

**CITY OF FALCON HEIGHTS**  
**Regular Meeting of the City Council**  
**City Hall**  
**2077 W. Larpenteur Ave.**  
**AGENDA**  
**July 10, 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: June 26, 2002
- E. PRESENTATION
1. Representative Mary Jo McGuire and Representative Alice Hausman, Minnesota House of Representatives
- F. CONSENT AGENDA:
1. General disbursements through 7/2/02, \$57,429.71  
Payroll, 6/16/02 to 6/30/02, \$17,174.24
  2. Licenses
  3. Approval of capital expenditure for sidewalk replacement
  4. Approval of contract amount with Kern DeWenter Viere Ltd. for 2001 Audit Expenses related to the GASB-34 conversion **(ADDENDUM)**
- G. POLICY AGENDA:
1. 2002 Seal Coat and Crack Seal Improvements Project
  2. Adoption of a legal fireworks ordinance
  3. Adoption of Resolution 02-14, authorizing application for the Livable Communities Demonstration Program **(ADDENDUM)**
  4. Hiring of temporary fire inspector **(ADDENDUM)**
- H. INFORMATION
- Review of proposed Noise Ordinance 02-03
- I. REPORTS FROM COUNCILMEMBERS:
- J. INFORMATION AND ANNOUNCEMENTS:
1. University of Minnesota 3<sup>rd</sup> Annual Agriculture Open House, Saturday, July 27, 9 a.m. – 1. p.m., St. Paul Campus
- K. ADJOURN

# DRAFT

City of Falcon Heights  
Council Minutes  
June 26, 2002

Mayor Gehrz called the meeting to order at 7 p.m.

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

COMMUNITY FORUM: There was no one present to speak before the council.

MINUTES: The minutes of June 12, 2002 were approved as written.

#### PRESENTATION:

Mayor Gehrz presented Certificates of Achievement to Kimberly and KatieJo Kuhens in honor of their receiving the Girl Scout Silver and Gold Awards. Both KatieJo and Kimberly stepped forward to acknowledge receipt and to say a few words about what they had to accomplish in order to be nominated for these highest awards.

#### CONSENT

1. General disbursements and payroll.
2. Licenses
3. Appointment of firefighter, Patrick Gaffney.
4. Acceptance of donation of \$500 from Falcon Heights/Lauderdale Lions Club to "Friends of the Park" fund.

#### POLICY

##### 2001 Street Repairs and Alley Improvements Project – Final Retainage Payment to Hardrives, Inc.

Administrator Worthington said the city's engineers recommended release of \$2,500 retainage payment to the contractor hired to do the 2001 Street and Alley Improvements. One final punch list item, a sidewalk replacement in the Northome area, had been completed so release of the retainage amount was recommended. Councilmember Lindstrom made a motion to approve the release of \$2,500 to Hardrives, Inc. The motion passed unanimously.

#### REPORTS FROM COUNCILMEMBERS

Councilmember Lindstrom said he had attended a meeting on Monday, June 24, with regard to the Curtiss Field improvement proposals. Another meeting will be held on July 22<sup>nd</sup>.

Lindstrom also said the Planning Commission met to discuss possible changes in the city's code on lot coverage. It currently is at 75% and the commission is considering proposing a 35 to 45% lot coverage to maximize green space.

Councilmember Talbot reported briefly on the League of Minnesota Cities conference he attended in Rochester. Talbot also talked about the Curtiss Field meeting and the drainage problem and said residents who attended the meeting were concerned about the possibility of a change in traffic patterns and how it would affect their neighborhood.

Councilmember Kuettel said that at the League of Minnesota Cities conference the city received the 2002 Homeland Security Initiatives Award.

Mayor Gehrz also mentioned several committees and workshops she attended at the LMC conference.

#### INFORMATION AND ANNOUNCEMENTS

Administrator Worthington reminded everyone of three upcoming meetings/events. One is on July 18 at City Hall dealing with the SE Corner Re-development plans. A traffic engineer will also be present at this meeting to answer questions about traffic. The second reminder is the Park Commission's second meeting regarding the Curtiss Field improvements which will be held on July 22 at City Hall. The third event is the Ice Cream Social which will be on July 25, 2002 from 6 to 8 p.m. Worthington said "Booker the Dog", a Ramsey County Library mascot will also be in attendance this year.

#### ADJOURN

The meeting adjourned at 7:25 p.m. to a short workshop.

