

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

Amended

July 25, 2001
A G E N D A

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ___ KUETTEL ___ LAMB ___
LINDSTROM ___ TALBOT ___
PHILLIPS ___ WORTHINGTON ___
ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: July 11, 2001
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. General disbursements through 7/19/01, \$98,815.32
Payroll, 7/1/01 to 7/15/01, \$13,956.08
 - 2. Licenses
 - 3. Adoption of Resolution 01-18 amending Chapter VI of the City Administrative Manual concerning personnel
- G. POLICY AGENDA:
 - 1. Approval of a preliminary development agreement with Sherman Associates, Inc. for the redevelopment of the Southeast corner of Snelling and Larpenteur Avenues, the Northome Shopping Center.
 - 2. Resolution calling for a public hearing by the City Council on the proposed establishment of a tax increment financing district.
 - 3. Update on website working group recommendations.
 - 4. Appointment of Patrick Ryan to the Planning Commission
 - 5. Consideration of a request for a two-foot variance in height for a privacy fence at 1720 St. Mary's Street.
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

DRAFT

City of Falcon Heights
City Council Minutes
July 11, 2001

Acting Mayor Kuettel called the meeting to order at 7 p.m.

PRESENT: Kuettel, Lamb, Lindstrom, Talbot. Also present was Heather Worthington, City Administrator

ABSENT: Mayor Gehrz, Deputy Clerk Phillips

COMMUNITY FORUM: There was no one wishing to speak at the forum.

APPROVAL OF MINUTES: The minutes of June 27, 2001 were approved.

CONSENT AGENDA

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

1. General disbursements and payroll
2. Increase mileage reimbursement to IRS approved level of 34.5 cents per mile
3. Request for award of 2001 Sealcoat and Crack Sealing contract to Pearson Brothers, Inc. (University Grove area)
4. Approval of the first partial pay estimate to Hardrives, Inc. for the Northome street repairs and alley improvements project

POLICY AGENDA

Additional work on streets in Northome neighborhood as part of the Northome Street Repair Project

Administrator Worthington said that because the current street project's final cost came in substantially less than what was budgeted, council is being asked to add five additional streets to the mill and overlay schedule this summer. It is calculated that adding the five streets in the schedule would cost approximately \$50,000, including overhead. This will bring the total cost of the project to \$409,369.34. After brief discussion, councilmember Lamb made a motion to approve the addition of five streets for mill and overlay in the Northome street repair project area. The motion passed unanimously.

REPORTS FROM COUNCILMEMBERS

Councilmember Lamb said he and councilmember Talbot, Administrator Worthington, and Planning/Zoning Coordinator Deb Jones met recently to discuss the possibility of improving electronic access to the city. The goal is to build a comprehensive plan to

make access to the city via electronics 24 hours a day. Lamb hopes to have a preliminary report on what we can hope to accomplish and costs and timetable associated with it by next council meeting. Councilmember Talbot asked for public suggestions as well.

INFORMATION AND ANNOUNCEMENTS

Councilmember Lindstrom reminded everyone of the Ice Cream Social on July 26, 2001 from 6 to 8 p.m.

Councilmember Kuettel pleaded with residents to call 911 if you see or hear anything suspicious in the neighborhoods. There was some vandalism in the city recently and evidently it was witnessed but no one called the police.

Administrator Worthington reported on the progression of the street and alley project and what the next steps were in the process. She also said the University Grove area streets would be sealcoated and/or crack sealed in the near future as well as the Hollywood Court street and the Snelling Ave. frontage road abutting Hollywood Court.

ADJOURN

The meeting adjourned at 7:20 p.m.

Respectfully submitted, (via videotape)

Pat Phillips, Deputy Clerk

CONSENT 1
Meeting Date: 7/25/01

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 7/19/01, \$98,815.32
2. Payroll, 7/1/01 to 7/15/01, \$13,956.08

ACTION REQUESTED: Approval

APPROVAL OF BILLS
 PERIOD ENDING: 07/19/01

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
40220	W.L. HALL	FINAL PMT GLASS PANELS	-----	18,500.00
	*** TOTAL	FOR DEPT 00		18,500.00
40218	US BANCORP	COUNCIL MEETING 6/11	LEGISLAT	51.18
	*** TOTAL	FOR DEPT 11		51.18
	AMERICAN OFFICE PRODUCTS	TAPE/PAPER/NOTES/LABELS/	ADMINIST	182.45
	AMERICAN OFFICE PRODUCTS	SORTER/PARTITION FOR FIL	ADMINIST	14.09
40218	US BANCORP	LMC CONFERENCE - DULUTH	ADMINIST	415.99
	CASH	POSTAGE	ADMINIST	13.95
	METROPOLITAN STATE UNIV	REGISTRATION - HEATHER	ADMINIST	95.00
	NCPERS GROUP LIFE INS	AUG/01 PHILLIPS	ADMINIST	12.00
40221	PERA	JULY 1-15 PERA WITHOLD	ADMINIST	1,112.86
	RAMSEY COUNTY	7/01 INSURANCE PREMIUMS	ADMINIST	3,042.07
	COORDINATED BUS. SYSTEMS,	3RD QTR COPIER MAINT.	ADMINIST	753.82
	*** TOTAL	FOR DEPT 12		5,642.23
40217	US BANCORP	GFOA CONFERENCE	FINANCE	252.00
	*** TOTAL	FOR DEPT 13		252.00
	CAMPBELL KNUTSON	JUNE/01 LEGAL SERVICES	LEGAL	656.72
	*** TOTAL	FOR DEPT 14		656.72
	A TO Z RENTAL	RENT BASEBALL PITCH MACH	COMMUNIC	169.06
40217	US BANCORP	ADOBE SOFTWARE	COMMUNIC	275.69
	CLOVER SUPER FOODS	ICE CREAM FOR SOCIAL	COMMUNIC	311.42
	CUB FOODS	CAKES FOR ICE CREAM SOC	COMMUNIC	249.72
	FBN, INC	PC ISSUES/REINSTALL SOFT	COMMUNIC	765.00
	FBN, INC	DEB'S PC ISSUES	COMMUNIC	170.00
	MGM LIQUOR	ROOT BEER-ICE CREAM SOC	COMMUNIC	214.59
	*** TOTAL	FOR DEPT 16		2,155.48
	CASTLE INSPECTION SVC	BUILDING & ROOF	PLANNING	7,029.01
	CASTLE INSPECTION SVC	PLUMBING & SEWERS	PLANNING	112.80
	*** TOTAL	FOR DEPT 17		7,141.81
	ST ANTHONY VILLAGE	AUG/01 POLICE SERVICES	POLICE	34,221.17
	*** TOTAL	FOR DEPT 22		34,221.17
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING FIRE HALL	FIRE FIG	44.01
	AWARDS BY HAMMOND	FIREFIGHTERS NAME PLATES	FIRE FIG	44.00
	GLENWOOD INGLEWOOD	WATER COOLER RENTAL	FIRE FIG	9.00
	GLENWOOD INGLEWOOD	H2O	FIRE FIG	44.88
	OXYGEN SERVICE COMPANY	AIR & O2	FIRE FIG	40.50
	OXYGEN SERVICE COMPANY	COMPRESSED AIR	FIRE FIG	56.24
	*** TOTAL	FOR DEPT 24		238.63
	BROWNING-FERRIS IND.	JULY/01 WASTE REMOVAL	CITY HAL	267.74
40218	US BANCORP	COFFEE MAKER & MISC SUPP	CITY HAL	104.05
	CASH	MATT KNIVES & SCREW DRIV	CITY HAL	14.33
	CASH	ALUMINUM SHOVEL	CITY HAL	18.11
	CASH	COFFEE FOR KITCHEN	CITY HAL	16.47
	GLENWOOD INGLEWOOD	H2O	CITY HAL	45.00

