fulham in the Grove – see map) and no projects are planned for this area. However, Falcon Heights participation permits other entities, Minneapolis (94.1%), Minneapolis Park Board (.6%),Lauderdale (.4%), St. Paul (1.4%) and St. Anthony (3.3%), the organizational structure to address water related issues in their communities. The first amendment changes the boundary of the WMO to encompass more of Minneapolis and increase Minneapolis's share of the total budget. The revisions have no impact on Falcon Heights, which makes up .2% of the total area (and is at the top of the watershed. The city pays \$40 a year for membership in this organization. The second amendment is procedural in case a subwatershed area wants to use an ad valorem levy to pay for activities done by the MMRWMO. Any tax levy must be approved by the subwatershed (city) within which it is levied. Therefore, Falcon Heights property owners within the watershed cannot be taxed without approval by the city council.

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

Strategy 3: Maintain collaborative relationships with other entities.

ATTACHMENTS:

- 1 Map of Watershed within Region
- 2 Map of MMRWMO
- 3 Map of Falcon Heights area in watershed
- 4 E mail to Susan Hoyt from Tom Frame summarizing status
- 5 Resolution 99-28 approving proposed amendments
- 6 Amended boundaries
- 7 Amended Article V and VI on budgets
- 8 Original agreement

ACTION REQUESTED:

Brief introduction Susan Hoyt, City Administrator

Information Tom Frame, City of Minneapolis, MMRWMO staff

Questions/discussion

Approve 99-28, if desired

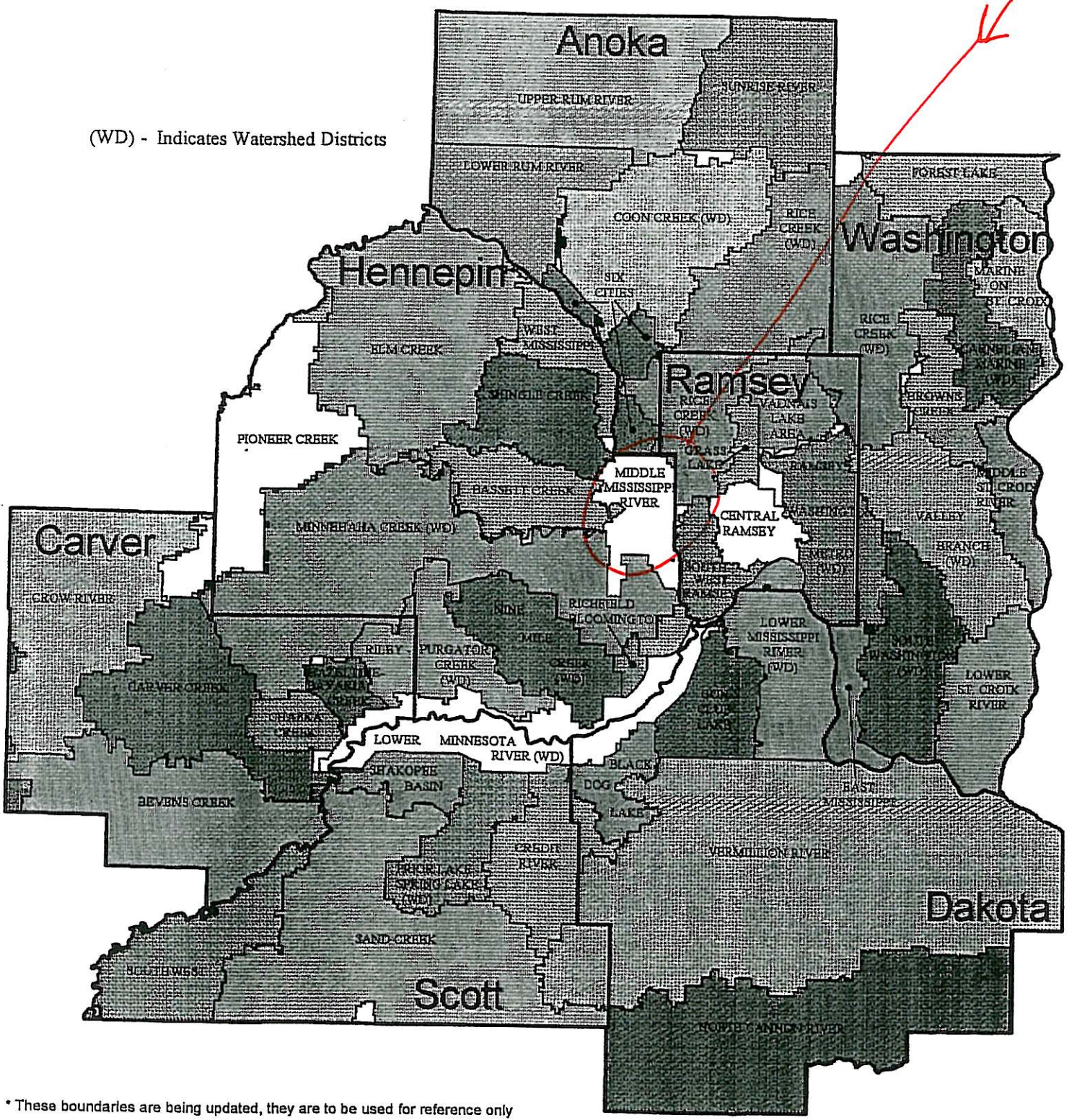


METRO REGION
One West Water Street
Suite 250
St. Paul, MN 55107
612.282.9969
Fax 612.297.5615

Watershed Districts & Watershed Management Organizations in the Metropolitan Area

12/12/96

(WD) - Indicates Watershed Districts

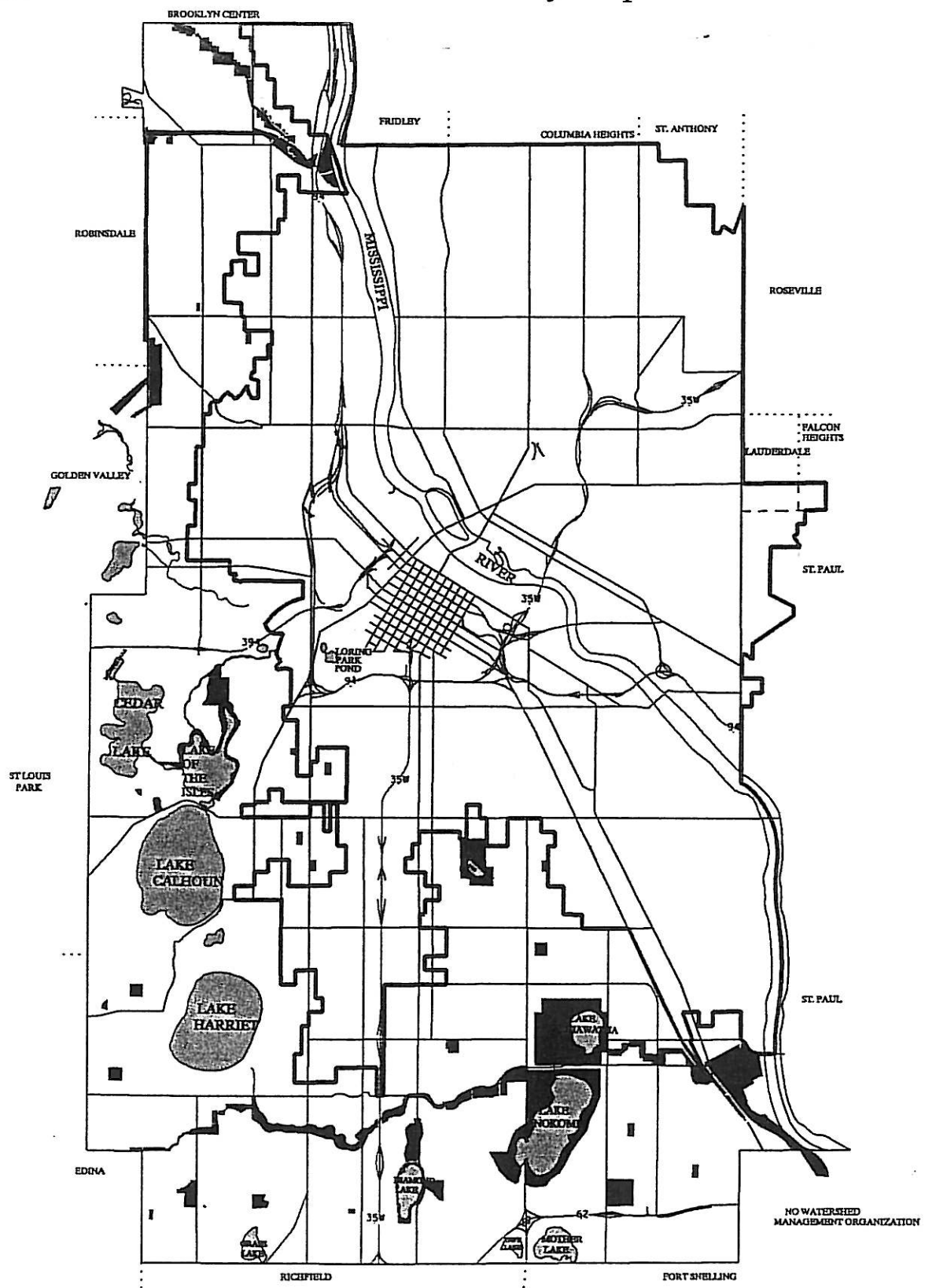
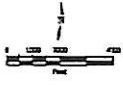


