

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

AGENDA
January 24, 2001

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ___ HUSTAD ___ KUETTEL ___
 LINDSTROM ___ TALBOT ___
 WORTHINGTON ___ PHILLIPS ___
 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: January 10, 2001
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
1. General disbursements through 1/19/01, \$72,062.27
Payroll, 1/1/01 to 1/15/01, \$10,500.99
 2. Licenses
- G. POLICY AGENDA:
1. Appointments to the Planning, Parks and Recreation and Human Rights Commissions
 2. Purchase of rotary sweeper for John Deere 725 Tractor
 3. Request for approval to send out the fire truck specifications to local manufacturers for comments
 4. Discussion of current sidewalk ordinance relating to snow removal
- H. DISCUSSION
1. Scheduling of a joint meeting of the Planning Commission and the City Council
- I. INFORMATION AND ANNOUNCEMENTS:
- J. ADJOURN TO WORKSHOP

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- G. POLICY AGENDA:
1. Appointments to the Planning, Parks and Recreation and Human Rights
Commissions (Tab #4)
 2. Purchase of rotary sweeper for John Deere 725 Tractor (Tab #5)
 3. Request for approval to send out the fire truck specifications to local
manufacturers for comments (Tab #6)
 4. Discussion of current sidewalk ordinance relating to snow removal (Tab #7)
- H. DISCUSSION
1. Scheduling of a joint meeting of the Planning Commission and the City
Council (Tab #8)
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local manufacturers for comments **(Tab #6)**

4. Discussion of current sidewalk ordinance relating to snow removal **(Tab #7)**

H. DISCUSSION

1. Scheduling of a joint meeting of the Planning Commission and the City Council **(Tab #8)**

I. INFORMATION AND ANNOUNCEMENTS:

J. ADJOURN TO WORKSHOP

DRAFT

City of Falcon Heights
City Council Minutes
January 10, 2001

The meeting was called to order by Mayor Gehrz at 7:02 p.m.

PRESENT: Gehrz, Lindstrom, Talbot. Also present: Heather Worthington, City Administrator, Pat Phillips, Deputy Clerk

ABSENT: Councilmembers Hustad and Kuettel

COMMUNITY FORUM: There was no one present wishing to speak.

APPROVAL OF MINUTES: The minutes of December 13, 2000 were approved.

CONSENT AGENDA:

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

1. General disbursements and payroll
2. Licenses
3. Consideration of 2001 SCORE Contract
4. Resolution designating official depositories for 2001
5. Appointment of City Engineer and City Attorneys for 2001
6. Designation of official newspaper
7. Review and adopt Council standing rules

POLICY AGENDA:

Request to approve extension of the recycling contract with E-Z Recycling for one year commencing on February 28, 2001.

Administrator Worthington said staff is recommending a one year extension with E-Z Recycling at the current rate. Staff will work with Ramsey County to research and develop a bidding process for future years. Councilmember Lindstrom moved to approve the extension of the recycling contract. The motion passed unanimously.

Consideration of a contract with SafeAssure for OSHA Compliance monitoring and training.

Administrator Worthington said a one year contract with SafeAssure is requested to bring the city into compliance with OSHA. The amount of the contract is \$2,692.00. The organization offers training for staff members and will make sure the necessary city facilities and city policies are in place.

After brief discussion, councilmember Talbot made a motion to approve contracting for this service. The motion passed unanimously.

Replacement of 1990 Ford F250 Truck

Administrator Worthington said the city's plow truck has become unreliable and recommends replacement. Worthington said the state bid was awarded to Superior Ford of Plymouth, MN and they have a truck, which, after trade in and license fees, and including a plow package, would cost \$27,611.00. After brief discussion, councilmember Lindstrom moved to approve the purchase of a plow truck. The motion passed unanimously.

INFORMATION AND ANNOUNCEMENTS:

Mayor Gehrz said council liaison positions will remain the same for the upcoming year. Councilmember Talbot reminded everyone of the January 23rd meeting at 7 p.m. at city hall regarding the re-development of the southeast corner of Snelling and Larpenteur. Administrator Worthington also reminded everyone of the Crime Prevention meeting on January 18th at 7 p.m. at city hall. The meeting will also be a follow-up to a meeting held in October with neighborhood watch blockworkers.

