

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

January 13, 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: December 16, 1998
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. General disbursements through 1/8/99, \$68,725.68
 - 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 proceed with the purchase of a Kubota F 3060 tractor
 - 8. Approval of change order for computer network system
 - 9. Resolution designating official depositories for 1999
- G. POLICY AGENDA:
 - 1. Proclamation regarding city government and community solutions to the Year 2000 (Y2K) problem
 - 2. Consideration of an ordinance amending Chapter 6 related to the revocation or suspension of liquor licenses
 - 3. Consideration of an ordinance amending Chapter 5 related to licensing of tobacco related products
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

City of Falcon Heights
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City Hall
2077 W. Larpenteur Avenue

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- B. ROLL CALL: GEHRZ ___ GIBSON TALBOT ___ HUSTAD ___
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 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: December 16, 1998 (Tab #1)
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. General disbursements through 1/8/99, \$68,725.68 (Tab #2)
 - 2. Licenses (Tab #3)
 - 3. Designation of official newspaper (Tab #4)
 - 4. Appointments to city commissions (Tab #5)
 - 5. Review council standing rules (Tab #6)
 - 6. Designation of liaison assignments (Tab #7)
 - 7. Authorization to proceed with the purchase of a Kubota F 3060 tractor (Tab #8)
 - 8. Approval of change order for computer network system (Tab #9)
 - 9. Resolution designating official depositories for 1999 (Tab #10)
- G. POLICY AGENDA:
 - 1. Proclamation regarding city government and community solutions to the Year 2000 (Y2K) problem (Tab #11)
 - 2. Consideration of an ordinance amending Chapter 6 related to the revocation or suspension of liquor licenses (Tab #12)
 - 3. Consideration of an ordinance amending Chapter 5 related to licensing of tobacco related products (Tab #13)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 16, 1998**

DRAFT

Mayor Gehrz convened the meeting at 7:00 p.m.

PRESENT

Gehrz, Gibson Talbot, Hustad, Jacobs, and Kuettel. Also present was Hoyt, Asleson, Maurer, and Uban.

COMMUNITY FORUM

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

MINUTES OF DECEMBER 7, 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. Approval of Resolution 98-38, authorizing the administrator to award a standard compensation increase for 1999 to regular employees at 3%
4. Approval of city's continuation as fiscal agent for the Mayor's Commission Against Drugs (MCAD) grant and approval of the agreement between the city and the MCAD consultant
5. Approval of Change Order #3 regarding Fire Truck refurbishing

PUBLIC HEARING

**PUBLIC HEARING ON THE PROPOSED 1999 STREET IMPROVEMENTS IN THE
NORTHEAST QUADRANT**

Engineer Maurer gave background on the proposed project, including the history of the city's pavement management program, the type of improvements proposed, and the anticipated construction schedule if the project is approved. He explained that the estimated cost of the project is \$1.4 million, with approximately \$558,000 coming from special assessments and the remainder from city funds. The proposed assessment rate is \$26.50 per front foot for residential properties and \$52.50 for tax exempt properties. Maurer explained that several informational hearings on the project had already been held and that one of the concerns brought up at that meeting was how the city planned to replace driveway sections between the property line and the new curb. The city's past practice has been to replace those sections with whatever material existed prior to construction. Several homeowners noted that there are properties in the project area that have concrete driveways with asphalt between the property line and the street. It may make more sense in these situations to replace the section with concrete to match the driveway.

Mayor Gehrz opened the public hearing at 7:15 p.m.

Mr. Tim Wehmann, 862 Arlington Avenue, St. Paul, stated that he was representing Falcon Heights United Church of Christ at 1795 Holton Street. Mr. Wehmann noted that the church has two properties that each abut more than one street and asked about how assessments would be calculated. Administrator Hoyt replied that the church would be assessed for each side abutting a street in the project. She explained that tax exempt properties are assessed for the full cost of street improvement projects because they do not contribute to the city's infrastructure fund through property taxes. Hoyt noted that tax exempt properties may pay off their assessment over time like taxpaying properties are permitted to do.

Mr. Don Mead, 1863 Sheldon Street, asked if it would be possible for his property to not have a flared curb. Engineer Maurer replied that the curb can be designed so that it is almost square, but there needs to be a bit of flare. Mr. Mead then asked about how the construction would affect his sprinkler system. Engineer Maurer answered that some grass in the right of way would have to be disturbed and if sprinkler heads are in the right of way they might be disturbed as well. Maurer noted that residents would be given sufficient notice of when this would happen.

Mr. Tom McClellan, 1865 Pascal Street, inquired about the repayment schedule for assessments. He was informed that residents are typically given 10 years to repay a street assessment. They also have the option of paying the assessment up front without interest.

Mr. Tom Kellogg, 1808 Asbury Street, asked how long he would have to pay off the assessment without interest. Engineer Maurer answered that he would have at least 30 days after the assessment hearing to do this and that the time frame would be clearly spelled out in the assessment notice to be mailed before the hearing. Mr. Kellogg then inquired about whether pathways were going to be installed on Garden Avenue. Mr. Kellogg wanted it noted that he was not in favor of pathways. Engineer Maurer answered that pathways are not proposed to be assessed to abutting property owners at this time, but that the city council can proceed independently with installation if they desire.

Mr. David Fuith, 1765 Holton Street, asked if there were any way to shorten the proposed construction schedule. Engineer Maurer replied that city will work with the contractor to expedite the process as much as possible. He noted that it would be prohibitively expensive to require the contractor to complete one street at a time.

Mr. Bob Bentson, 1701 Holton Street, stated that he and a number of his neighbors have lead pipes that they wish to replace during construction. He asked if there was a way that a contractor could replace everyone's pipes at the same time and whether the city could suggest a contractor. Administrator Hoyt replied that the city cannot recommend a contractor but can direct people to contractors who are licensed. There will be an on-site inspector who will be available to coordinate the details of property owners' work with the street work.

Mr. Al Sabeen, 1897 Holton Street, noted that he has seventeen feet between his front property line and the street and wanted to know if it could all be replaced with concrete. Engineer Maurer explained that the council would likely be giving the staff direction on this matter following the hearing.

Mr. Tom Kellogg, 1808 Asbury Street, asked if he could assume that his house does not have lead pipes since it's not listed in the feasibility study as having them. Engineer Maurer replied that the listing was obtained from the St. Paul Water Utility, which has had provided the city with accurate records in the past.

There being no one else wishing to comment, Mayor Gehrz closed the public hearing at 7:34 p.m.

POLICY AGENDA

CONSIDERATION OF RESOLUTION 98-32, ORDERING IMPROVEMENT AND THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE 1999 NORTHEAST STREET IMPROVEMENT PROJECT

Prior to considering the resolution, the city council discussed how to proceed with driveway apron replacement and construction of pathways. Following discussion, the city council agreed to 1) replace asphalt driveway aprons with concrete when the existing driveway is made of concrete and 2) to have the city engineer study the feasibility of a pathway along Garden Avenue and report the results back to the city council.

Councilmember Jacobs moved approval of Resolution 98-32, ordering the improvement and the preparation of plans and specifications for the 1999 Northeast Street Improvement project. The motion passed unanimously.

CONSIDERATION OF RESOLUTION 98-37, APPROVING THE PRELIMINARY PUD PLAN FOR THE QUESTWOOD DEVELOPMENT

Administrator Hoyt briefly explained that the Questwood development was a private development plan brought forward by a private developer. The city has met with the developer to ensure that his plans meet city requirements.

Consulting Planner Uban explained that the proposed Planned Unit Development (PUD) is both a re-zoning and a development plan. The property is currently zoned R-1 single family residential and could conceivably be subdivided into single family home lots. Property owners in R-1 zones are free to design their homes in any manner that meets the city's zoning and building codes. A PUD, on the other hand, allows the city council to approve all major design elements of the project, including buildings, landscaping, and streets. Approval of the PUD and any later, major changes to the design requires a 4/5 vote of the city council. A PUD allows the city council the flexibility to deviate from the city's usual zoning code requirements to create a project that best meets the needs of the neighborhood.

