

Falcon Heights City Council Workshop

**City Hall
2077 W Larpenteur Ave.
6:30 p.m.**

AGENDA Wednesday, February 6, 2013

- 1) Discussion on Assessment Policy and 2013 Road Projects**
- 2) Continued Discussion on Prairie Grass Ordinance**

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.



The City That Soars!

Council Workshop Staff Report

Meeting Date	February 6, 2013
Agenda Item	Workshop 1
Attachment	City of Falcon Heights Assessment Policy Assessment Policy Memo from City Engineer Assessment Policy Survey
Submitted By	Bart Fischer, City Administrator Kris Giga/Deb Bloom, City Engineer

Item	Discussion on the City's Assessment Manual and 2013 Road Projects
Description	At the Public Hearing conducted on January 9, 2013, for the 2013 Street Improvement Projects, Council expressed a desire to discuss the City's Assessment Policy as well as continue discussion on certain portions of the 2013 Road Projects. Attached is a copy of the City's Assessment Policy as well as a memo and survey of other assessment policies provided by the City Engineer.
Budget Impact	N/A
Attachment(s)	City of Falcon Heights Assessment Policy Assessment Policy Memo from City Engineer Assessment Policy Survey
Action(s) Requested	N/A

City of Falcon Heights

Assessment Manual

Adopted June 13, 2007

The purpose of this assessment manual is to set forth a guide to be utilized by the City of Falcon Heights when preparing assessment rolls, so as to assure uniform and consistent treatment of the affected properties. It is the general policy of the City of Falcon Heights to assess all affected properties according to this policy without regard to funding source.

Minnesota state law, chapter 429.010 and 429.111 provides that a municipality shall have the power to make public improvements such as sanitary sewers, storm sewers, water source and distribution facilities, street improvements including grading, curb and gutter, surfacing, sidewalks, street lighting, landscaping, and recreational facilities, etc. The various procedures that the municipality must follow including reports, notices and public hearings are well defined within the law.

The statute further provides that the cost of any improvement may be assessed upon property benefited by the improvement based upon the benefits received whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is paid from other funding sources. The law is not specific on how these benefits are to be measured or how the costs are to be apportioned, but rather makes it incumbent upon the municipality to determine with assistance of the city engineer, city attorney, appraisers or other qualified personnel, a fair and equitable method of cost sharing among the properties involved. It is the intent of this policy that the maximum value of an assessment be based on the highest and best use of property.

Throughout this manual, the total cost of an improvement shall include the construction cost plus all associated overhead costs. The total cost of the associated overhead for a public improvement project would typically include city administration, engineering, fiscal, legal, capital interest, and contingencies. The actual overhead costs incurred will be tracked and charged to the project.

The initiation of public improvement projects may happen in two different methods. The first method is by a petition of the affected property owners. The petition must be signed by the owners of not less than 35 percent of the frontage of the real property abutting the proposed improvements. The second method is to initiate the proceedings by city council direction, in which case no petition is needed. An outline of the public improvement process is provided in the appendix.

Any reference to land zoning in this manual shall mean the most current approved city zoning map available at the time. It should be emphasized that the special assessment methods and policies summarized herein cannot be considered as all-inclusive and that unusual circumstances may at times justify special consideration. If the city should determine that the application of these policies results in an assessment amount greater than the increase in market value to any property, the city may limit the assessment to the increase in market value regardless of policy. Also, any fixed cost data and rates will be adjusted periodically so as to reflect current costs.

I. Definitions

A. Assessment Units

The following definitions refer to the assessment units to be used when determining various assessment rates as described in the remaining sections of this manual.

1. Lot Unit

A lot unit is defined as a platted single family residential lot which, in accordance with Falcon Heights zoning and subdivision regulations, cannot be further subdivided.

2. Gross Area

The total area, in acres or square feet, of a lot or parcel of land including any easements. The gross area of a lot or parcel of land does not include any of the abutting right-of-way.

3. Front Footage

assessments

a. Single Frontage Lots

In platted areas, the front footage for purposes of front footage

shall be determined at the building setback line as described in the Falcon Heights zoning ordinance, and shall be measured parallel to the property line abutting the improvement.

b. Corner Lots

In the case of a street improvement project which abuts both sides of a corner lot, the lot shall be treated as an interior lot and the front footage shall be the long side of the lot. There will not be an additional assessment against corner lots for the side lot dimension. When the street improvement is only along the long side of the lot, the long side of the lot will be used for determination of assessable front footage. Projects along only the short side of the lot will not be assessed. If the property being assessed is a non-single family residential or tax-exempt parcel, both sides will be assessed.

For all other improvements such as sanitary sewer or water, the front footage shall be the footage established for the long side of the lot when both sides of the lot are being affected by the improvement. Where the proposed improvement project is only along the long side of a corner lot, the long side front footage shall be used for assessment purposes.

4. Residential Equivalent Assessment Rate

The residential equivalent assessment rate shall be based on a portion of the cost of the street construction for a typical residential street section. This residential equivalent assessment rate shall be determined by the city council and based upon comparable project data available to the city.

B. General

1. Petition

Petition shall mean a written document presented to the city council for purposes of initiating a public improvement project. All signatures shall be accompanied by the address of each signator, the date of the signature and a printing of each signator's name. Only one signature per property is allowed. An example of the usual form of petition is included in the appendix.

2. Total Project Cost

Total project cost shall mean the final construction cost plus all associated overhead costs. Overhead costs shall include but not be limited to city administration, engineering, legal, fiscal, interest during construction, and land acquisition.

3. Assessment Period

The length of payment period on various types of improvement projects shall be as follows:

Sanitary sewer	10-15 years
Storm sewer	5-10 years
Street reconstruction	10-15 years
Street mill and overlay	5-7 years

In the case where several of the improvements listed above are included in the same project, the assessment period may be 10-15 years. In no event shall an assessment period exceed 15 years.

4. Assessment Interest Rate

The interest rate charged on assessments shall be set by the city council. Typically, the rate is set at about 2% over the general obligation bond rate used to fund the project. If no bond is issued for the improvement, the rate will be set at 2% over the projected general obligation rate as determined in consultation with the city's financial advisors.

5. Municipal State Aid (MSA) Streets

Municipal state aid streets are routes designated by the city council and approved by the commissioner of transportation for inclusion in the city's state aid system. All routes included begin and end on another municipal state aid road, county state aid road, or trunk highway and are eligible for the use of MSA construction funds.

6. Municipal State Aid Construction Funds

Municipal state aid construction funds are monies apportioned to the city from the state to be used for the construction of routes designated on the municipal state

aid system. All construction funded with these monies must be done in accordance with the MnDOT office of state aid design criteria.