ADJOURN

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Pat Phillips
Deputy Clerk

CONSENT 1
Meeting Date: 1/14/01

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 1/19/01, \$72,062.27
2. Payroll, 1/1/01 to 1/15/01, \$10,500.99

ACTION REQUESTED: Approval

APPROVAL OF BILLS
 PERIOD ENDING: JAN 19_ 2001

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 24				219.10
	BROWNING-FERRIS IND.	JAN/01 WASTE	CITY HAL	267.74
	GRAINGER, W. W., INC.	TOWELS FOR BATHROOM	CITY HAL	58.96
	KNOX LUMBER CO.	STAPLE GUN/STAPLES/TOILE	CITY HAL	51.20
	MERCURY WASTE SOLUTIONS	FLOURSCENT TUPE DISPOSAL	CITY HAL	38.48
	SAFE ASSURE CONSULTANTS	1ST QTR SAFETY TNG	CITY HAL	471.00
*** TOTAL FOR DEPT 31				887.38
	HONEYWELL INC.	1ST QTR SECURITY CHRGS	PARK & R	112.25
	KNOX LUMBER CO.	CLEANING SUPPLIES	PARK & R	21.33
	SCHARBER & SONS	REPAIR EQUIP JD955	PARK & R	88.52
*** TOTAL FOR DEPT 41				222.10
	PIPE SERVICES CORP.	FULHAM STREET STORM SEWR	STORM SE	700.00
*** TOTAL FOR DEPT 51				700.00
	GRAINGER, W. W., INC.	CHROME TISSUE DISPENSERS	PUBLIC W	76.69
	GRAINGER, W. W., INC.	15" UPRIGHT VACUUM	PUBLIC W	322.42
*** TOTAL FOR DEPT 65				399.11
	PIPE SERVICES CORP.	TV INSPECT ARONA ST S.S.	SANITARY	342.80
	SAFE ASSURE CONSULTANTS	1ST QTR SAFETY TNG	SANITARY	202.00
*** TOTAL FOR DEPT 75				544.80
39619	KONOPKA INSTITUTE	CONFERENCE MCAD-6 ADULTS	MCAD	120.00
*** TOTAL FOR DEPT 84				120.00
39618	HUMANE SOCIETY WRIGHT CO. MEMORIAL		CONTINGE	60.00
*** TOTAL FOR DEPT 92				60.00
*** TOTAL FOR BANK 01				72,062.27
*** GRAND TOTAL ***				72,062.27