Uban then described the proposed development. The 4.79 acre parcel would be developed with a private road and five twinhomes (ten units total.) The existing single family home at 1859 N. Snelling Drive would be a part of the PUD. The design allows for maximum open space between the existing homes to the south and for on-site ponding of surface water. A homeowner's association will be established to maintain the landscaping, the private road, and other common elements. Uban noted that the private road will be built to city standards but will not be maintained by the city. The developer proposed to save or relocate a number of the trees already on the site.

Planner Uban noted that two aspects of the plan require flexibility from usual city zoning standards. The private road is a 706 foot cul-de-sac and the city normally would allow only a 400 foot cul-de-sac. In order to properly access the entire site, a longer street length is required and there is no place to build an outlet street. In addition, 706 feet is not an unusually long cul-de-sac in a suburban city. The homes also have screen porches that are closer than 30 feet to the rear property line, although the buildings themselves are 30 feet away. Uban stated that the storm drainage pond on the south end of the property prohibits the road and the units from moving any further to the south to meet the setback requirement.

Finally, Planner Uban reported that traffic is anticipated to increase by 60 to 90 additional vehicle trips per day. This is about 50% of the trips that would be expected from the property if it were instead developed as single family homes.

Administrator Hoyt summarized the comments that had been received from neighbors of the project prior to the meeting and at the planning commission's public hearing. Several residents of the area had raised issues about enforcement of stop signs and speed limits on Snelling Avenue and Snelling Drive. Since that hearing, the police have been paying close attention to the area and have ticketed several people on Snelling Avenue. Another concern was the confusing intersection at Roselawn and Snelling, which is an issue that the city will be raising with Ramsey County and the State of Minnesota, who have jurisdiction over those roads. A neighbor to the south of the proposed development wanted to be sure that the green space between the Garden Avenue properties and the townhomes remain open space and no be taken up by structures. The neighbor to the north of 1859 N. Snelling wished to have the city place maximum control in restricting the existing single family home from changing to a townhome use. Officials from the University of Minnesota requested that buyers of the homes understand that the adjacent University agricultural fields are sprayed several times a year. The developer will be disclosing this information to buyers.

Mr. Gordy Howe, Masterpiece Homes, described the various design elements of the Questwood Development. Mr. Rob Morris, also of Masterpiece Homes, explained the landscape plan and the proposal to save or transplant a number of the existing trees.

Mayor Gehrz inquired as to the formality of the homeowner's association. Mr. Howe explained that buyers are legally required to be part of the association when they purchase a home and are notified of this before a purchase agreement is finalized.

Jim Smith, 1609 Garden Avenue, noted that he was pleased with Mr. Howe's interest in the neighborhood's concerns with the project. The neighbors are most concerned that the landscape buffer be maintained. He also suggested that a speed limit of 15 miles per hour be established along the new road. Mr. Howe suggested that this could be placed in the homeowner association documents. Administrator Hoyt concurred but noted that the association would be responsible for enforcement of a speed limit on the private road.

Mayor Gehrz noted that the planning commission unanimously approved recommendation of the project following the December 8, 1998 public hearing.

Councilmember Gibson Talbot moved approval of Resolution 98-37, approving the preliminary PUD plan for the Questwood Development, with the addition of the following addition into the list of conditions: "...that a speed limit of 15 mph be included in the homeowner association documents." The motion passed unanimously.

CONSIDERATION OF RESOLUTION 98-33, CERTIFYING THE 1999 TAX LEVY

Councilmember Hustad moved approval of Resolution 98-33, certifying the 1999 property tax levy of \$597,078. The motion passed unanimously.

CONSIDERATION OF RESOLUTION 98-34, ADOPTING THE 1999 BUDGET

Councilmember Kuettel moved approval of Resolution 98-34, adopting the 1999 general fund budget of \$1,235,773. The motion passed unanimously.

CONSIDERATION OF RESOLUTION 98-35, REMOVING GENERAL OBLIGATION BONDS FROM THE TAX LEVY

Councilmember Hustad moved approval of Resolution 98-35, removing the general obligation bonds from the tax levy. The motion passed unanimously.

CONSIDERATION OF RESOLUTION 98-36, APPROVING THE PURCHASE OF TAX FORFEITED LAND

Administrator Hoyt reported that a parcel of tax forfeit land is available for purchase by the city. It is a one foot wide strip located on Lindig Street on what would normally be city right of way. The original developer of the property reserved the strip in order to ensure repayment for sewer/water assessments when the property was developed. The city has the opportunity to acquire the property from the county because it is tax exempt. This will guarantee it as part of the city right of way. If and when the lot is developed, these purchase costs can be passed along to the property owner.

Councilmember Jacobs moved approval of Resolution 98-36, approving the purchase of tax forfeited land. The motion passed unanimously.

UPDATE ON THE 50TH BIRTHDAY PARTY DANCE AND SCARECROW AUCTION

Mayor Gehrz reported that plans are moving forward for a Sunday evening street dance and scarecrow auction sponsored by the city's businesses in celebration of the city's 50th birthday. Mayor Gehrz suggested that the proceeds from the scarecrow auction be directed to Northwest Youth and Family Services for the Teen Court program. The city council agreed with the Mayor's suggestion. Proceeds will go to the Teen Court program, or to Northwest Youth and Family Services if the Teen Court is not in operation at the time of the auction.

REPORT ON THE STATUS OF THE CITY'S Y2K EFFORTS

Kris Grangaard, the city's volunteer Y2K compliance coordinator, updated the city council on efforts done to date and proposed action items for the next several months. Following discussion, the city council agreed on the following action items: 1) a mayoral proclamation on Y2K will be announced 2) Susan Hoyt is to be the city's Y2K staff coordinator; 3) Sam Jacobs is to be the council liaison to the citizen Y2K task force; and 4) an intergenerational discussion on emergency preparedness will be held on Thursday, February 18, 1999.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Susan L. Gehrz, Mayor

Carla Asleson
Recording Secretary

CONSENT 1
Meeting Date: 1/13/99

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 1/8/99, \$68,725.68
(payroll provided at January 6, 1999 workshop)