* These boundaries are being updated, they are to be used for reference only

CITY OF MINNEAPOLIS

ENGINEERING SERVICES

MMRWMO Boundary Map

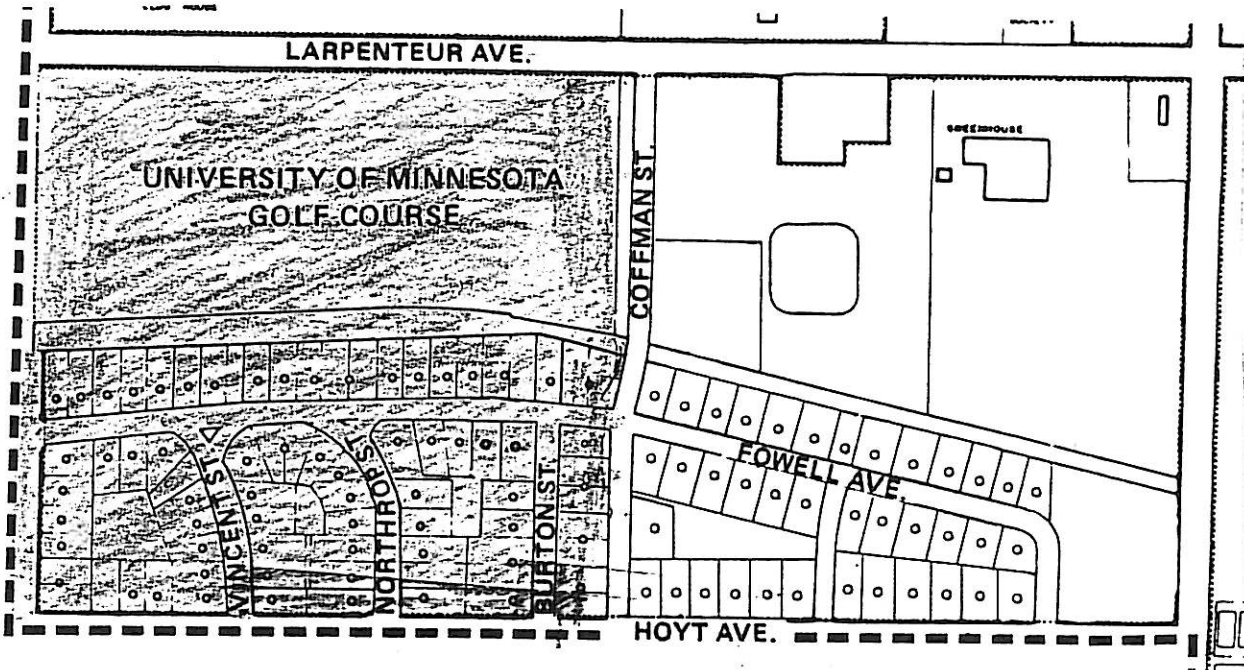


NO WATERSHED MANAGEMENT ORGANIZATION

Map 1

City of Falcon Heights

SHADED AREA IN MMRWMO



about 78 properties

From: "Frame, Tom W" <Tom.Frame@ci.minneapolis.mn.us>
To: 'Susan Hoyt' <shoyt@ci.falcon-heights.mn.us>
Date: Wed, Nov 24, 1999 1:59 PM
Subject: JCA AMENDMENTS

There are two purposes for amending the January 1997 JCA for the MMRWMO. The first is to redefine the boundary between the Basset Creek Watershed and the Middle Mississippi River Watershed regarding the drainage of the "Old Bassett Creek Tunnel". The amendment would move the area that drains locally to the Old Tunnel from the Basset Creek Watershed to the Middle Mississippi River Watershed. This new boundary would better identify local drainage patterns within both watersheds. As a result of the boundary change the percentage of land that each Member community has in the Middle Mississippi River Watershed changed slightly. With Minneapolis increasing .4% and the other Member communities decreasing or remaining static. The impact of this change is an increased percentage of the operating budget would now be paid by Minneapolis and the other Member communities shares decreasing or remaining the same.

Appendix A contains the new boundaries.

Article V contains changes in operating budget shares.

The operating budget is capped at \$20,000. Falcon Heights share remains unchanged at 0.2%. That translates to \$40.

The second purpose of the amending the 1997 JCA is to make procedural changes in development of Capital Budgets for projects. These changes were found to be necessary to meet statute requirements if an ad-valorem tax is to be levied. Protections preventing a Member from paying for project not in their subwatershed are still in place. Also, provisions permitting a member community to pay their share of a capital project in manner of their choice, in lieu of a levy, are still existing.

Article VI contains language to update the capital budget process to allow a levy to occur.

As a reminder: 1) Article IV, Subdivision 2: Projects are funded on a subwatershed basis.

2) Article IV, Subdivision 3: Costs assessments for projects which cross subwatershed boundaries shall be addressed by mutual agreement.

3) Article IV, Subdivision 3: A Member Community may fund their share of a project by its own means, in lieu of a levy.

JPAFINAL contains the original body text for the January 1997, Joint and Cooperative Agreement.

<<Appendix A jca amended july 1999 ver1.doc>> <<Article V amendment.doc>>
<<Article VI Capital Budget amendments.doc>> <<jpafinal.doc>>

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: December 6, 1999

RESOLUTION APPROVING PROPOSED CHANGES TO THE BY-LAWS
OF THE MIDDLE MISSISSIPPI RIVER WATERSHED MANAGEMENT ORGANIZATION

WHEREAS, the City of Falcon Heights is a member of the Middle Mississippi River Watershed Management Organization (MMRWMO); and

WHEREAS, the purpose of the MMRWMO is to protect and enhance water quality resources within the watershed; and

WHEREAS, the MMRWMO Board of Commissioners recently approved technical changes to the MMRWMO Joint and Cooperative Agreement by-laws relating to watershed boundaries and payment of budgetary obligations.

NOW THEREFORE, BE IT RESOLVED that the City of Falcon Heights approves the proposed changes to the by-laws of the Middle Mississippi River Watershed Management Organization.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
KUETTEL

Approved by: _____

Mayor
December 6, 1999
Date

Attested by: _____

City Administrator
December 6, 1999
Date

Appendix A
Legal Description of WMO

All the land lying within the following described boundaries:

Commencing at the intersection of E Hennepin Av and the E City Limits of the City of Minneapolis; th N on said E City limits and its Nly extension to ~~33rd Dr Av and Forest Lake Cutoff~~ Old Hwy 8; th SWly along ~~Forest Lake Cutoff~~ Old Hwy 8 to 31st Av NE; th Wly along 31st Av NE to Rankin Dr; th N along Rankin Dr to 33rd Av NE; th W along 33rd Av NE to Silver Lake Rd; th N along Silver Lake Rd to 36th Av NE; th W along 36th Av NE to ~~Edward~~ Roosevelt St NE; th N along ~~Edward~~ Roosevelt St NE to 37th Av NE; th W along 37th Av NE and its Wly extension to the center of the Mississippi River; th Nly along the center of the Mississippi River to the Ely extension of 53rd Av N; th Wly along 53rd Av N and its extension to James Av N; th S along James Av N to 52 Av N; th E along 52 Av N to the alley between ~~Humboldt~~ Irving Av N and Irving Humboldt Av N; th S along said alley to 51st Av S N; th E along 51st Av N to Humboldt Av N; th S on Humboldt Av N to 50th Av N; th E along 50th Av N to Fremont Av N; th S along Fremont Av N to 49th Av N; th E along 49th Av N to Emerson Av N; th S along Emerson Av N to 47th Av N; th E along 47th Av N to alley between Colfax and ~~Bryan~~ Bryant Avs N; th S along said alley to 46th Av N; th E along 46th Av N to Camden Av N; th S along Camden Av N to 45th Av N; th E along 45th Av N to the center line of the Mississippi River; th Sly along the center line of the Mississippi River to the Ely extension of 41st Av N; th W along 41st Av N and its Ely extension to Bryant Av N; th N along Bryant Av N to 42nd Av N; th W along 42 Av N to Emerson Av N; th S along Emerson Av N to 41st Av N; th E along 41st Av N to Dupont Av N; th S along Dupont Av N to 39th Av N; th W along 39th Av N to Emerson Av N; th S along Emerson Av N to ~~38th~~ Dowling Av N; th W along ~~38th~~ Dowling Av N to Knox Av N; th S along Knox Av N to the ~~center line between~~ 36th and 37th Avs N; th E along ~~said center line~~ 36th Av N to Humboldt Av N; th S along Humboldt Av N to 35th Av N; th W along 35th Av N to James Av N; th N along James Av N to 36th Av N; th W along 36th Av N to Logan Av N; th S along Logan Av N to 35th Av N; th W along 35th Av N to Morgan Av N; th S along Morgan Av N to 33rd Av N;ⁱⁱ th E along 33rd Av N to the alley between James and Knox Avs N; th S along said alley to Lowry Av N; th E along Lowry Av N to James Av N; th S along James Av N to 30th Av N; th E along 30th Av N to Fremont Av N; th S along Fremont Av N to 29th Av N; th W along 29th Av N to the alley between Fremont and Girard Avs N; th S along said alley to 27th Av N; th W along 27th Av N to the alley between Humboldt and Irving Avs N; th S along said alley to 26th Av N; th W along 26th Av N to Irving Av N; th S along Irving Av N to 25th Av N; th E along 25th Av N to ~~Girard Av N~~; th S along ~~Girard Av N~~ the alley between Girard and Fremont Avs N; th S along said alley to 23rd Av N; th W along 23rd Av N to the Wly segment of Irving Av N; th NWly along the Wly segment of Irving Av N to Ilion Av N; th SWly along Ilion Av to Hillside Av; th NWly along Hillside Av to the