APPROVAL OF BILLS
 PERIOD ENDING: JAN 19 2001

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	ALBRECHT	IRRIGATION CONTROL UNIT	-----	589.94
	AMERICAN OFFICE PRODUCTS	TONER/INK JET CARTRIDGES	-----	326.53
	AMERICAN OFFICE PRODUCTS	INK JET CARTRIDGE	-----	34.07
	US BANCORP	EMPLOYEE HOLIDAY RECOGNI	-----	295.83
	CAMPBELL KNUTSON	DEC/00 LEGALS SVCS	-----	1,047.00
	COMMUNITY CHARITIES OF MN	RETURN UNUSED 3%	-----	30.63
	KUNDE CO INC	SHADE TREE DISEASE PROGM	-----	3,184.80
	WILLIAM MAERTZ	TUITION REIMBURSEMENT	-----	900.00
	HOWARD GREEN COMPANYC.	ALLEY ENGINEERING	-----	548.38
	HOWARD GREEN COMPANYC.	FULHAM AVE STORM SEWER	-----	195.78
	XCEL ENERGY	ELECTRICITY	-----	1,100.39
	RCLLG	ANNUAL MEETING/MAYOR/ADM	-----	105.00
	SUBURBAN HARDWARE	SUPPLIES/PAINT/FASTENERS	-----	171.16
	VERIZON WIRELESS	CELL PHONE CHRGS	-----	19.82
	QWEST	TELEPHONE EXP	-----	759.47
	QWEST	TELEPHONE EXP	-----	62.49
	RESOFT INC	ADDT'L WEBSITE DEVELOPMT	-----	1,590.00
	PRECISION TREE COMPANY	TREE TRIMMING 2000	-----	13,727.85
	SPRINGSTED	CONTINUING DISCLOSURE	-----	1,500.00
	SPRINGSTED	CONTINUING DISCLOSURE	-----	200.00
	SPRINGSTED	CTY AUDITORS CERTIFICATE	-----	165.00
	*** TOTAL	FOR DEPT 00		26,554.14
	MN SENIOR FEDERATION	2001 DUES	LEGISLAT	40.00
39620	NORTHWEST YOUTH & FAMILY	SVC YOUTH AWARD DINNER	LEGISLAT	50.00
	GREAT WEST LIFE/ANNUITY	JAN/01 HUSTAD DEFERRED C	LEGISLAT	75.00
	*** TOTAL	FOR DEPT 11		165.00
	CITIZENS LEAGUE	2001 MEMBERSHIP	ADMINIST	50.00
39622	MN DEPARTMENT OF REVENUE	JAN 15 ST WITHHOLDINGS	ADMINIST	634.44
	MUNICI-PALS	2001 MEMBERSHIP	ADMINIST	20.00
	NATIONAL CIVIC LEAGUE	2001 MEMBERSHIP	ADMINIST	60.00
39623	PERA	JAN 15 PERA WITHHOLDINGS	ADMINIST	1,151.15
	RAMSEY COUNTY	JAN/01 INS PREMIUMS	ADMINIST	3,207.10
39621	UNIVERSITY OF MINNESOTA	PHILLIPS-CLERK WORKSHOP	ADMINIST	45.00
	COORDINATED BUS. SYSTEMS,	1ST QTR COPIER MAINT	ADMINIST	714.30
	COORDINATED BUS. SYSTEMS,	PART REPAIR COST COPIER	ADMINIST	7.99
	*** TOTAL	FOR DEPT 12		5,889.98
	MINNESOTA GFOA	2001 MEMBERSHIP	FINANCE	30.00
	RAMSEY COUNTY	ROLL MAJOR TAX PAYERS	FINANCE	65.00
	*** TOTAL	FOR DEPT 13		95.00
	DAVID L. WASSON GRAPHIC	JAN-MAR NEWSLETTER	COMMUNIC	1,984.50
	*** TOTAL	FOR DEPT 16		1,984.50
	ST ANTHONY VILLAGE	FEB/01 POLICE SVCS	POLICE	34,221.16
	*** TOTAL	FOR DEPT 22		34,221.16
	AMERIPRIDE LINEN&APPAREL	LENEN CLEANING	FIRE FIG	41.77
	ANDERSON, KEVIN	FILTER KIT	FIRE FIG	47.33
	BEARCOM	REPAIR RADIOS	FIRE FIG	95.00
	CAPITOL CITY REGIONAL	2001 MEMBERSHIPS	FIRE FIG	35.00

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 12 00	34 CLEMENT KURHAJETZ	30702	132.07
COM	1 12 00	35 LEO LINDIG	30703	73.94
COM	1 12 00	40 KEVIN ANDERSON	30704	72.19
COM	1 12 00	42 MICHAEL D. CLARKIN	30705	156.22
COM	1 12 00	66 ALFRED HERNANDEZ	30706	352.87
COM	1 12 00	70 JUSTIN T. NOVAK	30707	25.06
COM	1 12 00	74 MARK J. ALLEN	30708	139.57
COM	1 12 00	77 BARBARA J. LEMAY	30709	31.52
COM	1 12 00	80 MARY K RIGNEY	30710	94.14
COM	1 12 00	81 LAUREL F SANDBERG	30711	37.98
COM	1 12 00	82 DUSTIN P THUNE	30712	106.50
COM	1 12 00	85 DANIEL S JOHNSON-POWERS	30713	175.76
COM	1 12 00	86 GREGORY R YOUNGS JR	30714	46.86
COM	1 12 00	87 MICHAEL A. MCKAY	30715	56.16
COM	1 12 00	88 TRAPPER J. LAPPE	30716	47.68
COM	1 12 00	89 RICKY REVERING	30717	98.58
COM	1 12 00	90 ANDREW P SCHIPPEL	30718	119.71
COM	1 12 00	91 RICHARD H. HINRICHS	30719	123.24
COM	1 12 00	93 ROBERT BAKER	30720	12.93
COM	1 12 00	1003 HEATHER WORTHINGTON	30721	1237.27
COM	1 12 00	1007 PATRICIA PHILLIPS	30722	1045.13
COM	1 12 00	1013 WILLIAM MAERTZ	30723	1394.30
COM	1 12 00	1033 DAVE TRETSEVEN	30724	957.70
COM	1 12 00	1036 KEVIN KELLY	30725	92.35
COM	1 12 00	1102 AUSTIN M. PETERSON	30726	688.41
COM	1 12 00	1136 ROLAND O. OLSON	30727	1154.72
COM	1 12 00	1142 ANTHONY ANDERSON	30728	396.18
COM	1 12 00	1143 COLIN B. CALLAHAN	30729	551.64
COM	1 12 00	1173 ELIZABETH M. POSTIGO	30730	498.39
COM	1 12 00	1176 MICHAEL P ECKBERG	30731	169.92
COM	1 12 00	1199 BRETT J HOLMBERG	30732	216.09
COM	1 12 00	2001 ADAM J DEQUESADA	30733	195.91

