

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

February 3, 1999

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: January 13, 1999

- E. CONSENT AGENDA:
 - 1. General disbursements through 1/22/99, \$136,774.10
 Payroll from 1/1/99 to 1/15/99, \$11,405.17
 - 2. Licenses
 - 3. Clarification in the personnel chapter of the Administrative
 Manual regarding the definition of overtime pay for non-exempt
 employees.
 - 4. Consideration of change order #6 from North Metro Landscaping

- F. INFORMATION AND ANNOUNCEMENTS

- G. ADJOURN TO WORKSHOP
 - 1. Discussion on emergency preparedness

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 13, 1999**

DRAFT

Mayor Gehrz convened the meeting at 7:02 p.m.

PRESENT

Gehrz, Hustad, Jacobs, and Kuettel. Also present was Hoyt and Asleson.

ABSENT

Gibson Talbot.

COMMUNITY FORUM

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

MINUTES OF DECEMBER 16, 1998

Minutes were approved by unanimous consent.

CONSENT AGENDA

Councilmember Hustad moved approval of the following consent agenda. The motion passed unanimously.

1. Disbursements
2. Licenses
3. Designation of official newspaper
4. Appointments to city commissions
5. Review council standing rules
6. Designation of liaison assignments
7. Authorization to purchase Kubota F3060 tractor
8. Approval of change order for computer network system
9. Designation of official depositories

POLICY AGENDA

**PROCLAMATION REGARDING CITY GOVERNMENT AND COMMUNITY SOLUTIONS TO
THE YEAR 2000 (Y2K) PROBLEM**

Councilmember Jacobs read aloud Resolution 99-03, proclaiming four community goals regarding preparation for the Y2K problem.

Councilmember Hustad moved approval of Resolution 99-03 with the word "disastrous" removed from paragraph two. The motion passed unanimously.

**CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 6 RELATED TO THE
REVOCATION OR SUSPENSION OF LIQUOR LICENSES**

Administrator Hoyt summarized the proposed changes to the alcohol ordinance. The ordinance establishes minimum administrative penalties for violations of the ordinance, most notably for serving or selling alcohol to underage people.

Heather Britt, representing the University of Minnesota's "Complying with the Minimum Drinking Age" program, explained that studies have found that two factors affect deterrence of illegal behavior: the severity of the penalty and the probability of being caught. Given that the city is guaranteeing four alcohol compliance checks in the next two years, an overly severe penalty may not be necessary. Britt also gave background on how alcohol compliance checks are performed and how compliance checkers are selected and trained. The project also provides free training and risk assessment for alcohol vendors in participating cities.

Mayor Gehrz explained that she and staff members from the University of Minnesota had invited all of the city's liquor licensees to a meeting to discuss the proposed changes. She stated that she believes that underage sales are not currently a significant problem in Falcon Heights since most of the liquor sales are done in conjunction with food. Mayor Gehrz proposed revising the penalties since the city council always retains the right to impose a fine of up to \$2,000 and revocation for particularly egregious violations. Gehrz also proposed shortening the progressive time frame to be consistent with a similar ordinance in the City of Burnsville.

Kenn Roeckler, of the Minnesota Licensed Beverage Association (Falcon Bowl is a member), noted that most licensees and sellers don't want to serve to underage persons. He also suggested that emphasis should also be placed upon penalties for the server of the alcohol (not just the licensee) and for the underage buyer.

Following discussion, Councilmember Hustad moved approval of Ordinance 99-02, amending Chapter 6 related to the revocation or suspension of liquor licenses, and of Resolution 99-04, authorizing summary publication of the ordinance. The motion passed unanimously.

**CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 5 RELATED TO LICENSING
OF TOBACCO RELATED PRODUCTS**

Administrative Assistant Asleson explained that the proposed changes to the tobacco ordinance are designed to bring it into conformance with state laws. The most substantial changes include a provision for a \$50 administrative fine imposed on the clerk selling tobacco to a minor and an extension of the time period under which a vendor becomes subject to second and third administrative penalties. The penalties themselves are not proposed to be changed.