ACTION REQUESTED: Approval

APPROVAL OF BILLS
PERIOD ENDING: 01-07-99

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	AT&T WIRELESS SERVICES	PUBLIC WORKS PAGER EXP	-----	20.94
	AMERICAN OFFICE PRODUCTS	TAPE, TRANSPARENCIES/RIBB	-----	56.14
	US BANCORP	POSTAGE	-----	115.00
	US BANCORP	EMPLOYEE RECOG-PARTY	-----	216.32
	US BANCORP	AIR TICKET FEE/OFFC SUPP	-----	209.02
	CRYTEEL TRUCK EQUIPMENT	TRUCK CRANE & INSTALLATN	-----	2,477.03
	DOCUMENT RESOURCES	YEARLY PAYROLL FORMS	-----	62.97
	HERMES FLORAL COMPANY	LOBBY PLANT SUPPLIES	-----	27.30
	HOISINGTON KOEGLER GROUP	ADD'L SVC CHRGS 1998	-----	2,240.00
	IVERSON, TERRY	MILEAGE/MEETING EXP	-----	72.44
	KING'S TRUE VALUE	FUNNEL/US FLAG/CB TIES	-----	10.74
	LINDERS GREENHOUSES	STRAW FOR PARK POSTS	-----	51.26
	MIDWEST DELIVERY SERVICE	DELIVERY-SOCCER U OF M	-----	8.00
	MINNESOTA STATE TREASURER	4TH QTR BLDG SURCHARGES	-----	196.28
	MUSKA ELECTRIC CO.	PARTIL PYMT INV# 20790	-----	4,500.00
	NSP	STREET LITES ELECTRICITY	-----	2,130.75
	NSP	GAS & ELECT CITY HALL	-----	1,695.64
	NSP	ELECTRICITY	-----	150.29
	NELSON CHEESE FACTORY	EMPLOYEE RECOGNITION	-----	50.19
	ROLAND OLSON	MILEAGE REIMB	-----	34.45
	OXYGEN SERVICE COMPANY	OXYGEN & AIR	-----	58.50
	OXYGEN SERVICE COMPANY	TANK RENTAL PUBLIC WORKS	-----	9.00
	PHILLIPS, PATRICIA	KITCHEN SUPPLIES/MILEAGE	-----	28.59
	PHYSIO-CONTROL CORP.	SVC 1/2 YR DEFIBULATORS	-----	564.00
	RENT ALL MINNESOTA INC	TRAILER RENTAL	-----	42.28
	SUBURBAN HARDWARE	SUPPLIES/GLOVES/FILTERS	-----	114.32
	SPEEDWAY SUPERAMERICA LLC	DIESEL FUEL	-----	14.30
	SPEEDWAY SUPERAMERICA LLC	DIESEL FUEL AND GAS	-----	161.85
	USWEST COMMUNICATIONS	TELEPHONE EXP	-----	65.05
	PRAIRIE RESTORATIONS, INC	PRAIRIE MGMT-SPRAYING	-----	871.84
	*** TOTAL FOR DEPT 00			16,254.49
	*** TOTAL FOR BANK 01			16,254.49
37062	CHINA TOWN RESTAURANT	COUNCIL WORKSHOP FOOD	LEGISLAT	63.51
	LEAGUE OF MN CITIES	99 WORKMANS COMP PREIMUM	LEGISLAT	48.00
	NORTHWEST YOUTH & FAMILY	COOPERATIVE SVC	LEGISLAT	6,464.00
	RCLLG	99 DUES	LEGISLAT	367.75
	SUBURBAN CHAMBER COMMERCE	99 MEMBERSHIP	LEGISLAT	325.00
	ASSOC. OF METROPOLITAN	99 MEMBERSHIP	LEGISLAT	1,796.00
	*** TOTAL FOR DEPT 11			9,064.26
	ACORDIA	99 ADMINISTRATORS BOND	ADMINIST	350.00
	FRANKLIN COVEY	CALENDARS/DATE&PROJECT	ADMINIST	48.56
	LEAGUE OF MN CITIES	99 WORKMAND COMP PREMIUM	ADMINIST	572.00
	LEAGUE OF MN CITIES	99 LMC CONF LABOR RELATN	ADMINIST	45.00
	NCPERS GROUP LIFE INS	1/99 PHILLIPS	ADMINIST	12.00
	TAFF, SUSAN HOYT	1/99 AUTO ALLOWANCE	ADMINIST	250.00
	*** TOTAL FOR DEPT 12			1,277.56
	ACORDIA	99 ACCOUNTANTS BOND	FINANCE	350.00
	*** TOTAL FOR DEPT 13			350.00
	N. SUBURBAN TOBACCO COMPL	99 COMPLIANCE PROJ FEES	POLICE	192.75

These expenditures are 1998 expenses. They 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 with the 1998 expense. This is why this report doesn't list any department description.

These are 1999 expenses. Notice that the department description is listed since no payables were set up before payment.

APPROVAL OF BILLS
 PERIOD ENDING: 01-07-99

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	ST. ANTHONY VILLAGE	1/99 POLICE SVCS	POLICE	31,792.25
	*** TOTAL FOR DEPT 22			31,985.00
	HUGHES & COSTELLO	1/99 PROSECUTIONS	PROSECUT	2,289.25
	*** TOTAL FOR DEPT 23			2,289.25
	JANKE, KATHLEEN	1/99 CLEANING FIRE HALL	FIRE FIG	80.00
	LEAGUE OF MN CITIES	99 WORKMAND COMP PREMIUM	FIRE FIG	1,519.00
	MN STATE FIRE CHIEF ASSOC	99 MEMBERSHIPS	FIRE FIG	110.00
	NCPERS GROUP LIFE INS	1/99 BAUMAN	FIRE FIG	12.00
	FIREHOUSE MAGAZINE	FIRE HOUSE MAGAZINE	FIRE FIG	40.97
	*** TOTAL FOR DEPT 24			1,761.97
	FIRE MARSHALS ASSOC OF MN	99 MEMBERSHIP	FIRE PRE	35.00
	LEAGUE OF MN CITIES	99 WORKMAND COMP PREMIUM	FIRE PRE	801.00
	MN STATE FIRE CHIEF ASSOC	99 MEMBERSHIP	FIRE PRE	30.00
	NCPERS GROUP LIFE INS	1/99 IVERSON	FIRE PRE	12.00
	*** TOTAL FOR DEPT 25			878.00
	LEAGUE OF MN CITIES	99 WORKMANS COMP PREIMUM	CITY HAL	1,507.00
	*** TOTAL FOR DEPT 31			1,507.00
	LEAGUE OF MN CITIES	99 WORKMAND COMP PREMIUM	PARK & R	1,832.00
	*** TOTAL FOR DEPT 41			1,832.00
	INSTY-PRINTS PLUS	BROCHURE-BASKETBALL SKLL	PARK PRO	131.02
	*** TOTAL FOR DEPT 50			131.02
	LEAGUE OF MN CITIES	99 WORKMANS COMP PREIMUM	RESCUE S	168.00
	*** TOTAL FOR DEPT 76			168.00
	BERNARDY, CONNIE LANNERS	JAN 1-15 PROF SVCS	MCAD	1,227.13
	*** TOTAL FOR DEPT 84			1,227.13
	*** TOTAL FOR BANK 02			52,471.19
	*** GRAND TOTAL ***			68,725.68

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Carla Asleson, AA/Planner

EXPLANATION/SUMMARY:

1999 BUSINESS LICENSES

Thatcher Chiropractic Clinic #99-406
Midwest Youth Dance Theater #99-407
The Best Books & Gifts #99-408
Custom Chocolate #99-409
Delange Dancers Studio #99-410
The Fan Man #99-411
Hermes Floral Co., Inc. #99-412
Hamline Hoyt Service Inc. #99-413
Buck's Unpainted Furniture Inc. #99-414
Warners' Stellan Co. Inc. #99-415
Mill End Textiles #99-416
The Hoover Company #99-417
John A. Knutson & Co. #99-418
The Source Comics and Games #99-419
Insty-Prints #99-420
Sea-Mons Dinner (food service for 1666 Coffman) #99-421
An Angel's Art #99-422
Ann's Tailoring #99-423
Hewlett Packard Co. #99-424
J. T.'s Feathered Denims #99-425
Tony's Golf Specialty #99-426
One Hour Martinizing #99-427
Spare Room II #99-428
My Turn! #99-429
Design Modern Interiors, Inc. #99-430

1999 BUSINESS LICENSES (continued)

Suburban Credit Plan, Inc. #99-431
Clips n' Styles #99-432
The Whole Brain Shop #99-433
Edward D. Jones & Co. #99-434
St. Croix Amusements (Falcon Bowl) #99-435
Cenex Harvest States Cooperatives #99-436
Coffee Grounds #99-437
The Coffee Shock #99-438
Eddy's Embers America #99-439
Chin's Kitchen #99-440
Dino's Gyros #99-441
Falcon Heights Amoco #99-442
Accredited Temporary Assignment #99-443
Market America #99-444
W. J. Tobacco #99-445
Balanced Energy Technologies #99-446
Travel Network #99-447

1999 HOME OCCUPATION

Doru's Therapeutic and Sports Massage Studio #99-448
Blustys Ceramics #99-449
Intergenerating Resources #99-450
Rose Bed and Breakfast #99-451
Attention Technology, Inc. #99-452
David L. Wasson Graphic Design #99-453
Grocer's Choice, Inc. #99-454
Sunray Resources #99-455

1999 REFUSE HAULERS (commercial only, residential only and
commercial/residential)

Aagard Sanitation #99-456
Aspen Waste Systems #99-457
BFI Waste Systems of North America Inc. #99-458
Evergreen Environmental #99-459
Gene's Disposal Service #99-460
Highland Sanitation #99-461

1999 REFUSE HAULERS (continued)

Horrigan, Joseph W. & Son #99-462
Keith Krupenny & Son Disposal Service, Inc. #99-463
Red Arrow Waste Disposal Service Inc. #99-464
Vasko Rubbish Removal, Inc. #99-465
Walter's Rubbish, Inc. #99-466
Waste Management of Minnesota-Blaine #99-467

1999 GENERAL CONTRACTOR

Asphalt Driveway Co. #99-468
Kraus-Anderson Construction Company #99-469
Lawrence Sign #99-470

MECHANICAL CONTRACTOR

Allied Fireside dba Fireside Corner #99-471
Associated Mechanical Contractors, Inc. #99-472
Centraire Heating & Air Conditioning, Inc. #99-473
Flare Heating & Air Conditioning #99-474
Home Energy Center #99-475
Horwitz Inc. #99-476
Kath Heating & Air Conditioning #99-477
Kelly Plumbing & Heating #99-478
Minnegasco #99-479
Riccar #99-480
Sedgwick Heating & Air Conditioning Co. #99-481
Snelling Company, Inc. #99-482

ACTION REQUESTED: Approval

CONSENT 3
Date: 1/13/99

ITEM DESCRIPTION: Designation of official newspaper

REVIEWED BY: Susan Hoyt, City Administrator

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

EXPLANATION/SUMMARY:

Summary and Action Requested: Designate the Focus News as the legal newspaper.