COMPUTER CHECKS 10500.99
MANUAL CHECKS .00
NOTICES OF DEPOSIT .00

****TOTALS**** 10500.99

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

MECHANICAL CONTRACTORS

Hanco Plumbing Lic. #01-816 819
Paul Falz Co., Inc. Lic. #01-817 ✓
Master Gas Fitters Lic. #01-818 ✓

MUNICIPAL BUSINESS

Spare Room Lic. 01-628 ✓
Magic Nails (new owner) - FYI only. License approved 1/10/01 ✓

REFUSE /RECYCLING HAULER

Walter's Recycling & Refuse Inc. Lic. #01-107 ✓

TREE TRIMMING/TREATING/REMOVAL

Hugo's Tree Care, Inc. Lic. #01-1305 ✓
Northern Arborists Lic. #01-1306 ✓

HOME OCCUPATION

Intergenerating Resources Lic. #01-1103 1104 ✓

ACTION REQUESTED: Approval

ITEM: Appointments to the Planning, Parks and Recreation and Human Rights Commissions

SUBMITTED BY: Mayor Gehrz

EXPLANATION:

Summary: The Planning, Parks and Recreation and Human Rights Commissions all have vacant seats. Residents of Falcon Heights are eligible to serve on the Commissions for up to two consecutive, three-year terms. Commissions meet monthly to discuss business related to their specific area of interest, and make recommendations to the City Council.

The following residents are recommended for appointment to the Planning Commission:

- Pamela Harris
- Lyle Wray
- Tom Lageson
- Michael Tracy

The following residents are recommended for appointment to the Parks and Recreation Commission:

- James Evans
- John Roethlisberger
- Chuck Long
- Maureen Blustein
- Denise Deen
- David Drucker

The following resident is recommended for appointment to the Human Rights Commission:

- Roy Garza

ACTION REQUESTED:

Approval of the appointments of the above residents to their respective commissions.

Policy 2
1/24/01

ITEM DESCRIPTION: Purchase of rotary sweeper for John Deere 725 Tractor

SUBMITTED BY: Bill Maertz, Director of Parks and Public Works

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary: The John Deere 725 tractor was purchased in 2000 from the low bidder, Scharber Equipment of Rogers, MN. At the time of the purchase they did not have any sweepers available. Scharber ordered a sweeper and Falcon Heights allotted \$3,000.00 into the capital budget for 2001 to pay for it. This sweeper will clean snow off skating rinks in the winter and sweep sand off sidewalks in the spring.

Cost of Sweeper- \$2,510.00 + tax

ATTACHMENTS:

Quote from Scharber Equipment of Rogers, Minnesota

ACTION REQUESTED:

Approve the purchase of a Sweepster brand rotary sweeper from Scharber Equipment of Rogers, MN. for the amount of \$2,510.00 + tax.



Customer Purchase Order for John Deere Products

12724524

CUSTOMER'S NAME - First Signer (First, Middle Initial, Last)
 City of Falcon Heights
 (SECOND LINE OF OWNER NAME)
 Attn: Bill Maertz
 STREET OR RR
 2029 West Argenteon
 TOWN STATE ZIP CODE
 Falcon Heights MN 55113
 COUNTY PURCHASER ACCT. PHONE NUMBER
 ST-644-5050
CUSTOMER'S NAME - Second Signer
 STREET OR RR
 TOWN STATE ZIP CODE