Councilmember Kuettel moved approval of Ordinance 99-01, amending Chapter 5 related to licensing of tobacco related products, and Resolution 99-02, authorizing summary publication. The motion passed unanimously.

City Council minutes
January 13, 1999
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ADJOURNMENT

The meeting adjourned at 8:09 p.m.

Susan L. Gehrz, Mayor

Carla Asleson
Recording Secretary

CONSENT 1
Meeting Date: January 27, 1999

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 1/22/99, \$136,774.10
2. Payroll from 1/1/99 to 1/15/99, \$11,405.17

ACTION REQUESTED: Approval

1

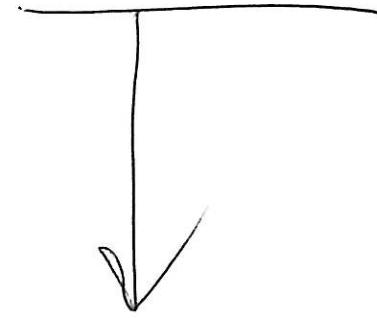
APPROVAL OF BILLS
PERIOD ENDING: _01-22-98

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	CAMPBELL KNUTSON	98 A/P - LEGAL MATTERS	-----	2,633.21
	DOCUMENT RESOURCES	98 A/P - CHECKS	-----	244.05
	NSP	98 PAYABLE-ELECTRICITY	-----	194.83
	NSP	98 A/P - ELECTRICITY	-----	18.50
	NORTH METRO LANDSCAPING	98 A/P NORTH METRO PYMT4	-----	35,072.85
	SUPERIOR FORD INC	98 A/P -1999 F340 TRUCK	-----	25,985.62
	PRECISION TREE COMPANY	98 A/P TREE TRIMMING	-----	8,100.00
	*** TOTAL FOR DEPT 00			72,249.06
	*** TOTAL FOR BANK 01			72,249.06
	MN DEPARTMENT OF REVENUE	98 SALES TAX PYMT	-----	210.43
	MN DEPARTMENT OF REVENUE	98 USE TAX PYMT	-----	173.15
	MN DEPARTMENT OF REVENUE	98 SALES TAX PYMT	-----	5.33
	MN DEPARTMENT OF REVENUE	98 USE TAX PYMT	-----	15.62
	MN DEPARTMENT OF REVENUE	98 USE TAX PYMT	-----	281.19
	MN DEPARTMENT OF REVENUE	98 USE TAX PYMT	-----	1,397.28
	*** TOTAL FOR DEPT 00			2,083.00
	LEAGUE OF MINNESOTA HUMAN	99 DUES	LEGISLAT	55.00
	*** TOTAL FOR DEPT 11			55.00
	AMAZON.COM	NOVELL USE HANDBOOKS	ADMINIST	44.88
	CITIZENS LEAGUE	99 MEMBERSHIP	ADMINIST	50.00
37155	MN DEPARTMENT OF REVENUE	JAN 15TH ST WITHHOLDINGS	ADMINIST	117.58
37156	PERA	JAN 15TH PERA WITHHOLDIN	ADMINIST	1,380.23
	RAMSEY COUNTY	1/99 INS	ADMINIST	3,430.43
	COORDINATED BUS. SYSTEMS,	1ST QTR COPIER MAINT	ADMINIST	552.92
	*** TOTAL FOR DEPT 12			5,576.04
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING	FIRE FIG	38.99
	USWEST COMMUNICATIONS	1/98 PHONE	FIRE FIG	172.31
	*** TOTAL FOR DEPT 24			211.30
	N. SUBURBAN GAVEL ASSOC.	99 MEMBERSHIP	FIRE PRE	15.00
	*** TOTAL FOR DEPT 25			15.00
	BOARD OF WATER COMMISSNRS	ANNUAL WTR CHRГ	CITY HAL	80.00
	GRAINGER, W. W., INC.	2 PLY TISSUE-SOAP DISPEN	CITY HAL	88.91
	USWEST COMMUNICATIONS	1/98 PHONE	CITY HAL	631.23
	*** TOTAL FOR DEPT 31			800.14
	TRI-STATE BOBCAT INC	PARTS & BOLTS	STREETS	75.96
	*** TOTAL FOR DEPT 32			75.96
	BOARD OF WATER COMMISSNRS	ANNUAL WTR CHRGE	PARK & R	80.00
	HONEYWELL INC.	1ST QTR SECURITY ALARM	PARK & R	108.00
	USWEST COMMUNICATIONS	1/98 PHONE	PARK & R	65.09
	*** TOTAL FOR DEPT 41			253.09
	FBN, INC	WEB MAIL ACCESS	GENERAL	1,445.00
	FBN, INC	E-MAIL CONSULTING	GENERAL	510.00