Respectfully submitted,

Pat Phillips  
Deputy Clerk



CONSENT 1  
Meeting Date: 7/10/02

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, Finance Director

EXPLANATION/SUMMARY:

1. General disbursements through 7/2/02, \$57,429.71
2. Payroll, 6/16/02 through 6/30/02, \$17,174.24

ACTION REQUESTED: Approval

APPROVAL OF BILLS  
PERIOD ENDING: 7-3-02

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	GEHRZ, SUE	LMC ROCHESTER CONF	LEGISLAT	371.12
41338	LAURA KUETTEL	LMC EXPS ROCHESTER	LEGISLAT	482.23
	RICHARD TALBOT	LMC ROCHESTER	LEGISLAT	297.11
	KINKO'S INC.	COUNCIL ID BADGES	LEGISLAT	8.68
	LILLIE SUBURBAN NEWSPAPER	ANNUAL FINANCIAL SUMMARY	LEGISLAT	223.27
	*** TOTAL FOR DEPT 11			1,382.41
	AMERICAN OFFICE PRODUCTS	FOLDERS	ADMINIST	12.76
	AMERICAN OFFICE PRODUCTS	INK CARTRIDGE/BINDERS/PE	ADMINIST	114.55
	ICMA RETIREMENT TRUST 457	JULY/02 WORTHINGTON	ADMINIST	200.00
	MINNEAPOLIS PAPER COMPANY	COPY PAPER	ADMINIST	185.25
	NCPERS GROUP LIFE INS	JULY/02 PHILLIPS	ADMINIST	12.00
41340	PERA	JUNE 16-30 PERA WITHHOLD	ADMINIST	1,352.63
	*** TOTAL FOR DEPT 12			1,877.19
	KERN, DEWENTER, VIERE LTD	FINAL PYMT AUDIT 2001	FINANCE	5,950.00
	*** TOTAL FOR DEPT 13			5,950.00
	ESCHELON TELECOM, INC.	TELEPHONE REPAIR	COMMUNIC	56.27
41337	MCI WORLDCOM RES SVC	LONG DISTANCE CHRGS	COMMUNIC	16.05
	*** TOTAL FOR DEPT 16			72.32
41339	PAKOY, GENE	2ND QTR MECHANICALS	PLANNING	1,284.26
	*** TOTAL FOR DEPT 17			1,284.26
	GEHRZ, SUE	MAYORS EMERG PREP MEETNG	EMERGENC	74.90
	XCEL ENERGY	ELECT	EMERGENC	6.28
	KINKO'S INC.	LAMINATING SUPPLIES	EMERGENC	2.02
	*** TOTAL FOR DEPT 21			83.20
	HUGHES & COSTELLO	JULY/02 PROSECUTIONS	PROSECUT	2,556.50
	*** TOTAL FOR DEPT 23			2,556.50
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING	FIRE FIG	42.38
	EMERGENCY MEDICAL PRODUCT	GLOVES	FIRE FIG	87.39
	HENN TECH COLLEGE	CLEM-1ST RESPONDER COURS	FIRE FIG	360.00
	SUPERAMERICA	FUEL FOR FIRE TRKS	FIRE FIG	78.81
	*** TOTAL FOR DEPT 24			568.58
	BOARD OF WATER COMMISSNRS	H2O	CITY HAL	146.43
	BOARD OF WATER COMMISSNRS	SS	CITY HAL	11.69
	HAR MAR LOCK & SVC CTR	LOCK REPAIR	CITY HAL	134.83
	M-75 BUILDING MAINTENANCE	JUNE/02 CLEANING SVCS	CITY HAL	285.31
41334	J.O. THOMPSON INC.	TILE FOR KITCHEN FLOORS	CITY HAL	788.10
	*** TOTAL FOR DEPT 31			1,366.36
	EARL F ANDERSEN INC	STREET TRAFFIC SIGNS	STREETS	186.27
	INSTY-PRINTS PLUS	NO PARKING SIGNS	STREETS	240.79
	LANDS'END BUSINESS OUTFIT	PUBLIC WORKS SHIRTS	STREETS	158.95
	UNITED RENTALS	SAFETY GLASSES	STREETS	33.02
	*** TOTAL FOR DEPT 32			619.03
	PRECISION TREE COMPANY	7 TREES REMOVED	TREE PRO	1,430.30