7. **Pending Assessment**
An assessment is pending against a particular property if the city has determined that the property is benefited by a public improvement project which has been ordered or constructed, but for which an assessment has not yet been levied against the property.
8. **Federal and State Highways**
These streets are classified as expressways, freeways, and major arterials constructed and maintained by the Minnesota Department of Transportation. They carry large volumes of traffic at peak loading times. In Falcon Heights, Snelling Avenue is in this category. Assessments levied by the City of Falcon Heights will be based upon a residential equivalent assessment rate.
9. **County State Aid Highways (CSAH)/County Road**
These streets are classified as major and minor arterials and collectors constructed and maintained by the Ramsey County public works department. These streets typically carry high volumes of traffic at peak loading times. In Falcon Heights the streets in this category include Larpenteur Avenue, Hamline Avenue (north of Larpenteur), Fairview Avenue, Cleveland Avenue and Fulham Street (north of Larpenteur). Assessments levied by the City of Falcon Heights will be based upon a residential equivalent assessment rate.
10. Deleted and incorporated into #5
11. **Collector Streets**
Collector streets are those streets generally considered to collect traffic from specific areas of the city and convey it to arterial routes.
12. **Residential Streets**
This is the minimum street design acceptable as a public street within new subdivisions or developments. They carry relatively small volumes of local neighborhood traffic. The typical urban residential street is 30 feet wide with concrete curb and gutter and a 7-ton design. If the street is to be designated as a municipal state aid street, it must meet applicable MnDOT standards.
13. **Alley**
These are narrow paved surfaced driving areas constructed within city rights-of-way. They provide a means of ingress and egress to the rear of property. They are typically constructed to in accordance with current MnDOT standards.
14. **Appurtenances**

- A. Pathways
Pathways (also known as sidewalks or trails) are pedestrian and bicycle facilities running along the sides of streets.
- B. Street Lighting
Street lights are provided to create a safer environment by reducing the amount of dark areas in a neighborhood. They can also be installed to create a more aesthetically pleasing, consistent theme in a neighborhood. Costs for installing non-standard streetlights shall be 100% assessed to benefiting property owners.
- C. Boulevard Trees
Boulevard trees are planted along roadways to provide shade and create an aesthetically pleasing appearance. The city is responsible for pruning and removing trees located in the rights-of-way, while individual property owners are responsible for trees located on private property.
- D. Seeding/sodding
Boulevard restoration by seeding/sodding is included in the construction costs as part of street improvement projects.

II. Assessment policy by project type

- A. Sealcoating
Sealcoating involves applying a thin coat of oil on the street and then laying gravel on top. Current city practice calls for this project to be performed every seven years. This type of project is considered routine maintenance and is funded without assessing benefiting property owners.
- B. Mill and Overlay
Mill and overlay projects involve grinding the top few inches of roadway off and replacing it with a layer of asphalt. This type of repair can typically extend the life of the roadway by 15 years. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:
 - 1. Residential properties – 40% of the per foot cost multiplied by the total front footage
 - 2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
 - 3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage
- C. Roadway Reconstruction
Reconstruction projects are typically more comprehensive and performed every 30 years. This type of project involves totally removing the existing roadway, replacing the base

materials, and oftentimes performing utility work (water, sewer, etc.) at the same time. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 40% of the per foot cost multiplied by the total front footage
2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

D. Alleys

For the most part, alleys in the City of Falcon Heights serve a private residential purpose. As such, maintenance and repair of the alleys are the responsibility of the property owners. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 90% of the per foot cost multiplied by the total front footage

For alleys which also serve non-residential purposes, a traffic study will be performed to determine the amount of traffic created by the non-residential users and the assessment amounts will be altered to reflect estimated usage. It is the intent of this policy to set the assessment amount as fairly as possible, using best engineering practices, for all benefiting property owners.

E. Sanitary Sewers

Periodically sanitary sewer systems need to be replaced or have major repairs conducted. Usually these repairs are coordinated to occur at the same time as road reconstruction projects to eliminate redundant road repairs. Sanitary sewer project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 40% of the per foot cost multiplied by the total front footage
2. Commercial properties – 60% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

The City of Falcon Heights (or its contractors) will only conduct work in the public right-of-way. At the discretion of the city, work on private property may be performed but only after receiving a written request from the property owner and the entire cost of the private repair will be assessed to the benefiting property owner.

If a project is being completed on a public street, property owners on private streets receive a benefit of the improvement without having front footage on the public street. A traffic study may be performed to determine the amount of traffic created by the private

street users and the assessment amounts will be altered to reflect estimated usage. It is the intent of this policy to set the assessment amount as fairly as possible, using best engineering practices, for all benefiting property owners.

F. Storm Sewers

1. Definitions

A. Storm Sewer Trunk Facilities

Ponds

A basin or wetland constructed or naturally located within a permanent easement for the purpose of containing storm runoff. May be either a retention (permanent) pond, detention (temporary) pond, or a combination of both.

Pipe Network

A network of pipes ranging in size generally from 30 inches through 60 inches. The trunk pipe networks are designed to collect storm run-off from an area generally larger than 10 acres.

Channels

An open ditch conveyance network constructed within permanent easements for the purposes of transporting storm run-off.

B. Storm Sewer Lateral Facilities

A network of pipes ranging in size generally from 12 inches to 27 inches designed to collect storm run-off from a specified small area to a trunk facility. The lateral facilities also include street overland flow and inlet structures such as catch basins, manholes and flared end sections.

2. Determining Storm Sewer Assessment Rates

A. Storm Sewer Trunk Rates

Design and estimate of the total improvement cost of the ultimate trunk system needed to provide complete service to each property in the Service District considered.

B. Determine the base assessment rate by dividing the ultimate system cost previously described by the sum total of the following to determine the cost per square foot of the project:

- Gross area of Single Family residential properties.

- Gross area of multi-unit residential properties
- Gross area of commercial properties
- Gross area of tax-exempt properties

C. The assessment rate would be set as follows.

- Residential properties- 40% of the per square foot cost multiplied by the area of the parcel
- Multi-Unit residential and commercial properties- 60% of the per square foot cost multiplied by the area of the parcel
- Tax exempt properties- 100% of the per square foot cost multiplied by the area of the parcel

G. Sidewalks, trails and pathways

Off-street facilities provide a safe walking alternative for pedestrians. As such, the City of Falcon Heights recognizes the importance of these facilities and will construct them when possible. Project costs will be calculated on a per-foot basis and assessments will be applied based on the property's front footage in the following manner:

1. Residential properties – 25% of the per foot cost multiplied by the total front footage
2. Commercial properties – 40% of the per foot cost multiplied by the total front footage
3. Tax-Exempt properties – 100% of the per foot cost multiplied by the total front footage

VI. HARDSHIP DEFERRAL OF ASSESSMENTS

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

July 25, 2007

No. 07-09

A RESOLUTION APPROVING A SPECIAL ASSESSMENT DEFERRAL POLICY

WHEREAS, the City of Falcon Heights uses special assessments in order to construct public infrastructure, such as streets, sewers, sidewalks, and other public facilities; and

WHEREAS, these assessments can sometimes cause a financial hardship to those on fixed incomes; and

WHEREAS, State of Minnesota Statute 435.19 allows cities to adopt policies allowing for the deferral of special assessments in certain circumstances; and

WHEREAS, the City of Falcon Heights currently has a policy but desires to amend it;

NOW, THEREFORE BE IT RESOLVED that the City of Falcon Heights hereby establish the standards and guidelines for determining the eligibility for special assessment deferrals:

1. In order to request a deferral of an assessment, the homeowner must request a deferment before the close of the public hearing adopting the special assessment roll. The request must be made on the form on file with the City of Falcon Heights; and
2. The deferral procedure shall apply only to property owned and occupied by persons 65 years of age or older, or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments. Permanent and total disability shall have the same definition for purposes of assessment deferral as is used for social security purposes; and
3. The property must be the applicant's principal place of domicile and classified on the real estate tax rolls as the applicant's homestead; and
4. The applicant must submit federal income tax returns from the year prior to the assessment to verify that all sources of income do not exceed the low income limits (currently 80% of median income based on household size) for Ramsey County as established by the Department of Housing and Urban Development; and
5. No special assessment shall be deferred for a period longer than the time set by the City Council; and

6. Interest on deferred assessments shall be subject to and charged at the interest rate set by the city council on its resolution adopting the special assessment, and such interest shall accrue on said principal until the special assessment is paid in full; and
7. The option of the homeowner to defer the payment of special assessments shall terminate and all amounts accumulated and interest shall become due and payable upon the occurrence of any of the following events:
 - a. The sale, transfer, or subdivision of the property or any part thereof, or the property is in any way conveyed to another person;
 - b. The subject property loses its homestead status for any reason;
 - c. The death of the owner qualified for the deferral status unless a surviving spouse is eligible for benefits hereunder; or
 - d. If for any reason the City Council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment.