The expenditures are 1998 expenses
The have already been booked as
expenses in 1998 in our books and
records. When we pay these
expenses in 1999 we offset the
payable which we previously set up
This is why this report doesn't
list any department description.

Also, 1998 expenses.

1999 EXPENDITURES



APPROVAL OF BILLS
 PERIOD ENDING: 01-22-98

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	FBN, INC	WEB MAIL ACCESS	GENERAL	1,445.00
	FBN, INC	E-MAIL CONSULTING	GENERAL	510.00

APPROVAL OF BILLS
 PERIOD ENDING: 01-22-98

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 63				1,955.00
	METROPOLITAN COUNCIL	2/99 SS CHRGS	SANITARY	50,755.37
*** TOTAL FOR DEPT 75				50,755.37
	AIRTOUCH CELLULAR	CELL PHONE CHRGS	RESCUE S	85.21
*** TOTAL FOR DEPT 76				85.21
37157	CITY OF FALCON HEIGHTS	SIGN PRMT-THATCHERCLINIC	LARPENTE	167.25
	UNITED GLASS INC	8 PIECES TEMPERED GLASS	LARPENTE	1,265.55
*** TOTAL FOR DEPT 82				1,432.80
	BERNARDY, CONNIE LANNERS	JAN 16-31 PROF SVCS	MCAD	1,227.13
*** TOTAL FOR DEPT 84				1,227.13
*** TOTAL FOR BANK 02				64,525.04
*** GRAND TOTAL ***				136,774.10