APPROVAL OF BILLS  
 PERIOD ENDING: 7-3-02

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 34				1,430.30
	ALBRECHT	PARTS	PARK & R	48.44
	BOARD OF WATER COMMISSNRS	H20	PARK & R	17.50
	BOARD OF WATER COMMISSNRS	SS	PARK & R	23.38
	HAR MAR LOCK & SVC CTR	COMM PARK KEYS	PARK & R	25.56
41336	HOME DEPOT CRC/GECF	SAW CHAIN AND OIL	PARK & R	113.84
	ICMA RETIREMENT TRUST 457	JULY/02 MAERTZ	PARK & R	100.00
	ICMA RETIREMENT TRUST 457	JULY/02 TRETSEVEN	PARK & R	100.00
	NCPERS GROUP LIFE INS	JULY/02 MAERTA	PARK & R	12.00
	XCEL ENERGY	ELECT CURTIS PARK	PARK & R	21.88
	OFFICE MAX CREDIT PLAN	PARK SUPPLIES/RULERS	PARK & R	43.65
	OLSON POWER AND EQUIPMENT	KUBOTA PARTS	PARK & R	51.63
	ST PAUL PLUMBING&HEATING	2 RPZ TESTS	PARK & R	420.79
	SCHARBER & SONS	BLADE FOR MOWER	PARK & R	49.47
	SUPERAMERICA	FUEL	PARK & R	306.55
	QWEST	TELEPHONE 6/22	PARK & R	113.15
*** TOTAL FOR DEPT 41				1,447.84
41335	DIANE MEYER	SUMMER REC SUPPLIES	PARK PRO	170.07
*** TOTAL FOR DEPT 50				170.07
	E-Z RECYCLING, INC.	JUNE/02 RECYCLING	SOLID WA	2,559.40
	EXT INC	500 NEW RECYCLING BINS	SOLID WA	3,685.00
41342	LEWIS TRANS SYSTEMS INC	SHIPPING EXPS/RECYCLEBIN	SOLID WA	306.00
*** TOTAL FOR DEPT 56				6,550.40
	JOHN DEERE COMPANY	JD 4310 WITH ATTACHMENTS	PUBLIC W	17,631.93
	SHORT ELLIOTT HENDRICKSON	CURTIS FIELD SITE DEVELO	PUBLIC W	9,891.90
*** TOTAL FOR DEPT 65				27,523.83
	FLEXIBLE PIPE TOOL COMP.	XTC-16X-TEND-A CLAW 16'	SANITARY	329.09
*** TOTAL FOR DEPT 75				329.09
41332	WILLIAM PIECHOWSKI	TRAPPED 5 RACOONS IN ST	STORM DR	255.00
*** TOTAL FOR DEPT 76				255.00
41333	CITY OF ROSEVILLE	NEEDY YOUTH SCHOLARSHIP	MCAD	250.00
	CAROLE L. SMITH	JULY 1-15 PROF SVCS	MCAD	1,213.33
*** TOTAL FOR DEPT 84				1,463.33
	HARDRIVES INCORPORATED	FINAL PYMT RETAINAGE	NORTHOME	2,500.00
*** TOTAL FOR DEPT 88				2,500.00
*** TOTAL FOR BANK 01				57,429.71
*** GRAND TOTAL ***				57,429.71

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	6 27 02	6 SUSAN GEHRZ	31897	303.12
COM	6 27 02	12 LAURA A. KUETTEL	31898	277.05
COM	6 27 02	13 PETER C. LINDSTROM	31899	277.05
COM	6 27 02	14 RICHARD P TALBOT JR	31900	277.05
COM	6 27 02	15 ROBERT E LAMB	31901	277.05
COM	6 27 02	34 CLEMENT KURHAJETZ	31902	280.63
COM	6 27 02	35 LEO LINDIG	31903	64.64
COM	6 27 02	42 MICHAEL D CLARKIN	31904	108.52
COM	6 27 02	74 MARK J ALLEN	31905	101.58
COM	6 27 02	82 DUSTIN P THUNE	31906	64.64
COM	6 27 02	85 DANIEL S JOHNSON-POWERS	31907	54.64
COM	6 27 02	1003 HEATHER WORTHINGTON	31909	1395.72
COM	6 27 02	1007 PATRICIA PHILLIPS	31910	1072.85
COM	6 27 02	1013 WILLIAM MAERTZ	31911	1514.77
COM	6 27 02	1033 DAVE TRETSEVEN	31912	1090.52
COM	6 27 02	1038 DEBORAH K JONES	31913	946.47
COM	6 27 02	1103 DIANE MEYER	31914	829.86
COM	6 27 02	1136 ROLAND O OLSON	31915	1464.32
COM	6 27 02	1143 COLIN B CALLAHAN	31916	733.66
COM	6 27 02	1144 ANITA TWAROSKI	31917	265.61
COM	6 27 02	1165 MEGAN M MURPHY	31918	175.46
COM	6 27 02	1169 JAY PAUL KURTIS	31919	567.66
COM	6 27 02	1173 ELIZABETH M POSTIGO	31920	430.53
COM	6 27 02	1175 LAURA M SUPPES	31921	188.85
COM	6 27 02	1176 MICHAEL P ECKBERG	31922	208.18
COM	6 27 02	1178 PETER M FISCHER	31923	489.48
COM	6 27 02	1185 BAUBAK L AZAR	31924	264.61
COM	6 27 02	1187 SUSAN ENGEL	31925	146.02
COM	6 27 02	1188 NICOLE S GRAHAM	31926	316.32
COM	6 27 02	1189 JEFFREY C OLSON	31927	303.36
COM	6 27 02	1190 COLLEEN SPANGENBERG	31928	448.74
COM	6 27 02	2008 ELIZABETH L. BARRY	31929	145.45
COM	6 27 02	2009 ADAM C. BLEDSOE	31930	157.92
COM	6 27 02	2010 KELLY C. DAMROW	31931	162.54
COM	6 27 02	2011 TIMOTHY J. DAMROW	31932	130.90
COM	6 27 02	2012 KIMBERLY A. KUHENS	31933	65.11
COM	6 27 02	2013 KATIE JO KUEHNS	31934	117.98
COM	6 27 02	2014 SARA C. KELLER	31935	301.97
COM	6 27 02	2015 CARTER T. LEE	31936	131.59
COM	6 27 02	2016 STACI L. SAMSON	31937	211.45
COM	6 27 02	2017 MATTHEW S. SEIFFERT	31938	172.92
COM	6 27 02	2018 ANNA M. SHELDON	31939	166.46
COM	6 27 02	2019 PRIYA M. SURY	31940	162.08
COM	6 27 02	2020 LEAH M. SVENTEK	31941	207.10
COM	6 27 02	2021 JOHANNA R. WINTERS	31942	101.81

