

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

AGENDA
January 23, 2002

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ___ KUETTEL ___ LAMB ___
 LINDSTROM ___ TALBOT ___
 WORTHINGTON ___ PHILLIPS ___
 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM:
- D. APPROVAL OF MINUTES: January 9, 2002
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
 - 1. Payroll, 1/1/02 to 1/15/02, \$10,067.22
 - 2. Licenses
 - 3. Consideration of R-02-05 to renew the lawful gambling registration for Community Charities of Minnesota
 - 4. 2002 Roster of Officers/Duties
- G. POLICY AGENDA:
 - 1. Consideration of a contract with SafeAssure for OSHA Compliance monitoring and training
 - 2. Consideration of a resolution relating to restrictions on the use and sale of phosphorous lawn fertilizers
 - 3. Approve hiring of city forester at 1/10 time
 - 4. Consideration of the 2003-2004 Police Contract with St. Anthony Village
- H. REPORTS FROM COUNCILMEMBERS:
- I. INFORMATION AND ANNOUNCEMENTS:
- J. ADJOURN

DRAFT

City of Falcon Heights
City Council Minutes
January 9, 2002

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

PRESENT: Gehrz, Kuettel, Lamb, Lindstrom, Talbot. Also present was Administrator Worthington and Deputy Clerk Phillips

OATH OF OFFICE

Mayor Gehrz administered the oath of office to Laura Kuettel and Robert Lamb, councilmembers elected in the November, 2001 city election. Their terms of office run through December 31, 2005.

APPROVAL OF MINUTES

The minutes of December 12, 2001 and December 27, 2001 were approved as written.

Councilmember Kuettel made a motion to approve the following consent agenda with one minor typo correction in No. 4. The motion passed unanimously.

CONSENT

1. General disbursements and payroll.
2. Licenses
3. Review and adopt council standing rules
4. Resolution designating official depositories for 2002
5. Consider resolution 02-02 approving a 3% standard compensation increase for regular employees in 2002
6. Appointment of City Engineer and City Attorneys for 2002

POLICY

Appointment of Ann Ziebarth and re-appointment of Melissa Maher to the Planning Commission

Mayor Gehrz said Ann Ziebarth has been appointed to the Planning Commission for a 3 year term and Melissa Maher agreed to serve a second 3 year term. Both terms will expire December 31, 2004. Councilmember Lindstrom moved to approve this appointment and re-appointment. The motion passed unanimously.

Designation of official newspaper for 2002

Administrator Worthington explained that state statute requires the city designate a legal newspaper of general circulation in the city. The newspaper is used to publish legal notification regarding public hearings, elections and city financial matters. Staff recommends that The Roseville Review be designated as its legal newspaper for 2002 because it circulates to most households in Falcon Heights and the rates are competitive. Councilmember Talbot moved to approve the designation of The Roseville Review as the city's official legal newspaper for 2002. The motion passed unanimously.

request, and community park and city hall rental. Councilmember Lamb moved to approve the fee changes and to adopt Resolution 02-03. The motion passed unanimously.

Purchase of a new copier

Administrator Worthington said staff had researched several models of copiers and had them in the office for a brief period of time on a trial basis. The model that staff recommends is a Kyocera Mita, 4230 Digital Copier System from Coordinated Business Systems, Ltd. The old copier was scheduled to be replaced in 2002 and the new one will be funded out of General Capital. Councilmember Lindstrom moved to approve this purchase. The motion passed unanimously.

INFORMATION AND ANNOUNCEMENTS:

Councilmember Lindstrom said he had recently participated in the Ride Along program with a St. Anthony police officer.

Mayor Gehrz said there will be no change in commission appointments for 2002.

Councilmember Kuettel said due to a work conflict, she will no longer be able to be the liaison to the Northwest Youth and Family Services. Councilmember Lindstrom offered to replace her on this program for 2002.

Mayor Gehrz said the Ramsey County League of Local Governments meets the third Thursday at 7 p.m. and asked that each council member attend the monthly meetings on a rotating basis so everyone has an opportunity to interact with this group.

Mayor Gehrz said to date, the Homeland Security Kits have been emailed to 51 cities and 10 counties. Gehrz also updated the council on her recent trip to Washington D.C. and the Homeland Security office.

Respectfully submitted,

Patricia Phillips
Deputy Clerk

CONSENT 1
Meeting Date: 1/23/02

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, Finance Director

EXPLANATION/SUMMARY:

1. General disbursements will be run this weekend and will be provided to you as an addendum next week.
2. Payroll, 1/1/02 to 1/15/02, \$10,067.22

ACTION REQUESTED: Approval

C H E C K R E G I S T E R

CHECK TYPE	CHECK DATE	EMPLOYEE NAME NUMBER	CHECK NUMBER	CHECK AMOUNT
COM	1 15 02	34 CLEMENT KURHAJETZ	31534	44.80
COM	1 15 02	35 LEO LINDIG	31535	31.52
COM	1 15 02	40 KEVIN ANDERSON	31536	29.50
COM	1 15 02	42 MICHAEL D CLARKIN	31537	26.28
COM	1 15 02	66 ALFRED HERNANDEZ	31538	115.61
COM	1 15 02	74 MARK J ALLEN	31539	104.02
COM	1 15 02	80 MARY K RIGNEY	31540	109.43
COM	1 15 02	81 LAUREL F SANDBERG	31541	12.93
COM	1 15 02	82 DUSTIN P THUNE	31542	196.22
COM	1 15 02	85 DANIEL S JOHNSON-POWERS	31543	148.48
COM	1 15 02	86 GREGORY R YOUNGS JR	31544	122.35
COM	1 15 02	87 MICHAEL A MCKAY	31545	43.63
COM	1 15 02	90 ANDREW P SCHIPPEL	31546	54.54
COM	1 15 02	91 RICHARD H HINRICHS	31547	60.20
COM	1 15 02	94 CALEB H SORENSON	31548	37.58
COM	1 15 02	95 MICHAEL J POESCHL	31549	25.85
COM	1 15 02	96 DAVID R HOLTZ	31550	21.01
COM	1 15 02	1003 HEATHER WORTHINGTON	31553	1218.76
COM	1 15 02	1007 PATRICIA PHILLIPS	31554	954.20
COM	1 15 02	1013 WILLIAM MAERTZ	31555	1446.43
COM	1 15 02	1033 DAVE TRETSVEN	31556	1090.52
COM	1 15 02	1038 DEBORAH K JONES	31557	545.57
COM	1 15 02	1039 CRAIG A STIER	31558	144.07
COM	1 15 02	1136 ROLAND O OLSON	31559	1190.54
COM	1 15 02	1142 ANTHONY ANDERSON	31560	170.85
COM	1 15 02	1143 COLIN B CALLAHAN	31561	643.48
COM	1 15 02	1173 ELIZABETH M POSTIGO	31562	362.19
COM	1 15 02	1174 JAMES O ECKBERG	31563	268.92
COM	1 15 02	1176 MICHAEL P ECKBERG	31564	335.86
COM	1 15 02	1178 PETER M FISCHER	31565	133.79
COM	1 15 02	1183 ALEX D EVANS	31566	104.92
COM	1 15 02	1184 MATTHEW W KRIEGLER	31567	33.94
COM	1 15 02	2006 DAMON J. WICKHEM	31568	239.23

COMPUTER CHECKS	10067.22
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

*****TOTALS***** 10067.22



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COMPUTER CHECKS 10067.22
MANUAL CHECKS .00
NOTICES OF DEPOSIT .00

****TOTALS**** 10067.22

Expenses on Credit Card

- # 3293 Rainbow Foods - Council workshop food
- # 223439 Dell Marketing - New Server
- # 300.00 CONGA LATIN BISTRO - Employees year-end
Holiday recognition dinner
- # 267.77 Minn Comm Paging - New papers for employees
(Emergency Preparedness)
- # 394.00 Comp USA # 129.99 Battery Backup for server
264.01 CD/RW for GIS system
394.00
- # 38.87 Muffaletta - Policy working meeting
(Mayor & Administrator)



U.S. BANCORP CARD SERVICES, INC.
 PO BOX 6343
 FARGO, ND 58125-6343

M09137

U.S. Bank Visa® Business Platinum Card
 Issued by U.S. Bank National Association ND

Account Number: 4251 2400 0599 8802
 Statement date: Jan. 07, 2002
 New balance \$327.43
 Minimum payment due \$10.00
 Payment must be received: Jan. 27, 2

Amount Enclosed \$

327.43

Please detach and return this coupon with your check payable to:

|||||
 PATRICIA PHILLIPS
 CITY OF FALCON HEIGHTS
 2077 W LARPEN TEUR AVE
 FALCON HEIGHTS MN 55113-5551

|||||
 U.S. BANK
 P.O. BOX 790429
 ST. LOUIS, MO 63179-0429

4251240005998802 000032743 000001000

Please tear payment coupon at perforation.