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	1 15 99	30 NICHOLAS BAUMANN	29147	19.36
COM	1 15 99	32 RAYMOND BROWN	29148	29.10
COM	1 15 99	34 CLEMENT KURHAJETZ	29149	98.93
COM	1 15 99	35 LEO LINDIG	29150	70.03
COM	1 15 99	40 KEVIN ANDERSON	29151	87.96
COM	1 15 99	42 MICHAEL D. CLARKIN	29152	94.89
COM	1 15 99	47 NATHANIEL HEROLD	29153	25.85
COM	1 15 99	63 RACHELLE L. MARVIN	29154	58.95
COM	1 15 99	66 ALFRED HERNANDEZ	29155	143.14
COM	1 15 99	70 JUSTIN T. NOVAK	29156	78.62
COM	1 15 99	72 JOHN R. WOLFSBERGER	29157	60.49
COM	1 15 99	73 JEREMY HUTCHISON	29158	145.49
COM	1 15 99	74 MARK J. ALLEN	29159	118.38
COM	1 15 99	75 JOSEPH P. KRAJEWSKI	29160	133.11
COM	1 15 99	76 STEVEN M. HOY	29161	140.43
COM	1 15 99	77 BARBARA J. LEMAY	29162	140.29
COM	1 15 99	79 MICHAEL D CLARKIN II	29163	51.31
COM	1 15 99	80 MARY K RIGNEY	29164	31.52
COM	1 15 99	81 LAUREL F SANDBERG	29165	23.44
COM	1 15 99	82 DUSTIN P THUNE	29166	41.62
COM	1 15 99	1002 SUSAN HOYT TAFF	29167	1389.02
COM	1 15 99	1003 TERRY IVERSON	29168	1050.31
COM	1 15 99	1005 CAROL KRIEGLER	29169	784.49
COM	1 15 99	1007 PATRICIA PHILLIPS	29170	874.49
COM	1 15 99	1010 CARLA ASLESON	29171	1054.06
COM	1 15 99	1013 WILLIAM MAERTZ	29172	1073.09
COM	1 15 99	1033 DAVE TRETSEVEN	29173	814.60
COM	1 15 99	1102 AUSTIN M. PETERSON	29174	437.44
COM	1 15 99	1136 ROLAND O. OLSON	29175	912.87
COM	1 15 99	1142 ANTHONY ANDERSON	29176	211.68
COM	1 15 99	1143 COLIN B. CALLAHAN	29177	225.21
COM	1 15 99	1147 GEORGE BURNS	29178	138.70
COM	1 15 99	1149 WILLIAM J MONCRIEF	29179	245.18
COM	1 15 99	1163 PHILIP BERNSTEIN	29180	211.68
COM	1 15 99	1164 NICHOLAS J HUPPERT	29181	211.68
COM	1 15 99	1165 DAN SCHLIECHERT	29182	177.76

COMPUTER CHECKS	11405.17
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

****TOTALS**** 11405.17

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Carla Asleson, AA/Planner

EXPLANATION/SUMMARY:

BUSINESS LICENSE

American Family Insurance	#99-483
Hair Designs Unlimited	#99-484
Do-It-Yourself Upholstery	#99-485
James Kernik, D.D.S.	#99-486
Magic Nails	#99-487
Packaging Store	#99-488

RECYCLING

E-Z Recycling	#99-489
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GENERAL CONTRACTOR

Wallmaster Home Improvements	#99-490
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TREE TRIMMING/REMOVAL

A-1 Walsh Inc.	#99-491
Rohde's Tree Service	#99-492
Lone Oak Tree Service Inc.	#99-493
Precision Landscape & Tree, Inc.	#99-494
Northern Arborists	#99-495

MECHANICAL

Twin City Furnace Co., Inc.	#99-496
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ACTION REQUESTED: Approval

ITEM: Clarification in the Personnel Chapter of the Administrative Manual regarding the definition of overtime pay for non-exempt employees.

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

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION / DESCRIPTION:

Summary and action requested.

The council is being asked to amend the personnel chapter of the Administrative Manual for the purpose of clarifying the definition of overtime for non-exempt employees. The manual currently defines Overtime as "Time worked by a non-exempt employees in excess of forty hours per week". Interpretation of this language has meant that staff has not been compensated for "overtime" when hours have been worked outside of traditional work hours, that have fallen during a holiday week. While forty hours have been "earned" during a holiday week, they haven't been "worked", thus making extra hours worked ineligible for overtime compensation.. In an effort to compensate employees fairly and in a manner that's consistent with the intended purpose, it is recommended that the manual be clarified by making the following change:

CHAPTER VI. PERSONNEL

3. DEFINITIONS

e. Overtime. Time worked by non-exempt employees in excess of forty hours *earned* per week.

7. COMPENSATION

b. Overtime Pay. All non-exempt employees shall be eligible for overtime pay. Overtime will be paid at a rate of one and a half times the regular rate of pay for any hours worked over 40 hours *earned* per week. In order to qualify for compensatory time off, the additional work time must have been pre-approved by the employees immediate supervisor.