Moved by:

Approved by: _____
 Susan L. Gehrz, Mayor
 July 25, 2007

GEHRZ 4 In Favor
 KUETTEL
 HARRIS 0 Against
 LINDSTROM
 TALBOT - absent

Attested by: _____
 Justin Miller
 City Administrator
 July 25, 2007

Appendix Index

1. Typical Minnesota Statute 429 Improvement Project Process
2. Typical Petition Forms
3. Sample Resolutions
4. Deferral Forms

TYPICAL MINNESOTA STATUTE 429

IMPROVEMENT PROJECT PROCESS

1. Project Initiation
 - a. Petition of more than 35 percent of affected property owners.
 - b. City Council action.
2. Resolution ordering preparation of report on improvement and declaring adequacy of petition if appropriate.

Note: This resolution should be published in the official newspaper after adoption. Unless there is a challenge to the determination of adequacy within 30 days, the determination cannot be challenged in the future.

3. Engineer's Report
 - a. Feasibility of proposed improvement.
 - b. Whether improvements should be made as proposed or with other improvements.
 - c. Cost of improvement as recommended.
 - d. Need for improvements.
4. Resolution receiving the feasibility report and calling for hearing on the improvement.

Note: If 100% of affected property owners petition for the improvement, they may also waive their rights to this public hearing.
5. Notice of Public Hearing
 - a. Time and place of hearing
 - b. General nature of improvement
 - c. Estimated cost of improvement/assessment
 - d. Proposed area to be assessed.
 - e. Notice must be published twice (one week apart) in the official newspaper; three days must elapse between the last publication date and the hearing.
 - f. Notice must be mailed to owner of each parcel within the area to be assessed not less than ten days prior to the hearing.
6. Resolution ordering the improvement and preparation of plans and specifications.

Note: This action may be taken any time within 6 months after the public hearing. Beyond that a new public hearing must be held. If the project was initiated by petition of the owners of less than 35 percent of the frontage, this resolution must be adopted by at least a 4/5 vote.
7. Resolution approving the plans and specifications and ordering the advertisement for bids.

Note: If the estimated construction cost is under \$100,000 at least ten days must elapse

between the first advertisement and the bid opening. Over \$100,000 at least three weeks (21 days) must elapse.

8. Resolution accepting the bids and directing the Mayor and City Administrator to enter into a contract with the lowest responsible bidder must be done within one year of resolution ordering improvement.

9. Contractor/City paperwork prior to commencing construction.

- a. Issue Notice of Award and Contract
- b. Contractor resubmits signed notice of award, contract, performance bond and insurance documents.
- c. Pre-Construction Meeting
 - Discuss scheduling of construction
 - Staking
 - Conflicts with utilities
- d. Issue Notice to Proceed
- e. Contractor resubmits signed Notice to Proceed
- f. Construction begins

10. During construction phase, partial pay estimates and change orders are presented to the City Council for action.

11. Resolution determining cost to be assessed and ordering the preparation of proposed assessment roll.

12. City staff and City Engineer prepare and file assessment roll.

13. Notice of hearing on proposed assessment.

Note: Notice must be published one or more times in the official newspaper at least two weeks prior to the meeting. Notice must contain the following items:

- a. Date, time and place of hearing.
- b. General nature of the improvements.
- c. Area proposed to be assessed.
- d. Total amount of the proposed assessment.
- e. That the proposed assessment roll is on file with the Clerk.
- f. That written and oral objections will be considered.
- g. That no appeal of the amount of any assessment may be made unless a written objection signed by property owners is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing.
- h. That an appeal to district court may be made by serving notice upon the Mayor or Clerk within 30 days of the adoption of the assessment roll and filing such notice with the district court within 10 days after service upon the Mayor and Clerk.
- i. Whether the City has adopted any deferment ordinance or resolution and its basic substance.

j. Substance of Minnesota Statute 435.193 through 435.195.

Notice must be mailed to each parcel owner described on the Assessment roll not less than two weeks prior to the hearing.

14. In addition to the items listed above, the mailed notice must include the following:

- a. Amount to be assessed against the particular parcel.
- b. That the assessment amount may be prepaid and to whom.
- c. Whether partial prepayment has been authorized by ordinance.
- d. Time within which prepayment may be made without interest.
- e. Rate of interest to be accrued if assessment is not prepaid.

14. Public hearing and resolution adopting assessment roll.

15. Appeals to District Court.

Note: In order to appeal to district court, the property owner must serve notice upon the Mayor or City Clerk within 30 days of adoption of the assessment roll. They can only do this after having filed a written signed objection prior to the assessment hearing or having presented same to the presiding officer at the hearing. The notice of appeal must be filed with the Clerk of the district court within ten (10) days after service on the City.

PETITION FOR LOCAL IMPROVEMENT

City of Falcon Heights, Minnesota _____, 20____

To the City Council of Falcon Heights, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on _____ Street, between the _____ line of _____ Street and the _____ line of _____ Street hereby petition that such street is improved by _____ pursuant to Minnesota Statutes, Chapter 429.

Only one signature is allowed per household.

DATE	SIGNATURE OF OWNER	PRINT NAME OF OWNER
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

City Clerk

CITY OF FALCON HEIGHTS
RESOLUTION NO. 2008-01
September 28, 2008

**RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORTS
FOR XYZ STREET RECONSTRUCTION PROJECT**

WHEREAS, the Council has reviewed the street construction needs of XYZ Avenue in the City and has tentatively selected the segment of XYZ between Snelling and Hamline Avenues for reconstruction in 2006; and

WHEREAS, it is proposed to improve this section of City of Falcon Heights street system as described above by completing the following work: sidewalk construction, bituminous paving, concrete curb and gutter, storm sewer, and necessary appurtenances, and to assess the benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Section 429.011 to 429.111:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota as follows:

1. The segment of XYZ Avenue between Snelling Avenue and Hamline Avenue is hereby approved for consideration of reconstruction.
2. The proposed improvements are referred to the City Engineer for study and she is instructed to report to the Council with all convenient speed, advising the Council in a preliminary way as to whether they should best be made as proposed or in connection with some other improvements, and the estimated cost of the improvements as recommended.

Whereupon said resolution was declared duly passed and adopted.

CITY OF FALCON HEIGHTS
RESOLUTION NO. 07-02
March 8, 2007

**RESOLUTION RECEIVING FEASIBILITY REPORT ON XYZ AVENUE
RECONSTRUCTION PROJECT AND ORDERING PUBLIC HEARINGS**

BE IT RESOLVED by the Council of the City of Falcon Heights as follows:

1. By resolution adopted January 25, 2006, the Council directed the City Engineer to prepare preliminary reports as to the feasibility of the proposed improvements:

XYZ Avenue (between Snelling and Hamline Avenues)

2. The City Engineer was also directed to include in the report the estimated cost of the proposed improvements. The preliminary report and cost estimates have been submitted and considered by the Council and are hereby approved and directed to be placed on file in the office of the City Administrator. The improvements proposed to be made in the general manner set forth in the report are designated as XYZ Drive Reconstruction.
 3. The Council shall meet at the City Hall, 2077 West Larpenteur Avenue, in said City, on April 26, 2006 at 7:00 p.m. for the purpose of holding a public hearing on the proposed improvements under and pursuant to the provisions of Minnesota Statutes, Chapter 429, and the Administrator is hereby authorized and directed to cause notice of the time, place, and purpose of that meeting to be published twice in the official newspaper, *Roseville Review*, which publications shall be a week apart, and the second publication shall be not less than three days before the date of the hearing.
 4. The general nature, estimated cost and area proposed to be assessed for XYZ Avenue and Snelling Drive Reconstruction are determined to be as stated in the foregoing notice, as fully as though the same were separately set forth and resolved herein.
-

NOTICE OF HEARING ON ASSESSMENTS
FOR XYZ AVENUE
CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the Council of the City of Falcon Heights, Minnesota, will meet in the Council Chambers of the City Hall, 2077 Larpenteur Avenue, in said City on Wednesday, February 28, 2007 at 7:00 o'clock p.m. to hear, consider, and pass upon any and all written or oral objections which may be offered with respect to the proposed special assessments for sanitary sewer service repairs completed as a part of the XYZ Reconstruction Project. The Council may adopt the proposed assessment at the hearing.