U.S. Bank Visa® Business Platinum Card
 Issued by U.S. Bank National Association ND

New Balance Summary

Previous balance		\$10.60
Payments & credits	-	\$10.60
New purchases & advances	+	\$327.43
Finance charges	+	\$0.00
Cash advance fees	+	\$0.00
Other fees	+	\$0.00
New Balance		\$327.43

Credit Available

Credit limit		\$2,000.00
New balance	-	\$327.43
Credit available		\$1,672.57

Account & Payment Information

Customer name:	PATRICIA PHILLIPS
Company name:	CITY OF FALCON HEIGHTS
Account number:	4251 2400 0599 8802
Statement date:	Jan 07, 2002
Minimum payment due:	\$10.00
Payment must be received:	Jan. 27, 2002
Amount and Date Paid:	

Your Resources for Help

24 Hour Customer Service	1-800-344-5696
Text telephone (TTY)	1-800-585-5035

News For You

Please note the address to mail your payment has changed to U.S. Bank, P.O. Box 780429, St. Louis, MO 63179-0429

Transactions

Post Date	Tran Date	Reference Number	Transaction Description	Amount
Payment & Credits				
Dec 24	Dec 24	7479826135900000000114	PAYMENT - THANK YOU 13297 C	- \$10.60
				Total Payments and Credits - \$10.60
Purchases				
Dec 21	Dec 20	24733091354228557501246	MACROMEDIA/SHOCKWAVE.COM 800-470-7211 CA	\$327.43
				Total Purchases \$327.43

Dreamweaver/Homesite Web Management & Design
Software

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

MUNICIPAL LICENSE

MYDT, Inc., d/b/a Midwest Youth Dance Theater	Lic. #02-625
Mar-Co Diversified d/b/a One Hour Martinizing	Lic. #02-626
Karate Junction Training Center Inc.	Lic. #02-627
Buck's Unpainted Furniture, Inc.	Lic. #02-628

TREE TRIMMING/TREATING/REMOVAL

Northern Arborists	Lic. #02-1102
S & S Tree & Horticultural Specialist, Inc.	Lic. #02-1103

MECHANICAL CONTRACTOR

Friend Mechanical	Lic. #02-719
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ACTION REQUESTED: Approval

ITEM DESCRIPTION: Consideration of Resolution 02-05 to renew the lawful gambling registration for Community Charities of Minnesota

SUBMITTED BY: Mr. Mark Healy, Jr.
Community Charities of Minnesota

REVIEWED BY: Roland Olson, Finance Director
Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

Background:

Community Charities of Minnesota (formerly known as Celebrity Bowl Charities, Inc.) has conducted charitable gambling operations at Falcon Bowl, 1550 W. Larpenteur Ave. on a fairly limited basis since 1994. Community Charities has made application to renew their charitable gambling license registration. The Minnesota State charitable Gambling Board licenses the organization. However, a license will not be granted by the state unless the city approves a permit for the site of the activity. The organization meets the criteria for approval in Chapter 5-15.01 of the city code. These criteria are described in the attached resolution.

The application for a premises permit must be approved or denied by the city within 60 days of the association's application or it is automatically considered approved.

Fees to the City of Falcon Heights

Community Charities pays the city 3% of its gross receipts for financial and policy costs incurred to administer charitable gambling activity. This includes permit processing, accounting, auditing and applicable police time. If the city does not spend the entire 3% fee, the balance is refunded to Community Charities.

The city code also requires that Community Charities contribute 10% of their net profit to the city to be used for lawful purposes, which is contributed to the city's lawful gambling fund.

ATTACHMENT: Resolution 02-05

ACTION REQUESTED: Approve Resolution 02-05 approving the lawful gambling premises permit of Community Charities of Minnesota for operations at 1550 W. Larpenteur Ave.

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: January 23, 2002

A RESOLUTION APPROVING THE PREMISES PERMIT FOR
COMMUNITY CHARITIES OF MINNESOTA'S CHARITABLE GAMBLING
OPERATION AT FALCON BOWL, 1550 W. LARPEN TEUR AVE.

WHEREAS, on January 9, 2002, Community Charities of Minnesota applied for a lawful gambling license and a premises permit with the Minnesota Charitable Gambling Control Board to conduct a charitable gambling operation at Falcon Bowl, 1550 W. Larpenteur Avenue; and

WHEREAS, on January 9, 2002, the application and proposed premises permit were delivered to the city for review and approval; and

WHEREAS, on January 9, 2002, Community Charities of Minnesota applied to the city for registration approval to conduct charitable gambling operations at Falcon Bowl, 1550 W. Larpenteur Avenue, in accordance with city ordinance on charitable gambling.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. The city council finds that:
 - a. The city's investigation indicates that Community Charities of Minnesota has not failed to comply with the terms or conditions of any gambling license and does not indicate a history of non-compliance with state or local law regulating the organization's gambling activities.
 - b. The premises on which the gambling is to be done are conducted within a commercial zone;
 - c. The land area and setback requirements of the premises, an existing shopping center, meet the minimums established for the district;
 - d. The property is an existing shopping center building, and therefore, does not require additional screening and landscaping because of the gambling operation;
 - e. There is adequate off-street parking for this use as part of the existing shopping center building;

- f. the activity is not expected to generate unreasonable additional traffic so as to create a nuisance or hazard to an existing or surrounding land use;
 - g. The activity is not expected to disrupt other activities in the neighborhood;
2. Based upon the above findings, the premises permit for Community Charities of Minnesota is hereby approved effective January 23, 2002 subject to the following conditions:
- a. Registration, pursuant to Section 5-3.07, subd. C, is hereby approved effective January 23, 2002. Future re-registration shall be required upon the expiration of the premises permit in March, 2004.
 - b. Community Charities of Minnesota shall comply with all provisions of Section 5-3.07, subd. E of the city code, which is attached hereto and incorporated in by reference.
 - c. The first audit report is due from Community Charities of Minnesota within 90 days after the first gambling license year based upon the effective date of the state license.
 - d. Pursuant to Section 5-3.07, subd. D(2)(a), the applicant shall submit on a monthly basis, 10% of its net profits derived from lawful gambling to the city for deposit in the city's lawful gambling fund to be distributed for lawful purposes.
 - e. Pursuant to Section 5-3.07, subd. E(6), the applicant shall remit to the city each month 3% of its gross receipts from charitable gambling within the city from the previous month. Such remittance may be used by the city only for the purpose of regulating lawful gambling. Excess funds shall be returned in accordance with city code.

Moved by:

GEHRZ
 KUETTEL
 LAMB
 LINDSTROM
 TALBOT

In Favor
 Against

Approved by: _____

Mayor
January 23, 2002
 Date

Attested by: _____

City Clerk
January 23, 2002
 Date

- D. Penalties and Assessment. Penalties for late payment of unpaid fees are as stipulated in Section 5-4.01 (F)(2)(3).