DATE OF ORDER: 1/19/01
 COMPANY UNIT: _____
 DEALER ORDER NO.: _____
 DEALER ACCOUNT NO.: _____
 CASH SALE LEASE TIME SALE
 SOC. SEC. IRS NO. EIN NO. PURCHASER SALES TAX EXEMPT. NO.
 SELLER'S NAME & ADDRESS
 Schenker & Sons Inc.
 12725 Main St
 Rogers, MN. 55378
CUSTOMER IS: **POWERCARD PROTECTION PLAN**
 Business Accepted Rejected
 Individual
ADD CUSTOMER NAME TO MAIL LIST
 CP (Check only one box)
 Residential Commercial Part-Time Farmer AG A

I (We), the undersigned, hereby order from you the Product described below, to be delivered as shown below. This order is subject to your ability to obtain such Product from the manufacturer and you shall be under no liability if delivery of the Product is delayed or prevented due to labor disturbances, transportation difficulties, or for any reason beyond your control. The price shown below is subject to your receipt of the Product prior to any change in price by the manufacturer. It is also subject to any new or increased taxes imposed upon the sale of the Product after the date of this order.

QTY.	SW	DM	FA	GR	PRODUCT (Give Model, Size & Description)	(Hours of Use)	PRODUCT IDENTIFICATION NO.	DELIVERED CASH PRICE (Or Total Lease Payments)
1					Sweeper/Broom for John Deere 725 7. P.A. with 4" brush lights and light bracket			2785.00 210.00

I (We) offer to sell, transfer, and convey the following item(s) at or prior to the time of delivery of the above Product, as a "trade-in" to be applied against the cash price. Such item(s) shall be free and clear of all security agreements, liens, and encumbrances at the time of transfer to you. The following is a description and the price to be allowed for each item.

QTY.	DESCRIPTION OF TRADE-IN	PRODUCT IDENTIFICATION NO.	AMOUNT
	Credit for Heater on Jeff's Cab		475.00

PURCHASER TYPE (Check One) Private <input type="checkbox"/> 1 Commercial <input type="checkbox"/> 8 Residential <input type="checkbox"/> 9 Farm Other <input type="checkbox"/> 2 Federal Govt. <input type="checkbox"/> 3 State / Province <input type="checkbox"/> 4 County <input type="checkbox"/> 5 City / Town / Village <input type="checkbox"/> 6 Armed Forces <input type="checkbox"/> 7 National Account	MARKET USE (Check One) Agriculture <input type="checkbox"/> 17 General Utility <input type="checkbox"/> 13 Livestock / Feedlot / Dairy <input type="checkbox"/> 15 Row Crop / Small Grain <input type="checkbox"/> 16 Specialty Crop Rental & Lease Companies <input type="checkbox"/> 97 Deere Dealer <input type="checkbox"/> 96 Independent <input type="checkbox"/> 98 Undefined Govt. Use Utility Companies <input type="checkbox"/> 82 Gas / Water / Electric <input type="checkbox"/> 81 Telephone	Other <input type="checkbox"/> 41 Building & Housing Construction <input type="checkbox"/> 71 Airports <input type="checkbox"/> 94 Golf Courses <input type="checkbox"/> 92 Highway Mowing <input type="checkbox"/> 95 Institutions (schools/churches/hoop.) <input type="checkbox"/> 93 Nursery / Landscapes <input type="checkbox"/> 87 Parks & Cemeteries <input type="checkbox"/> 89 Residential <input type="checkbox"/> 84 Sanitary Landfill / Refuse <input type="checkbox"/> 74 Railroads <input type="checkbox"/> 49 Highways & Streets <input type="checkbox"/> 43 Sewer & Water	1. TOTAL CASH PRICE 2785.00
			2. TOTAL TRADE-IN ALLOWANCE 3. BALANCE 4. SALES TAX 5. SUB-TOTAL 6. CASH WITH ORDER 7. BALANCE DUE 2510.00

IMPORTANT WARRANTY NOTICE: The John Deere warranty applicable to new John Deere product(s) is printed on the back side of this document. There is no warranty on used products. The new product warranty is part of this contract. Please read it carefully. **YOUR RIGHTS AND REMEDIES PERTAINING TO THIS PURCHASE ARE LIMITED AS SET FORTH IN THE WARRANTY AND THIS CONTRACT. IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS ARE NOT MADE AND ARE EXCLUDED UNLESS SPECIFICALLY PROVIDED IN THE JOHN DEERE WARRANTY.**

ACKNOWLEDGEMENTS - I (We) promise to pay the balance due (line 7) shown above in cash, or to execute a Time Sale Agreement (Retail Installment Contract), or a Loan Agreement, for the purchase price of the Product, plus additional charges shown thereon or execute a Lease Agreement, on or before delivery of the Product ordered herein. Despite physical delivery of the Product, title shall remain in the seller until one of the foregoing is accomplished.