The proposed assessment roll is now on file and open to public inspection by all persons interested in the office of the City Administrator. The entire amount assessed against each parcel of land will be payable, unless prepaid, in ten (10) equal consecutive annual installments, the first of such installments to be payable with general taxes levied in 2007, collectible with such taxes during the year of 2008. The first installment will be payable with interest at the rate of 6.25 percent per annum on the entire assessment from the date of the resolution levying the same to December 31, 2007, and each subsequent installment will be payable with one year's interest at said rate on all unpaid installments, except that no interest will be charged if the entire assessment as to any parcel is paid at the office of the Treasurer within thirty (30) days from the date of adoption of the assessment roll.

The general nature of the XYZ Avenue Reconstruction Project now being assessed is for the reconstruction of private sanitary sewer services and necessary appurtenances.

The total cost of the improvement to be assessed is \$12,290.20

THE FOLLOWING PROPERTY IDENTIFICATION NUMBERS ARE PROPOSED TO BE ASSESSED:

000111000222	1397 XYZ
000222000333	1403 XYZ
000333000444	1405 XYZ
000444000555	1415 XYZ
000555000666	1443 XYZ

Oral or written objections by any property owner will be considered at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statute § 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within 30 days after the adoption of the assessment and filing such notice with the district court within ten (10) days after service upon the Mayor and Administrator. No appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the affected property owners is filed with the City Administrator prior to the assessment hearing or presented to the presiding officer

at the hearing.

Pursuant to Minnesota Statute Section 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest becomes due. Any assessed property owner meeting the requirements of that law and the resolution adopted under it may, within 30 days of the confirmation of the assessment, or upon reaching the age to become eligible for the deferment, apply to the City Administrator on the prescribed form for such deferment of payment of this special assessment on his property.

Dated: January 24, 2007

BY ORDER OF THE CITY COUNCIL

City Administrator

**CITY OF FALCON HEIGHTS
RESOLUTION NO. 07-03**

**RESOLUTION ORDERING THE RECONSTRUCTION OF
XYZ AVENUE**

WHEREAS, the City Council of Falcon Heights received the Feasibility report on December 14, 2005 and ordered a public hearing for the reconstruction of XYZ Avenue between Snelling Avenue and Hamline Avenue, and;

WHEREAS, ten days mailed notice and two weeks published notice was given;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Roseville, Minnesota, that in accordance with the provisions of Minnesota Statutes, Chapter 429, as amended, the Council held a public hearing on January 25, 2006, to consider the proposed reconstruction of XYZ Avenue, consisting of the installation of bituminous paving, concrete curb and gutter, sanitary sewer service repair, drainage facilities, and necessary appurtenances on all that property abutting:

PID	Address
000111000222	1910 XYZ Avenue
000222000333	1444 XYZ Avenue
000444000555	1912 XYZ Avenue
000555000666	1913 XYZ Avenue

as described in the Notice of Hearings at a cost presently estimated at \$1,131,996.54 and substantially in accordance with the preliminary report as to the feasibility thereof which is now on file in the office of the City Manager; at which all persons desiring to be heard were given an opportunity to be heard thereon, and having considered the views of all interested persons, the Council does hereby determine and order that said improvement shall be constructed and financed and that all streets be constructed substantially as recommended in the feasibility report. The City Engineer for the project is directed to prepare and submit to the Council the final plans and specifications for the improvement.

**CITY OF FALCON HEIGHTS
RESOLUTION 07-04**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS
FOR XYZ AVENUE RECONSTRUCTION**

WHEREAS, pursuant to resolution passed by the City Council, the City Engineer has prepared plans and specifications for the reconstruction of XYZ Avenue between Snelling Avenue and Hamline Avenue, and has presented such plans and specifications to the Council for approval:

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

1. Such plans and specifications, copies of which are attached hereto, and made a part hereof, are hereby approved.

2. The City Administrator shall prepare and cause to be inserted in the *Roseville Review*, the official newspaper, and in the *Construction Bulletin*, an advertisement for bids upon the making of such approved plans and specifications. The advertisement for bids for XYZ Avenue Reconstruction shall be published as required by law, shall specify the work to be done, shall call the bids on the basis of cash payment for such work, shall state the date and time that the bids will be received by the City Administrator and City Engineer at which time they will be publicly opened in the City Hall by the City Engineer and subsequently be considered by the Council; and that no bids will be considered unless sealed and filed with the Administrator and accompanied by a cash deposit, certified check or bid bond payable to the City of Falcon Heights for ten percent of the amount of such bid.

CITY OF FALCON HEIGHTS
RESOLUTION No: 2007-05
April 12, 2006

AWARDING BIDS FOR XYZ AVE RECONSTRUCTION

WHEREAS, pursuant to advertisement for bids for the improvement, according to the plans and specifications thereof on file in the office of the Administrator of said City, said bids were received on Wednesday, March 22, 2006, at 3:00 p.m., opened and tabulated according to law and the following bids were received complying with the advertisement:

BIDDER	AMOUNT
Contractor A	\$837,872.05
Contractor B	\$856,341.41
Contractor C	\$862,949.65
Contractor D	\$992,212.92
Contractor E	\$1,055,872.81

WHEREAS, it appears that Contractor A is the lowest responsible bidder at the tabulated price of \$837,872.05 and

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

1. The Mayor and Administrator are hereby authorized and directed to enter into a contract with Contractor A, for \$837,872.05 in the name of the City of Falcon Heights for the above improvements according to the plans and specifications thereof heretofore approved by the City Council and on file in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids except the deposits of the successful bidder and the next lowest bidder shall be retained until contracts have been signed.

**CITY OF FALCON HEIGHTS
RESOLUTION NO. 2007-06**

**RESOLUTION DECLARING COST TO BE ASSESSED
RECEIVING PROPOSED SPECIAL
ASSESSMENT ROLL AND PROVIDING FOR HEARINGS
FOR THE HAMLINE/ HOYT RECONSTRUCTION PROJECT**

WHEREAS, contracts have been let and costs have been determined for the XYZ Avenue Reconstruction project on all that property adjacent to the road for the reconstruction of the street by the installation of bituminous paving, concrete curb and gutter, storm sewer, landscaping, utility repair, and necessary appurtenances; and

WHEREAS, the forgoing is in the area described in the legal notice relating to the original hearing on the improvements and the resolutions relating thereto, and the City will pay \$572,639.80 as its share of the cost. The cost to be specifically assessed is hereby declared to be \$16,819.82; and

BE IT RESOLVED by the Council of the City of Falcon Heights, that the proposed 2006 assessment roll for the XYZ Avenue reconstruction project now on file and open to public inspection in the office of the City Administrator is approved, and the Administrator is directed to publish and mail notices stating that the Council will meet to consider the proposed assessments on November 8, 2006, at the City Hall, 2077 Larpenteur Avenue W, in the City of Falcon Heights at 7:00 o'clock p.m.