5-3.06 Open Fires

Regulation of Open Fires. Minnesota Department of Natural Resources Rules (MN Statute, Chapters 88.01-88.76) relating to preservation of natural resources which includes open burning regulations, is hereby adopted by reference and is made a part of this code as if fully set forth herein. The fire chief and fire marshal are designated as persons to issue burning permits within the city. Fees are as established in Section 5-4.01 of this code and burning permit guidelines are as listed in Section VII(C) of the administrative manual. (O-94-02 dated 1/12/94)

5-3.07 Regulation of Non-Profit Organization Gambling

A. Statute Incorporated.

The provisions of Minnesota Statutes, Chapter 349, as amended, are adopted and made a part of this code. The provisions set forth herein are in addition to Minnesota Statutes to the extent that such provisions do not conflict with the statutes.

B. Licenses, Permits and Registration.

1. Required; eligibility. No person except an organization which is licensed by or has a valid exemption permit from the State of Minnesota and has registered with and been approved by the City of Falcon Heights shall conduct lawful gambling within the City of Falcon Heights. Such registration shall be commenced each time a license or exemption permit is sought from the Charitable Gambling Control Board.
2. Computation of days. For purposes of this ordinance, raffle apparatus shall be considered to be used or the raffle occasion conducted on the day in which the drawing takes place and tipboards and paddlewheels shall be considered on any day in which numbers or chances are sold.
3. Display. All licenses or permits required by this ordinance shall be displayed during the license year at the premises licensed for the conduct of gambling devices.

4. Authority to inspect registered premises.
The registration of an organization under this ordinance shall be deemed to be a consent by the organization to inspection of the licensed premises by any police officer or any inspector of the city.

C. Registration of Charitable Gambling.

1. Any organization desiring to register to conduct charitable gambling shall use forms obtained from the city clerk and provide the following:
 - a. The name, address and telephone number of the organization.
 - b. The name, address and telephone number of the gambling manager.
 - c. A copy of the organization's charitable gambling license application or exemption permit.
 - d. A copy of any lease agreements, executed by the organization in regard to premises leased for the conduct of gambling.
 - e. A copy of the bond or certificate of insurance which meets the requirements of Minnesota Statutes.
 - f. The dates, hours and locations of intended gambling.
2. The council shall act upon the registration within sixty (60) days from the date materials are submitted, but shall not approve an application to the Charitable Gambling Control Board until at least thirty (30) days after the date of application.
3. No organization which is exempt from state licensure shall be registered to conduct lawful gambling in the City of Falcon Heights unless it meets the standards and conditions of Subdivision 4, for approval of gambling license applications and keeps the records and makes the reports required by Subdivision 6.

D. Investigation, Action, Conditions.

The registration may be referred to any police authority for its investigation. Upon receiving the reports, if any, of the police authority, the council may in its discretion approve or disapprove the registration and any accompanying application by resolution.

1. Disapproval of Applications. The city shall disapprove an application to the Charitable Gambling Control Board for a license if:
 - a. The city's investigation indicates that the organization or gambling manager failed to comply with the terms or conditions of any other gambling license or indicates a history of noncompliance with state or local law regulating the organization's gambling activities; or
 - b. The premises on which the gambling is to be conducted are not within a commercial zone; or
 - c. The land area and setback requirements of the premises do not meet the minimums established for the district; or
 - d. The property is not screened and landscaped if it abuts a residential use; or
 - e. Adequate off-road parking and loading, screened and landscaped from any abutting residential use is not provided on the premises; or
 - f. The activity reasonably could be expected to generate such additional extra traffic as to create a nuisance or hazard to existing traffic or to surrounding land use; or
 - g. At the times proposed for the activity, expected to disrupt other activities in the neighborhood; or
 - h. For any other reasonable ground, the premises on which the gambling is to be conducted are found unsuitable for that purpose.

2. Approval of Applications. The city may approve an organization's application to the Charitable Gambling Control Board for a gambling license provided that subsection a. does not compel disapproval. Any such approval shall be conditioned upon the following:

- a. The applicant shall be required to spend 10% of its net profits derived from lawful gambling upon a lawful purpose specifically designated by the city council.
- b. Any other condition imposed by the council which is reasonably calculated to effectuate any legitimate city purpose.

E. Records of gross receipts, expenses, profits and local gambling.

1. Each organization registered to conduct lawful gambling shall keep records of its gross receipts, quantity of free plays, if any, expenses and profits for each single gathering or occasion at which gambling is conducted. All deductions from gross receipts for each single gathering or occasion at which gambling is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.
2. Gross receipts from the operation of lawful gambling shall be segregated from other revenues of the organization, and placed in a separate account. Each organization shall have separate records of its gambling operations.
3. Each organization registered to conduct lawful gambling shall report monthly to its membership, and to the city council, its gross receipts, expenses and profits from gambling, and the distribution of profits itemized as required in this section.

4. The city council shall require an annual financial audit of any organization that conducts lawful gambling in the City of Falcon Heights at the organization's expense. The audit shall include information on all gross receipts, profits, and expenses incurred by the organization in the conduct of lawful gambling as well information on uses of profits. The audit report shall be submitted to the city council at the time of the organization's registration but no later than ninety (90) days after the end of the gambling license year.
5. Any licensed organization that changes gambling managers during the license year shall report such change in writing within seven (7) days to the city clerk.
6. Each licensed organization shall remit to the city each month three percent of the gross receipts of the licensed organization from charitable gambling within the city in the previous month, less the cost of all prizes actually paid out by the organization for that month. Such remittance may be used by the city only for the purpose of regulating lawful gambling and any excess funds collected shall be returned, pro rata, to the taxed organizations annually by March 15 for the preceding calendar year.

5-4.01 Fees

1. Utility Charge Statements. Statements for utility charges for the preceding quarterly period shall be mailed to each customer on the 20th day of December, March, June and September. Payments are due and payable on or before the last day of business of January, April, July and October.
2. Penalty for Late Payment. Each quarterly billing for utility fees not paid when due shall incur a penalty charge of ten percent (10%) on any unpaid balance. No penalty will be abated by the city council.
3. Special Assessments. All such fees which are not paid by due date shall be in default and the council may, in addition to other remedies, annually levy an assessment for any unpaid fees against each

Consent 4
1/23/02

ITEM: 2002 Roster of Officers/Duties

SUBMITTED BY: Clem Kurhajetz, Fire Chief

REVIEWED BY: Heather Worthington, Administrator

EXPLANATION/DESCRIPTION:

The Council is being asked to approve 2002 Roster of Officers and their Duties for the Falcon Heights Fire Department. The position of Chief 3 is currently vacant, and will be filled as soon as possible.

ATTACHMENT:

Officer Duties for 2002

ACTION REQUESTED:

Approve the 2002 Roster of officers and their duties.

OFFICER DUTIES FOR 2002

<u>OFFICER RANK</u>	<u>RESPONSIBILITIES</u>	<u>NAME</u>
Fire Chief	Overall operations	Clem Kurhajetz
Chief 2	Sleeper/Radios/Trucks Payroll/Station	Mike Clarkin
Chief 3		
1 st Captain	SCBA, 752, Equipment on 752	Mark Allen
2 nd Captain	Training, Personal equipment	Leo Lindig
3 rd Captain	Personnel, 753, Equipment on 753	Dan Johnson-Powers
4 th Captain	757, Small Engines, Equipment on 757	Dusty Thune
Training Committee:	Leo Lindig, Dusty Thune, Al Hernandez	
Application Committee:	Mark Allen, Dan Johnson-Powers, Laurel Sandberg, Dusty Thune	
SOG's & SOP's:	Dusty Thune	
Forms and Information:	Dan Johnson-Powers, Kevin Anderson	

Policy 1
1/23/02

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

SUBMITTED BY: Heather Worthington, City Administrator

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

EXPLANATION/DESCRIPTION:

The Council is being asked to consider approving a one-year contract in the amount of \$2,548.00 with SafeAssure to bring the city into compliance with the United States and Minnesota Department of Occupational Health and Safety (OSHA).