NS alley between James and Logan Avs N; th SWly along said NS alley to the EW alley lying between Lots 72 and 73, Blk 19, Forest Heights Addn to Minneapolis; th Ely W along last described alley to Logan Av N; th Sly along Logan Av N to the intersection with W Broadway and Oliver Av N; th Sly along Oliver Av N to 21st Av N; th W along 21st Av N to Penn Av N; th S-along Penn Av N to the intersection with the Ely extension of the dividing line between Blk 6, Eastlawn Addn, to Minneapolis and Blk 1, Pratts Addn to Minneapolis; th W along said dividing line to the NS alley in said blocks; th S along said alley to 16th Av N; th W along 16th Av N to Queen Av N; center line between 16th and 17th Avs N th are lying W of Penn Av N; th W along said center line to Queen Av N; th S along Queen Av N to 14th Av N; th E along 14th Av N to Girard Av N; th S along Girard Av N to 12th Av N; th E along 12th Av N to Fremont Av N; th N along Fremont Av N to Plymouth Av N; th E along Plymouth Av N to Bryant Av N; th S along Bryant Av N to 12th Av N; th W along 12th Av N to the center line between Aldrich and Bryant Avs N; th S along the said center line to 7th St N; th SEly along 7th St N to W Lyndale Av N; th Sly along W Lyndale Av N to 4th Av N; th E along 4th Av N to Border Av; th N along Border Av to 7th St N; th NWly along 7th St N to E Lyndale Av N; th NEly along E Lyndale Av N to State Highway #94, th NEly along State Highway #94 to Plymouth Av N; th E along Plymouth Av N to the W bank of the Mississippi River; th SEly along the W bank of the Mississippi River to 3rd Av N; th SWly along 3rd Av N to 3rd St N; th NWly along 3rd St N to 4th Av N; th SWly along 4th Av N to 4th St N; th SEly along 4th St N to 3rd Av N; th SWly along 3rd Av N to Holden St; th W along Holden St to 11th St N; th SWly parallel with C N W RR r/w to Currie Av N; th E along Currie Av approx 165'; th S parallel with 12th St N to Chestnut Av; th W along Chestnut Av to W Lyndale Av N; th S along Queen Av N to Plymouth Av N; th W along Plymouth Av N to Russell Av N; th S along Russell Av N to 12th Av N; th E on 12th Av N to Queen Av N; th S on Queen Av N to 8th Av N; th W on 8th Av N to Russell Av N; th S on Russell Av N to 4th Av N; th E on 4th Av N to Logan Av N; th S on Logan Ave N to 3rd Av N; th W on 3rd Av N to Gramercy Av; th SWly on Gramercy Av to 2nd Av n; th SEly on 2nd Av N to Cedar Lake Road N; th NEly on Cedar Lake Road N to 2nd Av N; th E on 2nd Av N to Lyndale Av N; th S on Lyndale Av N to the intersection with the SEly R/W line of the Hennepin County Regional Railroad Authority; (th SWly along the M & St L RR the SEly R/W line of the Hennepin County Regional Railroad Authority r/w to Linden Av W;) th SWly along Linden Av W to Wayzata Dunwoody Blvd; th S and SEly along Wayzata Dunwoody Blvd to the Parade Stadium; th SWly across The Parade Stadium to the intersection of Kenwood Pkwy and Emerson Av S; th SEly along Emerson Av S to Groveland Ter; th Sly along Groveland Ter to Mount Curve Avⁱⁱⁱ to vacated Emerson Av S th S along vacated Emerson Av S to Kenwood Pkwy; th SWly along Kenwood Pkwy to Summit Pl; th SWly on Summit Pl to Mount Curve; th Ely along Mount Curve Av to Colfax Av S; th S along Colfax Av S to Franklin Av E; th E

along Franklin Av E to Bryant Av S; th S along Bryant Av S to W 26th St; th E along W 26th St to Garfield Av S; th N along Garfield Av S to W 25th St; th E along W 25th St to the alley between Blaisdell Av S and Pillsbury Av S; th S along said alley to W 26th St; th W along W 26th St to Pleasant Av; th S along Pleasant Av to W 35th St; th W along W 35th St to Colfax Av S; th N along Colfax Av S to W 33rd St; th W along W 33rd St to Fremont Av S; th S along Fremont Av S to W 34th St; th W along W 34th St to Hennepin Av; th S along Hennepin Av to W 35th St; th W along W 35th St to Irving Av S; th S along Irving Av S to the alley between Irving Av S and James Av S and W 35th St and W 36th St; th W along said alley to James Av S; th S along James Av S and its Sly extension to a pt in Lakewood Cemetery that is distant approx 100'S of W 36th St; th E parallel with W 36th St to the Sly extension of Emerson Av S; th SWly on a curve line, concaved to the NW, to the intersection of the Sly extension of Holmes Av S and Wly extension of W 39th St; th S along the Sly extension of Holmes Av S to the Wly extension of W 40th St; th SEly along a curve line, concaved to the SW, to the intersection of Kings Highway and W 42nd St; th E along W 42nd St to Bryant Av S; th N along Bryant Av S to W 41st St; th E along W 41st St to Lyndale Av S; th S along Lyndale Av S to W 42nd St; th E along W 42nd St to Garfield Av S; th S along Garfield Av S to W 46th St; th W along W 46th St to Aldrich Av S; th S along Aldrich Av S to W 47th St; th W along W 47th St to Bryant Av S; th S along Bryant Av S to W 49th St; th E along W 49th St to Harriet Av S; th S along Harriet Av S to W 50th St; th E along W and E 50th St to 2nd Av S; th N along 2nd Av S to E 42nd St; th E along E 42nd St to Chicago Av; th N along Chicago Av to E 41st St; th W along E 41st to the alley between Oakland and Park Avs; th N along said alley to E 40th St; th E along E 40th St to Chicago Av; th N along Chicago Av to E 38th St; th W along E 38th St to Oakland Av; th S along Oakland Av to E 39th St; th W along E 39th St to Portland Av; th N along Portland Av to E 37th St; th E along E 37th St to Oakland Av; th N along Oakland Av to E 36th St; th E along E 36th St to Columbus Av; th N along Columbus Av to E 35th St; th W along E 35th St to Portland Av; th N along Portland Av to E 34th St; th W along E 34th St to 4th Av S; th N along 4th Av S to E 33rd St; th E along E 33rd St to the alley between 4th and 5th Avs S; th N along said alley to E 32nd St; th E along E 32nd St to Portland Av; th N along Portland Av to E 31st St; th E along E 31st St to 11th Av S; th N along 11th Av S to E 29th St; th E along E 29th St to 13th Av S; th S along 13th Av S to E Lake St; th E along E Lake St to 15th Av S; th S along 15th Av S to E 32nd St; th E along E 32nd St to 18th Av S; th N along 18th Av S to E Lake St; th E along E Lake St to 21st Av S; th S along 21st Av S to E 32nd St. th W along E 32nd St to 19th Av S; th S along 19th Av S to E 34th St; th E along E 34th St to 20th Av S; th S along 20th Av S to E 35th St; th E along E 35th St to 23rd Av N; th S along 23rd Av S to E 36th St; th W along E 36th St to 22nd Av S; th S along 22nd Av S to E 37th St; th E along E 37th St to 23rd Av S; th S along 23rd Av S to E 38th St; th E along E 38th St to Hiawatha Av; th SEly along Hiawatha Av to E 46th St; th

~~E along E 46th St to Snelling Av; th NWly along Snelling Av to E 45th St; th E along E 45th St to 42nd Av S; th N along 42nd Av S to E 44th St; th E along E 44th St to 45th Av S; th S along 45th Av S to E 46th St; th E along E 46th St to 46th Av S; th SEly along the Ford Bridge to the center of the Mississippi River; th Nly along the City Limits to the pt of beginning and there terminating.~~