The notices shall state the date, time, and place of the meeting, the general nature of said improvement, the area proposed to be assessed, the total amount of the proposed assessment, that the proposed assessment roll is on file with the Administrator, that written or oral objections thereto by any property owner will be considered, and shall contain such other provisions as may be required by law. The first installment will be payable with interest at the rate of 6.25 percent per annum on the entire assessment from the date of the resolution levying the same to December 31, 2006, and each subsequent installment will be payable with one year's interest at said rate on all unpaid installments, except that no interest will be charged if the entire assessment as to any parcel is paid at the office of the Treasurer within 30 days from the adoption of the assessment roll.

It shall be published in the official newspaper of the City at least once, and shall be mailed to the owner of each parcel described in the assessment roll, not less than two weeks prior to the date of said meeting. For the purpose of such mailed notice, owners of said parcels shall be those shown as such on the records of the County Treasurer. Every property owner whose name does not appear on such records (other than owners of property which is tax exempt or is taxed on a gross earning basis) shall be deemed to have waived such mailed notice unless he had requested in writing that the County Treasurer include his name on the records for this purpose.

APPLICATION FOR DEFERMENT OF SPECIAL ASSESSMENTS

To the City Council of the City of Falcon Heights, Ramsey County, Minnesota.

_____ (Applicant) being first duly sworn
deposes and states:

1. That Applicant is the owner of the following described real estate located in the City of Falcon Heights, Ramsey County, Minnesota:

_____.

2. Pursuant to Minn. Stat. S435.193, et. seq. and Falcon Heights Council Resolution 2007-09, Applicant requests deferral of the payment of special assessment for the _____ improvement.

3. In support of this request, Applicant represents as follows:

- a. Applicant is over 65 years of age;
- b. Applicant is permanently and totally disabled as follows: _____

_____.

c. Applicant's annual gross income plus tax-exempt income is \$ _____.

4. Applicant declares that the foregoing information is true and correct and agreed to immediately inform the Falcon Heights City Administrator should any of the foregoing information change, and agrees that if the deferral is granted, Applicant will immediately upon termination of the deferral pay to the City the deferred assessment with interest.

Dated: _____

_____ Applicant

**CITY OF FALCON HEIGHTS
RESOLUTION NO. 2007-06**

**A RESOLUTION OF THE CITY OF FALCON HEIGHTS
APPROVING DEFERRED ASSESSMENTS**

WHEREAS, the Applicant has presented to the City Council an application for deferral special assessments pursuant to law; and

WHEREAS, the Applicant is over age 65, totally and permanently disabled and meets the other requirements for deferral of special assessments;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Falcon Heights, Minnesota as follows:

1. _____ (the Applicant) is hereby granted deferral of payment of special for the _____ Improvement on parcel number _____ on the following conditions:

2. That the conditions described in the application for deferral continue to exist.

3. This deferral shall terminate after a period of _____ years.

4. This deferral shall terminate upon:

- a. Applicants death, provided that the spouse is otherwise not eligible for the benefits hereunder;
- b. The sale, transfer or subdivision of the property or any part thereof;
- c. If the property should, for any reason, lose its homestead status;
- d. If for any reason the City Council determines that there would be no hardship to require immediate or partial payment.

2. Those sums otherwise due and payable for the special assessments shall accrue interest at the rate of _____%, which interest shall be paid with property taxes during the deferral period.

Done at a _____ meeting of the City Council of the City of Falcon Heights this _____ day of _____, 20____.



October 18, 2012

Bart Fischer
City Administrator
City of Falcon Heights
2077 Larpenteur Avenue West
Falcon Heights, MN 55113

Re: Falcon Heights Assessment Policy

Dear Bart:

Per your request I have reviewed the city's assessment policy in comparison with other cities in the Metro area. Attached is a table showing the results of an assessment survey of 40 other cities; general findings are summarized below:

- Most of the cities assess residents who live on State Aid designated streets.
- The residents' share of reconstruction or mill and overlay ranges from 0 to 75%; Falcon Heights falls in the middle at 40%.
- About half of the communities have separate assessment rates for residential and commercial properties.
- About half of the communities assess based on a front footage; other alternatives are per unit or per square foot.
- Many of the communities cap their assessment rates.

This survey did not discuss alley assessments. In St. Paul, residents pay an annual assessment for alley maintenance, and are responsible for 100% of alley reconstruction.

Based on the policies of other cities, the Engineering staff feel that the Falcon Heights assessment policy is comparable.

Please let me know if you have any questions or would like additional information.