Background:

State statute requires that the city designate a legal newspaper of general circulation in the city. This newspaper is used when the city is required to publish legal notifications regarding public hearings, elections, and city financial matters. There are three local papers in Falcon Heights: Focus News, Roseville Review, and Park Bugle.

Staff recommends that the city again designate Focus News as its legal newspaper, for the following reasons:

- Focus News circulates to all households in Falcon Heights. Roseville Review does not deliver to some homes west of Snelling Avenue, where over half of the city's registered voters reside.
- Unlike the Park Bugle, Focus News is a weekly publication. A monthly publication such as the Park Bugle would not suit the city's frequent publication needs.

ACTION REQUESTED: Designate Focus News as the city's official newspaper for 1999.

CONSENT 4
Date: 1/13/99

ITEM DESCRIPTION: Appointments to city commissions

SUBMITTED BY: Mayor Gehrz

EXPLANATION/SUMMARY:

The council is asked to reappoint the following individuals to city commissions. All terms expire 12/31/01.

Planning Commission

Melissa Maher, 1626 Garden Avenue (first-time appointment; application attached)
Irene Struck, 1805 Tatum Street

Park and Recreation Commission

Peter Lindstrom, 1377 W. Hoyt Avenue

Human Rights Commission

(commissioners will be contacted regarding continuation of terms when meetings resume)
Kay Andrews, 1471 W. California Avenue
Dan Detzner, 2267 Folwell Avenue
Paul Martinez, 1416 W. California Avenue

ACTION REQUESTED: Approval of appointments to city commissions.

**CITY OF FALCON HEIGHTS
COMMISSION/COUNCIL APPLICATION**

DATE: 12-15-98

NAME: Melissa S. Maher

ADDRESS: 1626 Garden Av, Falcon Heights

PHONE: (H) _____ (W) -

HOW LONG AT ABOVE ADDRESS? 6 YEARS

IN WHAT CAPACITY DO YOU WISH TO SERVE? Planning Commission

REASON YOU WISH TO SERVE ON ABOVE: After living in this community for 6 years I'm very familiar with our city. At this point, I would like to have a voice to contribute to the economic and public well being of our community.

PRIOR PUBLIC (OR RELATED) SERVICE: Although I've had no prior public service experience, I have worked in a group with a similar format many times, in terms of appointment, organization, and meetings.

OTHER RELEVANT BACKGROUND (OR COMMENTS): I do extensive volunteer work for several other organizations that service this community.

CONSENT 5
Date: 1/13/99

ITEM DESCRIPTION: Review council standing rules

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Each year at the first council meeting of the year, the city council reviews the operating procedures it intends to use and decides whether changes are warranted.

Staff has no recommendations for changes in the standing rules at this time.

ATTACHMENT: City Council Standing Rules, last amended 1/11/95

ACTION REQUESTED: Adopt standing rules as attached.

B. CITY COUNCIL STANDING RULES

INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special council meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision-making process.
2. The council process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

MEMBERSHIP

The formal council membership consists of the four councilmembers and the mayor. All five have one vote each and all five can introduce motions. For purposes of leading the meeting, the mayor, or in the absence of the mayor the acting mayor, will be considered the chairperson.

RULES

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the council members and any other persons having responsibility for an item at least three working days prior to the meeting. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
2. An item can be moved from the consent agenda to the action agenda at the request of any council member.
3. Since there will be audience and cable TV viewers not familiar with each item, the chair will give a brief explanation of each item as it is addressed.

4. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:

- a. Filling in time before a scheduled item, i.e. a public hearing.
- b. Grouping several items to best make use of consultant time.
- c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

Process - Regular and Special Council Meetings

1. For these proceedings the council will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city administrator, city clerk and any of the consultants who may have an interest in or can contribute to the item at hand.

2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.

3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, . . . stands approved (or denied)." If any council member has an objection, the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions or for approval of the consent agenda.

4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.

5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.

6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt the city clerk can request a clarification.

7. The meeting will be ~~audio or~~ video taped and the ~~audio video~~ tape will be retained for 3 months following approval of the minutes for that meeting. The standard retention can be extended if in the judgment of the mayor, city administrator, city clerk or any councilmember such action is warranted. ~~The general retention of the video tape will be 2 months. The city clerk will keep a log of retained audio and video tapes.~~

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

9. No council meeting will extend beyond 10:30 P.M. except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.

2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.

3. All individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The council may take up to 15 minutes to review written statements presented at the meeting. If the council decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later than 1 week before the next meeting where a deciding vote is planned.

4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out of order.

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

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

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

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

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

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

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

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

ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:30 P.M. adjournment can be adopted, modified or suspended in whole or in part by a 3/4 vote of the council. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually at the first meeting in January.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any council member and can be overruled by a majority vote.

SIKKINK'S SEVEN MOTION SYSTEM

General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision-making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision-making system. For that reason most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken, over a person who has already participated in the discussion. As far as possible the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 - General motions are lowest in rank and #7 - Restrict Debate motions are highest in rank. Two rules apply: (1) You usually cannot consider two motions of the same rank at the same time, and (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order but a motion of higher rank is in order. While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6, and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions but all such decisions are subject to appeal.

<u>Motion</u>	<u>Purpose</u>	<u>Applies To What Situations</u>	<u>Needs Recognition</u>	<u>Needs Second</u>	<u>Can be Dis-cussed</u>	<u>Amend-able</u>	<u>Vote Re-quired</u>
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1. Restrict Discussion	To stop or limit discussion	All dis-cussable motions	Yes	Yes	Yes	Yes	2/3
2. Appeal	To let the group vote on a chair's decision	To decision of the chair-person	No	Yes	Yes	No	Majority
3. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
5. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
6. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
7. General	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority

CONSENT 6
Date: 1/13/99

ITEM DESCRIPTION: Designation of liaison assignments

SUBMITTED BY: Mayor Gehrz

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Mayor Gehrz

Planning Commission liaison

Birthday party committee liaison

Councilmember Jacobs

Acting Mayor

Year 2000 task force liaison

Councilmember Hustad

Keeping Connected task force liaison

Councilmember Gibson Talbot

Human Rights Commission liaison

Councilmember Kuettel

Park and Recreation Commission liaison

Jerry Wallin

North Suburban Cable Commission representative

Paul Ciernia

Northwest Youth and Family Services representative (an alternate is needed)

Bill Maertz

Assistant Weed Inspector

ACTION REQUESTED: Approval of liaison assignments

CONSENT
Date: 1/13/98
Item: 7

ITEM: Authorization to proceed with the purchase of a Kubota F 3060 tractor

SUBMITTED BY: Carol Kriegler, Director of Parks, Recreation and Facilities
Bill Maertz, Superintendent of Parks and Public Works

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION / DESCRIPTION:

Summary and action requested.

The council is being asked to authorize the purchase of a Kubota R 3060 tractor through the state purchasing program at a cost of \$22,392.63 to replace the 1985 Ramsoms tractor.