Background

The occurrence of overtime by the park & public works staff is a fairly rare occurrence (8-10 times a year) and is generally limited to emergencies such as

sewer back-ups, lift station alarms, and weekend snow removal at the ice skating rinks. In the past year, 1 or 2 of these overtime incidents happened to fall during a holiday week. This clarification could result in a financial cost of \$100- \$200 or so a year.

The unusual situation of "overtime" occurring during a holiday week created an awareness for the need to review the personnel policy related to overtime compensation. Staff at the LMC was consulted and information gathered related to the legal issues involved as well as policies common to other cities. While it was determined that the city is not legally required to compensate overtime in these situations, it is fairly standard to do so.

It is recommended that this clarification be retroactive to Jan. 1, 1999.

ACTION REQUESTED:

Clarification in the Personnel Chapter of the Administrative Manual regarding the Amending of the Administrative manual regarding the definition of overtime for nonexempt employees.

CONSENT 4
Date:1/17/99

ITEM: Consideration of change order #6 from North Metro Landscaping.

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

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION / DESCRIPTION:

Summary and action requested. The city council is being asked to approve change order #6 with North Metro Landscaping for a decrease of \$8,318.00. The decrease results from the accumulation of numerous minor quantity changes that reflect the actual work to date and the plan revisions related to work that is scheduled to take place in the spring of 1999.

ACTION REQUESTED:

Approve change order #6 from North Metro Landscaping for a decrease of \$8,318.00.

WORKSHOP
Meeting Date: 2/3/99

ITEM DESCRIPTION: Discussion on emergency preparedness

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Summary and Action Requested:

The council will participate in a discussion on how to respond to an emergency by posing a drastic scenario that affects Falcon Heights and neighboring cities to our emergency service providers.

Participants

City Council

Kris Grangaard, Y2K Task Force

Fire Chief Nick Baumann

Ass't Fire Chief Mike Clarkin

Ass't Fire Chief Kevin Anderson

Police Chief Dick Engstrom

St. Paul EMS Chief, Dave Huisenga

St. Paul Communications Chief, Tim Butler

Ramsey County Dispatch, Gary Kollman

Ramsey County Director of Emergency Services, William Conter

**CANCELLATION OF
JANUARY 27, 1999
COUNCIL MEETING**

Due to lack of business items

**Emergency Services Workshop will be
held on February 3, 1999
at 6:00 P.M.**

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

*Meeting
Cancelled*

January 27, 1999
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: January 13, 1999
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. General disbursements through 1/22/99, \$136,774.10
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Manual regarding the definition of overtime pay for non-exempt
employees.
 - 4. Consideration of change order #6 from North Metro Landscaping
- G. POLICY AGENDA:
 - 1. Consideration of a development agreement for Questwood
Development
 - 2. Ordinance 99-03 rezoning the property at 1859 North Snelling
Drive from R-1 to Planned Unit Development (PUD)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

Friday, January 22, 1999

Councilmembers:

Due to the post office's failure to deliver some mail from the city to the attorney, the final documents on the Questwood Development are not prepared for the Questwood items on the agenda as of this time. However, they will be completed and distributed to you on Monday, January 25, 1999.

Thanks for your patience.

Susan

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

January 27, 1999
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: January 13, 1999 (Tab #1)
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. General disbursements through 1/22/99, \$136,774.10
Payroll from 1/1/99 to 1/15/99, \$11,405.17 (Tab #2)
 - 2. Licenses (Tab #3)
 - 3. Clarification in the personnel chapter of the Administrative
Manual regarding the definition of overtime pay for non-exempt
employees. (Tab #4)
 - 4. Consideration of change order #6 from North Metro Landscaping
(Tab #5)
- G. POLICY AGENDA:
 - 1. Consideration of a development agreement for Questwood
Development (Tab #6)
 - 2. Ordinance 99-03 rezoning the property at 1859 North Snelling
Drive from R-1 to Planned Unit Development (PUD) (Tab #7)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