APPROVAL OF BILLS
 PERIOD ENDING: 07/19/01

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	GLENWOOD INGLEWOOD	WATER COOLER RENTAL	CITY HAL	9.00
	OXYGEN SERVICE COMPANY	AIR & O2	CITY HAL	9.00
	ST PAUL PLUMBING&HEATING	URINAL REPAIR - CITY PK	CITY HAL	426.25
	*** TOTAL	FOR DEPT 31		909.95
40217	US BANCORP	NO PARKING BAGS	STREETS	45.43
	ONE CALL CONCEPTS, INC	LOCATE	STREETS	8.00
	NRG PROCESSING SOLUTIONS	MULCH	STREETS	159.37
	XCEL ENERGY	ELECTRIC 7/2	STREETS	7.06
	UNITED RENTALS	SAFETY GLASSES	STREETS	29.89
	UNITED RENTALS	WORK STORM JACKETS	STREETS	26.20
	UNITED RENTALS	SOIL IMPACTOR RENTAL	STREETS	72.69
	*** TOTAL	FOR DEPT 32		348.64
	MARGOLIS BROTHERS	2 FALGOLD ASH PLANTED	TREE PRO	415.35
	*** TOTAL	FOR DEPT 34		415.35
	D-ROCK CENTER LANDSCAPE	BLACK DIRT	PARK & R	103.84
	HONEYWELL INC.	3RD QTR SECURITY CHARGES	PARK & R	112.25
	MN STATE HORTICULTURAL SO	MAERTZ HORTICULTURAL SOC	PARK & R	40.00
	NCPERS GROUP LIFE INS	AUG/01 MAERTZ	PARK & R	12.00
	XCEL ENERGY	ELECTRIC 7/2	PARK & R	49.59
	XCEL ENERGY	ELECTRIC 7/9	PARK & R	336.08
	ON SITE SANITATION	PORTABLE TOILET COMM PK	PARK & R	105.65
	ST PAUL PLUMBING&HEATING	TESTED 2 RP2'S	PARK & R	321.68
	UNITED RENTALS	STRIPING PAINT	PARK & R	66.05
	*** TOTAL	FOR DEPT 41		1,147.14
40217	US BANCORP	REC SPORTS PROG SUPPLIES	PARK PRO	351.33
40219	TARGET	TIME-IN SUPPLIES	PARK PRO	17.02
	TARGET	TIME-IN SUPPLIES	PARK PRO	54.12
40222	VERCELL DREW	MIGHTY MITES PROG REFUND	PARK PRO	20.00
42028	TAMMIE JUNKANS	REFUND TENNIS CLASS	PARK PRO	29.00
	*** TOTAL	FOR DEPT 50		471.47
40218	US BANCORP	HP 648C PRINTER	GENERAL	239.86
40218	US BANCORP	GATEWAY COMPUTER	GENERAL	989.00
	*** TOTAL	FOR DEPT 63		1,228.86
	DANKO EMERGENCY EQUIPMENT	1 HELMET	FIRE & R	186.57
	DANKO EMERGENCY EQUIPMENT	HELMET BADGES	FIRE & R	178.58
	*** TOTAL	FOR DEPT 64		365.15
	UNITED RENTALS	HITCH PARTS FOR TRUCK	PUBLIC W	23.11
	SIGNAL PRO EQUIPMENT	STRAIGHT SHAFT TRIMMER	PUBLIC W	341.20
	*** TOTAL	FOR DEPT 65		364.31
	CITY OF FALCON HEIGHTS	PAVILION BLDG PERMIT FEE	INFRASTR	516.21
	*** TOTAL	FOR DEPT 71		516.21
	METROPOLITAN COUNCIL	AUG/01 SANITARY SEWERS	SANITARY	21,035.47
	MUNICIPAL/COMMERCIAL	VACUUM 2 MANHOLES	SANITARY	280.00
	*** TOTAL	FOR DEPT 75		21,315.47
40218	US BANCORP	DEVELOPMENT MEETING EXPS	COMM. DE	20.83

APPROVAL OF BILLS
 PERIOD ENDING: 07/19/01

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	EHLERS AND ASSOCIATES	SNELLING/LARP. PROJECT	COMM. DE	1,957.50
	SHORT ELLIOTT HENDRICKSON	SNELLING/LARP. PROJECT	COMM. DE	681.93
	***	TOTAL FOR DEPT 79		2,660.26
	FRA-DOR	BLACK DIRT FOR LARPENTE	LARPENTE	213.29
	***	TOTAL FOR DEPT 82		213.29
	***	TOTAL FOR BANK 01		98,815.32
	***	GRAND TOTAL ***		98,815.32