COMPUTER CHECKS	17174.24
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

\*\*\*\*TOTALS\*\*\*\* 17174.24





CONSENT 2  
Meeting Date: 7/10/02

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

**MECHANICAL CONTRACTOR**

Suburban Air Conditioning Co. Inc.  
Fridley, MN

Lic. #02-727

ACTION REQUESTED: Approval



**Consent 3**  
**7/10/02**

**ITEM: Approval of capital expenditure for sidewalk replacement**

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

**REVIEWED BY: Bill Maertz, Director of Parks and Public Works**  
**John Anderson, H.R. Green**

**EXPLANATION:**

Summary: The council allocated \$15,000 for repair and replacement of city sidewalks in the 2002 Capital Infrastructure Budget. This year, the city is focusing on the Northhome neighborhood, specifically California and Idaho Avenues. We are recommending awarding of the contract for this work to Midwest Concrete Driveway in the amount of \$9,850.00. This project will replace 1,482 feet of sidewalk this year.

**ATTACHMENTS:**

- Letter from John Anderson, H.R. Green
- Bid Tabulation
- 2002 Sidewalk Replacement Areas

**ACTION REQUESTED:**

Approval of expenditure in the amount of \$9,360.00 for repair and/or replacement of sidewalks.





# Howard R. Green Company

July 2, 2002  
File: 818430J-0325

Ms. Heather Worthington  
City of Falcon Heights  
2077 Larpenteur Avenue West  
Falcon Heights, MN 55113-5551

RE: 2002 SIDEWALK IMPROVEMENTS

Dear Ms. Worthington:

The City received quotes to complete the 2002 Sidewalk Improvement project on July 2, 2002. Requests were sent to seven contractors. One quote was returned by Midwest Concrete Driveway. We have marked the sidewalk to be replaced as part of this project. We measured the exact dimensions of the areas to be replaced, which totals 1,480 square feet and identified two pedestrian ramps to be replaced. The total construction cost in this quote is \$9,850.00

The completion date for this project is scheduled for September 27, 2002. Further scheduling issues will be worked out at the pre-construction conference. No work will be permitted prior to a pre-construction conference being held to coordinate the work. We will provide periodic inspection of the work as it progresses.

The project requires City staff to complete restoration along the completed sidewalk as has been done in previous years. We will coordinate this work with the contractor and City staff.

We recommend award of this contract to Midwest Concrete Driveway in the amount of \$9,850.00

If you have any additional questions or concerns, please contact us.

Sincerely,

Howard R. Green Company

John M. Anderson, P.E.  
Project Engineer

Attachment

cc: Bill Maertz, Public Works Director

**BID TABULATION**

PROJECT: 2002 SIDEWALK IMPROVEMENTS  
 OWNER: CITY OF FALCON HEIGHTS  
 OPENING DATE: 2-Jul-02  
 ENGINEER: HOWARD R. GREEN COMPANY

ITEM NO.	ITEM	UNIT	QTY.	MIDWEST CONCRETE DRIVEWAY	
				UNIT PRICE	TOTAL PRICE
<b>SCHEDULE 1.0 SIDEWALK</b>					
1	REMOVE AND REPLACE 4" CONCRETE	SF	1480	\$ 6.25	\$ 9,250.00
2	REMOVE AND REPLACE CONCRETE PEDESTRIAN RAMP	EACH	2	\$ 300.00	\$ 600.00
T	SCHEDULE 1.0 - SIDEWALK -- TOTAL				<b>\$ 9,850.00</b>

**2002 SIDEWALK REPLACEMENT AREAS**

<b>Address</b>	<b># of panels</b>	<b>Length (LF)</b>	<b>Width (LF)</b>	<b>Area (SF)</b>
<b><u>4" Concrete Sidewalk Removal and Replacement</u></b>				
1345-1349 California Avenue	4	25	4	100
1367 California Avenue	5	25	4	100
1403 California Avenue	10	60	4	240
1433-1443 California Avenue	15	112	4	448
1485-1491 California Avenue	3	15	4	60
1391 Idaho Avenue	2	8	4	32
1391-1395 Idaho Avenue	1	5	4	20
1407 Idaho Avenue	7	35	4	140
1463 Idaho Avenue	1	5	4	20
1463 Idaho Avenue	sidewalk to street	9	4	36
1469 Idaho Avenue	3	15	4	60
1490 Idaho Avenue	10	50	4	200
1511 Idaho Avenue	3	15	4	60

1516

**TOTAL REPLACEMENT AREA = 1516 SF**

**Concrete Pedestrian Ramp Removal and Replacement**

1463 Idaho Avenue                      PED RAMP  
 1511 Idaho Avenue                    PED RAMP to Arona

**2 PEDESTRIAN RAMP REPLACEMENTS**





**ADDENDUM  
Consent 4  
7/10/02**

**ITEM: Approval of contract amount with Kern DeWenter Viere Ltd. for  
2001 Audit expenses related to the GASB-34 conversion**

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

**REVIEWED BY: Roland Olson, Finance Director**

**EXPLANATION:**

Summary: The city's auditors, Kern DeWenter Viere, Ltd, presented a three-year contract which included audit expenses for 2001 totaling \$9,800.00, plus unknown expenses related to the GASB-34 conversion. The final billing for the 2001 audit was \$14,300, \$4,500 of which was related to the GASB-34 conversion. Since the Council approved the preliminary audit amount of \$9,800 earlier this year, staff is requesting that the Council formally approve the final audit amount which reflects the \$4,500 needed to satisfy the GASB-34 audit conversion requirements.