Th Ely along Mt Curve Av to the centerline of Colfax Av S; th S along Colfax Av S to W Franklin Av; th W on W Franklin Av to Dupont Av S; th S on Dupont Av S to 22nd St W; th W on 22nd St W to Emerson Ave S; th S on Emerson Av S to 24th St W; th W on 24th St W to Irving Av S; th N on Irving Av S to Lake Pl; th SWly on Lake Pl to 26th St W; th Ely on 26th St W to Hennepin Av; th NEly on Hennepin Av to 22nd St W; the E on 22nd St W to Bryant Av S; th S on Bryant Av S to 27th St W; th E on 27th St W to Lyndale Av S; th N on Lyndale Av S to 26th St W; th E on 26th St W to Garfield Av S; th N on Garfield Av S to 25th St W; th E on 25th St W to Pillsbury Av S; th S on Pillsbury Av S to 29th St W; th W on 29th St W to Pleasant Av S; th S on Pleasant Av S to the north R/W line of the Hennepin County Regional Railroad Authority; th W on the north R/W line of the Hennepin County Regional Railroad Authority to Dupont Av S; th N on Dupont Av S to 28th St W; th W on 28th St W to Fremont Av S; th S on Fremont Av S to the north R/W line of the Hennepin County Regional Railroad Authority; th W on the north R/W line of the Hennepin County Regional Railroad Authority to Hennepin Av; th S on Hennepin Av to The Mall; th W on The Mall to Humboldt Av S; the S on Humboldt Av S to Lake St W; th E on Lake St W to Lyndale Av S; th N on Lyndale Av S to the south R/W line of the Hennepin County Regional Railroad Authority; th E on the south R/W line of the Hennepin County Regional Railroad Authority to Harriet Av S; th S on Harriet Av S to 31st St W; th E on 31st St W to Grand Av S; th N on Grand Av S to the south R/W line of the Hennepin County Regional Railroad Authority; th E on the south R/W line of the Hennepin County Regional Railroad Authority to Pleasant Av S; th S on Pleasant Av S to 32nd St W; th E on 32nd St W to Pillsbury Av S; th S on Pillsbury Av S to 34th St W; th W on 34th St W to Grand Av S; th S on Grand Av S to 35th St W; th W on 35th St W to Colfax Av S; th N on Colfax Av S to 33rd St W; th W on 33rd St W to Fremont Av S; th S on Fremont Av S to 34th St W; th W on 34th St W to Hennepin Av; th S on Hennepin Av to 35th St W; th W on 35th St W to Irving Av S; th S on Irving Av S to 36th St W; th E on 36th St W to King's Highway; th S on King's Highway to 42nd St W; th E on 42nd St W to Bryant Av S; th N on Bryant Av S to 41st St W; th E on 41st St W to Garfield Av S; th S on Garfield Av S to 43rd St W; th E on 43rd St W to Harriet Av S; th S on Harriet Av S to 44th St W; th W on 44th St W to Lyndale Av S; the S on Lyndale Av S to 45th St W; th W on 45th St W to Aldrich Av S; th S on Aldrich Av S to 47th St W; th W on 47th St W to Bryant Av S; th S on Bryant Av S to 49th St W; th E on 49th St W to Pleasant Av S; N on Pleasant Av S to 48th St W; th E on 48th St W to Stevens Av S; th S on Stevens Av S to 50th St E; th E on 50th St E to 2nd Av S; th N on 2nd Av S to 42nd St E; th E on 42nd St E to Chicago Av S; th N on

Chicago Av S to 41st St E; th W on 41st St E to Oakland Av S; th N on Oakland Av S to 40th St E; th E on 40th St E to Chicago Av S; th N on Chicago Av S to 38th St E; th W on 38th St E to Portland Av S; th N on Portland Av S to 37th St E; th E on 37th St E to Oakland Av S; th N on Oakland Av S to 36th St E; th E on 36th St E to Columbus Av S; th N on Columbus Av S to 35th St E; th W on 35th St E to Oakland Av S; th N on Oakland Av S to 34th St E; th W on 34th St E to 4th Av S; th N on 4th Av S to 33rd St E; th E on 33rd St E to 5th Av S; th N on 5th Av S to 32nd St E; th E on 32nd St E to Portland Av S; th N on Portland Av S to 31st St E; th E on 31st St E to 10th Av S; th S on 10th Av S to the N line of Powderhorn Park; th E along the N line of Powderhorn Park to 11th Av S; th N on 11th Av S to 29th St E; th E on 29th St E to 13th Av S; th S on 13th Av S to Lake St E; th E on Lake St E to 14th Av S; th S on 14th Av S to 32nd St E; th E on 32nd St E to 16th Av S; th N on 16th Av S to Lake St E; th E on Lake St E to 19th Av S; th S on 19th Av S to 31st St E; th E on 31st St E to 21st Av S; th S on 21st Av S to 32nd St E; th W on 32nd St E to 20th Av S; th S on 20th Av S to 35th St E; th E on 35th St E to 22nd Av S; th S on 22nd Av S to 37th St E; th E on 37th St E to 24th Av S; th S on 24th Av S to 38th St E; th E on 38th St E to Hiawatha Av; th SEly on Hiawatha Av to Nawadaha Blvd; th NEly on Nawadaha Blvd to the east R/W line of the Soo Line RR (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad); th NWly the east R/W line of the Soo Line RR (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad) to 46th St E; th E on 46th St E to Snelling Av S; th NWly on Snelling Av S to 44th St E; th E on 44th St E to 40th Av S, th S on 40th Av S to 45th St E; th E on 45th St E to 42nd Av S; th N on 42nd Av S to 44th St E; th E on 44th St E to 46th Av S; th S on 46th Av S to 46th St E; th SEly and Ely on 46th St E to the Ford Bridge; th E on the Ford Bridge to the center line of the Mississippi River, (also being the E boundary line of the City of Minneapolis)^{iv}; th Nly along the centerline of the Mississippi River to the Sly extension of Emerald St; th N along the Sly extension of Emerald St and Emerald St to Sharon Av; th E along Ely extension of Sharon Av to Sly extension of Curfew St; th N along Curfew St to Franklin Av; the E along Franklin Av approx 330'; th N a right angle to the intersection of Ellis Av and University Av ; th W along Ellis Av to Emerald St; th N along Emerald St and its Nly extension to Territorial Rd; th SEly along Territorial Rd to West Gate Dr; th N along West Gate Dr to the Sly R/W line of the Burlington Northern RR (formerly Northern Pacific RR); th NEly along the Sly R/W line of the Burlington Northern RR approx 2250'; th N to Energy Park Dr Av; th NWly along Energy Park Dr Av to Eustis St; th N along Eustis St to Valentine Av; th E along Valentine Av to Como Av; th NWly along Como Av to Sly extension of Fulham St; th N along Fulham St and Sly extension of Fulham St to Hendon Av; th E along Hendon Av to Branston St; th N along Branston St to W Hoyt Av; th E along W Hoyt Av to Coffman St; th N along Coffman St to Larpenteur Av; th W along W Larpenteur Av to the pt of beginning and there terminating.

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- ⁱ Start boundary with Shingle Creek WMO
 - ⁱⁱ End boundary with Shingle Creek WMO, start boundary with Bassett Creek WMO
 - ⁱⁱⁱ End boundary with Bassett Creek WMO, begin boundary with Minnehaha Creek WD
 - ^{iv} End boundary with Minnehaha Creek WD

Article V

Operating Budget

Subdivision 3: Member contributions to the operating budget will be determined on a percentage basis of the geographic area of each Member's subwatershed, excluding properties owned by the Minneapolis Park and Recreation Board. The Minneapolis Park and Recreation Board share shall be determined by that portion of property owned by them. This assessment shall be allocated as follows:

<u>Member</u>	<u>Share</u>	
Minneapolis	93.7	<u>94.1%</u>
St. Anthony	3.5	<u>3.3%</u>
Saint Paul	1.5	<u>1.4%</u>
Minneapolis Park and Recreation Board	0.7	<u>0.6%</u>
Lauderdale	0.4	%
Falcon Heights	0.2	%

Article VI

Capital Budgets

Subdivision 5: The Commission shall have the authority to prepare and adopt a Capital Improvement Program as defined in Minnesota Statutes 103B.205 Subdivision 3, ~~beginning with the fiscal year in which the~~ **as part of the** Watershed Management Plan. ~~is adopted.~~ The Capital Improvement Program shall set forth the schedule of capital projects identified in the Watershed Management Plan as well as designating Members for participation in each project and estimating the total costs for such projects. Projects not identified in the Watershed Management Plan shall not be included in the Capital Improvement Program until and unless the Watershed Management Plan is amended to include such projects. **Implementation of the Capital Improvement Program will begin upon adoption of the Watershed Management Plan subject to the availability of funding.**