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	7 11 01	34 CLEMENT KURHAJETZ	31083	62.98
COM	7 11 01	35 LEO LINDIG	31084	25.85
COM	7 11 01	40 KEVIN ANDERSON	31085	27.07
COM	7 11 01	42 MICHAEL D. CLARKIN	31086	167.15
COM	7 11 01	66 ALFRED HERNANDEZ	31087	253.16
COM	7 11 01	74 MARK J. ALLEN	31088	112.21
COM	7 11 01	80 MARY K RIGNEY	31089	108.68
COM	7 11 01	81 LAUREL F SANDBERG	31090	6.47
COM	7 11 01	82 DUSTIN P THUNE	31091	125.31
COM	7 11 01	85 DANIEL S JOHNSON-POWERS	31092	117.29
COM	7 11 01	86 GREGORY R YOUNGS JR	31093	12.93
COM	7 11 01	87 MICHAEL A. MCKAY	31094	69.90
COM	7 11 01	89 RICKY REVERING	31095	89.70
COM	7 11 01	90 ANDREW P SCHIPPEL	31096	70.31
COM	7 11 01	91 RICHARD H. HINRICHS	31097	77.98
COM	7 11 01	1003 HEATHER WORTHINGTON	31084	1237.27
COM	7 11 01	1007 PATRICIA PHILLIPS	31085	1033.21
COM	7 11 01	1013 WILLIAM MAERTZ	31086	1382.30
COM	7 11 01	1033 DAVE TRETSEVEN	31087	1000.45
COM	7 11 01	1038 DEBORAH K JONES	31088	494.18
COM	7 11 01	1039 CRAIG A. STIER	31089	456.68
COM	7 11 01	1057 KRISTIN L. WOLVERTON	31090	388.27
COM	7 11 01	1089 KATHLEEN A. CIERNIA	31091	192.20
COM	7 11 01	1103 DIANE MEYER	31092	320.91
COM	7 11 01	1136 ROLAND O. OLSON	31093	1105.19
COM	7 11 01	1143 COLIN B. CALLAHAN	31094	534.25
COM	7 11 01	1165 MEGAN M. MURPHY	31095	343.68
COM	7 11 01	1166 WILLIAM C. STARR	31096	133.23
COM	7 11 01	1167 PHILLIP A LANG	31097	507.86
COM	7 11 01	1169 JAY PAUL KURTIS	31098	436.86
COM	7 11 01	1170 ERIC J BLOMQUIST	31099	391.76
COM	7 11 01	1173 ELIZABETH M. POSTIGO	31100	547.09
COM	7 11 01	1175 LAURA M SUPPES	42022	180.62
COM	7 11 01	1176 MICHAEL P ECKBERG	42023	331.93
COM	7 11 01	1177 AMIE M. MITCHELL	42024	175.44
COM	7 11 01	1178 PETER M. FISCHER	42025	166.03
COM	7 11 01	1185 BAUBAK L. AZAR	42026	170.90
COM	7 11 01	1190 COLLEEN SPANGENBERG	42027	1098.78

COMPUTER CHECKS	13956.08
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

****TOTALS**** 13956.08

CONSENT 2
Meeting Date: 7/25/01

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

HOME OCCUPATION

Virtual Junction Business Solutions
1854 Arona St.

Lic. #01-1106

GENERAL CONTRACTOR LICENSE

Gangl Asphalt & Landscape Inc.

Lic. #01-907

ACTION REQUESTED: Approval

ADDENDUM
Consent # 3
7/25/01

ITEM: Approval of Resolution 01-18 amending Chapter VI of the City Administrative Manual concerning personnel

SUBMITTED BY: Heather Worthington, City Administrator

REVIEWED BY: Roger Knutson, City Attorney

EXPLANATION:

Summary: The city attorney is recommending that the following resolution be adopted which will bring the fire department under the city's personnel policies.

ACTION REQUESTED:

Adoption of Resolution 01-18 amending Chapter VI of the City Administrative Manual concerning personnel.

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

RESOLUTION NO. 01-18

**A RESOLUTION AMENDING CHAPTER VI
OF THE CITY ADMINISTRATIVE MANUAL
CONCERNING PERSONNEL**

WHEREAS, it is in the City's best interest to update the City Administrative Manual to bring the City's Fire Department under the City's general personnel policies.

NOW THEREFORE, BE IT RESOLVED by the Falcon Heights City Council:

1. Chapter VI, paragraph A2e, of the City Administrative Manual is deleted.
2. Chapter VI, paragraph A6(a)(3), of the City Administrative Manual is amended to read:

Employees Not Eligible. Temporary and seasonal employees, firefighters/rescue personnel, and independent contractors/consultants are not eligible for benefits provided by the City.

3. Chapter VI, paragraph A4 of the City Administrative Manual is amended by adding subparagraph (d) to read:

(d) The appointment process shall not apply to firefighters/rescue personnel.

4. To the extent that the Bylaws, rules, regulations, and procedures of the Falcon Heights Fire Department are inconsistent with Chapter VI of the City Administrative Manual, they are superceded.

ADOPTED this 25th day of July, 2001, by the City Council of the City of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Sue Gehrz, Mayor

ATTEST: _____
Heather Worthington
City Administrator/Clerk

ITEM: **Approval of a preliminary development agreement with Sherman Associates, Inc. for the redevelopment of the Southeast corner of Snelling and Larpenteur Avenues, the Northome Shopping Center**

SUBMITTED BY: **Heather Worthington, City Administrator**

REVIEWED BY: **Roger Knutson, City Attorney**
 Jim Prosser, Ehlers & Associates

EXPLANATION:

Summary: The Council is being asked to approve a preliminary development agreement with Sherman Associates, Inc., for the redevelopment of the Southeast corner of Snelling and Larpenteur Avenues, also known as the Northome Shopping Center.

This agreement will be in effect for six months from the date of adoption. On page two of the agreement, there is a contemplated development schedule. The dates have yet to be decided on this schedule, however, the developer will submit the schedule to the city prior to final signatures being obtained from both parties.

ATTACHMENT:

Preliminary development agreement

ACTION REQUESTED:

Approve the preliminary development agreement with Sherman Associates, Inc., for the redevelopment of the Southeast corner of Snelling and Larpenteur Avenues, the Northome Shopping Center.

PRELIMINARY DEVELOPMENT AGREEMENT
BY AND BETWEEN

THE CITY OF FALCON HEIGHTS
AND
SHERMAN ASSOCIATES, INC.
(Northome Shopping Center Redevelopment Project)

This document drafted by:

BRIGGS AND MORGAN
Professional Association
2200 First National Bank Building
St. Paul, Minnesota 55101

PRELIMINARY DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2001, by and between THE CITY OF FALCON HEIGHTS, MINNESOTA, a Minnesota municipal corporation (the "City") and SHERMAN ASSOCIATES, INC. a Minnesota corporation (the "Developer").

BACKGROUND

The purpose of this Agreement is to set forth the preliminary understandings between the parties with respect to the development of certain property located in the City as depicted in Exhibit A attached hereto and legally described therein (the "Development Property").

BASIC TERMS AND CONDITIONS

The following is a list of the terms and conditions under which the Developer will proceed on an exclusive basis for the term of this Agreement to structure and develop in coordination with the City a definitive development agreement for the Project (as defined in paragraph 3 below) and is intended to define the responsibilities and roles of the respective participants regarding the proposed development of the Development Property.

1. Development Property. The property to be developed is the property described in Exhibit A. The Development Property equals the land together with all improvements and structures located on the land and easements and rights benefiting or appurtenant to the land. The exact dimension and square footage of the Development Property shall be determined by survey. The parties agree that the Development Property may be enlarged to include other lands at the mutual agreement of the parties.