Sincerely,

Kristine Giga, P.E.
Civil Engineer

FINAL ASSESSMENT SURVEY
9/15/2008

City	Population	Assess MSA Routes	Resident Share of Reconstruction %	Resident Share of Mill & Overlay %	Separate Residential and Commercial Rates	FF or SF Unit	Capped	Overlay Rate	Comments
Two Harbors	3,613	Yes	50% Ave's only	50% Ave's only	No	FF	No	50%	City pays 100% for streets
St. Francis	4,910	Yes	40%	40%	Yes	Adjusted FF	Yes	based on bids	Rates based on standard road width (28 feet). New streets paid 100% by owner.
Chisholm	4,960	No	30%	40%	No	FF	No	NA	
Falcon Heights	5,572	Yes	40%	40%	Yes	FF	No	0%	100% rate for tax exempt
Hermantown	7,448	No	Not %	Don't assess	Yes	FF or Unit	No	NA	No uniformity of lots, methods vary by project/property
East Grand Forks	7,501	No		100%	No	FF	No	\$30/FF	Concrete new@ \$45/FF
Mahtomedi	7,563	Yes	50%	30%					Currently revising policy, getting appraisals to determine benefit amount
North Branch	8,032	Yes	Not %	Don't assess	Yes	Unit	Yes	NA	Cap= Special Benefit Analysis, Residents' share of recon determined by Special Benefit Review
Crookston	8,192	Yes	\$25/FF	\$25/FF	No	FF	Yes	\$25/FF	
Thief River Falls	8,410	Yes	60%	6' Edge mill	No	FF	No	NA	Side streets included lots of reclaiming
St. Michael	9,099	Yes	40%	0%	Yes	Unit res, FF comm.	Yes	NA	Residential reconstruct \$2,500 unit
Virginia	9,157	Yes	ADT>1000=50%, ADT<1000=75%	ADT>1000=50%, ADT<1000=75%	No	FF or SF	No	\$18.959/FF or \$0.3162/SF	Rates increased by Consumer Price Index
Arden Hills	9,652	Yes	50%	50%	Yes	Unit	No	50% Res, 70% comm/ind	Res. share of partial recon. @ 50%
Hugo	10360	Yes	Not %	Not %	Yes	Unit res, FF comm.	Yes	\$1,800-3,400/Unit	\$4,100 for partial recon, \$5,200 for complete recon
Cloquet	11,201	Yes	About \$20/ff	No	Yes	FF	Yes	NA	Residential equivalent, they assess for utilities approx. 25%
Mendota Heights	11,434	Yes	50%	50%		FF		\$6-8/FF	
Bemidji	11,917	Yes	80-100%	Don't assess	No	Unit	No	0%	
Marshall	12,735	Yes	\$5,200	Don't assess	Yes	FF	Yes	NA	Maint overlays, do sample appraisal
Mounds View	12,738	No	25%	Don't assess	Yes	Unit	Yes	NA	Res. Share of partial recon @ 25%
Vadnais Heights	13,069	Yes	50%	50%	Yes	Unit	Yes	\$36/FF	Calculate rate & turn it into a per unit assessment
Hutchinson	13,080	Yes	Not %	Not %	Yes	FF	Yes	\$20/FF	Res. Recon. \$80/FF, Reclaim St. \$42/FF with curb spot repair, \$55/FF with full curb repair
Elk River	16,447	Yes	25%	100%	Yes	Unit	Yes	\$1,950/unit	This is the residential rate
Hopkins	17,145	Yes	Res. 50%, Comm. 70%	Don't assess	Yes	FF	Yes	NA	On MSA Routes Res.= 50% and Comm.= 70 %, no cap on comm. rates, Res. partial recon.= 70%
Northfield	17,147	Yes	\$2,500 now	Have not	No		Yes	NA	Currently revising policy, getting appraisals to det. FF cost
Columbia Heights	18,520	No	50%	85%	Yes	Unit	No	\$2,034/unit	Res. Share of partial recon @ 70%, 100% of seal coat
New Brighton	22,206	Yes	100% curb, +25% rest	0%	No	Unit	No	NA	Res. Share of partial recon @ 25%,
White Bear Lake	24,723	Yes	33%	Don't assess	Yes	FF	Yes	\$39/FF	.12 SF storm
Moorhead	32,786	Yes	30%	30%	No	SF	Yes	\$18 FF	\$40/FF for reconstruct
Richfield (2012)	35,000	No	Don't assess	Don't assess	Don't assess	Don't assess	Don't assess	Don't assess	
Roseville	33,105	Yes	25%	0%	No	FF	No	0%	Res. Share of partial recon. @ 25%
Mankato	33,925	Yes	25%	50%	No	FF	Yes	\$18 FF	Reconstruct rates @ \$78/FF
Maplewood (2012)	35,945	Yes	Not %	Not %	No	Unit	Yes	Not %	Complete before and after appraisals, averages out to be around 30% of project cost
Minnetonka	51,519	No	0	Don't have to assess	0	0	0	NA	Maint crews 3/4" overlays a year 13Mi, 4-6 miles, gen. fund
Blaine	54,927	Yes	25% of partial	no money for overlays on MSA routes	Yes	Unit	Yes	NA	Based on residential equivalent
Woodbury	55,395	Yes	33%	33%	Yes	Unit res, FF comm.	Yes		32' equivalent width
Coon Rapids	62,310	Yes	50%	NA	Yes	Unit	Yes	\$30/FF	Res. Share of partial recon @ 50%, comm. overlay is double res. rate
Eagan	64,006	Yes	75%	50%	Yes, and high density res.	Unit	No	\$600-1,000/Unit	
St. Cloud	64,711	Yes	50% of standard rate	Don't assess	Yes	FF	Yes	NA	Sometimes get an outside appraisal for assessment rate. Standard rate for 2008 (bituminous, 36' wide, with curb & gutter) is \$108/assessable foot.
Rochester	98,649	Yes	50%	(not implemented but policy in place)	Yes, and Industrial	FF	Yes	NA	Policy and Rates are inconsistent. Actual Assmt. Rates (ENR CCI Annual Adjustment) cover about 25% of costs, but Policy requires 50% coverage. Policy provides for Overlay Assmt., but Rate not established by Council.
St. Paul	287,151	Yes	25%	No	Yes	FF	Yes	NA	Overlays done with maintenance assessment
Minneapolis	373,188	Yes	25%	60 to 75% (no Milling)	Yes	FF	Yes		FF x depth (influence area) back to alley



The City That Soars!

Council Workshop Staff Report

Meeting Date	February 6, 2013
Agenda Item	Workshop 2
Title	DRAFT Prairie Grass Ordinance Eden Prairie Native Plant Ordinance Memo Workshop Staff Report from 12/5/12 Council Workshop
Submitted By	Bart Fischer, City Administrator Deborah Jones, Planning & Zoning Coordinator

Description	Prairie Grass Ordinance discussion.
Background	<p>At the December 5, 2012, City Council Workshop, Council discussed an Ordinance recommendation from the Environment Commission relating to the allowance of prairie grass in yards throughout the City. At that workshop, Council had asked staff to research what other cities are doing as it relates to prairie grass setbacks and percentage of lot coverage.</p> <p>During research of other prairie grass ordinances, staff found a memo from the City of Eden Prairie. The memo is a few years old, but staff feels it still explains the prairie grass topic very well and provides excellent information to discuss. The memo is attached for review. Also attached is the Draft Prairie Grass Ordinance and the Staff Report on this subject from the December 5, 2012, Workshop for your review.</p>
Budget Impact	N/A
Attachment(s)	DRAFT Prairie Grass Ordinance Eden Prairie Native Plant Ordinance Memo Workshop Staff Report from 12/5/12 Council Workshop
Action(s) Requested	N/A

ORDINANCE NO. _____

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTERS 22 AND 54 OF
THE CITY CODE CONCERNING VEGETATION

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 54 of the Falcon Heights City Code is amended by adding Section 54-41 to provide as follows:

Sec. 54-41. Vegetation Maintenance.

(1) Intent and Purpose. The city council finds that there are a variety of landscapes in the city that add diversity and richness to the quality of life. Certain areas in the city have been left, or allowed to go, unmaintained. These have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property that appears neglected may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:

- a. undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation;
- b. vegetation that causes allergic reactions, such as ragweed, may develop; and
- c. tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.

The city council also finds that it is in the public interest to allow citizens to choose the type of landscaping on their properties and to make changes in that vegetation. As a protection for the larger community, however, this change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.

The council finds that the establishment of prairie and meadow plant communities is an acceptable landscape treatment in the city. This requires special consideration, however, because weeds will grow during the first few years of transition before the new vegetation predominates and will appear like neglect. Therefore, the council finds that this type of vegetation is acceptable if it is properly maintained to shorten the transition period and if notice is given of the intended result.

In contrast, the transition to trees and other woody species does not require special consideration because untended grass or weeds are not a necessary part of that transition period. Rather, the transition period is shortened by eliminating competition around the seedlings through such techniques as organic mulch.

The city council enacts this section to balance the public interest in a variety of vegetation with the public need to ensure proper maintenance of that vegetation. The council finds that establishing a height limitation for certain vegetation is in the best interest of the public health, safety, and welfare as outlined above and is a reasonable maintenance standard.

(2) Definitions. For purposes of this section the following words have the meanings specified below.

a. "Meadow vegetation" is grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.

b. "Noxious weeds" are those plants so designated by the state of Minnesota under Minn. Stat. § 18.171, subd. 5.

c. "Regularly cut" means mowing or otherwise cutting the vegetation so that it does not exceed 6 inches in height.

d. "Turf grasses" are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and non-woody vegetation interspersed with them.

e. "Weeds" include all noxious weeds, buffalobur, burdock, common cocklebur, jimsonweed, quackgrass, common and giant ragweed, and velvetleaf. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan to the City for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.

(3) Maintenance standard. The maintenance standard in this section applies to property that has been developed with a building as defined in the building code,

including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

a. All turf grasses and weeds must not exceed a height of 6 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.

b. This requirement does not apply to the following:

(1) a wetland or floodplain designated in the zoning ordinance and wetland buffers voluntarily created by a private land owner when compatible with the character of the neighborhood;

(2) a drainage pond or ditch that stores or conveys stormwater;

(3) an area in which the land and vegetation appears not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and

(4) an area established with meadow vegetation if:

(a) the prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;

(b) the area is cut at least once per year to a height of no more than 6 inches;

(c) a sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the sign ordinance but must be no smaller than ten inches square, no larger than one square foot, and no higher than three feet tall; and

(d) the area is set back a minimum of 10 feet from the street curb.