**ACTION REQUESTED:**

Approval of final contract amount to Kern DeWenter Viere, Ltd. for the 2001 Comprehensive Financial Audit Report.

**ITEM:** 2002 Seal Coat and Crack Seal Improvements Project

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

**REVIEWED BY:** John Anderson, H.R. Green Company  
Roland Olson, Finance Director

**EXPLANATION:**

Summary: The 2002 Budget allows \$32,000 for seal coating in the NE Quadrant neighborhood this summer. That area of the city was reconstructed in 1999, and the pavement is now in need of crack sealing and seal coating in order to maintain the roadway and prevent future damage. Bids for this project were higher than anticipated based on last year's seal coat project in Northome. The two bids for the Seal Coat and Crack Seal with Alternate 1.0 (see bid tabulation) received were as follows:

Pearson Brother's Inc.	\$44,762.60
Allied Blacktop	\$48,171.30

Last year's sealcoat used a buckshot aggregate for the final coat, and much of that material does not adhere completely to the tar sometimes. As a result, staff has researched some new material for seal coating, and found that a granite chip will have more durability, better adherence to the tar, and a better appearance overall than the traditional pea gravel used in years past. The granite chip has a slightly higher cost than pea gravel, but typically lasts about two years longer. Several cities in the north metro have gone to the granite chip and are pleased with the results. Since the durability of this material is higher, our engineers anticipate a cost savings over time despite the higher material cost. The difference in cost between the buckshot and the granite chip is roughly \$1,000 for this project.

Another issue identified by staff is the classification of seal coating as a general fund project rather than a capital fund project. The city adopted the Pavement Management Plan last year in preparation for the GASB-34 auditing requirements. This creates a structure in which seal coating and other planned maintenance of our streets may fall under the capital fund designation. If the auditors advise us to make this change, we would then request that the Council approve a budget amendment sometime towards the end of this year. There are adequate funds in the Infrastructure Fund to cover the \$12,762.60 difference between the bid amounts and the budgeted amount.

**ATTACHMENTS:**

Letter from John Anderson, including bid tabulation

**ACTION REQUESTED:**

Authorize staff to contract with Pearson Brothers, Inc. for the 2002 Seal Coat and Crack Seal Improvements Project in the amount of \$44,762.60.





# Howard R. Green Company

July 2, 2002

File: 818170J-0060

Ms. Heather Worthington  
City Administrator  
2077 Larpenteur Avenue West  
Falcon Heights, MN 55113-5551

RE: 2002 SEAL COATING AND CRACK SEALING

Dear Ms. Worthington:

As you know, today the City opened bids for the above-named project. Two bids were received for the project. The low base bid and low alternate bid were from Pearson Brothers.

We have worked with Bill Maertz to develop an alternate bid for this project which will provide a higher quality and more durable seal coating aggregate. The cost differential between the two options is minimal and the benefits should prove to provide a long-term cost savings for the City. The granite aggregate in the alternate bid will prove to be more durable and should last longer than the buckshot aggregate that has been used in previous years. This change is another step we are recommending in the City's shifting focus from reconstruction to maintenance.

Pearson Brother's Inc., has provided quality service to the City on previous projects. We recommend the City award the project to include the rout and seal cracks and the alternate seal coat aggregate in the amount of \$44,762.60 to Pearson Brothers, Inc., as shown on the attached bid tabulation. The other bid received for this project with the recommended scope was in the amount of \$48,171.30.

If you have any questions regarding this project, please feel free to give me a call.

Sincerely,

Howard R. Green Company

John M. Anderson, P.E.  
Senior Project Engineer

JMA:mw

Enclosure

BID TABULATION

PROJECT: 2002 SEAL COAT AND CRACK SEAL IMPROVEMENTS  
 OWNER: CITY OF FALCON HEIGHTS  
 OPENING DATE: July 2, 2002  
 ENGINEER: HOWARD R. GREEN COMPANY

ITEM NO.	ITEM	UNIT	QTY.	PEARSON BROS., INC.		ALLIED BLACKTOP	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
				\$	\$	\$	\$

SCHEDULE 1.0 - SEAL COAT AND CRACK SEAL

1	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	17560	1.05	18,438.00	1.10	19,316.00
2	SEAL COAT AGGREGATE, FA-2 BUCKSHOT	TON	880	20.44	17,987.20	24.75	21,780.00
3	ROUT & SEAL CRACKS	LB	4920	1.48	7,281.60	1.14	5,608.80
T	SCHEDULE 1.0 - SEAL COAT AND CRACK SEAL -- TOTAL					43,706.80	46,704.80