This organization will make sure that the necessary city safety policies are in place, as well as inspect city facilities to ensure compliance, and offer training for staff members. The proposal includes an inspection of the Fire Department, but not training, as that is done at their weekly drill nights. The proposal is being made in conjunction with similar proposals for Little Canada and Lauderdale because training is shared with these two small cities. To date, the city has completed two years of training and compliance inspections with SafeAssure, and these have been worthwhile and valuable for staff. This group contracts with several metro area cities. The parks and public works staff has been pleased with this service. The costs would be paid for through administrative training (20%), parks and public works training (50%), and sanitary sewer funds (30%). The amount will be paid in one lump-sum payment, which will save the city \$144.00 over last year's contract amount.

ATTACHMENT:

- Proposal from SafeAssure (2 pages)

ACTION REQUESTED:

- Discussion
- Approval of contracting for this service through SafeAssure at the amount of \$2,548.00.

SafeAssure

consultants, inc.

JAN 14 2002

Ms. Heather Worthington, City Administrator
City of Falcon Heights
2077 W. Larpenteur
Falcon Heights MN 55113

Dear Ms. Worthington:

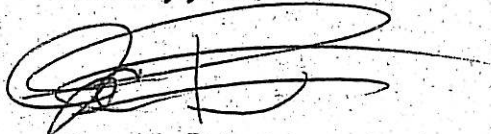
Thank you so much for your business. We really appreciate your cooperation and assistance in our combined attempt to provide a safe work place for your employees.

This year you will notice several changes and some additions to your written programs. We will be providing you with a new/improved "safety manual". This will be your "master" manual. At all times this manual will have all of your current OSHA programs and addendums. The contents will be closely monitored by your "primary consultant". Should you need more manuals we would suggest that you make copies of the programs you need from this "master" manual and distribute copies to the various departments where extra manuals are kept.

You will kick off the new contract year with a "Management/Supervisor Safety Responsibilities" class. It is important that we are all on the same page when it comes to safety. Plus we want you to get the most for your buck out of SafeAssure. This session will give you and your managers/supervisors the opportunity to better understand our position and how we can best work with them. We will introduce our new "Safety Matters" campaign at this session. "Safety Matters" is a volunteer, goal setting program meant to more tightly monitor safety in your workplace and then recognize safety accomplishments. I think you'll like this program.

Please feel free to call us at any time with all of your OSHA questions and concerns.

Sincerely yours,



Jarrod L. Peterson

C:File

SafeAssure Consultants Inc.

513 5th St. SW
PO Box 281
Willmar, MN 56201

Invoice

DATE	INVOICE #
11/16/2001	1

BILL TO
Falcon Heights 2077 W Larpenteur Falcon Heights MN 55113

P.O. NO.	TERMS	PROJECT
	Due on signing	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Safety Training, Annual	2,548.00	2,548.00
Thank you!! Work Safely!		Total	\$2,548.00

Date

The Honorable Jesse Ventura
Governor, State of Minnesota
130 State Capitol
75 Constitution Avenue
Saint Paul, Minnesota 55155

Dear Governor Ventura:

I would like to call your attention to a legislative proposal that will be introduced in the 2002 legislative session. It calls for the State of Minnesota to restrict, with reasonable exceptions, the **sale and use of lawn fertilizers that contain phosphorus**. The City Council of _____ supports this legislation, and we concur with the policies on it that the League of Minnesota Cities (LMC) and Association of Metropolitan Municipalities (AMM) recently adopted.

Many local elected officials, including myself, are concerned about the quality of water in our communities. Phosphorus is the key chemical element that turns our lakes and streams from blue to green with algae blooms. Across vast parts of the state, phosphorus naturally exists in abundance in the soil. So it's not necessary to add phosphorus fertilizers to lawns. Phosphorus in lawn fertilizers causes around 25 percent of the phosphorus loading in our stormwater systems.

Stormwater systems are a critical part of our city's strategy for water quality management required by the State. They cost money for our residents and businesses to build and maintain – paid to their city, watershed district, and sanitary sewer authority. Reducing the amount of phosphorus in the system will reduce the cost of local governments to perform on this responsibility — and that's important to me as mayor of _____.

Residents pay for phosphorus they don't need when they buy fertilizer, and everybody pays to remediate the effects of this phosphorus they don't need. It doesn't make sense, and it's not good stewardship of the environment or the public's money.

We believe that the best way – the most efficient and effective way – to address this matter is for the State to control what types and kinds of lawn fertilizers can be sold in Minnesota. Our City, and cities throughout the state, are not capable of being fertilizer police. The time is right for this new law.

Sincerely,

Name
Mayor

Policy 2

1/23/02

ITEM: Consideration of a resolution relating to restrictions on the use and sale of phosphorous lawn fertilizers

SUBMITTED BY: Heather Worthington, City Administrator

REVIEWED BY: Mayor Gehrz

EXPLANATION:

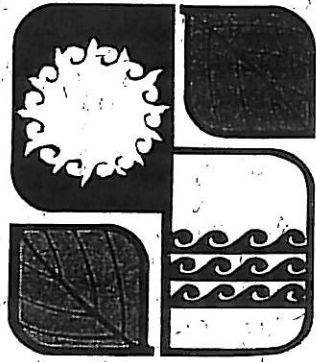
Summary: The City of Shorewood has been working on legislation that would regulate the sale and use of phosphorous lawn fertilizers in Minnesota. Mr. Craig Dawson, the Shorewood City Administrator has agreed to make a presentation to the Council tonight regarding the proposed legislation, and the impact of such legislation.

ATTACHMENTS:

Letter from Shorewood Mayor Woody Love
Draft letter for Governor Ventura
Draft Resolution
Information regarding phosphorous
List of cities that have adopted or considered the resolution

ACTION REQUESTED:

Presentation by Mr. Dawson
Discussion
Adoption of draft resolution



OCT 10 2001

CITY OF SHOREWOOD

5755 COUNTRY CLUB ROAD • SHOREWOOD, MINNESOTA 55331-8927 • (952) 474-3236
FAX (952) 474-0128 • www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

October 8, 2001

Mayor Sue Gehrz
City of Falcon Heights
2077 Larpenteur Avenue West
Falcon Heights, MN 55113-5551

Dear Mayor Gehrz:

As you may recall from my earlier letters to you, the City of Shorewood has been working diligently for new legislation that will make a notable improvement in water quality. This legislation calls for State-level regulation of the use and sale of lawn fertilizers containing phosphorus ("P", the middle of the three numbers on fertilizer mixes). This chemical element is generally unnecessary in Minnesota, and it significantly degrades the quality of surface waters throughout the state. Residents pay for an element they don't need, and then they pay again – with millions of public dollars in the construction and operation of stormwater and wastewater facilities – to remove its effects. Our initiative is to require zero phosphorus in lawn fertilizers used and sold in Minnesota, except under certain reasonable circumstances. With State regulation, there will be a level playing field for retailers of lawn and garden products across Minnesota, and cities won't have to be fertilizer police.

Throughout the summer, a coalition favoring this legislation has been growing, and key legislators have been contacted. We are very optimistic about the chance for success next session. Recently,

- The Improving Service Delivery Committee of the League of Minnesota Cities (LMC) has recommended a policy requesting State regulation of the use and sale of lawn fertilizers. This policy will be considered for adoption by the full membership of the League on November 16.
- The Metropolitan Agencies Committee of the Association of Metropolitan Municipalities (AMM) has recommended a policy requesting State regulation of the use and sale of lawn fertilizers in the metropolitan area. This policy will be considered for adoption by the full membership of the AMM on November 1.
- More than 30 cities and several water management organizations throughout Minnesota have adopted resolutions of support for this legislation. The population represented by the cities is over 1.1 million, or over 20 percent of the residents of Minnesota.
- The City of Minneapolis has just adopted an ordinance regulating the use and sale of lawn fertilizers. The City of Saint Paul will consider a similar ordinance in the very near future. These ordinances underscore the importance of addressing phosphorized lawn fertilizers, in the absence of a more effective and economical approach that should be assumed by the State.