Customer's Signature: _____
 Accepted By: John E. Schenker (Authorized Signatory / Seller)
 Date Accepted: 1/19/01 Salesman: [Signature]

DELIVERY ACKNOWLEDGEMENT	DELIVERED ON:	WARRANTY BEGINS	SIGNATURE: (DEALER)
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Policy 3

1/24/01

ITEM: Request for approval to send out the Fire Truck Specifications to local manufacturers for comments.

SUBMITTED BY: Heather Worthington, City Administrator

**REVIEWED BY: Roger Knutson, City Attorney
Clem Kurhajetz, Fire Chief**

EXPLANATION:

Summary: The new fire truck specifications have been prepared and delivered by the fire truck committee, and reviewed by the city attorney and city administrator.

The city attorney has recommended that a good first step would be to send these specifications out to local manufacturers that would eventually receive a bid package, and ask them to review the specifications and comment back to us within a two to three week period.

ACTION REQUESTED:

Authorize city administrator to send out specifications to local manufacturers for comment.

ITEM: Discussion of current sidewalk ordinance relating to snow

SUBMITTED BY: Mayor Gehrz

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary: The city's code addresses snow shoveling in Chapter 8, Section 2, B-1 with the following language:

B. A Nuisance Upon Premises

No person shall knowingly cause, or create, or permit upon any premises as follows:

- 1. Snow and ice not removed from public sidewalks twenty-four hours after a storm has ended.**

It has been brought to the city's attention that several sidewalk areas in the city are not adequately shoveled, and tonight we would like to discuss strategies for dealing with the problem, and providing more oversight to ensure that public sidewalks are passable and safe for pedestrians in the winter months.

ATTACHMENTS:

Chapter 8, Section 1 & 2, City Code
Memo from city administrator discussing possible strategies

ACTION REQUESTED:

Discussion and review of current ordinance, and recommendations on ensuring better compliance with that ordinance.

MEMORANDUM

DATE: January 24, 2001

TO: Mayor Gehrz, Councilmembers Hustad, Kuettel, Lindstrom and Talbot

FROM: Heather Worthington, City Administrator

RE: City's sidewalk snow shoveling policy, comments and recommendations for better compliance

I have reviewed the current ordinance as it relates to the requirement that residents clear their sidewalk of snow and ice within 24 hours of a storm.

As with any other code issue, if we observe a problem, or a problem is reported to the city, we will investigate, and if there is a code enforcement violation, we will either call or send a letter immediately. In these cases, we usually give the owner ten days to take care of the problem.

With ice and snow, a ten-day grace period is clearly too long. I would recommend a continuation of the 24 hour compliance period. In addition a card would be delivered that day, and then a follow-up inspection done after the 24 hour period had passed.

Additionally, we could amend the ordinance so that any violation will be cause for the city to "abate" after the 24 hours passed, and remove the snow and bill the resident for the removal. However, I believe that the charge for this service must be high enough to discourage residents from relying on the city for snow removal on sidewalks.

Another approach would be to deliver a "friendly reminder" card to all residents about the need for clean sidewalks to promote pedestrian safety, and remind them that if they do not clear sidewalks completely and in a timely manner, they will be charged for the snow removal by the city. Public Works staff could carry these pre-printed cards in their trucks for timely notification to residents.

CHAPTER 8. NUISANCES, OFFENSES AND REGULATION OF AREAS

SECTION 1. NUISANCES - BLIGHT OR BLIGHTING FACTORS

8-1.01 Causes of Blight or Blighting Factors

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City owned, leased, rented or occupied by such person, firm or corporation.

- A. Inoperable Vehicles. In any area zoned for residential purposes, the storage upon any property of inoperable vehicles is illegal. For the purpose of this section, the term "inoperable vehicle" shall include any motor vehicle, part of a motor vehicle, not stored in a garage, which is either (a) unusable or inoperable because of lack of, or defects in component parts; or (b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (c) beyond repair and not intended for future use as a motor vehicle; or (d) being parked on any street or alley, for a period exceeding 48 consecutive hours; or (e) without valid and current license plates issued by the proper state agency attached.