ALTERNATE 1.0 - ALTERNATE SEAL COAT AGGREGATE

1	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	15450	1.20	18,540.00	1.25	19,312.50
2	SEAL COAT AGGREGATE, FA-2 GRANITE	TON	775	24.44	18,941.00	30.00	23,250.00
T	ALTERNATE 1.0 - ALTERNATE SEAL COAT AGGREGATE -- TOTAL					37,481.00	42,562.50

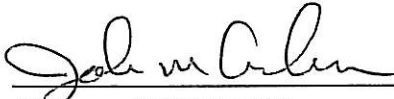
BID SUMMARY -- TOTAL

SCHEDULE 1.0 - SEAL COAT AND CRACK SEAL					43,706.80		46,704.80
ALTERNATE 1.0 - ALTERNATE SEAL COAT AGGREGATE					37,481.00		42,562.50

RECOMMENDED OPTION

ALTERNATE 1.0 - ALTERNATE SEAL COAT AGGREGATE					37,481.00		42,562.50
SCHEDULE 1.0, ITEM #3 - ROUT AND SEAL CRACKS					7,281.60		5,608.80
T	TOTAL RECOMMENDED OPTION					44,762.60	48,171.30

I HEREBY CERTIFY THAT THIS IS AN ACCURATE TABULATION OF THE BIDS RECEIVED FOR THE ABOVE MENTIONED PROJECT.



NAME: John M. Anderson, P.E.

DATE: July 2, 2002

MN REG. NO. 25889

**ITEM:** Adoption of a legal fireworks ordinance

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

**REVIEWED BY:** Roger Knutson, City Attorney

**EXPLANATION:**

Summary: During the 2002 Session, the State Legislature legalized certain fireworks for the first time since the 1940's. They made no provision for the use, or time of use of fireworks, other than a general provision that they not be used on public property.

It has been recommended that city clarify its role in enforcing the local regulation of fireworks by adopting an ordinance covering the use of fireworks within their boundaries on public and private property. This ordinance does not cover the purchase of legal fireworks, as that is addressed in the state statute.

**ATTACHED:**

Draft ordinance, No. 02-04<sup>02</sup>

**ACTION REQUESTED:**

Adoption of Ordinance 02-04<sup>02</sup> regulating the use of legal fireworks on private and public property

CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 02-04

**AN ORDINANCE AMENDING CHAPTER 8  
OF THE FALCON HEIGHTS CITY CODE  
CONCERNING FIREWORKS**

THE CITY COUNCIL OF FALCON HEIGHTS, MINNESOTA ORDAINS:

**SECTION 1.** Chapter 8, Section 3 of the Falcon Heights City Code is amended by adding Section 8-3.05 to provide as follows:

**8-3.05:                    LEGAL FIREWORKS.**

The following items which are defined as "legal fireworks" may not be used on public property or on private property without the consent of the private property owner:

*Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200- grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.*

**SECTION 2.** This ordinance shall be effective immediately upon its passage.

**ADOPTED** this 10th day of July, 2002, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Sue Gehrz, Mayor

ATTEST:

\_\_\_\_\_  
Heather Worthington, City Administrator/Clerk



**ADDENDUM  
Policy 3  
7/10/02**

**ITEM: Adoption of Resolution 02-14, authorizing application for the Livable Communities Demonstration Program**

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

**EXPLANATION:**

Summary: As in the past, the city is required to pass a resolution of support for funding applications to the Metropolitan Council in the Livable Communities Demonstration Account funding. This resolution will accompany a \$1,000,000 request to the Met Council for funding for the SE Corner Redevelopment Project.

This grant application will cover the construction of a transit shelter, the relocation of utilities, streetscaping, pedestrian links, and underground parking on the site. This application is due Monday, July 15<sup>th</sup>, and funds will be made available late this fall.

**ACTION REQUESTED:**

Adoption of Resolution 02-14, authorizing application for the Livable Communities Demonstration Program

**RESOLUTION NO. 02-14**

**CITY OF FALCON HEIGHTS, MINNESOTA**

**AUTHORIZING APPLICATION  
FOR THE LIVABLE COMMUNITIES DEMONSTRATION PROGRAM**

**WHEREAS** the City of is a participant in the Livable Communities Act's Housing Incentives Program for 2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Livable Communities Demonstration Account; and

**WHEREAS** the City has identified a proposed project within the City that meets the Demonstration Account's purpose/s and criteria; and

**WHEREAS** the City has the institutional, managerial and financial capability to ensure adequate project administration; and

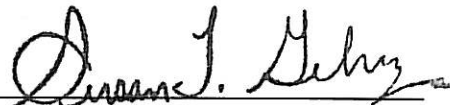
**WHEREAS** The City certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

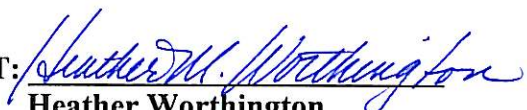
**WHEREAS** the City Council of , Minnesota agrees to act as legal sponsor for the project contained in the Demonstration Account application submitted on, 2002;

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to apply to the Metropolitan Council for this funding on behalf of the City of and to execute such agreements as are necessary to implement the project on behalf of the applicant.