Subdivision 6: ~~Beginning with the year following adoption of the Capital Improvement Program, the Commission shall adopt a capital improvement budget for the ensuing year on or before September 1 of each year.~~ **Beginning with the year the Watershed Management Plan is adopted, the Commission shall submit, by June 1, a draft capital budget to the clerk of Member's Council for their review.** The budget shall ~~then be certified by the Secretary of the Commission on or before October 1 to the clerk of each Member's Council together with a statement of the proportion of the budget to be provided by each Member. The Council of each Member agrees to review the budget.~~ The Commission shall upon notice from any Member received prior to ~~November 1~~ **August 1**, hear objections to the budget. Such notice shall be written to the Commission's Secretary and delivered by certified mail to their principal business address. The Commission, upon notice delivered by US Mail to all Members and after a hearing, may modify or amend the budget. **The MMRWMO Commission shall hold a public hearing in accordance with Minnesota Statutes 103B and 103D on the proposed capital budget. On or before September 15 of each year, the Commissioners shall adopt a capital budget for the next year and decide on the total amount to be raised from ad valorem tax levies. By the September 15 of each year the budget shall be**

certified by the Secretary of the Commission to the County, Counties or the clerk of each Member's Council together with a statement of the proportion of the budget to be provided. Following certification of the capital budget by the Secretary of the Commission, each Member having a financial obligation therefore, shall provide to the Organization the funds required by the budget on or before February 1. Modifications or amendments to the original budget require a majority vote.

Subdivision 7: Following certification of the capital budget by the Secretary of the Commission, each member having a financial obligation therefore, shall provide to the Organization on or before February 1 documentation of the member's budgetary approval and commitment of the funds required. Changes in funding availability or anticipated costs will require modifications or amendments to the original budget and must be approved by a majority vote of the Commission.

If the Organization is responsible for the planning, design, acquisition, relocation, or construction of an approved capital project on behalf of a Member, each Member having a financial obligation therefore, shall also provide to the Organization the funds required by the budget from that member on or before February 1.

If the Member is responsible for the completion of the capital project, the Organization's approved share of the project cost coming from its tax levy will be reimbursed to the member from actual tax revenues received in a manner agreed to. The Member being reimbursed for project costs by the Organization shall agree to be responsible for providing any requested documentation of costs requested by the Organization or its auditors.

Membership

This Agreement entered into as of the date of execution by and among the following:

Cities of

Falcon Heights
Lauderdale
Minneapolis
St. Anthony
Saint Paul

and the Minneapolis Park and Recreation Board for the establishment of a Watershed Management Organization. The aforementioned cities and the Minneapolis Park and Recreation Board shall hereinafter be referred to as Members.

WHEREAS, the Members have authority pursuant to Minnesota Statutes, Section 471.59 to jointly and **cooperatively by agreement exercise powers common to the contracting bodies pursuant to Minnesota Statutes, Section 103B.201 to 103B.251** and

WHEREAS, the Members desire to plan a comprehensive water management program in accordance with Minnesota Statutes, Sections 103B.201 to 103B.251;

NOW THEREFORE, the parties to this Agreement do mutually agree as follows:

Article I

Legal Purpose

The purpose of this Joint and Cooperative Agreement for the Middle Mississippi River Watershed Management Organization is to replace the Joint Powers Agreement for the Middle Mississippi River Watershed Management Organization executed in 1985.

The purpose of the Middle Mississippi River Watershed Management Organization, as provided for in this Agreement, is to provide for the wise, long-term management of water and associated land resources within the watershed through implementation measures that realize multiple objectives, respect ecosystem principles, and cultural and historical community values. The Middle Mississippi River Watershed Management Organization seeks to (a) protect, enhance, and restore the quality and quantity of surface and ground water resources within the Middle Mississippi River Watershed Management Organization jurisdiction; (b) protect, preserve, and use natural surface and ground water storage and retention systems; (c) minimize public capital expenditures needed to correct and control flooding and water quality problems; (d) identify and plan for means to effectively protect and improve surface and ground water quality; (e) establish more uniform local policies and official controls for surface and ground water management; (f) promote ground water recharge; (g) protect and enhance fish and wildlife habitat and water recreation facilities; (h) secure the other benefits associated with the proper management of surface and ground water; and (i) promote and encourage cooperation among Members and among other organizations in coordinating local comprehensive water management programs.

A legal description and map of the boundaries of the Middle Mississippi River Watershed Management Organization are included pursuant to Minnesota Rules 84010.0030, Subpart 1.B in Appendix A and C respectively of this Agreement.

Article II

Definitions

For the purpose of this Agreement, the terms used herein shall have the meanings defined in this article.

Subdivision 1: "Organization" is the Middle Mississippi River Watershed Management Organization.

Subdivision 2: "Commission" shall mean the governing body of the Organization and shall consist of a Commissioner or Alternate from each of its Members.

Subdivision 3: "Commissioner" shall mean any person appointed to the Commission by each Members governing body, or in the Commissioner's absence, the Alternate.

Subdivision 4: "Council" shall mean the governing body of a Member. In the case of municipalities, this shall be the elected officials responsible for governing the city and for Minneapolis Park & Recreation Board, its Board of Commissioners.

Subdivision 5: "Member" shall mean any city, county, or special purpose government entity within the watershed that enters into this Agreement.

Subdivision 6: "Watershed" means the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to the Mississippi River and within the mapped areas delineated on the map identified as Appendix C which has been or will be submitted to the Board of Water and Soil Resources.

Subdivision 7: "Act" is defined as the Metropolitan Surface Water Management Act as found in Minnesota Statutes, Sections 103B.201 to 103B.251.

Subdivision 8: "Operating Budget" refers to the administrative expenses incurred by the Organization.

Subdivision 9: "Capital Improvement Project" shall mean a physical improvement project other than routine maintenance.

Subdivision 10: "Majority" shall be defined as greater than half of the quorum.

Subdivision 11: "Subwatershed" shall be a management and taxation unit smaller than and lying within the Organization. Subwatersheds shall be delineated along the jurisdictional boundaries of the municipalities of Falcon Heights, Lauderdale, Minneapolis, St. Anthony, and Saint Paul.

Subdivision 12: "Catchment Area" shall mean a hydrologic drainage area less than the entire watershed under the jurisdiction of the Organization.

Subdivision 13: "Quorum" shall mean the number of Commissioners or Alternates required to be present for business to be legally transacted. This number shall be any number which is greater than half of the Members. Any number less than a quorum may adjourn a scheduled meeting.

Article III

Board Of Commissioners

Subdivision 1: The governing body of the Organization shall be its Commission which shall consist of seven (7) voting Commissioners. Each Commissioner shall have one vote. All appointments to the Commission shall be in accordance with Minnesota Statutes 103B.227. The Board of Water and Soil Resources shall be notified of all appointments and vacancies of the Commission within 30 days. All vacancies shall be filled within ninety (90) days after they occur. Notices of all vacancies and appointments shall be published in a legal publication of the Members community appointing the Commissioner at least fifteen (15) days prior to the appointment. Vacancies shall be filled for the remainder of the term by the Council who appointed or had the right to appoint the Commissioner. The Council of each Member shall appoint one (1) Commissioner to represent the Member to the Commission. Each Commissioner shall serve until his or her successor is appointed. Effective January 31, 1997, the Commissioners shall be appointed to terms as follows:

<u>Member</u>	<u>Initial Term</u>
City of Minneapolis	3 years
City of Saint Paul	3 years
City of St. Anthony	3 years
City of Falcon Heights	2 years
City of Lauderdale	2 years
Minneapolis Park and Recreation Board	1 year

After the initial term, each Commissioner shall serve three year terms.

Subdivision 2: A Commissioner may not be removed from the Commission prior to the expiration of his or her term, except for just cause by the Council that made the appointment. An elected or appointed official who is not re-elected or re-appointed may be removed by the appointing Members Council at the Member's discretion.

Subdivision 3: Member Councils may select and appoint alternates to the Commission in the same manner as Commissioners. In the absence of a Member's Commissioner, the designated Alternate may vote and act in the Commissioner's place. The Alternate shall serve a term concurrent with the Member's Commissioner.

Subdivision 4: Each Member shall, within thirty (30) days of appointment, file with the Secretary of the Commission a record of the appointment of its Commissioner and Alternate. The Commission shall notify the Board of Water and Soil Resources of Member appointments and vacancies within thirty (30) days after receiving notice from the Member.

Subdivision 5: The Council of each Member shall determine the eligibility and qualifications of its Commissioner and Alternate. However, the terms of each Commissioner shall be as established by this Agreement.

Subdivision 6: Regular meetings shall be held by the Commission periodically at the time and place determined by the Commission pursuant to open meeting law, Minnesota State Statutes 471.705.

Subdivision 7: At the first meeting of the Commission and each calendar year thereafter, the Commission shall elect from its Members a chairperson, a vice chairperson, a treasurer, a secretary, and such other officers as it deems necessary to conduct its meetings and affairs.