Special Permits. The City Council in its discretion, upon receipt of an application showing hardship in special circumstances may in the instance of an inoperable vehicle issue a special permit with appropriate conditions attached permitting an individual to keep such vehicle for a period of not to exceed sixty (60) days.

- B. Junk, Trash, Rubbish and Refuse. In any area within the City the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days is illegal. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable or safe, approved building materials, metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
- C. Littering and Failure to Remove. No person, firm or corporation shall leave, place, throw or deposit rubbish,

garbage, yard wastes or other similar substances or materials in any public place, or in any vacant lot or premises in the city, or to neglect or refuse to remove the same.

D. Noxious Weeds, Vegetation and Substances. No owner agent or occupant of any premises shall permit upon his/her premises any noxious weeds as defined in MN Statutes, Section 18.171, weeds or grass growing to a height greater than six inches or which have gone or are about to go to seed, fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

E. Structures.

1. Unfit Structure. In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended is illegal.

2. Vacant Structure. In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals is illegal.

F. Graffiti.

No owner agent or occupant of any premises shall allow or leave on the premises any graffiti, which shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any surface of objects, such as buildings, walls, fences, sidewalks, curbs, trees, rocks, or other permanent structures or objects on public or private property or the interior surfaces of those parts of building accessible to the general public and which have the effect of defacing the property. An owner agent may request the city to remove the graffiti by providing a waiver to the city to allow for the removal of graffiti on the owner agent's property. The owner agent will be billed for the cost.

8-1.02 Enforcement.

A. Notification and Deadline for Removal. The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth in 8-1.01 is found to exist, shall be notified in writing by the clerk to remove or eliminate such causes of

blight or blighting factors from such property within ten (10) days after service of the notice. The notice may be served personally, or by mailing by certified mail, return receipt requested to the last known address of the owner and if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

B. Authority to Abate.

- a. In case of failure to remove any blight as defined in Chapter 8-1.01 [A, B, C, D, E, F] after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the blighted condition. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in the same manner as other special assessments.
- b. In case of failure to remove any blight as defined in 8-1.01, E (1) and (2), after notification and within the time prescribed, the council may direct the administrator or clerk to proceed as defined in state statutes, Chapter 463.15-261 regarding the repair and/or removal of hazardous and substandard buildings on property.

SECTION 2. PUBLIC NUISANCE

8-2.01 Purpose.

It is the purpose of this section to protect and promote the public health, safety and general welfare of the people of the city. This is in addition to all other statutes and regulations that might be applicable to the city.

8-2.02 Public Place Defined.

Whenever used in this section, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee, or otherwise, or in or on which the general public is permitted without specific invitation.

- A. Creation of a Nuisance. No person shall knowingly cause or create a nuisance in a public or private place.

or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by such person. For purposes of 8-2.03, a nuisance is any thing, act, occupation or use of property which:

1. annoys, injures or endangers the safety, health, comfort or response of the public;
2. offends public decency or the decency of any member of the public;
3. interferes with, obstructs, or tends to obstruct or render dangerous for passage any public place; or
4. renders the public insecure in life or in use of property.

B. A Nuisance Upon Premises.

No person shall knowingly cause, or create, or permit upon any premises as follows:

1. Snow and ice not removed from public sidewalks twenty-four hours after a storm has ended.
2. Trees, hedges or other obstructions which prevent persons from having a clear view of approaching traffic.
3. Limbs of trees which are less than eight feet above the surface of any public sidewalk, or fourteen feet above the surface of any street;
4. Wires across public streets, alleys, lanes or sidewalks less than fifteen feet above the surface of the ground;
5. Buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which endanger the safety of the public;
6. Explosives, bottled gas, inflammable liquids and other dangerous substances stored in any manner deemed dangerous by the fire marshal or fire chief;
7. Obstructions and excavations affecting the ordinary use of public streets, alleys, sidewalks or public grounds except as authorized by the council;

8. Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
9. Hanging signs, awnings and other similar structures over the streets or sidewalks, which endangers public safety.
10. Allowing rain water, ice or snow to fall from any building or structure upon any street or sidewalk; or waste water to flow upon or across streets or other public property;
11. Unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
12. Obstructing free flow of water in a natural waterway or a public street drain, gutter or ditch;
13. Motor vehicle(s) not in operating condition parked in public view for more than 48 hours; or
14. Sweeping of grass clippings or leaves into the street or alley;
15. Shoveling or plowing of snow into streets and alleys;
16. Service and repair of vehicles in the street except for the changing of tires;
17. Service and repair of vehicles in driveways except for the changing of tires;
18. Noxious weeds and other rank growths of vegetation;
19. Any other conditions or things which are liable to cause injury to persons or property.