2. Undertaking and Exclusive Rights. In consideration of the time, effort and expenses to be incurred by the Developer in pursuing the undertakings set forth herein and in further consideration of the amount of \$20,000 to be paid to the City, the receipt of which is hereby acknowledged, the City hereby agrees that for the term of this agreement it will not: (i) provide or enter into an agreement for provision of financial assistance to any third party in connection with any proposed development of the Development Property; and (ii) condemn or agree to proceed with the condemnation of all or any part of the Development Property to assist or facilitate development within such area by a third party. During such period the Developer shall have the exclusive right to work with the City in establishing a definitive development agreement for the Development Property. Said exclusive rights shall continue, unless earlier terminated as provided herein, for a period of six (6) months from the date hereof, or until such later date as the parties may otherwise mutually agree. The \$5,000 application fee paid by the Developer under this Agreement is intended to defray the administrative costs incurred by the City in connection with the negotiation, drafting, and approval of the development agreement, including any consultant fees or expenses incurred by the City in establishing a tax increment financing district to assist the Project.

3. The Project. The "Project" will consist of the development of the Development Property by the Developer and may include, but not be limited to, the development of 60 units

senior rental, 120 units marketing rental units, 20-25 town homes and 10,000 square feet of retail space.

4. Public Assistance. In order to achieve the foregoing multi-use Project, it is anticipated that the definitive development agreement will contain provisions addressing a variety of forms of public assistance, which may be necessary in order to accomplish the Project. No commitment is presently being made to provide any form of public assistance. Examples of public assistance that may ultimately be agreed upon in the development agreement include, but are not limited to, the following:

(a) **Site Assembly**. The City may consider acquiring some or all of the Development Property based upon terms and conditions contained in the development agreement. Acquisition may be through negotiated purchase, or condemnation or a combination of both. Acquisition by the City shall be considered only after the Developer has demonstrated good faith efforts to purchase the property, and these efforts have been unsuccessful;

(b) **Grant**. The City, as well as other outside sources may be requested to provide grant(s) in the form of cash at closing to permit the Developer to develop the Project. The City will cooperate with the Developer in any efforts to secure such grants or similar funding from parties other than the City;

(c) **Tax Increment Financing**. The City may initiate proceedings to create a tax increment financing district encompassing the Development Property for the purpose of providing tax increment assistance to the Project; and

(d) **Debt**. The City may be asked to provide certain loans to the Developer to support the Project. Any agreement by the City to make such loans will be subject to the absolute discretion of the City and will also depend upon a clearly available source of funding, and appropriate security.

5. Developer's Proposed Use, Minimum Improvements. The minimum improvements to the Development Property will be completed pursuant to design plans that are approved by the City in accordance with the development agreement.

6. Ownership. It is expected that the Development Property and the improvements to be constructed thereupon in accordance with the development agreement will be owned by the Developer or its successors and assigns.

7. Contemplated Development Schedule. The contemplated Development Schedule is as follows:

Preliminary Development Agreement:	On or before _____, 20__
(Final) Development Agreement:	On or before _____, 20__
Closing Date:	On or before _____, 20__
Construction Commencement Date:	On or before _____, 20__
Construction Completion Date:	On or before _____, 20__

8. Contingencies. The development agreement shall provide that the Developer is not obligated undertake the Project described therein, unless and until all the following conditions are either satisfied, or waived in writing by the Developer:

(a) Creation of a tax increment financing district encompassing the Development Property and agreement between the City and the Developer as to the portion of tax increment to be generated by the Development Property that will be made available to the Developer;

(b) The acquisition of all or part of the Development Property by direct purchase or condemnation, on such terms and conditions as are agreed to in the development agreement. Developer understands and agrees that any obligation on the part of the City to acquire all or a part of the Development Property is contingent upon the City's prior approval and execution of an acceptable development agreement;

(c) Acceptance by the Developer of a Phase I and, if necessary, Phase II environmental assessment and all other environmental and wetland reports and surveys certified to the Developer and its lender, deemed necessary by the City and the Developer for all or a portion of the Development Property, which reports and surveys must be satisfactory to the City and the Developer;

(d) The City and the Developer shall have obtained all necessary governmental approvals for the Project, including but not limited to any necessary watershed district approvals;

(e) All zoning modifications, rezoning approvals and conditional use permits necessary to allow the Project to move forward shall have been granted;

(f) The title commitment for the Development Property shall have been found acceptable to the Developer in its sole discretion;

(g) Testing results are deemed satisfactory to the Developer in its sole discretion, including, but not limited to, soils, well, engineering, hazardous waste, and environmental reviews;

(h) Financing acceptable to the Developer is committed for the Project; and

(i) Agreement by the City to cooperate with the Developer's lender and HUD and to execute any and all reasonable documents including typical subordination documents with respect to said lenders or any replacement lenders.

9. Termination. This agreement may be terminated by the City or the Developer in the event the Project is not proceeding in accordance with the Development Schedule set forth in paragraph 7 hereof.

10. Legislative Judgment. The Developer understands that many of the actions which the City may be called upon to take require its reasonable discretion, and in some instances, its

legislative judgment. Such actions may only be made following established procedures, and the City cannot agree, in advance, to any specific decision in such matters.

11. Consultants to be Retained. The City intends to retain the services of Ehlers & Associates, Inc. upon the execution of this Agreement. Ehlers & Associates, Inc. is being retained to assist the City in the technical matters such as project management, financial feasibility, district creation, certification and sizing, tax increment calculations, "but-for" analysis, and other factors pertaining to any claim for economic assistance.

12. Notices. All communications shall be directed to the Developer at:

Sherman Associates, Inc.
1525 South Fourth Street, #200
Minneapolis, MN 55454
Attention: George Sherman

All communications shall be directed to the City at:

City of Falcon Heights
City Hall
2077 Larpenteur Avenue West
Falcon Heights, MN 55113-5551
Attention: Heather Worthington

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date and year first above written.

SHERMAN ASSOCIATES, INC.

THE CITY OF FALCON HEIGHTS

By: _____
Its: _____

By: _____
Its: _____

Signature Page for Preliminary Development Agreement (Northome Shopping Center Redevelopment Project).

EXHIBIT A

Legal Description of Development Property

[INSERT]

2200 FIRST NATIONAL BANK BUILDING
332 MINNESOTA STREET
SAINT PAUL, MINNESOTA 55101
TELEPHONE (651) 223-6600
FACSIMILE (651) 223-6450

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL
(651) 223-6628

WRITER'S E-MAIL
THAGEN@BRIGGS.COM

July 18, 2001

VIA E-MAIL

James Prosser
Ehlers & Associates, Inc.
3060 Centre Pointe Drive
Roseville, MN 55113-1105
jim@ehlers-inc.com

Heather Worthington
City of Falcon Heights
2077 West Larpenteur Avenue West
Falcon Heights, MN 55113-5551
mait@ci.falcon-heights.mn.us

George Sherman
Sherman Associates, Inc.
1525 South Fourth Street #200
Minneapolis, MN 55454
georgesherman@riversideplaza.net

**Re: City of Falcon Heights, Minnesota – Preliminary Development Agreement
(Northome Shopping Center Redevelopment Project): Tax Increment
Financing District No. 1-3**

At the request of the City and at the direction of Mary Ippel from this office is a *second* draft of the above-referenced Preliminary Development Agreement along with its redlined version reflecting changes to date.