Subdivision 8: The Commission shall adopt those bylaws and procedures necessary for the conduct of its meetings. Such rules may be amended at either a regular or special meeting of the Commission provided that a ten (10) day prior notice of the proposed amendment has been furnished to each Commissioner and Alternate to whom notice of meetings is required to be sent.

Subdivision 9: The Commission may create such committees, task forces or working groups as needed to accomplish its mission.

Subdivision 10: Commissioners shall serve without compensation from the Organization, but this shall not prevent a Member's Council from providing compensation for its Commissioner for serving on the Commission, if such compensation is authorized by such governmental unit and by law.

Article IV

Powers and Duties of the Board of Commissioners

Subdivision 1: The Commission shall employ such persons as it deems necessary to accomplish its duties and powers. The Commission may hire staff on a full time, part time or consulting basis. The Commission may also incur expenses and expenditures necessary and incidental to the effectuation of its purposes and powers.

Subdivision 2: In order for the Commission to conduct business, a quorum must be present. Decisions by the Commission require a majority vote, except in the case of a capital improvement project. Capital improvement projects shall require a two thirds majority vote.

Subdivision 3: The Commission shall have an established Citizen Advisory Committee and Technical Advisory Committee to provide input and to serve in an advisory role.

Subdivision 4: The Commission shall review and approve of a Local Water Management Plan for its Members as established under Minnesota Statutes, Chapter 103B. Approval of the plan shall require no more than a majority vote.

Subdivision 5: The Commission may acquire, operate, construct, and maintain capital improvement projects delineated in the Watershed Management Plan for the protection, enhancement, and improvement of the watershed.

Subdivision 6: The Commission shall develop a comprehensive Watershed Management Plan to meet the requirements of Minnesota Statutes, Chapter 103B. The plan shall establish comprehensive goals and policies for the protection, enhancement, and improvement of the watershed, and shall establish specific implementation strategies to realize these goals and policies.

Subdivision 7: The Commission shall have the power to contract with any governmental unit, private or nonprofit association to accomplish the purposes for which it is organized.

Subdivision 8: The Commission has the authority to apply for, accept, and use grants, loans, money or other property from the United States, the State of Minnesota, a unit of government or any person or entity for the Organization. The Organization may use and dispose of such money or property for any expenses/fees, policies, goals, capital improvement projects, or any use the Organization deems necessary to pursue its goals and policies.

Subdivision 9: The Commission may establish and maintain devices for acquiring and recording hydrological and water quality data within the watershed.

Subdivision 10: The Commission may contract for, or purchase, such insurance as they deem necessary for the protection of the Commission.

Subdivision 11: The Commission may define and designate subwatersheds within the watershed and shall have authority to allocate costs to those subwatersheds that directly benefit from the capital improvement projects.

Subdivision 12: The Commission shall have the authority to invite governmental entities within the area of the watershed to join the Organization. Furthermore, any governmental entities within the area of the watershed may petition for membership in the Organization. The addition of new Members shall require a majority vote of the Commission and appropriate resolution by current Member Councils. The effective date shall be the date of filing by the last Council resolution approving the addition. As Members are added to the Organization, there shall be created one voting Commissioner. Furthermore, as each new Member is added, the cost shares of the operating budget (Article V, Subdivision 4) will be reassessed.

Subdivision 13: The Commission has the authority to contract for the space, equipment, and supplies to carry on its activities either with an individual Member or elsewhere.

Subdivision 14: The Commission may investigate on its own initiative or upon petition of any Member, complaints relating to the pollution of surface or ground water in the watershed. Upon a finding that the watershed is being polluted, the Commission may take appropriate action to alleviate

the pollution including recommending enforcement and other regulatory actions to the appropriate jurisdiction.

Subdivision 15: Commissioners and staff may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes, goals and policies of the Organization. Such entrance shall occur after obtaining a duly executed search warrant, with permission of the property owner, or when a search warrant for access to the property is not required. The Commission shall be liable for actual damages resulting therefrom, subject to the limitations of Minnesota Statutes Section 466.01, et. seq. Every person who claims damages shall serve the Chair or Secretary of the Commission with a notice of claim as required by Minnesota Statutes, Chapter 466.05.

Subdivision 16: The Commission may vote to provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board or agency relating to the planning or construction of capital improvement projects approved by the Organization.

Subdivision 17: The Commission shall at least every 2 years solicit interest proposals for professional or technical consultant services before retaining the services of a consultant or extending annual service agreements.

Subdivision 18: The Commission may designate one or more national or state bank or trust companies authorized by Chapters 118 or 427 of Minnesota Statutes to receive deposits of public moneys to act as depositories for the Organization's funds. No funds may be disbursed without the signature of at least two Commissioners, one of whom shall be the Treasurer. The Treasurer shall be required to file with the Secretary of the Commission a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Commission. The Commission shall pay the premium on said bond.

Subdivision 19: The Commission may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein.

Article V

Operating Budget

Subdivision 1: The Commission shall adopt an operating budget for the ensuing year on or before September 1 of each year. The budget shall then be certified by the Secretary of the Commission on or before October 1 to the clerk of each Members Council together with a statement of the proportion of the budget to be provided by each Member. The Council of each Member agrees to review the budget. The Commission shall upon notice from any Member received prior to November 1, hear objections to the budget. Such notice shall be written to the Commission's Secretary and delivered by certified mail to their principal business address. The Commission, upon notice delivered by US Mail to all Members and after a hearing, may modify or amend the budget. If no objections are submitted to the Commission, each Member agrees to provide the funds required by the budget on or before February 1. Modifications or amendments to the original budget require a majority vote. The operating budget shall not exceed \$20,000 annually.

Subdivision 2: The Commission has the duty to make a full and complete financial accounting report to each Member at least once annually. A certified public accountant shall perform the audit of the Organization. The report shall include the approved budget; a reporting of revenues; a reporting of expenditures; a financial audit report or section that includes a balance sheet; a classification of revenues and expenditures; an analysis of changes in final balances; and any additional statements considered necessary for full financial disclosure; and the status of all Commission projects and work within the watershed; copies of said report shall be transmitted to the clerk of each Member's Council.

Subdivision 3: Member contributions to the operating budget will be determined on a percentage basis of the geographic area of each Member's subwatershed, excluding properties owned by the Minneapolis Park and Recreation Board. The Minneapolis Park and Recreation Board share shall be determined by that portion of property owned by them. This assessment shall be allocated as follows:

<u>Member</u>	<u>Share</u>
Minneapolis	93.7%
St. Anthony	3.5%
Saint Paul	1.5%
Minneapolis Park and Recreation Board	0.7%
Lauderdale	0.4%
Falcon Heights	0.2%

Subdivision 4: Projects or other necessary expenditures which cannot be accomplished through the capital budget and would exceed the cost of the operating budget of Article V, Subdivision 2, shall be addressed by mutual agreement of the affected Members outside of this Agreement.

Article VI

Capital Budget

Subdivision 1: The Members recognize that on-going capital expenditures will be required to solve some of the water resource problems within the watershed. For the purposes of this Agreement, capital improvement projects are those determined necessary to implement the Organization's Capital Improvement Program.

Subdivision 2: Capital projects will be financed on a subwatershed basis. Subwatersheds are drawn on the basis of jurisdictional boundaries contained within the watershed. There are five subwatersheds:

Minneapolis
Saint Paul
St. Anthony
Lauderdale
Falcon Heights
(Subwatersheds are indicated on the map in Appendix B)

Capital improvement projects may be undertaken solely within one subwatershed, within two or more subwatersheds or in all the subwatersheds of the watershed.

Subdivision 3: In order to finance an approved capital improvement project, the Commission may levy an ad valorem tax against properties within those subwatersheds which directly benefit from such project in the same manner as a watershed district may levy taxes under Minnesota Statutes Chapters 103B and 103D and Section 471.59. Each Member's Council's subwatershed, that is part of a capital improvement project, shall have discretion to implement its own means of funding its share of the capital improvement project costs, in lieu of ad valorem taxes. Cost assessments for capital improvement projects shall be addressed by mutual agreement of the Member Councils whose subwatersheds are involved. This assessment shall take into consideration such factors as the level of benefit, geographic area, and other pertinent factors.

Subdivision 4: Approval of capital improvement projects shall require a two-thirds vote of the Commission, approval by the Council of each Member affected by the project, and other such bodies

as required by law. Capital improvement projects shall be financed in accordance with Minnesota Statutes, 103B and 103D.

Subdivision 5: The Commission shall have the authority to prepare and adopt a Capital Improvement Program as defined in Minnesota Statutes 103B.205 Subdivision 3, beginning with the fiscal year in which the Watershed Management Plan is adopted. The Capital Improvement Program shall set forth the schedule of capital projects identified in the Watershed Management Plan as well as designating Members for participation in each project and estimating the total costs for such projects. Projects not identified in the Watershed Management Plan shall not be included in the Capital Improvement Program until and unless the Watershed Management Plan is amended to include such projects.