**ADOPTED** this 10th day of July, 2002, by the City Council of the City of Falcon Heights, Minnesota.

**CITY OF FALCON HEIGHTS**

BY:   
Susan L. Gehrz, Mayor

ATTEST:   
Heather Worthington  
City Administrator/Clerk

**ADDENDUM**  
**Policy 4**  
**7/10/02**

**ITEM:** Hiring of temporary fire inspector

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

**REVIEWED BY:** Roger Knutson, City Attorney

**EXPLANATION:**

Summary: The City is currently negotiating with the City of Little Canada to finalize an arrangement to share a fire inspector. Until this agreement is finalized, staff is recommending the hiring of Jerry Malietzki on a temporary basis to do fire inspections for Falcon Heights. Mr. Malietzki is a licensed fire inspector, and is currently working part-time for Little Canada. He is also a 20-year veteran of the Little Canada Fire Department, and is currently Assistant Chief. Mr. Malietzki will be an at-will employee, and his term of employment will not exceed 90 days.

Staff expects to have a draft agreement prepared for Council review sometime in late August. Until that time, Mr. Malietzki will be available to help Falcon Heights and Lauderdale complete fire inspections.

**ACTION REQUESTED:**

Approve the temporary hiring of Jerry Malietzki to serve as Fire Inspector for a period not to exceed 90 days.

**Information**  
**7/10/02**

**ITEM:**                    **Review of proposed Noise Ordinance 02-03**

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

**REVIEWED BY:** **Roger Knutson, City Attorney**  
**Captain John Ohl, SAPD**  
**Pat Phillips, Deputy Clerk**

**EXPLANATION:**

Summary: The city has an existing noise ordinance under Chapter 8. Staff has been working with the city attorney to review and revise the existing ordinance so that it is more specific to some common complaints our residents have about noise levels, while ensuring that the new ordinance is enforceable.

The ordinance has been reviewed by the above, and recommended changes have been made. This ordinance will be on the July 24<sup>th</sup> agenda for your consideration.

**ATTACHMENTS:**

Ordinance 02-03



**DRAFT**

CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 02-03

**AN ORDINANCE AMENDING CHAPTER 8  
OF THE FALCON HEIGHTS CITY CODE  
CONCERNING NOISE**

THE CITY COUNCIL OF FALCON HEIGHTS, MINNESOTA ORDAINS:

**SECTION 1.** Section 8-2.02, subparts D and E of the Falcon Heights City Code are repealed.

**SECTION 2.** Chapter 8 of the Falcon Heights City Code is amended by adding Section 5 to read as follows:

**SECTION 5. NOISE.**

**8-5.01 Definitions.**

Words and phrases defined in this Section have, when used in this ordinance, the meanings given below. Any other word or phrase used in this ordinance, and defined in regulations of the Minnesota Pollution Control Agency Noise Pollution Control Rules Chapter 7030, has the meaning given in those regulations.

- A. *Air Circulation Device* means a mechanism designed and used for the controlled flow of air used in ventilation, cooling, or conditioning, but not limited to, central and window air conditioning units.
  
- D. *Person* means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, "person" shall include employees and licensees.

**8-5.02 Noises Prohibited.**

- A. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any persons or precludes their enjoyment of

property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following sections.

- B. Horns, Audible Signaling Devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger, as required by Minnesota Statutes 169.68.
- C. Exhaust. No person shall discharge the exhaust, or permit the discharge of the exhaust, of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, recreational vehicle or snowmobiles except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- D. Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- E. Loading, Unloading, Unpacking. No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.
- F. Radios, Tape Player, Compact Disc Player, Paging System; etc.
  - 1. General Prohibition. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, tape player, compact disc player, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, comfort, safety, or welfare of any persons or precludes their enjoyment of property or affects their property value.
  - 2. Nighttime Prohibition. Operation of any such set, instrument, tape player, compact disc player, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of fifty feet (50') if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- G. Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- H. Loudspeakers, Amplifiers for Advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial

advertising or attracting the attention of the public to any commercial establishment or vehicle.

- I. Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of any person by its frequent or continued noise. For purposes of this section, "disturbs the comfort or repose of any person by its frequent or continued noise" means any one of the following:
  - 1. The animal noise occurs at a time between 10:00 p.m. and 7:00 a.m. and can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes; or
  - 2. The animal noise can be heard five hundred feet (500') from the location of the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes; or
  - 3. The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for a period of at least five (5) minutes.
  
- J. Schools, Churches, Hospitals, etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, hospital, or home for the elderly when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

### **8-5.03 Hourly Restriction on Certain Operations.**

- A. Recreational Vehicles and Snowmobiles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any snowmobile or other recreational vehicle not licensed for travel on public highways.
  
- B. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, leaf blower/vacuum, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m.
  
- C. Refuse Hauling and Recycling Collection. No person shall collect or remove garbage or refuse or collect designated recyclables in any residential district except between the hours of 7:00 a.m. and 10:00 p.m.
  
- D. Construction, Maintenance, and Repair Activities. No person shall engage in or permit construction, maintenance, and repair activities involving the use of any kind of electric, diesel, or gas-powered motor vehicles or machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m.