ITEM: Consideration of a development agreement for Questwood Development

SUBMITTED BY: Mr. Gordy Howe, Masterpiece Homes

REVIEWED BY: Susan Hoyt, City Administrator
Roger Knutson, City Attorney
Terry Maurer, City Engineer

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to consider a development agreement for the Questwood Townhome Development. On December 16, 1998 the city council approved the preliminary plan for the Questwood Townhome Development at 1859 North Snelling Drive. The developer is requesting final approval and a rezoning of the parcel from single family residential (R-1) to planned unit development (PUD). Approval of these items also requires that the city and the developer enter into a development agreement. The development agreement guarantees that the development will be done according to the plan. If all approvals are received by the developer, he plans to begin construction on the

Meets goal #2. To maintain and promote the assets of the city's unique neighborhoods including commercial, residential and open space uses.

Background.

- The agreement provides for association documents that control the speed limit on the private road to 15 mph.
- The agreement provides for the continued ownership of this road as a private road into the future.
- The agreement provides for a park dedication fee of \$800 per unit to be paid at the time a building permit is issued for the unit. (This is a negotiated fee since the development is taking place on 3.73 acres of the total 4.79 acres. A four acre new development triggers the city's park dedication fee.)
- The agreement provides for the construction of an additional fire hydrant adjacent to Snelling Drive at the developer's expense.

ATTACHMENTS:

- 1 Development agreement (being prepared by city attorney)

ACTION REQUESTED:

Explanation of the proposed development agreement.

Discussion.

Approve the development agreement.

POLICY 2

Date: 1/27/99

ITEM: Ordinance 99-03 rezoning the property at 1859 North Snelling Drive from R-1 to Planned Unit Development (PUD)

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and action requested. The city council is being asked to consider the rezoning of the property at 1859 North Snelling Drive from R-1, single family, to Planned Unit Development (PUD) for the construction of the Questwood Townhome Development. If approved by the city council, the approved plan for the development governs the development for this property rather than regulations for the R-1 zone. The rezoning must take place prior to construction of the townhome project.

Meets goal #2. To maintain and promote the assets of the city's unique neighborhoods including commercial, residential and open space uses.

Background.

On December 16, 1998 the city council approved the preliminary plan for the construction of the Questwood Townhome Development for ten townhome units on the 4.79 acre site. Prior to construction, the site must be rezoned to a PUD. The approved PUD plan becomes the zoning code for this site once a rezoning is approved.

ATTACHMENTS:

- 1 Ordinance 99-03
- 2 Plan for the Questwood Townhome Development
- 3 Summary of information from 12/16/98 staff report

ACTION REQUESTED:

Approve ordinance 99-03 (Requires 4 councilmembers voting in favor.)

POLICY 2
12/16/1998

ITEM: Request for a rezoning from R-1 to Planned Unit Development (PUD) and approval of a preliminary plan for the Questwood Townhome Development at 1859 North Snelling Drive

SUBMITTED BY: Mr. Gordy Howe, Masterpiece Homes
(purchasing from the property owners Mr. and Mrs. Wallin)

REVIEWED BY: Susan Hoyt, City Administrator
Roger Knutson, City Attorney
Terry Maurer, City Engineer
John Uban, Planner, DSU
Terry Iverson, Fire Marshal

EXPLANATION/DESCRIPTION:

Summary and action requested. The city council is being asked to consider approval of a preliminary PUD plan which requires a rezoning of 4.79 acres from single family to planned unit development (PUD) to construct ten townhome units and keep the single family home on the site. The planning commission held a public hearing on the preliminary PUD plan on Tuesday, December 7, 1998 and unanimously approved the preliminary PUD with conditions. The planner's report discusses the unique characteristics and requirements of a PUD. The city has up to a maximum of 120 days to decide on this planning request, which was received on November 1, 1998. If no decision is made within this time frame, the project is automatically approved. The planning consultant and city engineer find that the proposed development meets the requirements of the city's comprehensive plan and PUD requirements and recommend approval of the preliminary PUD plan.