If you have any questions or comments, please do not hesitate to contact either Mary or me.

Very truly yours,

/s/ *Todd J. Hagen*

Todd J. Hagen
Paralegal

TJH/dc
Attachments

ITEM: Resolution calling for a public hearing by the City Council on the proposed establishment of a tax increment financing district

SUBMITTED BY: Heather Worthington, City Administrator

REVIEWED BY: Jim Prosser, Ehlers & Associates

EXPLANATION:

Summary: The Council is being asked to set a date for a public hearing on the possible establishment of a tax increment financing district for the redevelopment of the SE corner of Snelling and Larpenteur Avenues. This district would be located within Development District 1.

While the developer has not asked for this type of assistance yet, it is prudent to begin the process for a hearing in order to stay on schedule with the redevelopment in the event that such assistance is needed.

The hearing would be held on September 12, 2001 during the regular City Council meeting on or about 7:00 p.m.

ATTACHMENTS:

Resolution 01-17
Distribution List
Schedule of Events

ACTION REQUESTED:

Adopt resolution 01-17 calling for a public hearing by the City Council on the proposed establishment of a tax increment financing district for the SE corner of Snelling and Larpenteur Avenues, in Development District 1.

CITY OF FALCON HEIGHTS, MINNESOTA

RESOLUTION NO. 01-17

RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1 AND THE PROPOSED ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-3 THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFOR.

BE IT RESOLVED by the City Council (the "Council") for the City of Falcon Heights, Minnesota (the "City"), as follows:

Section 1. Public Hearing. This Council shall meet on September 12, 2001, at approximately 7:00 P.M., to hold a public hearing on the proposed adoption of the modification to the Development Program for Development District No. 1, the proposed establishment of Tax Increment Financing District No. 1-3 (a redevelopment district), and the proposed adoption of the Tax Increment Financing Plan therefor, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 through 469.179, inclusive, as amended, in an effort to encourage the development and redevelopment of certain designated areas within the City; and

Section 2. Notice of Public Hearing, Filing of the Program Modification and Plan. City staff is authorized and directed to work with Ehlers and Associates, Inc., to prepare the modification to the Development Program for Development District No. 1 and the Tax Increment Financing Plan for Tax Increment Financing District No. 1-3 and to forward documents to the appropriate taxing jurisdictions including Ramsey County and Roseville School District No. 623. The City Administrator is authorized and directed to cause notice of the hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to September 12, 2001, and to place a copy of the Program Modification and Plan on file in the City Administrator's office at City Hall and to make such copy available for inspection by the public.

Dated: July 25, 2001

Adopted:

Mayor

ATTEST:

City Administrator/Clerk

DISTRIBUTION LIST

THE CITY OF FALCON HEIGHTS

FOR THE MODIFICATION TO THE DEVELOPMENT PROGRAM
FOR DEVELOPMENT DISTRICT NO. 1

AND

THE ESTABLISHMENT OF THE TAX INCREMENT FINANCING PLAN
FOR TAX INCREMENT FINANCING DISTRICT NO. 1-3

(a redevelopment district)

CITY: Heather Worthington hworthington@ci.falcon-heights.mn.us
Assistant City Administrator (Word format)
City of Falcon Heights 651-644-5050 Phone
2077 West Larpenteur 651-644-8675 Fax
Falcon Heights, MN 55113

DEVELOPMENT COUNSEL: Mary Ippel (651) 223-6620 Phone
ippmar@briggs.com

Todd Hagen (651) 223-6628 Phone
thagen@briggs.com

Briggs and Morgan, P.A.
332 Minnesota St.
St. Paul, MN 55101
(Word format)
651-223-6450 Fax

DEVELOPMENT ADVISOR: Jim Prosser 651-697-8503 Phone
jim@ehlers-inc.com

Shelly Eldridge 651-697-8504 Phone
shelly@ehlers-inc.com

Susan Landrum 651-697-8531 Phone
susan.landrum@ehlers-inc.com

Ehlers & Associates, Inc.
3060 Centre Pointe Drive
Roseville, MN 55113-1105
651-697-8555 Fax

SCHEDULE OF EVENTS

CITY OF FALCON HEIGHTS

FOR THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1

AND THE ESTABLISHMENT OF THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 1-3 (a redevelopment district)

As of July 13, 2001

- July 18, 2001 Project information, property identification numbers, and maps sent to Ehlers and Associates for drafting documentation.
- July 25, 2001 City Council calls for public hearing on the modification of the Development Program for the Development District No. 1 and the establishment of the Tax Increment Financing Plan for Tax Increment Financing District No. 1-3.
- July 27, 2001 Letter received by County Commissioner giving notice of potential redevelopment tax increment financing district (at least 30 days prior to publication of public hearing notice). *[Sent by July 26, 2001]*
- July 27, 2001 Project information submitted to the County Board for review of county road impacts (at least 45 days prior to public hearing).
- August 13, 2001 Fiscal/economic implications received by School Board Clerk and County Auditor (at least 30 days prior to public hearing). *[Sent by August 10, 2001]*
- August 20, 2001 Ehlers confirms with the City whether building permits have been issued on the property to be included in the TIF District.
- August 28, 2001 Date of publication of hearing notice and map (at least 10 days but not more than 30 days prior to hearing). *[Roseville Review publication deadline Wednesday, August 22, 2001]*
- August 28, 2001 Planning Commission reviews Program Modification and Plan to determine if they are in compliance with City's comprehensive plan.
- September 12, 2001 City Council holds public hearing at 7:00 P.M. on the modification to the Development Program for Development District No. 1 and the establishment of the Tax Increment Financing Plan for Tax Increment Financing District No. 1-3 and passes resolution approving the Plans. *[Council packet information sent by September 3, 2001]*
- December 30, 2001 Ehlers certifies the District with county and state.

**The TIF Plan will be forwarded to the County Board 45 days prior to the public hearing. The County Board, by law, has 45 days to review the plan to determine if any county roads will be impacted by the development. Please be aware that the County Board could claim that tax increment should be used for county roads, even after the public hearing.