Subdivision 6: Beginning with the year following adoption of the Capital Improvement Program, the Commission shall adopt a capital improvement budget for the ensuing year on or before September 1 of each year. The budget shall then be certified by the Secretary of the Commission on or before October 1 to the clerk of each Member's Council together with a statement of the proportion of the budget to be provided by each Member. The Council of each Member agrees to review the budget. The Commission shall upon notice from any Member received prior to November 1, hear objections to the budget. Such notice shall be written to the Commission's Secretary and delivered by certified mail to their principal business address. The Commission, upon notice delivered by US Mail to all Members and after a hearing, may modify or amend the budget. Following certification of the capital budget by the Secretary of the Commission, each Member having a financial obligation therefore, shall provide to the Organization the funds required by the budget on or before February 1. Modifications or amendments to the original budget require a majority vote.

Article VII

Duration

Each Member agrees to be bound by the terms of this Agreement until January 1, 2010, and it may be continued thereafter upon the agreement of all Members.

Article VIII

Dissolution

Any Member may petition the Commission to dissolve the Organization. Upon thirty days advance written notice to each Member, the Commission shall hold a hearing to consider dissolution of the Organization. If a majority of the Commission votes in favor of dissolution, the Commission shall submit a resolution for dissolution of the Organization for consideration by each Member's Council, the board of each affected County and the Minnesota Board of Water and Soil Resources. Each governmental unit shall have 90 days in which to consider dissolution of the Organization. If, within 90 days of the date the notice was given, a majority of Members' Councils has ratified said resolution; then the Organization shall be dissolved and this Agreement shall be terminated.

Upon dissolution, the Organization shall complete all work in progress and dispose of all personal property. All property of the Organization shall be sold and the proceeds thereof, together with moneys on hand, shall be distributed to the eligible Members of the Commission as follows: assets derived from contributions to the operating budget shall be apportioned and distributed to each Member in the percentage by which the Member contributed to the Organization under the last annual budget; assets derived from the Capital Improvement Budget shall be apportioned and distributed on an asset by asset basis to each Member in the percentage by which the Member contributed to the specific asset.

Article IX

Amendments

Any Member may recommend to the Commission amendments to this Agreement. Upon a majority vote, amendments to this Agreement shall be forwarded by the Commission to its Members' Councils. No amendment shall be effective until the amendment has been ratified by the Council of each Member. The effective date of any amendment shall be the date on which the last Member's Council ratifies the amendment and is filed with the Secretary of the Commission.

Article X

Effective Date

This Agreement shall be adopted upon ratification by the Council of each Member and the execution of the Agreement by each Member. Upon voting to ratify the Agreement, the clerk of the Council of the ratifying Member shall file a certified copy of the resolution of the ratification with the Clerk of the City of Minneapolis. The effective date of the Agreement shall be the later of: January 1, 1997; or the date on which the last Member to ratify files its resolution of ratification. Upon adoption of this Agreement, the Minneapolis City Clerk shall supply to each Member and the Board of Water and Soil Resources a copy of the Members' ratification resolutions and a copy of the signed Agreement.

IN WITNESS WHEREOF, the undersigned Members, by action of their Councils, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes Sections 103B.211 and 471.59.

City of Falcon Heights

By: _____ Dated: _____, 19____

Sue Gehrz, Mayor

Attest: _____ Dated: _____, 19____

Susan

City of Falcon Heights
Council Agenda
3 November 1999

6:00 P.M. WORKSHOP

CONSENT ITEMS:

1. Certify the results of the city election for mayor and two councilmembers
2. Adopt ordinance 99-07 formalizing council action on the mayor's salary taken on November 25, 1998

WORKSHOP

1. Review the preliminary design plans for the city hall pavillion and provide staff direction.

CONSENT 1
Date:- 10/25/99

ITEM: Certify the results of the city election for mayor and two councilmembers

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Kathy Ciernia, Elections Administrator

EXPLANATION/DESCRIPTION:

The council is required to certify the results of the city election for the mayor and two councilmembers held on November 2, 1999.

ACTION REQUESTED:

Certify the city election.

CONSENT 2
Meeting Date: 11/3/99

ITEM DESCRIPTION: Adopt ordinance 99-08 formally changing the Mayor's salary as adopted by the council on November 25, 1998

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Summary and action requested. The council is being asked to adopt ordinance 99 – 08 officially changing the mayor's salary from \$375 per month to \$450 per month effective January 1, 2000. The council introduced and approved this change in salary on November 25, 1998. However, the administrator determined that this action requires an ordinance to officially change the city code on this item.

ATTACHMENTS:

Ordinance 99-08

ACTION REQUESTED: Adopt ordinance 99 – 08.

CITY OF FALCON HEIGHTS

ORDINANCE

Date: November 3, 1999

AN ORDINANCE AMENDING CHAPTER 2, SECTION 1.01 OF THE CITY CODE

2 - 1.01 General Provisions

C. Salary of Mayor. The salary of the mayor shall be ~~\$450.00~~ per month.

(Effective January 1, 2000)

Moved by: _____

GEHRZ _____ In Favor
GIBSON TALBOT
HUSTAD _____ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
November 3, 1999
Date

Attested by: _____

City Clerk
November 3, 1999
Date

ITEM DESCRIPTION: Consideration of resolution 99-25 certifying the city returns of November 2, 1999

SUBMITTED BY: Kathy Ciernia, Election Administrator

EXPLANATION/DESCRIPTION: After a city election, the city council (acting as the canvassing board) is responsible for certifying the election returns prior to their being sent to the Ramsey County Auditor.

ATTACHMENTS: Resolution 99-25

ACTION REQUESTED: Approval of 99-25 certifying the city election returns of November 2, 1999.

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: November 3, 1999

A RESOLUTION CERTIFYING THE CITY ELECTION RETURNS OF
NOVEMBER 2, 1999

WHEREAS, the City of Falcon Heights election judges tabulated the votes in Precinct 1 and Precinct II for two councilmember positions, both four-year terms effective January 1, 1998, with the following results:

MAYOR POSITION:

	<u>Precinct 1</u>	<u>Precinct II</u>	<u>Total</u>
Sue Gehrz	469	517	986
Write-ins	13	06	19

COUNCILMEMBER POSITIONS:

Peter Lindstrom	255	269	524
Reid Grano	126	178	304
Richard Talbot	245	219	464
Tim Ryan	155	191	346
Barb Heideman	176	222	398
Write-ins	02	01	03

NOW THEREFORE, BE IT RESOLVED by the city Canvassing Board that Sue Gehrz is duly elected to the office of Mayor for a four-year term beginning January 1, 2000, and Peter Lindstrom and Richard Talbot are each duly elected to the office of councilmember for four-year terms beginning January 1, 2000; and

BE IT FURTHER RESOLVED that the city clerk be directed to certify such election returns to the Ramsey County Auditor.

Moved by: _____

Approved by: _____

Mayor
November 3, 1999
Date

GEHRZ . In Favor
GIBSON TALBOT
HUSTAD Against
JACOBS
KUETTEL

Attested by: _____

City Administrator
November 3, 1999
Date

CONSENT 4
Meeting Date: 11/3/99

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 11/3/99, \$60,520.29
2. Payroll, 10/16/99 to 10/31/99, \$9,853.78