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

Strategy 4. Strive to provide citizens with more efficient and convenient city services.

Strategy 6. Effectively manage the city's financial resources

Background

The City's 1999 budget includes \$20,000 for the replacement of the Parks Public Work's Ramsoms tractor. Purchased in 1985, the tractor has exceeded its anticipated useful life of 5 years or 1000 hours and is in declining condition.

The Parks and Public Works staff has done considerable research and trial use in an attempt to determine what type of equipment will be best suited to replace the Ramsoms. This equipment has been utilized heavily as a mower and snow blower / broom. Purchasing a Kubota F 3060 through the state purchasing program offers the City the best value as well as satisfying the legal purchasing requirements. The tractor has demonstrated the ability to significantly reduce mowing time through increased speed and maneuverability, while also demonstrating the capacity for a quick change of blower / broom attachments for snow removal.

Purchase of the Kubota F 3060 from Long Lake Tractor and Equipment is at a total cost of \$22,392.63. This includes a \$2,900 trade-in value for the '85 Ramsoms.

ACTION REQUESTED:

Authorization to proceed with the purchase of a Kobota F 3060 from Long Lake Tractor and Equipment at a total cost of \$22,392.63

POLICY 1

ITEM: Proclamation regarding city government and community solutions to the Year 2000 (Y2K) problem

SUBMITTED BY: Mayor Sue Gehrz

EXPLANATION/DESCRIPTION:

Summary and action requested. The city is moving forward with its Y2K compliance and community preparedness in 1999. To start the year, Mayor Gehrz is requesting the council adopt the resolution proclaiming the city's stress on this issue.

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

ATTACHMENT:

1 Resolution 99-03

ACTION REQUESTED:

Read proclamation
Adopt resolution 99-03

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: January 13, 1999

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

WHEREAS, there is a high degree of uncertainty with regard to the community-wide impact of Y2K induced infrastructure failures; and

WHEREAS, the situation caused by these infrastructure failures could be disastrous, geographically and functionally broader than past infrastructure failures; and

WHEREAS, community preparedness is emerging as a necessary and effective approach to prepare for this situation; and

WHEREAS, Falcon Heights has a long and honored history of neighbors and neighborhoods working together; and

WHEREAS, Y2K presents an unprecedented challenge for the Falcon Heights community; and

WHEREAS, by preparing now our community will be better off and may be in a position to lend assistance, where needed, to people of other communities; and

WHEREAS, the city council established a community preparedness liaison, Ms. Kris Grangaard, a community Y2K preparedness task force and community informational materials to prepare the community for Y2K problems;

WHEREAS, the city council has designated a Y2K coordinator to research Y2K compliance on city facilities and equipment, has directed the city staff to make purchases that are Y2K compliant and is prepared to cover any necessary unanticipated costs for Y2K compliance;

WHEREAS, the city is working with its contract and service providers to establish their Y2K compliance measures;

NOW THEREFORE, BE IT RESOLVED that the city of Falcon Heights, as represented by its mayor and councilmembers, join the city of Saint Paul and other communities to meet the following Y2K goals:

1. Strive to minimize the impact of Y2K induced failures on the safety, health and welfare of our citizens.
2. Work to make our community resources as robust as possible to respond to Y2K issues.
3. Maximize the speed, flexibility and effectiveness of community and city responses to Y2K induced disruptions.
4. Provide leadership and support resources for a community-wide preparation effort.

Moved by: _____

Approved by: _____

Mayor

January 13, 1999

Date

GEHRZ _____ In Favor

GIBSON TALBOT _____

HUSTAD _____ Against

JACOBS _____

KUETTEL _____

Attested by: _____

City Clerk

January 13, 1999

Date

ITEM DESCRIPTION: Consideration of an ordinance amending Chapter 6 related to the revocation or suspension of liquor licenses

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

Summary and action requested. The city council is asked to consider and adopt amendments to the liquor ordinance to ensure that penalties for violating state law, especially sales to minors, are penalized appropriately. The city council previously discussed the changes which include vendor penalties for selling alcohol to minors. A meeting with the liquor license holders provided further comments. Finalization of the ordinance is desired since the University of Minnesota's liquor compliance project is ready to perform compliance checks. They are also willing to provide free educational seminars for servers and/or license holders upon request.

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

Background.

Meeting with license holders. Following initial discussion by the city council in October 1998, all liquor license holders were invited to a meeting to discuss proposed changes to the liquor ordinance. Three of the five license holders (representing Falcon Bowl, Ciatti's, and J's Liquors) attended the meeting with Mayor Gehrz and University officials and provided comments. Some of the feedback included:

- All vendors agreed that it is in everyone's best interest to avoid selling alcohol to minors and that they feel they are putting forth their best effort to avoid this.
- Concern about the server or liquor clerk having a criminal record if caught selling alcohol to minors. Requested that the city investigate an administrative penalty for the server similar to St. Paul's ordinance.
- Requested that appropriate penalties (such as a driver's license revocation) be assessed when minors are caught attempting to purchase alcohol. All vendors agreed that the St. Anthony Police Department has been very responsive in the past to calls for assistance in this situation.

City of St. Paul's Alcohol Ordinance. At the suggestion of the liquor licensees, the City of St. Paul's alcohol ordinance and policies were obtained for comparison.

Compliance Checks/Vendor Penalties. St. Paul is performing a round of educational compliance checks for which no penalties will be assessed. Penalties will be assessed for failures during the second round. Vendor penalties are similar to those proposed in Falcon Heights, except that St. Paul does not assess a fine in addition to a license suspension (see attachment 1.)

Server Penalties. St. Paul is having legal counsel research the possibility of imposing an administrative fine to the server or clerk who sells to an underage person.

Penalties for Underage Buyers. St. Paul has directed prosecutors to pursue a driver's license suspension and community service and/or a fine when prosecuting minors caught purchasing alcohol. This option is also available to Falcon Heights since it is permitted by state statute.

Vendor penalties: comparison to other suburban cities (see attachment 1.)

The vendor penalties in the proposed ordinance are similar to those in the cities of Plymouth and Burnsville, except that there is no suspension for the first offense. Falcon Heights' proposed ordinance requires both a fine and a suspension for every subsequent offense whereas other cities do not impose a fine. Roseville's penalties are more lenient and do not specifically call for revocation after a certain number of offenses, although the council retains the right to revoke the license at any time.

Proposed vendor penalties for sales to minors:

Note: administrative penalties are limited to \$2,000 under state statute.

Violation #	Fine	Loss of Liquor License	Time period for violation	Hearing before council
1st violation	\$1,000	None (3 day suspension if fine not paid)	Not applicable	Hearing on fine unless licensee chooses not to have a hearing
2nd violation	\$2,000	6 day suspension; (Revocation if suspension is violated)	If it occurs within 3 years of first violation	Hearing on suspension; licensee is invited to speak
3rd violation	\$2,000	18 day suspension; (Revocation if suspension is violated)	If it occurs within 5 years of first violation	Hearing on suspension; licensee is invited to speak
4th violation	\$2,000	Revocation	If it occurs within 7 years of first violation	Hearing on revocation; licensee is invited to speak.

Once established, these administrative penalties will be considered minimal and appropriate. However, under certain circumstances with the appropriate findings for cause, the council retains the following options including the right to suspend a license for up to 60 days, fine up to \$2,000 or to revise the penalties after a hearing before the city council, where the licensee will be invited.

ATTACHMENTS:

1. Comparison of Liquor Ordinances
2. Ordinance 99-02, amending Chapter 6 of city code.
3. Resolution 99-04, authorizing summary publication

ACTION REQUESTED: Adoption of Ordinance 99-02 and Resolution 99-04

Comparison of Liquor Ordinances Administrative Penalties to License Holder for Ordinance Violations

Administrative Penalties

All cities reserve the right to pursue criminal prosecution, civil fines, and suspension/revocation of the license at any time.