PRINTED ON RECYCLED PAPER

Letter re: Legislation on Phosphorized Lawn Fertilizers
October 8, 2001
Page 2

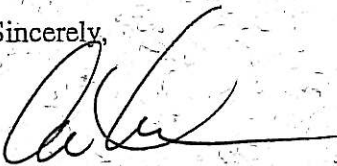
How You Can Help: For cities that have adopted a resolution calling for State regulation, I give you my thanks and ask that you stay involved (as suggested below). For cities that have yet to adopt such a resolution, I ask that you consider doing so yet this year, so that we can show a high level of support and consensus to Legislature's next session.

- LMC and/or AMM Policy Adoption Meeting(s): If you (or your city) are able to attend either of these meetings, please vote to approve the policy regarding the use and sale of these lawn fertilizers. Your support to designate this policy as a priority for LMC or AMM in the 2002 legislative session is also important.
- Write a letter to Governor Ventura stating your support: Governor Ventura is a former mayor of Brooklyn Park. With that background, he pays special attention to communications from mayors.
- Contact your legislators: Legislators, too, pay attention to fellow elected officials. This issue is one that affects the pocketbooks of taxpayers and ratepayers of City services, and is not being proposed primarily as an environmental one. Additionally, the law would affect only urban (i.e., lawn) uses of fertilizers, and would not be pursued to open any doors to regulate agricultural uses of phosphorus.
- Financial support: Thus far, the City of Shorewood has shouldered the costs for this effort. It is likely that costs to continue this effort will be in excess of \$50,000 through the next legislative session. Shorewood only 7,400 residents; the benefits of this legislation will be statewide. Please consider what appropriate level of assistance you may be able to provide; any amount that you can forward to the City of Shorewood will be greatly appreciated.

I have enclosed several one-page items to assist you in stating support for this important, cutting-edge legislation. Please contact me at my office, (952) 470.2552, or by e-mail at woody@woodylove.com. Your city manager/administrator may wish to contact City Administrator Craig Dawson at (952) 474.3236.

Thank you for your support.

Sincerely,



Woody Love
Mayor, City of Shorewood

c: City Manager/Administrator

PROPOSED NEW POLICY

Sale of Lawn Fertilizers Containing Phosphorus

In an effort to improve and enhance surface water quality in the metropolitan area and to reduce the public resources expended to implement surface water management plans that are required by State law, the AMM supports restrictions on the use and sale of lawn fertilizers containing phosphorus and, with reasonable exceptions, a "zero" phosphorus content requirement for lawn fertilizers sold in the seven-county metropolitan area. Watersheds rarely are wholly within municipal boundaries and, to be effective, measures for water quality improvements need to be uniform and regional or statewide. Cities believe the State is the appropriate level of government for effective and economical administration and enforcement responsibility.

SD-15 Sale of Lawn Fertilizers Containing Phosphorus

Issue: Cities are required by several levels of government to improve and enhance the quality of surface waters. Surface water runs through watersheds that rarely are wholly within a city's boundaries; and to be effective, measures for water quality improvements need to be regional or statewide.

Phosphorus is a nutrient that can have a tremendous negative effect on water quality. One pound of phosphorus produces 300 to 500 pounds of algae. The cost to remove one pound of phosphorus ranges between \$200 and \$500.

Phosphorus is commonly added in lawn fertilizers sold throughout the state even though it naturally occurs in sufficient quantities in Minnesota soils to provide for healthy plant growth. Excess phosphorus from lawn fertilizers is not needed and it is carried by rain and lawn sprinkling into our storm water systems, lakes, wetlands, and streams.

City residents shoulder millions of dollars in expenses to complete and implement their surface water management plans and to provide municipal wastewater treatment systems.

Reducing the amount of phosphorus entering these systems and water bodies would result in significant savings in capital and operating costs.

The most cost-effective way to reduce phosphorus in our lakes, wetlands and streams is to prevent it from entering these systems.

Additionally, cities believe the State is the appropriate level of government for effective and economical administration and enforcement responsibility.

Response: The Legislature should adopt legislation that:

- **Restricts the sale of lawn fertilizers containing phosphorus, and requires "zero" phosphorus content**
- **Includes exceptions for establishment of new turf and for properties demonstrating a deficiency of phosphorus in their soils**
- **Exempts the naturally-occurring presence of phosphorus in organic fertilizers**
- **Is state-wide in scope, recognizing that watersheds do not observe political boundaries**
- **Provides appropriations for the State to fund and enforce this law**

City of Shorewood
10.05.01

**POPULATION OF CITIES SUPPORTING RESTRICTIONS
ON USE AND SALE OF LAWN FERTILIZERS CONTAINING PHOSPHORUS**

<u>City</u>	<u>Population</u>	(*=2000 Census)
Bloomington	85,172	*
Burnsville	60,220	*
Coon Rapids	61,607	*
Cottage Grove	30,582	*
Dayton	4,699	*
Deephaven	3,853	*
Detroit Lakes	7,348	*
Eagan	63,557	*
Eden Prairie	54,901	*
Elk River	16,447	*
Excelsior	2,393	*
Faribault	20,818	*
Golden Valley	20,281	*
Greenwood	729	*
Hutchinson	13,080	*
Litchfield	6,562	*
Little Canada	9,771	*
Little Falls	7,719	*
Long Lake	1,842	*
Minneapolis	382,618	*
Minnetonka	51,301	*
Minnetonka Beach	614	*
Monticello	7,868	*
Morris	5,086	*
Mound	9,435	*
New Hope	20,873	*
Orono	7,538	*
Plymouth	65,894	*
Prior Lake	15,917	*
Robbinsdale	14,123	*
Saint Louis Park	44,126	*
Shorewood	7,400	*
Spring Park	1,717	*
Stillwater	15,143	*
Woodland	480	*
Worthington	11,283	*

Total 1,132,997

City of Shorewood
10.05.01

Status on action re: Resolution supporting legislation restricting use and sale of lawn fertilizers containing phosphorus

Bassett Creek WMO	<u>Adopted Resolution</u>
Bloomington	<u>Adopted Resolution</u>
Burnsville	<u>Adopted Resolution</u>
Coon Rapids	<u>Adopted Resolution</u>
Cottage Grove	<u>Adopted Resolution</u>
Dayton	<u>Adopted Resolution</u>
Deephaven	<u>Adopted Resolution</u>
Detroit Lakes	Supports
Eagan	<u>Adopted Resolution</u>
Eden Prairie	<u>Adopted Resolution</u>
Edina	Referred to its Health Advisory Committee
Elk River	<u>Adopted Resolution</u>
Elm Creek WMO	<u>Adopted Resolution</u>
Excelsior	<u>Adopted Resolution</u>
Faribault	<u>Adopted Resolution</u>
Golden Valley	<u>Adopted Resolution</u>
Greenwood	<u>Adopted Resolution</u>
Hennepin County Board	Several commissioners are supportive
Hennepin Parks	<u>Adopted Resolution</u>
Hutchinson	<u>Adopted Resolution</u>
Lake Mtka Conservation District	<u>Adopted Resolution</u>
Lakeville	Referred to Environmental Affairs Committee
Litchfield	<u>Adopted Resolution</u>
Little Canada	<u>Adopted Resolution</u>
Little Falls	<u>Adopted Resolution</u>
Long Lake	<u>Adopted Resolution</u>
Minneapolis	<u>Adopted Resolution</u> ; has since adopted ordinance on matter
Minnehaha Creek Watershed Dist	<u>Adopted Resolution</u>
Minnesota Association of WSDs	<u>Adopted Resolution</u>
Minnetonka	<u>Adopted Resolution</u>
Minnetonka Beach	<u>Adopted Resolution</u>
Minnetrista	Supports legislation, provided local ordinance is not necessary
Monticello	<u>Adopted Resolution</u>
Morris	<u>Adopted Resolution</u>
Mound	Council <u>approved motion of support</u> on March 13, 2001
New Hope	<u>Adopted Resolution</u>
Oakdale	Environmental Committee supports
Orono	<u>Adopted Resolution</u>
Pioneer-Sarah Creek WtrMCmsn	<u>Adopted Resolution</u>
Plymouth	<u>Supportive Resolution</u> -- in 2001 Resolution of legislative priorities
Prior Lake	<u>Adopted Resolution</u>
Robbinsdale	<u>Adopted Resolution</u>
Saint Louis Park	Its water management plan supports restrictions for such fertilizers
Shorewood	<u>Has ordinance in place</u>
Spring Park	<u>Adopted Resolution</u>
Stillwater	<u>Adopted Resolution</u>
Woodland	<u>Adopted Resolution</u>
Worthington	<u>Adopted Resolution</u>