(4) Declaration of public nuisance. The following are public nuisances subject to abatement under this chapter:

a. noxious weeds; and

b. vegetation that does not meet the maintenance standard specified in paragraph 3 above.

SECTION 2. Subsection 22-19, Subdivision 4 of the Falcon Heights City Code is amended to provide as follows:

No owner agent or occupant of any premises shall permit upon his or her premises fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

SECTION 3. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this _____ day of _____, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Bart Fischer, City Administrator/Clerk



Memorandum

To: Mayor and City Council
From: Leslie A. Stovring, Environmental Coordinator
Eugene Dietz, Director of Public Works Services
Through: Carl Jullie, City Manager
Date: September 27, 2001
Re: Native Plant Ordinance

Synopsis

The amendment of the City Code relating to maintenance of vegetation is to allow the use of native plantings to encourage water conservation and habitat enhancement. Native plants also require less intensive maintenance, resulting in less usage of fertilizers and pesticides. This change would give individual residents more choices for conserving water and thus meeting the intent of the Water Surcharge that was enacted in 1997 to encourage water conservation.

Background

The City began advocating xeriscaping, or water-smart gardening, as a way of moving away from growing plants from radically different climates, such as traditional bluegrass turf, to ones that thrive in our specific region. There are a number of perennials, annuals, shrubs, trees and vines that perform well yet require minimal supplemental irrigation and resist disease and pests with minimal chemical usage. This can be done without sacrificing the aesthetic quality of the City's yards and instead focusing on the character and beauty that natural landscapes can provide. After established, a properly maintained native garden should appear full and healthy.

Potential Questions on Native Landscaping

There are a number of potential questions associated with native plant gardens, including vermin population growth, mosquito growth, allergies and the need for annual burns. Research into these issues was completed and the results indicated that:

- Natural vegetation does not typically provide the quantities of food required for sustaining large vermin populations.
- Native landscapes tend to absorb water quickly and are less likely than a watered, sod-covered lawn to provide for mosquito breeding.
- There are few native plants which give off allergen-type pollens as most native plants are insect pollinated, not air pollinated. It is the air-pollinated species, such as Kentucky bluegrass, which are commonly allergens. Hennepin County has also stated that common allergens are so wide spread that the growth of a small number of air-pollinated species within a residential yard is inconsequential.
- Controlled burns are not required to maintain native landscapes within a yard. Mowing each spring and removal of debris will expose the soil for warming by the sun, mimicking the action of fire.

Key Provisions of the Ordinance

There are a number of issues addressed within the ordinance that may arise as a result of the new native planting guidelines. They include:

- It is unlawful for an owner or occupant to allow “noxious weeds” as defined by Minnesota Statutes or volunteer plants which are not customarily or intentionally planted to grow on their lot.
- Setbacks are required. They are 10 feet from the side and rear lot lines and 20 feet from the front yard lot line. The side and rear setbacks can be waived if there is a completely opaque fence with a minimum height of 5 feet.
- Prior vegetation, such as turfgrass, must be eliminated and the native grasses, sedges and forbs planted through transplanting or seed. This is to prevent “just letting the grass grow”. In addition, all natural areas must be marked with a sign advising that a meadow or prairie is being established in areas likely to be seen by the public.
- Plantings prohibited within the zoning district in which the planting is proposed, such as those provisions outlined in Section 11.50 the Shoreland Management Ordinance or Section 11.03 regarding sight line setbacks from intersections, would also be prohibited in this ordinance.
- All native-planting areas must be mowed a minimum of once annually between April 15 and June 1 to a height no greater than 8 inches.
- The City would **not** be responsible for damage to landscaped areas resulting from public works improvements or snow removal activities. The City may also require removal of native plantings from within right-of-way areas at no expense to the City.
- Work within conservation easement areas, including not mowing and cutting, requires written authorization from the City.
- Failure to comply with this ordinance, including setback, weed and annual cutting requirements, shall result in cutting of the vegetation and/or treatment of the weeds and the expenses thus incurred shall be a lien upon the lot or parcel for the amount of the cost incurred by the City.

Neighborhood Values

A concern has been discussed at staff level regarding the issue of the proximity of native grasses to lots occupied by someone with different values. The provisions for of setbacks or fences address this issue. However, there is the possibility that native vegetation could be installed next door to someone that values a manicured lawn.

Attachments

Proposed Ordinance
Survey of Local Ordinances

<u>CONTACT</u>	<u>RESULTS</u>
<p>City of Minnetonka Dean Elsted Planning Dept. 952-939-8217 Section 845.030 – Special Provisions: Lawn Maintenance</p>	<p>The City adopted an ordinance that allows citizens to install native plant landscaping that is “properly managed and maintained” approximately 10 years ago. The ordinance was instituted as the result of a lawsuit in which a resident contended that the City’s prior ordinance was too vague and that it infringed on their right to grow a native landscape in lieu of sod. Their previous ordinance was a basic ordinance stating that all vegetation over a certain height had to be mowed, similar to Eden Prairie’s. The City attorney agreed that the resident would likely win the lawsuit and the City drafted an ordinance that would allow native landscaping while regulating it.</p> <p>There have been few issues resulting from the ordinance and most residents have been very cooperative in allowing native plantings. They do have a few residents that have native landscape areas in place. Most native planting areas are within new construction where non-turf areas are part of the development plan. The majority of the complaints, of which there are few, are in the fall when the plants start looking a little overgrown as they only need to mow once during the year.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • Establishment of meadows and prairies is allowed, but not lawns or weeds left to “go natural”. Prior vegetation must be eliminated and the native vegetation planted through transplanting or seed by human or mechanical means. • A definition for “weeds” includes noxious weeds such as cocklebur, crabgrass, dandelions, quackgrass and ragweed. Weeds would also include anything that is horticulturally out of place, such as a tree seedling in a vegetable garden. Weeds are not to exceed a height of 10 inches, except in certain areas such as wetlands, ponds or other non-occupied areas that have never been graded, landscaped or mowed (City parks, etc.). • The area must be cut at least once per year to a height no more than 10 inches if the area contains more than 25% weeds. Once there are weeds of less than 25% of the area, no mowing is required. • There are no setback requirements. • A landscaping plan is only required if there is a question over whether a planting is “intentional” or not. • Large planted areas must have signage indicating that a restoration is in process. The sign must be a minimum of 10 inches by 10 inches and less than one foot by one foot. The sign must be located in an area which residents are likely to see it.

<p>City of Crystal Kelly Yeager Assistant City Forester 763-531-1000 Section 6.40 - Vegetation</p>	<p>Their ordinance promotes and encourages private residential applications of native plant landscaping. The ordinance was passed with little controversy and there have been no complaints since passage. There are a few residents taking advantage of the ordinance, three that she knows of. She did handle one complaint this year, but the resident's yard did meet the native plant requirements.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • The City retains the right to cut any grass or weeds that represent a nuisance or hazard. • There is a 15 foot setback from the front street or side street (from the edge of pavement), and six feet from the rear or side yard (as measured from property line). • The setback is waived if there is a fully opaque fence at least five feet in height installed on the lot line. • The setback is defined as requiring regularly mowed turf grasses, which is defined as included blue grass, fescue or rye grass blends or other similar grasses. • Planned landscape areas must be cut at least once annually between April 1 and November 1 to a height no greater than 10 inches. • The landscaping plans must be submitted to the City Forester for review and approval. • The ordinance also specifically exempts parks and natural areas owned by the City and rights-of-way owned by the count and state.
<p>City of Eagan Pam Dudziak City Planner / Weed Inspector 651-681-4691 Section 7.08 – Regulation of grass, weeds, trees, and landscaping</p>	<p>The City of Eagan implemented a revised “weed ordinance” in 1990. The City has experienced few complaints with the native plantings in residential area. Only a few residents have installed native garden areas. One site they have been working with is Delta Dental, a company that converted large portions of their yard area to native landscaping. Complaints have centered on residents who are not aware that this is a native plant restoration area due to the lack of signage at the company. However, this area was done professionally and does look as intended. Delta has also reported a significant decrease in maintenance costs, including watering.</p> <p>Eagan’s code allows for establishment of woodland or meadow conditions for no more than 50% of all maintained areas requiring turfgrass. This includes the following provisions:</p> <ul style="list-style-type: none"> • The vegetation presently existing in the proposed restoration area shall be entirely eliminated and re-vegetated. • No noxious weeds or prohibited tree species are allowed. Prohibited trees are defined as female ginkgo, box elder, non-