Key points.

- Developing this site for single family homes would not require a zoning change from R-1. An R-1 subdivision would need to meet the requirements in the city's ordinances governing a single family development and go through the planning commission and city council for subdivision approvals. The city requires 10,000 square feet for a single family lot.
- Size of site 4.79 acres; 2.24 acres (46.8%) of project area is open space;
- 11 units total - 10 single townhomes in 5 structures and 1 existing single family home
- Proposed units are 22 feet high with look-out views; 3,508 square feet on two floors
- Price range for townhome units is estimated in \$300,000 plus range

- Anticipate about 22 residents, 'empty nesters' and perhaps 2 to 3 adult children
- Density is 2.3 units per acre, comprehensive plan permits 4 units per acre
- Access to townhomes is off of Snelling Drive on a private road 28 feet wide and 706 feet in length; traffic engineering standards estimate an additional 59 vehicle trips on Snelling Drive
- Several trees are currently on the site and 85 of them will be transplanted to new locations on the site.
- Utilities will be provided with easements for access for maintenance and repair. Sanitary sewer is connected to the city and water service is reviewed and connected by St. Paul Water Utility.
- The property use is consistent with single family residential use to the north along Snelling Drive and to the south along Garden Avenue. The University of Minnesota Agricultural fields are to the west and north of the site. The University has no plans to change the use of this site from agricultural to other uses. These are active agricultural research plots where pesticides are sprayed three times in the spring of the year and equipment is used to plant and plow the fields.
- The townhome units would be managed through a townhome association.
- The developer met with the abutting neighbors to the site including the University of Minnesota. Modifications in the layout of the structures and the drainage system on the north edge of the site were made as a result of these meetings.
- The fire marshal is requesting an additional public fire hydrant on Snelling Drive be considered at the same time as this development because the distance between the existing hydrants on Snelling Drive and Garden is over 700 feet rather than 400 feet.
- Exceptions with the PUD include a variance in the length of the cul de sac from 400 feet in the code to 706 feet and a variance in the rear yard setback for some of the structures on the north edge of the property because the rear of eight of the ten covered porches is setback less than 30 feet from the rear property line.
- The proposed development is over 4 acre as in area and, therefore, is subject to a financial contribution under the city's park dedication for a new development.
- If approved by a 4/5 vote of the city council, the PUD plan becomes the 'zoning code' for the site. Changes in the PUD plan after construction require approval by a 4/5 vote of the city council unless it is a minor modification to an existing building or structures (not to exceed 10% in volume) that can be authorized by the planning commission.

- The developer built a development that he describes as similar at Lakeview Court on County Road E2 on Snelling Drive in Arden Hills.

The process

- Whereas, the city, as a public entity, may choose to hold meetings and discussions on a proposed public improvement project with community members and potentially affected property owners months, or even years, before a project is considered or approved by the city council, private property owners are not using public funds when they consider various development or building plans on their property. Therefore, private property owners have the right to consider different land use, development and building options on their property without interference from the city and without any consultation from potentially affected property owners until the property owner requires action from the city on the proposed plans.
- Typically a private property owner interested in developing or building on his or her property approaches the city for information regarding zoning requirements to see if the plans conform to the city's zoning code.
- Once the property owner or developer becomes more serious about an idea, he or she typically consults with the city staff to determine whether the plans he or she is considering are in keeping with the city's intentions for the community including conformance to the comprehensive plan. Often, although not always, if the plans are not consistent a developer will not spend the money to proceed with plans that do not conform to the city's comprehensive plan.
- Once a developer submits a formal and completed application for a development, the city collects an escrow payment and has the plans reviewed by the appropriate consultants at the developer's expense. The city has 60 days to act on the application with a possible extension of an additional 60 days. If the city doesn't act on the application, the application is automatically approved.
- The city staff, developer, planning and engineering consultants meet to review the plans and to suggest any modifications necessary to make them better.
- When the consultants and staff have fully reviewed the plans, a public hearing is then scheduled before the planning commission with a notice published in the Focus news. Notices are also sent to the property owners within 350 feet of the proposed development ten days before the hearing.
- The planning commission holds the hearing and approves, disapproves or asks for changes in the plans.
- The city council takes final action on the plans. The PUD must pass by a 4/5 vote.