PHOSPHORUS LAWN FERTILIZERS

POINTS TO CONSIDER

- Phosphorus is abundant in soils throughout Minnesota. There are limits as to how much phosphorus these soils can adsorb and hold. Phosphorus in excess of the soils' carrying capacity will run off the turf, and into natural or man-made drainage systems, and eventually into streams, lakes, and wetlands.
- Approximately 80 percent of lawns in the Metropolitan region have naturally very high levels of phosphorus. The University of Minnesota soils laboratory recommends that no additional phosphorus be applied to them. The application of phosphorus fertilizer to most lawns does not improve grass growth. Over 75 percent of homeowners fertilize their lawns with phosphorus two or more times each year.
- Many studies have shown that the amount of phosphorus carried off of turf in rainfall runoff water increases as the fertility level of the soil increases. Thus, adding phosphorus fertilizer to our already phosphorus-rich soils only serves to increase the amount of this pollutant entering our lakes and rivers.
- Approximately 6 million pounds of phosphorus fertilizer are applied to turf areas in the seven-county Metro area every year.
- Studies have shown that 50 percent of the phosphorus in stormwater runoff from residential areas comes from lawns.
- Phosphorus is the nutrient which "limits" algae growth in lakes, and one pound of phosphorus will grow 300 to 500 pounds of algae blooms.
- Water management organizations in the Metro area spend millions of dollars each year to remove phosphorus from runoff. On average, it costs \$375 to remove one pound of phosphorus from runoff water.
- Eliminating phosphorus from lawn fertilizer is one of the most economical best management practices (BMPs) we can use to begin improving our lakes and rivers.
- Phosphates were removed from soaps and detergents almost 30 years ago based upon adverse impacts on water quality. Legislation regarding phosphorus in lawn fertilizers would be based on the same need.
- Proposed restrictions are limited to lawn fertilizers – not agricultural or gardening uses.
- Proposed legislation would have reasonable exceptions for establishment of new turf and demonstrated low-phosphorus soils.

Better Water Quality with Proper Lawn Fertilizers

The waters of the Land of Lakes are valuable and precious resources. Residents throughout Minnesota have a vital interest in having good water quality – for economic vitality, public health, recreation, and controlling public expenditures.

A web of factors affects the quality of our waters – our lakes, streams, and wetlands. A many-faceted approach is needed to maintain and improve water quality; there is no single “silver bullet” panacea. Preventing chemical compounds from entering the surface water system is the most cost-effective way to improve water quality.

Phosphorus (“P”): Phosphorus occurs in abundance in Minnesota soils. It is estimated that 70 to 80 percent of the soils in the state have sufficient Phosphorus for healthy plant growth. Phosphorus is also a nutrient usually included in lawn fertilizers. The vast majority of the state’s consumers are paying for something they don’t need – a limited resource mined and transported from Florida.

Soils can hold only so much phosphorus. Excess amounts are carried by rain and lawn sprinkling into stormwater systems and ditches. Fertilizers spilled on hard surfaces, such as sidewalks and driveways, are washed directly into the stormwater system – and then directly to wetlands, lakes, and streams.

What are the effects of Phosphorus on our wetlands, lakes, and streams?

- One pound of phosphorus produces 300 to 500 pounds of algae.
- Studies have shown that 50 percent of the phosphorus in stormwater runoff comes from residential lawns.
- The cost to cities and watershed districts to remove phosphorus before it enters a water body is at least \$200 per pound. This translates into millions of dollars in taxes and stormwater utility charges.

To give some indication of the magnitude of this issue, six million pounds of phosphorus fertilizer are applied to turf areas in the seven-county Metro area every year.

More Effective Regulation: While public education is an important and on-going strategy, decades of education have resulted in little behavior change in consumer habits or what is produced by the fertilizer industry. Non-phosphorus lawn fertilizers are not made by national manufacturers, Minnesota manufacturers of non-phosphorus fertilizers have not been able to compete, retailers find it difficult to stock these fertilizers, and they are usually available only at a premium price.

Simply and most effectively, the use and sale of lawn fertilizers needs to be regulated by the State. Fertilizers containing phosphorus should be allowed where they have been shown to be needed. Except in those instances, the State should restrict the use and sale of lawn fertilizers containing phosphorus. The State is the appropriate level of government – it has the needed resources and expertise, and natural watersheds don’t pay attention to local political boundaries. Cities do not have the capacity to be “fertilizer police”.

There are many Minnesota companies already producing phosphorus-free lawn fertilizers. With effective new regulations, these companies can fill the demand. This creates jobs in Minnesota, eliminates subsidies to national manufacturers and, ultimately, reduces the cost to the public for clean up of our wetlands, lakes, and streams.

ITEM: Approve hiring of city forester at 1/10 time

SUBMITTED BY: Heather Worthington, City Administrator

REVIEWED BY: Mayor Gehrz

EXPLANATION:

Summary: The city has used forestry consultants for the past several years. Staff has found the work they perform to be adequate; however, as a city with many mature trees, and several calls from residents each week about boulevard trees, we would like to offer a higher level of citizen service in a cost-effective way.

Staff recommends the hiring of Anita Twaroski as a 1/10 full-time equivalent forester to provide the following services:

- Respond to resident's questions regarding the health of their trees
- Inspect trees for disease in accordance with state statute
- Coordinate removal of diseased or damaged trees
- Manage trimming and removal contract bids
- Create list of replacement tree plantings
- Develop tree inventory
- Identify and apply for appropriate grants

Staff proposes to compensate Ms. Twaroski at \$20/hour, with no benefits or retirement. She will work approximately 20 weeks, for two ½ shifts of 4 hours each per week. This arrangement will allow us to provide more citizen service at the amount budgeted for forestry consultants in 2002 (\$4000.00).

ATTACHMENTS:

- Anita Twaroski's Resume
- City Forester job description

ACTION REQUESTED:

Approve hiring of Anita Twaroski at 1/10 time as City Forester

ANITA TWAROSKI
517 Carol Drive
Vadnais Heights, Minnesota 55127
651-407-2864

Education

B. S., Natural Resource Management, June 1981, University of Minnesota.
M. S., Urban Forestry with a minor in Statistics, March 1994, University of Minnesota.

Experience

Forestry Technician. April 1995 to November 2001. City of Roseville.

Principal responsibilities: Respond to residents concerns regarding the health of their trees and other landscape vegetation, coordinate and implement the Diseased Shade Tree program, and coordinate the removal of diseased, dying and hazardous trees on public property. Coordinate and implement tree planting/reforestation projects. Work with Roseville's Pubic Works Unit regarding identification and elimination of vegetation deemed a hazard to vehicular traffic.

City Forester. March 1996 to October 1997. City of Falcon Heights.