C. Emissions and Odors. No person shall cause or allow the emission of any foreign materials such as dust, gases, fumes, vapors, smokes and odors in quantities which, by reason of their objectionable properties, shall be considered a nuisance because they do one or more of the following:

1. Injure, or are sufficient to injure, the health or safety of the public.

2. Create an obnoxious odor in the atmosphere.
3. Cause damage to property or inconvenience to the general public.
4. Create a nuisance or hazard by obscuring vision.
5. Have a deleterious effect upon trees, plants or other forms of vegetation.

D. Unnecessary Noise. No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise disturbing to others, unless the same be reasonably necessary to the preservation of life, health, safety or property.

E. Noisy Parties.

1. Participation. No person shall congregate because of participation in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of any other person.
2. Remaining to Abate Disturbance. No person shall visit or remain within any place wherein such a party or gathering is taking place except persons gone are there for the sole purpose of abating the disturbance.

Discussion
1/24/01

ITEM: Scheduling of a joint meeting of the Planning Commission and the City Council

SUBMITTED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary: With the appointment of several new commissioners to the Planning Commission, our city attorney has recommended that we hold a joint meeting of the City Council and Planning Commission to review legal matters as they relate to zoning and land use planning.

The next scheduled Planning Commission meeting is on Tuesday, February 27 at 7:00 p.m.

Please bring your calendar to the meeting this evening so that we can discuss available dates for this joint meeting.

Thanks!

MEMORANDUM

January 19, 2001

TO: Mayor Gehrz, Councilmembers Hustad, Kuettel, Lindstrom and Talbot

FROM: Heather Worthington, City Administrator

RE: Attached legislation, slated for repeal

I wanted to take a few minutes and discuss this in workshop with you. I have some misgivings about this being repealed. There may be some broader implications for other public gatherings. While the law is a little bit quaint in its wording, I think that there are still some situations where you would want to prevent people from being able to gather for those purposes!

From: "Stearns, Andrea" <Stearns@LMNC.ORG>
To: "Worthington, Heather" <hworthington@ci.falcon-hei...>
Date: Mon, Jan 8, 2001 12:21 PM
Subject: RE: M.S. 624.65--Itinerant Carnivals Law

Here it is!

Thanks Heather!

624.65 Itinerant carnivals.

Subdivision 1. Prohibited. Itinerant carnivals, as defined in subdivision 2, are hereby declared to be a public nuisance and are prohibited.

Subd. 2. Itinerant carnival. An itinerant carnival, within the meaning and for the purposes of this section, is any itinerant carnival, show, act, or exhibition, or any other carnival, show, act, or exhibition, which is held in the open or indoors or upon or within any public or private grounds of the state, or of any incorporated municipality thereof at which congregates and assembles, with or without payment of an admission fee, a promiscuous gathering of people, as spectators or otherwise, and at which lewd or obscene features are a part, or at which any gambling concessions are given or games of chance practiced, or in or about which actors or other persons connected therewith are engaged in immoral pursuits, or at which attractions are exhibited which affect the health or morals of the community.

Subd. 3. Penalties. Any person who shall participate in allowing or conducting any itinerant carnival herein prohibited shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 nor exceeding \$100 or by imprisonment in the county jail or the city workhouse for not less than 30 days nor more than three months.

HIST: (10242,10243,10244) 1923 c 428 s 1-3

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-----Original Message-----

From: Heather Worthington [mailto:HWorthington@ci.falcon-heights.mn.us]
Sent: Monday, January 08, 2001 8:29 AM
To: stearns@lmnc.org
Subject: M.S. 624.65--Itinerant Carnivals Law

Andrea:

While this seems completely harmless, I wonder if you could send me a copy of the law so that I could have a look. If I can find it online, let me know.

Thanks,