- The application for a PUD for Questwood were submitted in complete form to the city on November 1, 1998.

Comments from neighbors of the property

The city administrator spoke with three abutting property owners about the project. All persons calling with an interest in the project were mailed a copy of this report, a site plan and the developer's statement.

- The neighbor to the south of the site on Garden Avenue wants assurances in the plan that the green area to the south of the proposed cul de sac will remain open space and not be used for other structures including accessory structures. (The plan currently calls for open space along the southern edge of the property including the ponding area.)
- The neighbor directly to the north of the site on Snelling Drive and adjacent to the existing single family home wants assurances that the plan does not provide for the redevelopment of the single family property into townhome units. If approved, the single family home becomes part of the PUD and will be subject to more stringent development conditions, including sideyard setbacks, than if it were to remain R-1. Ms. Harris confirmed these concerns at the public hearing. (A letter from Ms. Harris is in the materials.)
- The University of Minnesota expressed an interest in minimizing the drainage onto the site. The site currently drains onto the university property and the drainage should not increase. It will be distributed through 200 feet of tiling on the north edge of the site. University officials are also very concerned that future residents of the townhomes understand that they are purchasing property adjacent to a working agricultural research fields where pesticides are sprayed three times during the month of June and heavy equipment plants and plows on the fields. This activity is necessary to make the fields useful for agricultural research and it will take place just on the other side of the 15 foot wide field road from the units. The university plans to post a sign noting that this activity takes place in several locations around the fields. The university would welcome more trees along the northern edge of the property to buffer the fields from the planned townhomes.
- A resident along St. Mary's Avenue called with an interest in the amount of increased traffic as a result of the proposed development. The additional traffic volume on Snelling Drive is estimated at 59 trips a day.
- At the public hearing before the planning commission, most residents raised concerns about the traffic speeds and traffic enforcement along Snelling Drive and Snelling Avenue.
- The planning commission minutes from December 8, 1998 summarize comments from persons who spoke at the public hearing.

Recommendation

The planning commission approved the resolution on the Questwood PUD. The city's planning consultant and engineer reviewed the plans for consistency to the city's comprehensive plan, ordinances and accepted development and found the proposal to be consistent with all of these. The recommendation is to approve the rezoning to a PUD and the preliminary plan as submitted with specific requirements:

- Masterpiece homes submit a development agreement and timetable
- The single family unit be part and governed by the PUD plan.
- The variance be granted for rear yard setbacks for covered porches as needed and described in the plan.
- The variance be granted for length of the cul de sac form 400 feet due to unique circumstances governing the development of this site.
- The private road be platted as an easement with access for public use when needed.
- The townhome association not be permitted to turn the private road over to a public road at any future date.
- No new structures or paving be allowed except as identified in the preliminary plan.
- The developer work with the city to provide water access for an additional public fire hydrant, if feasible from an engineering analysis.
- The developer work with the city to generally satisfy park dedication requirements prior to receiving approval for the Final plan.

ATTACHMENTS:

- 1 Location map of the proposed PUD
- 2 Site plan for the proposed PUD
- 3 Planner's report
- 4 Engineer's report
- 5 Fire marshal's request for additional public hydrant
- 6 Developer's description of the project
- 7 Letter from Ms. Pam Harris, 1865 North Snelling Drive
- 8 Planning Commission Minutes, December 8, 1998
- 9 Findings required for approving a PUD in the city