Principal responsibilities: Respond to residents concerns regarding the health of their trees and other landscape vegetation, coordinate and implement the Diseased Shade Tree program, and coordinate the removal of diseased, dying and hazardous trees on public property. Coordinate and implement tree planting/reforestation projects.

Planner, Intermediate. February 1994 to April 1995. Minnesota Department of Natural Resources, Bureau of Information and Education, Boat and Water Safety Unit, St. Paul, Minnesota.

Research Analyst, Intermediate. January 1993 to August 1993. Minnesota Department of Natural Resources, Division of Waters, St. Paul, Minnesota.

Research Assistant. October 1991 to May 1992. University of Minnesota, Department of Landscape Architecture, St. Paul, Minnesota.

Planner, Intermediate. March 1989 to July 1991. Minnesota Department of Natural Resources, Bureau of Information and Education, Boat and Water Safety Unit, St. Paul, Minnesota.

Pollution Control Specialist, Intermediate. January 1987 to March 1989.

Pollution Control Specialist. September 1985 to January 1987. Minnesota Pollution Control Agency, Division of Air Quality, St. Paul, Minnesota

City of Falcon Heights

Job Description

Title: City Forester

Duties

- Respond to resident's questions regarding the health of their trees
- Inspect trees for disease in accordance with state statute
- Coordinate removal of diseased or damaged trees
- Manage trimming and removal contract bids
- Create list of replacement tree plantings
- Develop tree inventory
- Identify and apply for appropriate grants

Requirements

- Bachelors degree in forestry or related subject
- Two years experience identifying diseased trees
- State of Minnesota Tree Inspectors License
- Ability to drive and walk around the City to perform inspections
- Proof of vehicle insurance

Hours

- Two four hour shifts per week from May through September
- Maximum of 185 hours per year

Wage

- \$20.00 per hour with no benefits.

Reports to

- Parks and Public Works Director

ITEM: Consideration of the 2003-2004 Police Contract with St. Anthony Village

SUBMITTED BY: Mike Mornson, City Manager, St. Anthony Village

REVIEWED BY: Heather Worthington, City Administrator
Mayor Sue Gehrz

EXPLANATION:

Summary: Attached you will find the proposed 2003-04 Police Contract with St. Anthony Village. The contract reflects a 4.5% increase for contract year 2003, and a 4.25% increase for the last year of the contract, 2004.

The contract is reviewed and re-negotiated every two years, in step with the police union contract negotiations. This year, St. Anthony Village negotiated a 3.5% and 3.25% salary increase over the next two years. In addition, the village has seen health insurance costs rise by 12%. They are also anticipating increased fuel costs, maintenance costs, and additional training needed after the events of 9/11/01.

On January 8th, all three cities involved in the contract (Lauderdale, Falcon Heights and St. Anthony) met and discussed the contract. All parties were represented by their city administrators, mayors, and in the case of St. Anthony, Chief Engstrom was also present. The cities were encouraged to raise issues of concern and discuss the contract in detail.

The current contract expires at the end of 2002. The new contract would commence on January 1, 2003.

ATTACHMENT:

Letter from Mike Mornson, City Manager, St. Anthony Village
Draft Joint Powers Agreement For Police Services

ACTION REQUESTED:

Discussion and Review
Recommendations to staff for next steps



Administrative Offices

3301 Silver Lake Road, St. Anthony, Minnesota 55418-1699

(612) 789-8881

FAX (612) 781-9323

January 3, 2002

Heather Worthington
City Administrator
2077 West Larpenteur Avenue
Falcon Heights, Minnesota 55113

Dear Heather:

Enclosed is a Joint Powers Agreement for police services for 2003 & 2004 between the Cities of Falcon Heights and St. Anthony. Staff will recommend to the St. Anthony City Council a 4.5% increase for contract year 2003 & for 2004 a 4.25% increase.

The proposed increase is necessary to offset increased costs in the following areas:

- ✓ Salaries – Union contract for salaries will increase 3.5% and 3.25% over the next two years.
- ✓ Health insurance increased 12%.
- ✓ Increasing costs of maintenance (labor, tires, parts & etc.).
- ✓ Fuel costs are expected to continue to rise.
- ✓ Upgrade of records management/computer system.
- ✓ Hennepin/Ramsey County 800 MHZ/VHF radio system.

The proposed increase listed below is contingent on a favorable approval of the St. Anthony City Council:

2002 <u>Contract</u>	Proposed <u>2003</u>	Proposed <u>2004</u>
\$425,027	\$444,153	\$463,030

Sincerely,

Michael J. Mornson
City Manager

JOINT POWERS AGREEMENT
FOR POLICE SERVICES

This Agreement is made and entered into as of _____, 2002, between the CITY OF ST. ANTHONY, a municipal corporation under the laws of the State of Minnesota ("St. Anthony") and the CITY OF FALCON HEIGHTS, a municipal corporation under the laws of the State of Minnesota ("Falcon Heights"). The services to be performed under this Agreement will commence January 1, 2003.

I. PURPOSE

St. Anthony and Falcon Heights have the power within their respective cities to provide for the prevention of crime and for police protection. Under Minnesota Statutes, Section 471.59, the cities may, by agreement, provide for the exercise of the police power by one city on behalf of the other city.

This Agreement sets forth the terms and conditions under which St. Anthony will provide police services for Falcon Heights. St. Anthony will have full authority and responsibility to provide services in accordance with all enabling legislation under the laws of the State of Minnesota and the ordinances of Falcon Heights. St. Anthony will provide feedback to the Falcon Heights City Administrator and City Council on a regular and timely basis, and will actively support the creation of a joint advisory committee pursuant to Section IX of this Agreement, whose members come from both cities, and whose purpose is to review, monitor, and ensure a successful relationship between the two cities under this Agreement.

II. INTERPRETATION

This Agreement is entered following the preparation by Falcon Heights of a Request for Proposal for Police Services and the submission of a responsive Proposal by St. Anthony (the "Proposal"). To the extent that any of the provisions of this Agreement are inconsistent with the provisions of the Proposal, the provisions of this Agreement will control. If any provision of this Agreement is ambiguous, the parties agree that the Proposal may be looked to as evidence of the parties' intent.

III. SERVICES

St. Anthony will provide Falcon Heights with 24 hour police service, and will physically place a certified officer within the boundaries of Falcon Heights 24 hours each day, except in those instances when the officer makes an arrest and transports a prisoner, during mutual aid situations, when providing a backup for another officer,

or when called away for a court appearance, booking or similar police matter. Subject to these exceptions and in normal circumstances, St. Anthony will provide 24 hour police protection and police presence each day within the City of Falcon Heights. In those instances stated above when an officer is not physically present in Falcon Heights, St. Anthony will respond to emergency police calls with other officers.

IV. LEVEL OF SERVICES

During the term of this Agreement, St. Anthony will provide to Falcon Heights the same police service extended to persons and property within St. Anthony, which will include, but be limited to, the following:

- A. Patrol services, with random patrolling of all residential, business and public property areas during all shifts;
- B. Police presence within the boundaries of Falcon Heights 24 hours each day, subject only to the exceptions noted above;
- C. Animal control services as provided within the City of St. Anthony by the animal control service employed by St. Anthony;
- D. Enforcement of all ordinances of Falcon Heights which are intended to be enforced by police officers, with special attention being given to parking, winter and nuisance ordinances;
- E. Ticketing for traffic violations will be done routinely during normal shifts;
- F. Crime prevention programs that encourage community involvement and investment in the City of Falcon Heights, including participation in the Mayor's Commission, Family Violence Network, Neighborhood Watch Programs, "McGruff Houses," and "Combat Auto Theft" programs; in appropriate cases, referrals will be made to the Northwest Youth and Family Services Youth Diversion Program;
- G. Criminal investigations, crime lab service and supervisory service;
- H. Reports on police services and activities, including weekly, monthly and annual police reports;

- I. Responses to medical emergencies, fires and other emergencies; responses shall include, where appropriate, securing the scene for fire/rescue personnel, accompanying fire/rescue personnel to the hospital upon request of such personnel, and providing follow-up information to fire/rescue personnel upon request of such personnel;
- J. Officers will be available at Falcon Heights City Hall to answer questions from, and provide information regarding police activities to, Falcon Heights residents, business owners and staff on an as-needed basis;
- K. License inspections, background investigations and license enforcement services as called for under applicable state law or city ordinances;
- L. Review and comment, upon request, of proposed Falcon Heights ordinances affecting police services or enforcement;
- M. Follow-up on reported crimes with the person(s) who reported the crime, including routine notification by telephone or mail as to the status of the investigation; and
- N. Special event traffic patrol services, including ten days per year during the State Fair; and other events such as periodic parades and the National Street Rods Association Convention.