ACTION REQUESTED: Approval

APPROVAL OF BILLS
PERIOD ENDING: 11-03-99

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	AMERICAN OFFICE PRODUCTS	KRAFT ENVELOPES	ADMINIST	14.76
	FBN, INC	SUSAN'S PC INTERNET ACCS	ADMINIST	340.00
	BECKY LIU	REFUND PARK BLDG RENTAL	ADMINIST	45.00
	MN DEPT OF COMMERCE	PHILLIPS-NOTARY PUBLIC	ADMINIST	40.00
38188	MN DEPARTMENT OF REVENUE	10/31 ST TAS WITHHOLDING	ADMINIST	621.39
	NCPERS GROUP LIFE INS	11/99 PHILLIPS	ADMINIST	12.00
38187	PERA	OCT 16-31 PERA WITH	ADMINIST	1,125.62
	PHILLIPS, PATRICIA	MILEAGE REIMB	ADMINIST	1.24
	ROSEVILLE ROTARY CLUB	OCT-DEC DUES & MEALS	ADMINIST	197.50
	SENSIBLE LAND USE COALIT.	2000 MEMBERSHIP	ADMINIST	75.00
	TAFF, SUSAN HOYT	11/99 AUTO ALLOWANCE	ADMINIST	250.00
	UNITED WAY	PHILLIPS-3RD QTR UNITEDW	ADMINIST	36.00
	SUBURBAN RAMSEY FAMILY CO	DIRECTORY COSTS	ADMINIST	12.50
	LYNN & ASSOCIATES	EMPLOYMENT CONSULTING	ADMINIST	300.00
	*** TOTAL	FOR DEPT 12		3,071.01
	ROLAND OLSON	REIMB MILEAGE(JAN-SEP)	FINANCE	64.48
	*** TOTAL	FOR DEPT 13		64.48
	ELECTION SYSTEM/SOFTWARE	BALLOTS	ELECTION	746.30
	ELECTION SYSTEM/SOFTWARE	ELECTION SUPPLIES	ELECTION	34.20
	*** TOTAL	FOR DEPT 15		780.50
	MCI WORLDCOM RES SVC	LONG DISTANCE	COMMUNIC	21.31
	*** TOTAL	FOR DEPT 16		21.31
	ST. ANTHONY VILLAGE	11/99 POLICE SVCS	POLICE	31,792.25
	*** TOTAL	FOR DEPT 22		31,792.25
	HUGHES & COSTELLO	11/99 PROSECUTIONS	PROSECUT	2,293.96
	*** TOTAL	FOR DEPT 23		2,293.96
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING	FIRE FIG	37.30
	FIRE EQUIPMENT SPECIALTIE	FACE MASK BAGS	FIRE FIG	206.95
	FIRE EQUIPMENT SPECIALTIE	6 FACE SHIELDS	FIRE FIG	222.95
	KINGS TRUE VALUE	BATTERYS	FIRE FIG	7.18
	KINGS TRUE VALUE	KEY BLANK	FIRE FIG	3.56
	SHELLIE MARVIN	TRAUMA COUSE/FIRE FIGHTI	FIRE FIG	91.63
	MINNESOTA CONWAY	FIRE EXT RECHARGE	FIRE FIG	27.50
	SUPERAMERICA	FUEL	FIRE FIG	48.42
	FIREHOUSE MAGAZINE	SUBSCRIPTION	FIRE FIG	27.97
	*** TOTAL	FOR DEPT 24		673.46
	UNITED WAY	IVERSON-3RD QTR UNITEDWA	FIRE PRE	24.00
	*** TOTAL	FOR DEPT 25		24.00
	BOARD OF WATER COMMISSNRS	WATER	CITY HAL	131.88
	BOARD OF WATER COMMISSNRS	SS	CITY HAL	72.28
	KINGS TRUE VALUE	BULB DIGGER/PLANTER	CITY HAL	13.51
	M-75 BUILDING MAINTENANCE	10/99 CITY HALL CLEANING	CITY HAL	270.78
	MUSKA ELECTRIC CO.	REPLACE TIME CLOCK	CITY HAL	170.87
	NSP	GAS TO 10/29	CITY HAL	165.28
	NSP	ELECT TO 10/29	CITY HAL	642.20

APPROVAL OF BILLS
PERIOD ENDING: 11-03-99

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	PHILLIPS, PATRICIA	COFFE CARAFFE/KITCHEN	CITY HAL	13.83
	SUBURBAN HARDWARE	GLOVES/FASTENERS/CLEANER	CITY HAL	32.77
	AIRTOUCH CELLULAR	10/99 CELL PHONE CHRGS	CITY HAL	7.85
	*** TOTAL	FOR DEPT 31		1,521.25
	GRAINGER, W. W., INC.	BULBS NEW STREETLIGHTS	STREETS	256.29
	NSP	ELECT TO 10/29	STREETS	9.46
	NSP	ELECT TO 10/29	STREETS	8.96
	NSP	ELECT TO 10/29	STREETS	56.62
	NSP	ELECT TO 10/29	STREETS	69.31
	NSP	ELECT TO 10/28	STREETS	14.62
	SUBURBAN HARDWARE	LUMBER AND 5/16 CLV	STREETS	35.04
	SUBURBAN HARDWARE	RENTAL SPRAYER	STREETS	13.31
	SUPERAMERICA	FUEL	STREETS	130.60
	*** TOTAL	FOR DEPT 32		594.21
	BOARD OF WATER COMMISSNRS	WATER PARKS	PARK & R	21.96
	BOARD OF WATER COMMISSNRS	SS PARKS	PARK & R	23.34
	GRAINGER, W. W., INC.	LAMP BULBS AT PARKS	PARK & R	68.13
	KNOX LUMBER CO.	NAILS FOR HOCKEY RINKS	PARK & R	14.48
	NSP	AUTO PROTECTIVE LIGHTING	PARK & R	21.67
	ON SITE SANITATION	10/99 PORTABLE TOILET	PARK & R	68.65
	RENT ALL MINNESOTA INC	RENTAL-HEAVY EQUIP TRLR	PARK & R	57.50
	SUBURBAN HARDWARE	TRASHBAGS FOR PARKS	PARK & R	21.07
	UNITED WAY	KRIEGLER-3RD QTR UNITEDW	PARK & R	42.00
	USWEST COMMUNICATIONS	TELEPHONE 10/22	PARK & R	58.71
	*** TOTAL	FOR DEPT 41		397.51
	E-Z RECYCLING, INC.	10/99 RECYCLING	SOLID WA	2,559.40
	*** TOTAL	FOR DEPT 56		2,559.40
	FIRE EQUIPMENT SPECIALTIE	RACHET WRENCH	FIRE & R	146.95
	*** TOTAL	FOR DEPT 64		146.95
	RECREATINAL SURFACERS	RESURFACE TENNIS/BASKETB	PUBLIC W	6,032.00
	*** TOTAL	FOR DEPT 65		6,032.00
	METROPOLITAN COUNCIL	4 SAC FEES/4 TOWNHOUSES	SANITARY	4,200.00
	NSP	ELECT 10/29	SANITARY	15.84
	NSP	ELECT TO 10/29	SANITARY	116.02
	*** TOTAL	FOR DEPT 75		4,331.86
	BAILEY NURSERIES INC	PERENNIAL ROSES-STREETSC	LARPENTE	1,095.35
	LANDSCAPE ALTERNATIVES	PRENNIALS FOR STREETSCAP	LARPENTE	64.75
	LANDSCAPE ALTERNATIVES	PRENNIALS FOR STREETSCAP	LARPENTE	129.50
	LANDSCAPE ALTERNATIVES	PERENNIALS/STREETSCAPE	LARPENTE	667.58
	LANDSCAPE ALTERNATIVES	PERENNIALS/STREETSCAPE	LARPENTE	64.75
	LANDSCAPE ALTERNATIVES	PERENNIALS/STREETSCAPE	LARPENTE	129.50
	LANDSCAPE ALTERNATIVES	PRAIRIE PLANTS/STREETSCA	LARPENTE	124.53
	*** TOTAL	FOR DEPT 82		2,275.96
	BERNARDY, CONNIE LANNERS	NOV 1-15 PROF SVCS	MCAD	1,288.49
	*** TOTAL	FOR DEPT 84		1,288.49
	CITY OF ST PAUL	LOWER H2O SERVICE LINES	NE QUAD	2,651.69

APPROVAL OF BILLS
PERIOD ENDING: 11-03-99

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
		*** TOTAL FOR DEPT 86		2,651.69
		*** TOTAL FOR BANK 01		60,520.29
		*** GRAND TOTAL ***		60,520.29

2.

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	10 28 99	6 SUSAN GEHRZ	29802	286.08
COM	10 28 99	8 SAM JACOBS	29803	277.05
COM	10 28 99	10 JAN GIBSON TALBOT	29804	200.00
COM	10 28 99	11 JOHN HUSTAD	29805	277.05
COM	10 28 99	12 LAURA A. KUETTEL	29806	277.05
COM	10 28 99	34 CLEMENT KURHAJETZ	29807	276.20
COM	10 28 99	42 MICHAEL D. CLARKIN	29808	94.67
COM	10 28 99	63 RACHELLE L. MARVIN	29809	112.11
COM	10 28 99	66 ALFRED HERNANDEZ	29810	64.64
COM	10 28 99	73 JEREMY HUTCHISON	29811	55.41
COM	10 28 99	74 MARK J. ALLEN	29812	55.41
COM	10 28 99	1002 SUSAN HOYT TAFF	29813	1443.82
COM	10 28 99	1003 TERRY IVERSON	29830	1102.78
COM	10 28 99	1007 PATRICIA PHILLIPS	29815	976.71
COM	10 28 99	1013 WILLIAM MAERTZ	29816	1213.41
COM	10 28 99	1026 JASON CIERNIA	29817	45.71
COM	10 28 99	1033 DAVE TRETSEVEN	29818	879.26
COM	10 28 99	1089 KATHLEEN A. CIERNIA	29819	319.94
COM	10 28 99	1102 AUSTIN M. PETERSON	29820	299.74
COM	10 28 99	1118 SHAWN M. STRONG	29821	83.11
COM	10 28 99	1136 ROLAND O. OLSON	29822	845.94
COM	10 28 99	1168 RYAN P. LAVELLE	29823	117.11
COM	10 28 99	1171 CARRIE J. KLEIN	29824	160.22
COM	10 28 99	1173 ELIZABETH M. POSTIGO	29825	181.81
COM	10 28 99	1174 JAMES O ECKBERG	29826	108.12
COM	10 28 99	1176 MICHAEL P ECKBERG	29827	100.43

COMPUTER CHECKS	9853.78
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

*****TOTALS***** 9853.78