	First Appearance	Second Appearance	Third Appearance	Fourth Appearance
Falcon Heights (proposed)	\$1,000 fine; 3 day suspension if fine not paid	\$2,000 fine and 6 day suspension	\$2,000 fine and 18 day suspension	\$2,000 fine and Revocation
St. Paul	1 day suspension or \$500 to \$2,000 fine (council option)	6 day suspension	18 day suspension	Revocation
Roseville	\$150 fine	2 day suspension	5 day suspension	N/A
Plymouth	3 day suspension	6 day suspension	18 day suspension	Revocation
Burnsville	\$500 fine or 3 day suspension (council option)	6 day suspension	18 day suspension	Revocation

Computation of Appearances (when does the "clock" start again)

	First Appearance	Second Appearance	Third Appearance	Fourth Appearance
Falcon Heights (proposed)	N/A	occurs within 3 years of 1st appearance	occurs within 5 years of 1st appearance	occurs within 7 years of 1st appearance
St. Paul	N/A	occurs within 18 months of 1st appearance	occurs within 30 months of 1st appearance	occurs within 48 months of 1st appearance
Roseville	N/A	occurs within 12 months of 1st appearance	occurs within 12 months of 1st appearance	N/A
Plymouth	N/A	occurs within 3 years of 1st appearance	occurs within 5 years of 1st appearance	occurs within 7 years of 1st appearance
Burnsville	N/A	occurs within 18 months of 1st appearance	occurs within 30 months of 1st appearance	occurs within 48 months of 1st appearance



CITY OF FALCON HEIGHTS

ORDINANCE

Date January 13, 1999

AN ORDINANCE OF THE CITY OF FALCON HEIGHTS, MINNESOTA
AMENDING CHAPTER 6 OF THE CITY CODE, CONCERNING THE
REVOCATION OR SUSPENSION OF LIQUOR LICENSES

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Section 6-3.06 of the Falcon Heights City Code is amended to read:

6-3.06 City Council Discretion

- A. Granting or Refusing of License. All facts set out in the applications shall be investigated. After such investigation, the council shall grant or deny the license in its discretion. Each license granted shall be issued to the applicant only and shall not be transferable to another holder unless in accordance with Section 6-7.01. Each license shall be issued only for the compact and contiguous premises described in the application. No license may be transferred to another place without the approval of the City Council.
- B. Revocation or Suspension of License.
 - 1. Hearing Notice. Revocation or suspension of a license by the City Council shall be preceded by public hearing conducted in accordance with Minnesota Statutes Section 14.57 to 14.70. The City Council may appoint a hearing examiner or may conduct a hearing itself. The hearing notice shall be given at least 10 days prior to the hearing, include notice of the time and place of the hearing, and state the nature of the charges against the licensee.
 - 2. Grounds for Revocation or Suspension of License. The Council may suspend or revoke any license for the sale of intoxicating or 3.2 percent malt liquor for any of the following reasons:
 - a. False or misleading statements made on a license application or renewal, or failure to abide by the commitments, promises or representations made to the City Council.
 - b. Violation of any special conditions under which the license was granted, including, but not limited to, the timely payment of real estate taxes, and all other charges.
 - c. Violation of any Federal, State, or local law regulating the sale of intoxicating liquor, 3.2 percent malt liquor, or controlled substance.
 - d. Creation of a nuisance on the premises or in the surrounding area.

- e. That the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.
- f. That the licensee had knowledge of illegal acts upon or attributable to the licensed premises, but failed to report the same to the police.
- g. Expiration or cancellation of any required insurance, or failure to notify the City within a reasonable time of changes in the term of the insurance or the carriers.
- h. Failure of an establishment granted a license to exhibit satisfactory progress toward completion of construction within 6 months from its issuance, or failure of an establishment to operate for a period of 6 months. A hearing shall be held to determine what progress has been made toward opening or reopening the establishment and, if satisfactory progress is not demonstrated, the Council may revoke the license.

3. Presumptive Civil Penalties.

- a. Purpose. The purpose of this Section is to establish a standard by which the City Council determines the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this Chapter. These penalties are presumed to be appropriate for every case; however, the Council may deviate in an individual case where the Council finds that there exist substantial reasons making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the State or City to prevent the sale of alcohol to minors. When deviating from these standards, the Council will provide written findings that support the penalty selected.
- b. Presumptive Penalties for Violations. The minimum penalties for convictions or violations must be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

		<i>Appearance</i>			
<i>Type of Violation</i>		<i>1st</i>	<i>2nd</i>	<i>3rd</i>	<i>4th</i>
1.	Commission of a felony related to the licensed activity	Revocation + \$2,000 fine	NA	NA	NA
2.	Sale of alcoholic beverages while license is under suspension	Revocation + \$2,000 fine	NA	NA	NA
3.	Sale of alcoholic beverages to under-age person	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine

		<i>Appearance</i>			
	<i>Type of Violation</i>	<i>1st</i>	<i>2nd</i>	<i>3rd</i>	<i>4th</i>
4.	Sale of alcoholic beverages to obviously intoxicated person	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine
5.	After hours sale of alcoholic beverages	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine
6.	After hours display or consumption of alcoholic beverages	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine
7.	Refusal to allow City inspectors or police admissions to inspect premises	\$1,000	15 days + \$2,000 fine	Revocation + \$2,000 fine	NA
8.	Illegal gambling on premises	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine
9.	Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages	\$1,000	6 days + \$2,000 fine	18 days + \$2,000 fine	Revocation + \$2,000 fine
10.	Sale of intoxicating liquor where only license is for 3.2 percent malt liquor	Revocation + \$2,000 fine	NA	NA	NA

The council may impose a 3 day suspension for failure to pay the required fine on the first appearance.

- c. Multiple Violations. At a licensee's first appearance before the Council, the Court must act upon all of the violations that have been alleged in the notice sent to the licensee. The Council in that case must consider the presumptive penalty for each violation under the first appearance column in subsection b. above. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the Council's discretion.

- d. Subsequent Violations. Violations occurring after the notice of hearing has been mailed, but prior to the hearing, must be treated as a separate violation and dealt with as a second appearance before the Council, unless the City Administrator and licensee agree in writing to add the violation to the first appearance. The same procedure applies to a second, third or fourth appearance before the Council.
- e. Subsequent Appearances. Upon a second, third or fourth appearance before the Council by the same licensee, the Council must impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, the Council may consider the amount of time elapsed between appearances as a basis for deviating from the presumptive penalty imposed by this Section.
- f. Computation of Appearances. After the first appearance, a subsequent appearance by the same licensee will be determined as follows:
 - i. If the first appearance was within three (3) years of the current violation, the current violation will be treated as a second appearance.
 - ii. If a licensee has appeared before the Council on two (2) previous occasions, and the current violation occurred within five (5) years of the first appearance, the current violation will be treated as a third appearance.
 - iii. If a licensee has appeared before the Council on three (3) previous occasions, and the current violation occurred within seven (7) years of the first appearance, the current violation will be treated as a fourth appearance.
 - iv. Any appearance not covered by subsections i, ii, or iii above will be treated as a first appearance.

- g. Other Penalties. Nothing in this Section shall restrict or limit the authority of the Council to suspend up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00) for each violation, to impose conditions, or impose any combination of the foregoing sanctions, or take any other action in accordance with law; provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in this Chapter.

SECTION 2. Effective Date. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 13th day of January, 1999, by the City Council of the City of Falcon Heights.

Moved by: _____

Approved by: _____
Mayor

January 13, 1999
Date

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Attested by: _____
City Clerk
January 13, 1999
Date

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: January 13, 1999

A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE 99-02

WHEREAS, Ordinance No. 99-02 is entitled "An ordinance amending Chapter 6 of the city code concerning the revocation or suspension of liquor licenses" and contains several pages of text; and

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

States the terms under which the city council may revoke or suspend a liquor license.

Defines presumptive civil penalties to be assessed against the liquor license holder for violation of various liquor license provisions.

Describes the notice and hearing requirements for the city to follow when denying a license or issuing a civil penalty.

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

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

1. Publication of this resolution, which includes a summary of Ordinance 99-02 will clearly inform the public of the intent and effect of the ordinance
2. A copy of this resolution shall be published in lieu of publishing a copy of Ordinance 99-02 in its entirety.
3. A copy of the complete ordinance shall be available for public inspection in the office of the city.