E. Exceptions. The following uses and activities are exempt from this section as specified below:

1. Snow removal motor vehicles, equipment, and operations are exempt from subsections B and D above.
2. Excavation/grading operations are exempt from subsection D above.
3. Equipment and vehicles used for maintenance or public or private golf courses, public and private driving ranges, ice skating rinks on public property, and ski trail grooming on public property are exempt from the hourly restrictions of subsections A, B, and D above.
4. Golf carts for use on public or private golf courses are exempt from subsections A and D above.

**8-5.04 Receiving Land Use Standards.**

A. Maximum Noise Levels By Receiving Land Use Districts. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table I for the receiving land use category specified when measured at a point of normal human activity of the receiving land use.

TABLE I. SOUND LEVELS BY RECEIVING LAND USE DISTRICTS				
Land Use Districts	Day 7:00 a.m. – 10:00 p.m.		Night 10:00 p.m. – 7:00 a.m.	
	L10	L50	L10	L50
Residential	65	60	55	50
Commercial	70	65	70	65
Industrial	80	75	80	75

B. Exemptions. The levels prescribed in subsection A above do not apply to noise originating on public streets and alleys but such noise shall be subject to other applicable sections of this ordinance.

**8-5.05 Exemption for Emergency Work.**

Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed twenty-four (24) hours after the work is commenced. The City Administrator may grant an extension of the 24-hour exemption as deemed appropriate. Persons responsible for such work shall inform the City Administrator of the need to initiate such work or, if the work is commenced during non-business

hours of the City, at the beginning of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

**8-5.06        Powers and Duties of the City Administrator.**

The administering office of the noise control program established by this ordinance shall be administered by the City Administrator or his or her designee.

**8-5.07        Variances.**

- A.    Authority. The Zoning Administrator shall have authority, consistent with this section, to grant exemptions from the requirements of Section 5.
  
- B.    Application. It is recognized that under certain circumstances it would be impossible for a noise source to comply with the provisions of this Section 5 due to economic or technological reasons. In cases such as this, application for an exception may be made in writing to the Zoning Administrator. The application shall contain the following pertinent information:
  - 1.    Legal description of property;
  - 2.    Dates of exception requested;
  - 3.    Location of particular noise source and times of operation;
  - 4.    Equipment involved;
  - 5.    Necessity for request of exception;
  - 6.    Steps taken to minimize noise level from source;
  - 7.    Names of responsible persons; and
  - 8.    List of property owners within two hundred feet (200') of the subject property in a format prescribed by the Zoning Administrator (only if exception is for more than 3 days).

If the exception is for more than three (3) days, the Zoning Administrator shall give notice of the request as provided herein. Notice of the request for an exception shall consist of a legal property description, description of request for exception and map detailing property location, and be published in the official newspaper at least twenty (20) days prior to a decision on the request, and written notice shall be mailed at least twenty (20) days prior to a decision on the request to all owners of land within two hundred feet (200') of the boundary of the property in question. Applications will be reviewed by the Zoning Administrator and a decision to approve or deny the exception will be made in writing to the responsible persons within thirty (30) days of publication of the notice. Any person

choosing to comment on the exception may do so in writing within twenty (20) days of mailing of the notice.

- C. Action on Application. The exception may be approved only if the Zoning Administrator finds that full compliance with the requirements of the ordinance would constitute an unreasonable hardship on the applicant, on other persons, or on the community. In determining whether to grant or deny the application, the Zoning Administrator shall balance the hardship to the applicant against the adverse impact on the health, safety, and welfare of the persons affected, the adverse impact on property affected, and any other adverse effects of granting the exception. The exception may be granted subject to conditions, including a time limit, which shall be clearly stated. Mailed notice of the decision shall be made within five (5) days to all persons who commented in writing on the application.
- D. Appeals. The decision made by the Zoning Administrator concerning the exception request may be appealed to the City Council within ten (10) days after the Zoning Administrator's written decision. The appeal shall be filed in writing with the City Clerk who shall schedule a date before the City Council as soon as possible. The person appealing the decision shall file with the City Clerk a Notice of Appeal specifying the grounds upon which the appeal is based. Mailed notice of the City Council date shall be made to the applicant, and to any person who filed a Notice of Appeal.

**8-5.08.                    Enforcement.**

- A.     **Primary enforcement of this ordinance shall be by the police department.**
- B.     Notice of Certain Violations. When the City Administrator determines that a noise exceeds the maximum sound level permitted under this Section 5, written notice of the violation shall be given to the owner or occupant of the premises where the noise originates and such person shall be ordered to correct or remove each specified violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this ordinance.
- C.     Civil Remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.
- D.     Criminal Penalties. Any violation of this ordinance involving the operation of a motor vehicle, which occurs in a motor vehicle, is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine established by state statute. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to penalties imposed by Minnesota Statutes for misdemeanor offenses. In all cases the City shall be entitled to collect the costs of prosecution to the full extent permitted by law. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

**8-5.9                    Severability.**

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

**SECTION 3.** This ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Sue Gehrz, Mayor

ATTEST:

\_\_\_\_\_  
Heather Worthington, City Administrator/Clerk