V. PAYMENT FOR SERVICES

This Agreement will be effective January 1, 2003 and will continue until December 31, 2004, In consideration of the services to be provided under this Agreement, Falcon Heights will pay St. Anthony an annual fee of \$444,153 for the year 2003, and an annual fee of \$463,030 for the year 2004, for the police services under this Agreement. This Agreement will be effective January 1, 2003 and will continue indefinitely unless canceled in accordance with the procedure outlined in Section XX of this Agreement. In consideration of services provided for under this Agreement, St. Anthony and Falcon Heights shall establish the fee for these services on a biennial basis by May 15th of the even numbered year preceding each biennium.

VI. METHOD OF PAYMENT

St. Anthony will bill Falcon Heights monthly for 1/12 of the annual fee, and Falcon Heights will promptly remit payments to St. Anthony within 30 days after receiving each billing from St. Anthony.

VII. LIABILITY

St. Anthony will be responsible for all liability incurred as a result of the actions of St. Anthony police officers under this Agreement, and will hold Falcon Heights, its officers and employees harmless for any liability resulting from actions of a St. Anthony employee and shall defend Falcon Heights, its officers and employees, against any claim for damages arising out of St. Anthony's performance of this Agreement; provided, however that if the claim, action or liability is one which is insured by St. Anthony's liability insurer, Falcon Heights will bear the first \$5,000.00 of expense for any such claim, action or liability, or expenses relation thereto, including attorneys' fees, to the extent not covered by the insurer because of a deductible amount under the policy (which deductible amount is currently \$10,000.00).

VIII. ADMINISTRATIVE RESPONSIBILITY

The law enforcement and police services rendered to Falcon Heights will be under the sole direction of St. Anthony. The standards of performance, the hiring and discipline of officers assigned, and other matters relating to regulations and policies related to police employment, services and activities, will be within the exclusive control of St. Anthony. The parties hereto expressly affirm the importance of work force diversity and St. Anthony agrees to use reasonable efforts, within applicable departmental budgetary limits, to recruit qualified female and minority police officers through the Minnesota Police Recruitment System.

IX. JOINT ADVISORY COMMITTEE

Both cities will appoint members to a joint advisory committee. The committee will meet at least four times each year to ensure that this Agreement and the services performed pursuant to this Agreement are meeting the expectations of both cities. Any recommendations of the committee will be strictly advisory.

X. COMMUNICATIONS, EQUIPMENT AND SUPPLIES

St. Anthony will furnish all communication equipment and any necessary supplies required to perform the services which are to be rendered under this Agreement.

XI. COOPERATION AND ASSISTANCE AGREEMENTS

Falcon Heights will be included in all cooperative agreements entered into by the St. Anthony Police Department with other police services units.

XII. HEADQUARTERS

Headquarters for services rendered to Falcon Heights under this Agreement will be located at offices owned or leased by St. Anthony. The citizens of Falcon Heights may notify headquarters or Ramsey County radio dispatch for police services requested either in person or by some other means of communication. St. Anthony officers may take routine telephone calls and complete routine reports for Falcon Heights at the Falcon Heights City Hall, and Falcon Heights will have facilities available to the officers at Falcon Heights City Hall for this purpose. The facilities will include a desk, telephone, fax and copier.

XIII. EMPLOYEES OF ST. ANTHONY

Officers assigned to duty in Falcon Heights will at all times be employees of St. Anthony. All obligations with regard to workers compensation, PERA, withholding tax, insurance, and similar personnel and employment matters will be the obligation of St. Anthony. Falcon Heights will not be required to furnish any fringe benefits or assume any other liability of employment to any officer assigned to duty within Falcon Heights.

XIV. ENFORCEMENT POLICIES

Enforcement policies of St. Anthony will prevail as the enforcement policies within Falcon Heights. A written statement of the current enforcement policies of St. Anthony will be provided in writing to Falcon Heights.

XV. ENFORCEMENT OF ORDINANCES OF THE CITY OF FALCON HEIGHTS

St. Anthony officers assigned to duty within Falcon Heights will enforce Falcon

Heights' ordinances to the extent appropriate for enforcement by police officers.

XVI. OFFICERS OF FALCON HEIGHTS

The officers assigned duty within Falcon Heights will be provided with authority to enforce the laws of the City of Falcon Heights by proper action to be taken by the Falcon Heights City Council, and while performing services under this Agreement will be considered police officers of Falcon Heights. The Chief of Police of St. Anthony will furnish to the Falcon Heights City Administrator the names of all St. Anthony police officers assigned to Falcon Heights, and all such officers will be appointed officers of the City of Falcon Heights.

XVII. OFFENSES

All offenses within Falcon Heights charged by police officers under this Agreement will be charged in accordance with Falcon Heights' ordinances when possible; otherwise, the charge will be made in accordance with the laws of the State of Minnesota or the laws of the United States of America.

XVIII. COMMUNICATIONS

St. Anthony agrees to provide the Falcon Heights Administrator with weekly, monthly and annual police reports, in a format as is mutually agreed to by the St. Anthony Police Chief and the Falcon Heights City Administrator.

The St. Anthony Police Chief will regularly communicate with the Falcon Heights City Administrator in order to ensure that Falcon Heights is knowledgeable about any police activity in the City, and at the request of the Administrator the Police Chief will make presentations to the Falcon Heights City Council.

XIX. PROSECUTION AND REVENUES

Falcon Heights will pay all costs of prosecution for all offenses charged within its boundaries or under its ordinances. LEAA funds and confiscated drug funds will be retained by St. Anthony. Fine revenues will be paid to Falcon Heights. P.O.S.T. training funds will be used for officer training.

XX. CONTINUATION OF AGREEMENT

This Agreement will be effective January 1, 2003 and will continue until terminated as described in Paragraph XXI below. In consideration for services provided under this Agreement, St. Anthony and Falcon Heights shall establish the fee for police services on a biennial basis on or before May 15th of the even numbered year preceding each biennium.

XXI. TERMINATION OF AGREEMENT

Either St. Anthony or Falcon Heights may terminate the Agreement by submitting a written notification to terminate to the City Administrator of Falcon Heights and the City Manager of St. Anthony by April 15th of even numbered years that St. Anthony or Falcon Heights intends to terminate the Agreement. Termination of this Agreement shall be effective on December 31st at 11:59 of the year that either St. Anthony or Falcon Heights terminate the Agreement.

XXII. REVIEW OF AGREEMENT

From time to time the terms and conditions of this Agreement shall be reviewed and revised as St. Anthony and Falcon Heights deem necessary.

XXIII. ASSIGNMENT

The rights and obligations of the parties under this Agreement will not be assigned, and St. Anthony will not subcontract for any services to be furnished to Falcon Heights (except as otherwise provided in this Agreement), without the prior written consent of the other party.

The parties hereto have executed this Agreement as of the date first above stated.

CITY OF FALCON HEIGHTS

CITY OF ST. ANTHONY

By: _____
Mayor

By: _____
Mayor

By: _____
City Administrator

By: _____
City Manager