ITEM: Update on Website working group recommendations

SUBMITTED BY: Heather Worthington, City Administrator

**REVIEWED BY: Robert Lamb, Councilmember
Richard Talbot, Councilmember
Deborah Jones, Zoning and Planning Coordinator**

EXPLANATION:

Summary: Attached is a report of the first meeting of the working group. Several issues were discussed, and it was decided that in the next six months, the city should focus on the following areas:

1. Capacity & Vendor Selection
2. Security and Privacy
3. Current Transaction List : Top 4 transactions
 - Building Permits
 - Parks & Recreation
 - Recreational fire permits
 - Licenses
4. Link Policy

The group will continue to meet on a regular basis to discuss progress on these issues, and review the site and make comments and suggestions.

In late August, the staff will present a draft website policy to the Council for comment.

ATTACHMENT:

Meeting minutes from the website working group meeting of July 6, 2001.

**City of Falcon Heights
Web Site Planning Meeting
July 6, 2001 – 9:00 a.m.**

Present: Heather Worthington, City Administrator; Robert Lamb, Council Member; Richard Talbot, Council Member; Deborah Jones, Zoning & Planning Coordinator

Two planning tracks will be followed:

1. Current system site design and maintenance
See report submitted by Deb Jones on recent updates and ongoing issues.
Current critical issues:
 1. Accessibility
 2. Keeping the site current
2. Vision: 5 years out
Capacity
What do we want to be able to do?
What will be the impact on the city budget?
Heather Worthington: Keep in mind philosophy of “citizen service/community service”

Site Development track suggested by Richard Talbot

- Brochure site (where we are now?)
 - Add tutorial
 - Searchable “e-file cabinet”, responding to patterns of use
 - Listservs
 - For example: Crime Watch, events such as block parties
 - Transactions between citizens and city
 - We need to remember also the “digital divide” (access)
 - City Hours are not convenient for citizens – source of frustration
 - Ultimately, we might have credit card utility
 - Information sharing and collaboration with neighboring governments
 - Video Streaming

Possible Vendor: E-Professionals

- Basic license and set up – anywhere from \$0 to \$40,000
- Add-on modules linked in for \$2.50/month each
- Video-streaming – cost is \$500 to \$800 per year, depending on number of subscribers

Vendor considerations

- Oriented toward community service, citizen service
- Privacy: What information would they harvest from our citizens and how would they use it?

Issues Defined: (Robert Lamb)

★=Top priorities

1. Capacity + Vendor Selection (originally 2 separate items) ★
 - Privacy
 - Cost
 - Capacity
 - Responsiveness
2. Security and Privacy ★
 - Legal considerations
 - Virus protection
 - Other issues
3. Current Transaction List ★
 - Top 4 transactions
 - Building Permits
 - Parks & Recreation
 - Recreational fire permits
 - Licenses
4. Link Policy – Only within the city boundaries? ★
 - Businesses
 - Churches
 - Home Pages
5. Information flow: What information flows does the city originate?
 - General Government
 - Parks
 - Public safety
 - Events
 - Meetings
 - Licensed contractors
6. Information Governance
 - Who creates/authorizes?
 - What is the decision process?
7. Citizen Participation/Two-way communication
 - Citizen list-by-information-flow-topic (List serves to citizens)
 - Voluntary broadcast lists
 - Alarming, Broadcast alarms (public safety, etc.)
8. Data availability
 - Legality
 - Citizen comfort level
9. Time Line + Five year vision

ADDENDUM
Policy 4
7/25/01

ITEM: Appointment of Patrick Ryan to the Planning Commission

SUBMITTED BY: Mayor Gehrz

EXPLANATION:

Summary: Mr. Ryan has applied to serve on the Planning Commission. 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 resident is recommended for appointment to the Planning Commission:

Patrick Ryan

ACTION REQUESTED:

Approval of the appointment of Patrick Ryan to the Planning Commission for a three-year term.

ADDENDUM

Policy 5

7/25/01

ITEM: Consideration of a request for a two-foot variance in height for a privacy fence at 1720 St. Mary's Street

SUBMITTED BY: Daniel and Elizabeth Browning, owners

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary: The owners of this single-family home are requesting a variance in the height requirement for a privacy fence at the rear of their property. The house is located in a single-family residential, R-1 district. The maximum height for a privacy fence in the rear yard is six feet by city code. The owners are requesting a variance due to the existence of a busy parking lot and shopping center at the rear of their property. Three other neighbors on that block have received variances for the construction of eight-foot high fences due to similar concerns about noise, light, and screening from adjacent commercial uses.

The Planning Commission unanimously approved the request for a variance at their July 24th meeting.

Analysis:

a. That the granting of the variance will not be detrimental to the public

Staff finds that the granting of this variance will not be detrimental to the public.

b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area.

Staff finds that the granting of this variance will not substantially diminish or impair property values.

c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff finds that the granting of this variance is necessary for providing separation between the two properties, and limiting the impact caused by the parking lot of the busy shopping center.

d. That the variance will not impair an adequate supply of light and air to adjacent property.

Staff finds that the variance will not impair an adequate supply of light and air to the shopping center next door.

e. That the variance will not impair the orderly use of the public streets;

Not applicable.

f. That the variance will not increase the danger of fire or endanger the public safety;

Not applicable.

g. Whether the shape, topographical condition or other similar characteristic of the tract is such as to distinguish it substantially from all of the other properties in the zoning district of which it is a part, or whether a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the Chapter were carried out.

This property is distinguished from others in the immediate area, as it is located behind a busy shopping center.

h. Whether the variance is sought principally to increase financial gain to the owner of the property, and to determine whether a substantial hardship to the owner would result from a denial of the variance.

Staff finds that no material or financial gain will occur in the granting of this variance.

i. Whether the conditions which give rise to the application for the variance arose after the adoption of this Chapter of the Code of the City of Falcon Heights or any amendment thereto which placed the tract in a zoning district different from what it was under the Chapter. In the consideration of this item, the City shall make diligent inquiry as to all changes in the property and shall refuse to grant the variance if the problem is one that can be solved through a proper application of a conditional use permit or an amendment of the Zoning code. Financial hardship shall not be a basis for the granting of a variance when the owner purchased the property in reliance on a promise that a variance would be granted, and the City shall dismiss the appeal if it shall appear that the property was purchased on such reliance.

Not applicable.

Staff Recommendation:

Staff recommends approval of the variance for the following reasons:

1. The property has a unique situation with regard to location of the adjacent shopping center.
2. A two-foot variance has been granted to surrounding property owners in the past for this reason.

3. The variance will not cause substantial financial gain for the property, nor will it negatively impact the value of adjacent properties.
4. The variance will not cause a threat to public safety.