Moved by: _____

Approved by: _____

GEHRZ ___ In Favor
 GIBSON TALBOT
 HUSTAD ___ Against
 JACOBS
 KUETTEL

Mayor
January 13, 1999
 Date

Attested by: _____
 City Clerk
January 13, 1999
 Date

ITEM DESCRIPTION: Consideration of an ordinance amending Chapter 5 related licensing of tobacco related products

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator
Andrea McDowell Poehler, Attorney

EXPLANATION/SUMMARY:

Summary and action requested. The council is being asked to approve an ordinance amending the tobacco licensing section of the city code. The proposed ordinance is a housekeeping item designed to make the city's tobacco licensing ordinance consistent with state statutes. In accordance with state statute and city practice, tobacco vendors were notified of the proposed changes.

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

Background. The proposed changes are as follows:

Definitions. Adds several definitions, including a definition of "vending machine". Eliminates the definition of "individually packaged".

Self-service merchandising. State statute now prohibits self-service merchandising in all locations. An exception is stores that sell only tobacco related products and prohibit minors from the premises except in the presence of their parents.

Compliance checks. Specifically authorizes compliance checks and states that minors participating in the checks are not guilty of unlawful possession of tobacco.

Civil penalties for license holders. The time period under which a vendor becomes subject to second and third penalties has been increased from 12 months to 24 months, which is more restrictive and in accordance with state statutes. The penalties themselves are the same:

First violation: \$200 fine

Second violation in 24 months: \$500 fine and five day license suspension

Third violation in 24 months: Revocation

Civil penalty for seller. In accordance with state statutes, the city must impose a \$50 fine on the clerk selling tobacco to a minor. The city has the option of also criminal prosecution of the seller.

Hearing process. Describes the rights of the license holder to due process in the event of a license denial or imposition of a civil penalty.

ATTACHMENTS:

- Ordinance 99-01, amending Chapter 5 related to licensing of tobacco related products
- Resolution 99-02, authorizing summary publication of Ordinance 99-01

ACTION REQUESTED: Approval of Ordinance 99-01 and Resolution 99-02

CITY OF FALCON HEIGHTS

ORDINANCE

Date January 13, 1999

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

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

Section 1. Chapter 5-1.03 is hereby amended as follows:

D. Tobacco Related Products

1. Purpose. The city council finds that substantial scientific evidence exists that the use of tobacco related products causes cancer, heart disease, and various other medical disorders. It is the further finding of the City Council that the present legislative scheme of prohibiting sales of tobacco-related products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco-related products. The City Council has concluded that minors have ready access to self-service merchandising, including vending machines, which sell tobacco-related products. The City Council has also concluded that the prohibition of the sale or dispensing of tobacco-related products through vending machines and the regulation of sales through self-service merchandising will thereby promote the health, safety, and welfare of the residents of the City, particularly those residents under eighteen (18) years of age.

2. Definitions. The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

a. "Adult" means a person 18 years of age or older.

b. "Applicant" refers to a person as defined herein, who completes or signs an application for a license to sell tobacco-related products individually or on behalf of a business.

c. "Business" refers to the business of selling tobacco-related products.

d. "License Holder" refers to the owner of the business licensed to sell tobacco related products.

e. "Movable place of business" means a business whose physical location is not permanent or is capable of being moved or changed.

- f. "Person" means one (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the State; or any other business organization.
 - g. "Self-service merchandising" means a method of displaying tobacco-related products so that they are accessible to the public without the intervention of an applicant, license holder, or their agents or employees.
 - ~~b. "Self service merchandising" means open display of tobacco products that the public has access to without the intervention of an employee.~~
 - ~~e. "Individually packaged" means any package containing only one individually wrapped item. Included are single packs of cigarettes, single bags of tobacco for rolling, individual cans of tobacco for chewing or sniffing. Not packaged packs of cigarettes or similar packages containing multiple cans or containers of tobacco suitable for smoking, chewing or sniffing.~~
 - h. ~~a.~~ "Tobacco related product" means cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimpt cut, ready, rubbed and other smoking tobacco; snuff, snuff flower, cavendish, plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scrips, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe; rolling paper or other tobacco related devices.
 - i. "Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products and including vending machines equipped with manual, electric, or electronic locking devices.
3. ~~4.~~ License Required. No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product as defined in this ordinance at any place in the city without a license. Application for a license should be made to the city clerk on a form supplied by the city. Upon filing of the application and payment of the required fee ~~as stipulated in Section 5-5.01 of this code~~, the application shall be presented to the city council for consideration.
4. ~~3.~~ License Shall Be Displayed. Every license shall be kept conspicuously posted in the place for which the license is issued and shall be exhibited to any person upon request.

5. 4. License Restrictions. A license shall be issued subject to the following restrictions:
- a. No license shall be issued to any applicant for the sale of tobacco related products at any place other than her/his established place of business.
 - b. No license shall be issued for the sale of tobacco related products at a movable place of business.
 - c. No license shall be issued for the sale of tobacco related products at more than one place of business.
 - d. No person shall sell or dispense any tobacco product through the use of a vending machine.
 - e. No person shall offer for sale any ~~individually packaged~~ tobacco product by means of self-service merchandising, or any means whereby the customer may have access to such items without having to request the item from the license holder, their agents or employees. All tobacco related products shall be stored behind a counter or other area not freely accessible to customers. Exception: a license holder who operates an establishment that sells only tobacco-related products is exempt from the self-service merchandising provision if the license holder prohibits anyone under eighteen (18) years of age from entering the establishment, unless accompanied by a parent, and the license holder conspicuously displays a notice prohibiting persons under eighteen (18) years of age from entering the establishment unless accompanied by a parent.
 - f. No person shall sell, offer for sale, give away, furnish, or otherwise deliver any tobacco-related products to any person under the age of eighteen (18) years.
 - g. No person shall sell, offer for sale, give away, furnish, or otherwise deliver any tobacco-related products by any means or to any person prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

f. ~~Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of tobacco products by an employee to a person under 18 years of age shall be considered an act of the licensee for purposes of imposing an administrative fine, license suspension or revocation.~~

6. Compliance Checks. All licensed premises shall be open to inspection by the City police or other authorized City officials during regular business hours.

a. Annual Compliance Checks. From time to time, but at least once per year, the City shall conduct compliance checks. Such compliance checks may involve, but are not limited to, engaging minors to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco related devices.

b. Minors. If minors are used for compliance checks, they shall not be guilty of unlawful possession of tobacco when such items are obtained as part of a compliance check.

7. Violations and Penalties; Civil Enforcement. The license holder shall be responsible for the conduct of its agents or employees while on the licensed premises. Any violation of this Chapter shall be considered an act of the license holder for purposes of imposing a civil penalty, license suspension, or revocation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

a. Notice of Violation. Upon the occurrence of a suspected violation, the Police Department shall inform the City Administrator of the suspected violation. The City Administrator shall then send to the license holder a written notice of the civil violation. The notice shall advise the license holder of the penalty and the license holder's right to request a hearing regarding the violation of this ordinance pursuant to Chapter 5-1.03 subd. D(8).

b. Civil penalties for licensees. Each license issued hereunder shall be subject to suspension or revocation for violation of any provisions of this Chapter or the laws of the State of Minnesota as follows:

1. First Violation. The first violation of this Chapter shall be punishable by a fine of \$200. Failure to pay this fine within 30 days from the date of the invoice shall result in a two day suspension of the license.
 2. Second Violation. A second violation of this Chapter within any twenty-four month period shall be punishable by a fine of \$500 and a five day suspension of the license. Failure to pay the fine within 30 days from the date of the invoice shall result in a ten (10) day suspension of the license.
 3. Subsequent Violation. A third or subsequent violation of this Chapter within any twenty-four month period shall be punishable by the revocation of the license. Licensees whose licenses have been revoked may not be eligible for another tobacco product license for up to one year from the date of license revocation.
- c. Civil penalty for individuals. An individual who sells tobacco to a person under the age of 18 years shall receive an administrative fine in the amount of \$50.
 - d. Any civil penalty, suspension, or revocation or combination thereof under this section does not preclude criminal prosecution under this ordinance or Minnesota Status section 609.685.
5. ~~Administrative Fine, Suspension, or Revocation. Any violation of the restrictions attached to a tobacco product license shall be cause for a suspension or revocation of such license pursuant to the provisions of Section 5-1.02B of the Falcon Heights Municipal Code. The first violation shall result in a fine of \$200 to the license holder payable to the city. Failure to pay within thirty days from the date of the invoice shall result in a two day license suspension. A second violation within 12 months shall result in a fine of \$500 payable to the city and result in a 5 day license suspension. Failure to pay the fine within 30 days from the date of the invoice shall result in a 10 day license suspension. A third violation within 12 months or for sales during a license suspension or revocation shall result in a license revocation. Licensees whose licenses have been revoked may not be eligible for another tobacco product license for up to one year from the date of license revocation. The city council may attach reasonable conditions to the reinstatement of a suspended or revoked license including the condition that the~~

~~licensee and/or the licensee's employees complete, at licensee's expense, a training program, approved by the city administrator, which includes instruction on appropriate procedures for determining the age of customers and the effect of tobacco usage.~~

- ~~6. Exception. A person under eighteen (18) years of age who purchases or attempts to purchase tobacco-related products while under the direct supervision of a responsible adult for training, education, research or enforcement purposes shall not be subject to legal penalties. (O 96 02)~~

8. Hearing on Denial or Violation

- a. Hearing. Following receipt of a notice of license denial, or a notice of a violation and penalty issued under Chapter 5-1.03 subd. D (7), an applicant or license holder may request a hearing before the City Council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the City Administrator within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before the Council.
- b. Findings. If after the hearing the applicant or license holder is found ineligible for a license or in violation of this ordinance, the Council may affirm the denial, impose a fine, issue a suspension or revocation, or impose any combination thereof as set forth in Chapter 5-1.03 subd. D (7).
- c. Default. If the applicant or license holder has been provided written notice of the denial or violation and if no request for a hearing is filed within the 10 day period, then the denial, penalty, suspension, or revocation imposed in Chapter 5-1.03 subd. D (7) shall take immediate effect by default. The City Administrator shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The City Police shall investigate compliance with the suspension or revocation.

9. Affirmative Defense. It is an affirmative defense to charge under this chapter if the license holder proves by a preponderance of the evidence that the license holder reasonably and in good faith relied on proof of age as described in Chapter 340A.503 subd. 6 of the Minnesota Statutes, in making the sale.

10. Severability. If any provision of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this Chapter.

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

ADOPTED this 13th day of January, 1999, by the City Council of the City of Falcon Heights.

Moved by: _____

GEHRZ ___ In Favor
 GIBSON TALBOT
 HUSTAD ___ Against
 JACOBS
 KUETTEL

Approved by: _____
 Mayor
 January 13, 1999
 Date

Attested by: _____
 City Clerk
 January 13, 1999
 Date

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: January 13, 1999

A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE 99-01

WHEREAS, Ordinance No. 99-01 is entitled "An ordinance amending Chapter 5 related to licensing of tobacco related products" and contains several pages of text; and

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

Adds a section describing the purpose of the tobacco licensing section.

Adds and revises definitions related to the licensing section.

Provides for tobacco compliance checks.

Describes the penalties assessed to license holders and individual sellers that violate city ordinances or state statutes related to tobacco products.

Describes the hearing process available following the denial of a tobacco license or a penalty imposed for violation of tobacco laws.

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

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

1. Publication of this resolution, which includes a summary of Ordinance 99-01 will clearly inform the public of the intent and effect of the ordinance
2. A copy of this resolution shall be published in lieu of publishing a copy of Ordinance 99-01 in its entirety.
3. A copy of the complete ordinance shall be available for public inspection in the office of the city.

Moved by: _____

Approved by: _____

GEHRZ In Favor

GIBSON TALBOT

HUSTAD Against

JACOBS

KUETTEL

Mayor

January 13, 1999

Date

Attested by: _____

City Clerk

January 13, 1999

Date

CONSENT 8
Date: 1/13/99

ITEM DESCRIPTION: Approval of change order for computer network system

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

The city council is asked to approve the additional amount of \$2,348.62. The council approved a total of \$20,155.00 for computer equipment and associated network installation in 1998. The actual cost for the necessary equipment and installation was \$22,503.62.

The additional costs were for the following items:

\$960.00: Eight hours of unanticipated technician time to install the network and to correct initial problems. Technicians are paid on a hourly basis rather than by the project since it can be difficult to anticipate the kinds of problems that can arise during an installation.

\$721.56: Installation of a Modem Port Data Module on the telephone system. This allows dialing into the network server from outside City Hall on a dedicated digital phone line. This was deemed more cost effective than paying an additional \$60 per month to have an additional analog phone line installed. The other option was to use one of the four existing analog lines that come in to City Hall. This option was rejected since it could result in a caller receiving a modem tone in their ear if they hit computer's phone line.

\$691.19: Purchase of a Universal Power System (UPS) to accommodate the network server. The room where the server is kept has only one power outlet. The UPS system is plugged into that outlet and allows up to six items to run off of one outlet. It also protects the equipment by shutting the system down slowly during power failures or power surges. If the system were plugged directly into outlets, the network would shut down immediately during power failures, which can cause file corruption and data loss.

(Computer equipment costs were \$24.13 less than anticipated)

ACTION REQUESTED: Approve change order for computer network system for additional \$2,348.62 in costs with a total of \$22,503.62 charged to capital budget.

ITEM DESCRIPTION: Resolution designating official depositories for 1999

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

- U.S. Bank N.A., LMC 4M Fund - checking account
- U.S. Bank N.A.
- Rauscher Inc.
- Solomon Smith Barney Incorporated
- Edward D. Jones
- U.S. Bank Corp. Investments Inc.
- Prudential Securities Incorporated
- Minnesota Municipal Money Market Fund (4M) and
Municipal Investors Service Corporation
- Piper Jaffrey
- Norwest Investment
- Paine Webber, Inc.

All investments are made according to state law and the city's investment policy.

ATTACHMENTS:

- A. Resolution designating the city's official depositories for 1999
- B. The city's investment policy

ACTION REQUESTED: Approval

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: January 13, 1999

A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE
CITY OF FALCON HEIGHTS

BE IT HEREBY RESOLVED, by the city council of the City of Falcon Heights that the following financial institutions be designated as depositories for funds of the City of Falcon Heights:

- U.S. Bank , N.A., LMC-4M Fund - checking account
- U.S. Bank, N.A.
- Rauscher Inc.
- Solomon Smith Barney Incorporated
- Edward D. Jones
- U.S. Bank Corp. Investments Inc.
- Prudential Securities Incorporated
- Minnesota Municipal Money Market Fund (4M) and
- Municipal Investors Service Corporation
- Piper Jaffrey
- Norwest Investment
- Paine Webber, Inc.

BE IT FURTHER RESOLVED that the administrator or designee is authorized to deposit general and other funds therein. Collateral shall be furnished by the financial institutions as required by law.

Moved by: _____

Approved by: _____

Mayor _

January 13, 1999

Date

GEHRZ _____ In Favor

GIBSON TALBOT

HUSTAD _____ Against

JACOBS

KUETTEL

Attested by: _____

City Clerk

January 13, 1999

Date

C. INVESTMENT POLICIES

1. PURPOSE

The investment policies are designed to legally maximize the return on the city's idle funds.

2. POLICY

The city will regularly analyze its cash flow needs.

The city will collect, disburse and deposit funds on a regular basis.

The city will pool cash from its different funds and invest it as allowed by law.

The general fund will receive 5 percent of all investment earnings as administrative fees for the finance director's time.

The city will invest funds for the highest rate of return possible allowed under state and federal law, while maintaining a diversified investment portfolio.

The city will regularly review its cash position and investment performance as documented by its financial records.

3. IMPLEMENTATION

The following graph historically illustrates the city's interest rate on its investments compared to general interest rates.