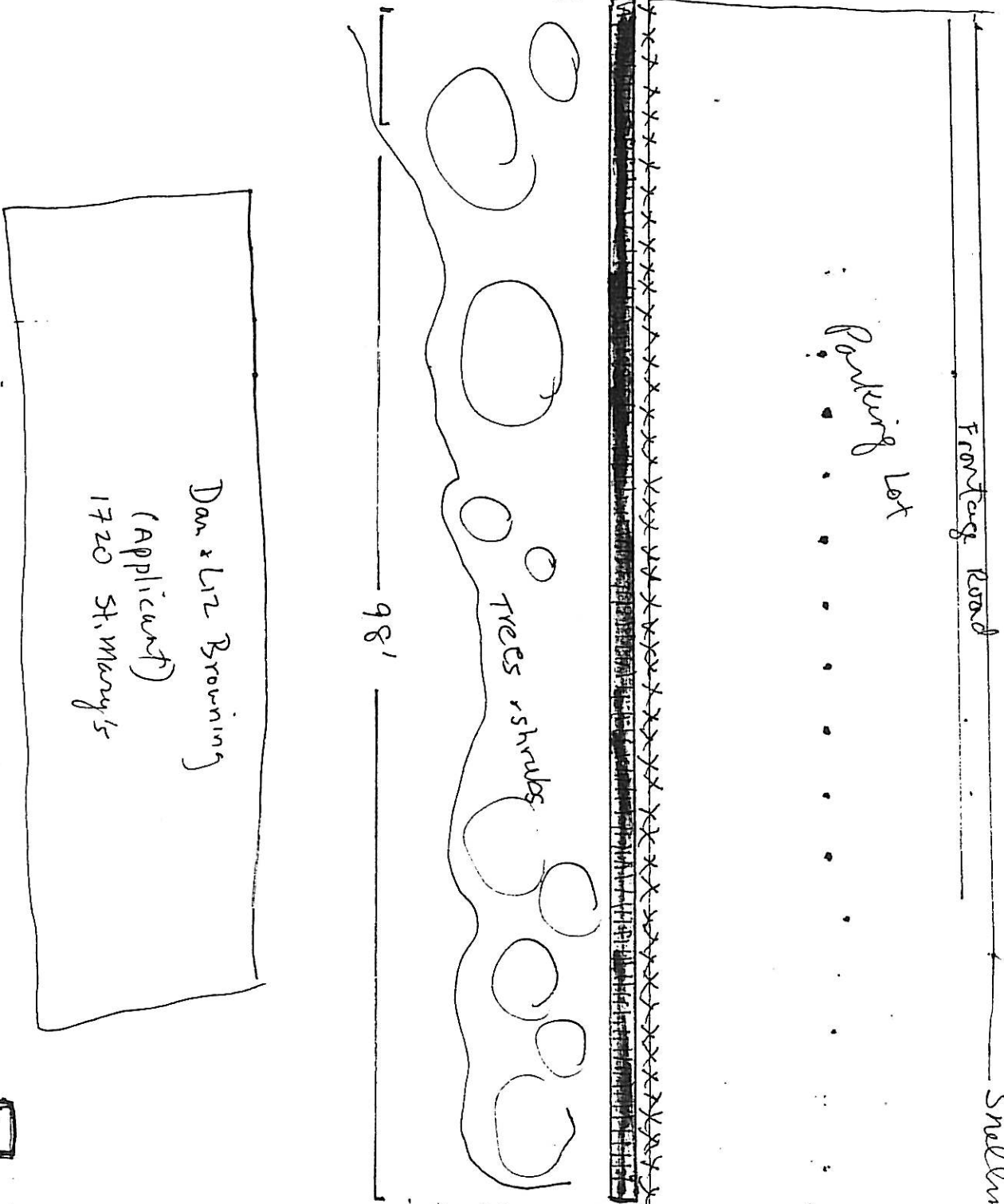
Attachments:

Site plan
Fence elevation drawing
Variance request
Letter from residents
Letter to adjacent property owners (delivered July 20, 2001)
City Council Resolution 01-16

Action Requested:




Approval of Resolution 01-16, approving the requested variance of two feet in the height of a privacy fence as outlined in Chapter 9-2.06, subdivision f (4) of the zoning code, and meets the regulations outlined above and in Chapter 9.15 Subdivision 4 (g), that the property is unique and that a hardship would result if the strict letter of the chapter were carried out.

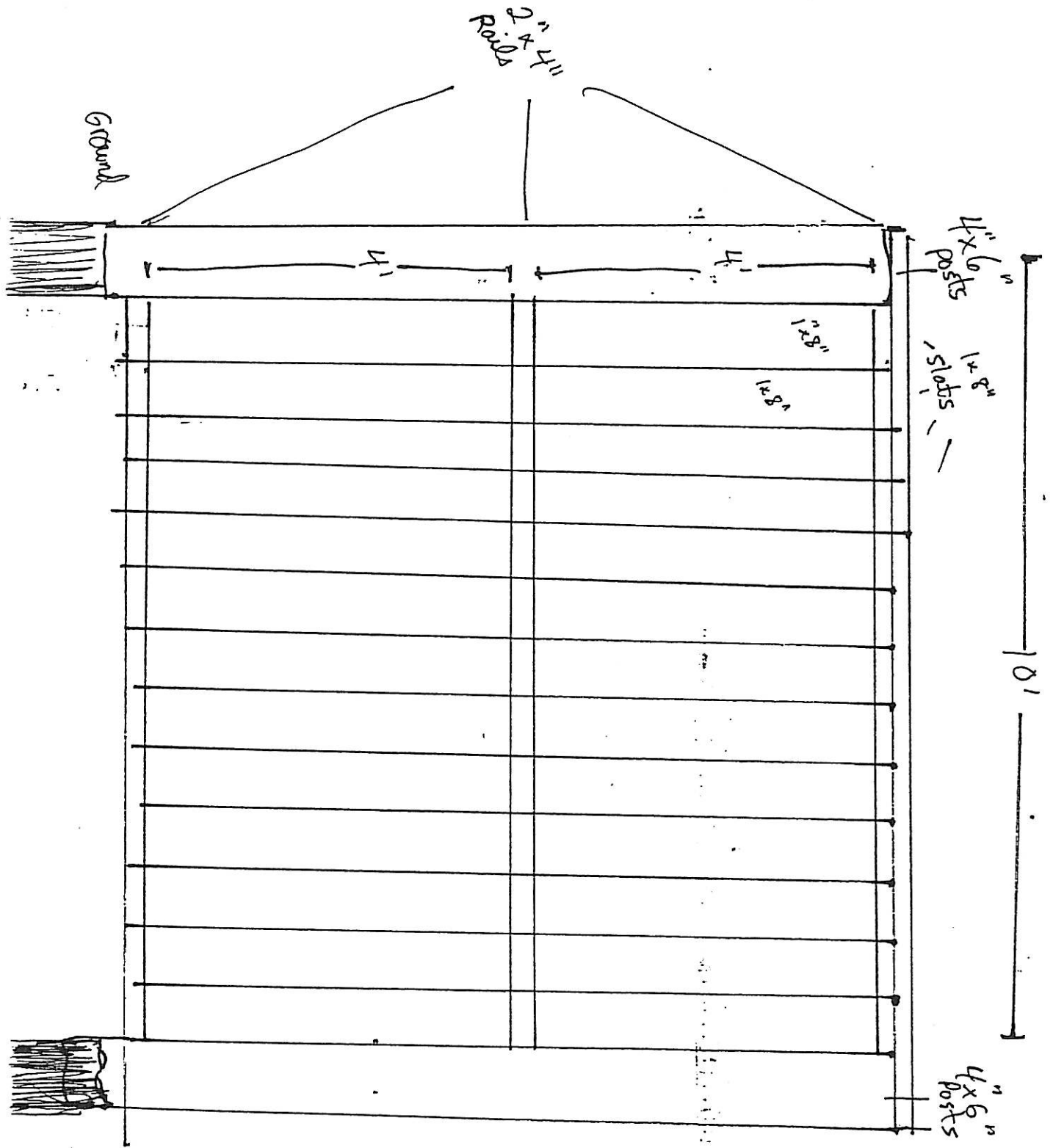
Gona
TOSO
1728 St. Mary's St.



St. Mary's St

Dale Huff
& Linda Fite
1710 St. Mary's St

-  Existing Chain Link Fence
-  Existing 8' fence
-  Proposed 8' fence (over fir specs)





City of Falcon Heights
Planning Application

Action Requested By:

Name of Property Owner Daniel & Elizabeth Browning

Phone (h) 651-917-2138 (w) 612-673-4493

Address of Property Owner 1720 St. Mary's St. Falcon Hts, MN 55113

Name of Applicant (if different) _____

Address _____ Phone _____

Property Involved:

Address 1720 St. Mary's St. Falcon Hts, MN 55113

Legal Description The Crossroads
Lot 17

Property Identification Number (PIN) 16.29.23.44.0052

Present Use of Property (check one):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Business/Commercial |
| <input type="checkbox"/> Duplex/Two Family Dwelling | <input type="checkbox"/> Government/Institutional |
| <input type="checkbox"/> Multi-Family Complex | <input type="checkbox"/> Vacant Land |

Action Requested: (NON-REFUNDABLE)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Variance (\$65.00) | <input type="checkbox"/> Lot Split (\$250.00) |
| <input type="checkbox"/> Conditional Use Permit (\$165.00) | <input type="checkbox"/> Site Plan Review (\$100.00) |
| <input type="checkbox"/> Rezoning (\$500.00) | <input type="checkbox"/> Other (Please specify):
_____ |

Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

We wish to build an 8-foot fence along the property line dividing us from the parking lot & alley behind Warner's Stables. The fence would extend, and be identical to, the fence behind two of our neighbors (south side), each of who obtained variances for their fences.

I certify that all statements on this application are true and correct:

Signature of Property Owner (required)

Signature of Applicant (if applicable)

Dan & Liz Browning

1720 St. Mary's St.
Falcon Heights, MN 55113
Home email: browning@visi.com
Lizcummings@visi.com
Work email: dbrowning@startribune.com
Web page: <http://www2.visi.com/browning>

July 17, 2001

To Whom It May Concern:

Please accept this application for a variance that would allow us to build an 8' high wood-slat fence along the rear of our property. The fence would be identical to the one that runs along the rear of the two properties immediately to the south of us. The fence would separate us from the alley and parking lot that run behind and just to the north of Warner's Stelian appliance outlet. It is a high traffic area. There is a 4' chainlink fence along the property line now. However, people regularly dump trash into our yard and trespass through a gap in the fence. Painters working on the Warner's Stelian building recently dumped white paint through the breach, marring our shrubs. Since moving into the house two years ago, police have conducted two "hot pursuits" through our backyard, as offenders from the intersection of Snelling and Carpenter ran through the break in the fence.

In sum, the proposed fence would extend the one that already spans two neighboring backyards. It would separate us from an alley and parking lot. It would not affect the property value of Warner's Stelian. It would improve our property value by insulating us from noise and vandals. And it would increase public safety by making it harder for hoodlums to escape police on foot through our neighborhood.

The only neighbor directly affected would be Warner's Stelian. Our immediate neighbors, Yona Toso (1728 St. Mary's St.) and Dale Huff and Linda Fite (1710 St. Mary's St.), both endorse the idea. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Browning", with a large, sweeping flourish extending to the right.

Dan Browning
Liz Cummings Browning
Homeowners/applicants



CITY OF
FALCON HEIGHTS

2077 W. LARPEUTEUR AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (651) 644-5050 FAX (651) 644-8675

July 20, 2001

Dear Property Owner:

The owners of 1720 St. Mary's Street, Daniel and Elizabeth Browning, have requested a two-foot variance from city code in order to erect an eight-foot high privacy fence along the rear lot line of their property. The city code allows privacy fences to be built six feet high at grade in the rear yard of a residential area.

I have enclosed a copy of the relevant portion of the site plan, and I encourage you to attend the Planning Commission meeting where this will be considered. It will be held:

Tuesday, July 24, 2001
7:00 p.m.
City Hall Council Chambers

Please call me at 651/644-5050 if you require further information. You may also send written comments to me at hworthington@ci.falcon-heights.mn.us or by U.S. Mail at the address below.

Thank you,

Heather Worthington
City Administrator

HOME OF THE MINNESOTA STATE FAIR AND THE U OF M ST. PAUL CAMPUS



PRINTED ON RECYCLED PAPER

City of Falcon Heights

City Council Resolution

Date: July 26, 2001

RESOLUTION APPROVING A VARIANCE FOR 1720 ST. MARY'S STREET, DANIEL AND ELIZABETH BROWNING

On July 26, 2001, the Falcon Heights City Council granted the following variance request 1720 St. Mary's Street, owned by Daniel and Elizabeth Browning.

Chapter 9-2.06, subd. f(4) of the zoning code, in an R-1 zoning district.

A variance of two feet to allow the construction of an eight-foot high privacy fence along the rear lot line of the property (as outlined in the attached diagram).

The City Council adopted the following findings for granting the variance at 1720 St. Mary's Street, Falcon Heights:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property.
- e. That the amended variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;
- g. That a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the chapter were carried out.
- h. That the variance is not sought principally to increase financial gain of the owner of the property and that a substantial hardship to the owner would result from a denial of the variance.

Moved by: _____

Approved by: _____

Gehrz ___ In Favor
 Kuettel
 Lamb ___ Against
 Lindstrom
 Talbot

Mayor
July 26, 2001
 Date

Attested by: _____

City Clerk
July 26, 2001
 Date