	<p>disease resistant elm, and non-hybrid cottonwood.</p> <ul style="list-style-type: none"> • A setback of 3 feet of turfgrass is required along the property edge where the restoration area abuts turfgrass areas on adjoining properties. • Soil erosion shall be controlled during the transition period of the restoration. • Turfgrass and other areas not covered by this ordinance are to be maintained at a height of 6 inches or less. • Areas exempt from the 6-inch mowing requirements include wetlands, floodplains, drainage ponds or ditches, pasture land, steeply sloped areas and restoration areas.
<p>City of Edina Vince Cockriel Park Superintendent 952-927-8861 and Lowell McCarty Retired weed inspector 952-922-5193 Section 1050 – Maintenance of Vegetation</p>	<p>The City of Edina has had a native landscaping plan that states that the area has to be a planned landscape or restoration area. The City has not had any problems with determining which are planned or not planned and ordering cutting for “unkempt” or “weedy” lawns. Overall, they are very satisfied with the ordinance.</p> <p>There has not been much controversy and are few complaints, especially after the residents learn what their neighbor is doing and why. They did have one complaint where the plantings were going beyond the setback area, but that was within the boundaries of the ordinance and was fixed. The majority of the native areas are on hillsides and were done with professional contractors. There are about 10 residents who have “whole yard” natural areas. Most are for smaller areas within the overall yard.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • Setbacks of 20 feet for street or side street sides and 5 feet for side or rear yards • Setback can be reduced to 0 if there is: <ul style="list-style-type: none"> • a fully opaque fence of at least 5 feet in height, • a restoration area in adjoining lot, • a public park, open space or vacant lot next to it, • a wetland, pond, lake or stream, • or the slopes are greater than 3:1. • Setback must contain pavement, rock, gravel, wood chips, regularly mowed turf grass, trees and/or shrubs. • The weed definition includes primary and secondary noxious weeds as well as “any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted”.
<p>City of Plymouth Lara Newberger Forestry Technician & Weed Inspector 763-509-5946</p>	<p>Residents are allowed to request that portions of their property be designated a “Natural Preserve”. This formal application process includes a petition that must be signed by all adjacent landowners and approved by the City Council. However, they discourage most residents from going through the formal process as the</p>

	<p>Preserve area designation is intended for large restoration projects and would not include smaller landscape areas.</p> <p>They do work with homeowners to establish native-planting areas in back yards or adjacent to wetlands or other natural areas, similar to what Eden Prairie currently does. They also encourage signage of native plant restoration areas as they find it cuts down on neighbor complaints. They have also found that maintaining a buffer between yard areas helps stop encroachment of native plants into adjacent yards. The Natural Preserve / native plant areas must be kept free of Minnesota designated noxious weeds and must have a buffer of mowed vegetation adjacent to roads or paths. The City has over 20 Natural Preserve areas.</p>
<p>City of White Bear Lake Jim Robinson City Planner 651-429-8561</p>	<p>They have had a native plant ordinance for over 3 years now. The City has only had one complaint in this time. The complaint was settled relatively amicably and the native garden remained in place.</p> <p>Their ordinance was done very simply and includes a single provision. Their ordinance allows native grasses to exceed the City's 12-inch height restriction as long as the vegetation is set back a minimum of 20 feet from the property line and is part of a garden or landscape treatment.</p>
<p>City of Minneapolis Chuck Ballantine Planning Director 612-673-2616 Section 530.150 – General Landscaping and Screening</p>	<p>They allow use of native grasses within the landscaping and screening areas of developments. Use is encouraged to provide for interception and filtration of stormwater, to limit required maintenance, preserve or restore natural amenities and to conserve energy through shading and windbreaks.</p>
<p>City of Woodbury Steve Kernik Environmental Coordinator 651-714-3536 Section 15-7 – Lawn Maintenance</p>	<p>Their “weed ordinance” was recently amended in February 1997 to allow native landscaping. This was done to allow a variety of landscapes within appropriate locations within the City and also to address vacant lot issues. Approximately 50% of the calls they got were due to vacant lots, the remaining were due to either residents who already were doing native landscaping or those who were not mowing their lawns.</p> <p>Since passage of their ordinance, the number of complaints has dropped significantly, especially as residents became aware that vacant lots were exempt from the mowing requirements unless they had a significant amount of noxious weeds. This year he has only received two complaints about neighbors and both were in compliance with the ordinance. They had their 2nd annual landscaping tour and over 100 people attended the event.</p> <p>Natural areas are allowed on residential and non-residential areas, up to 35% of the rear lot in most cases. In general, vegetation</p>

	<p>must be 8 inches or less within 20 feet of buildings and within 20 feet of the curb or shoulder of roadways. There are a number of areas that are exempt from the 8 inch or less requirement. This would include maintained “gardens”, wetlands, wetland buffers, drainage ditches, steep slopes, vacant lots and berms greater than 4 feet high among others.</p>
<p>City of St. Paul Ed Olsen Public Works Dept. 651-488-7291</p>	<p>The City of St. Paul does not have a native planting ordinance, but does have a provision for boulevard plantings to “improve the aesthetic appearance of city street, avenues and alleys”. The ordinance allows garden areas with plantings not-to-exceed 24 inches in height with no overhang, encroachment onto sidewalks, curb or street areas. There have been no complaints and very few sight line obstruction problems.</p>
<p>City of Bloomington Glen Shirley Parks Maintenance Supervisor 952-948-8700</p>	<p>They do allow private homeowners to convert yard areas to “alternative landscaping”, including native prairie, when there are no conflicts with neighbors. No formal ordinance covers these situations. They have a basic “weed ordinance” that does not allow anything over 12 inches in height. The City is considering adopting a native landscaping ordinance in the future, as interest in this type of landscaping is rising.</p>



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	December 5, 2012
Agenda Item	Workshop 2
Title	Ordinance amending the Falcon Heights code to regulate natural landscaping.
Submitted By	Deborah Jones, Staff Liaison to the Environment Commission and the Planning Commission

Description	The Falcon Heights Environment Commission recommends adoption of an ordinance explicitly allowing and regulating varied landscaping styles in Falcon Heights, including prairie gardens, meadow gardens and rain gardens. At the request of the City Council, the Planning Commission reviewed the proposed ordinance for possible impact in areas where the Planning Commission has authority, namely, zoning and planning and the comprehensive plan.
Background	<p>Early in 2012 a Fairview Avenue resident approached the City about creating a prairie garden on his property. In the past the City Attorney informed staff that the City's existing regulations regarding vegetation (Chapter 54) assume that yards will be landscaped in the traditional way with turf grass. However, this assumption is not explicit in the code, beyond the requirement that grass and weeds must be kept trimmed below 6 inches in height. Prairie and meadow vegetation naturally grows much taller. This means that neighbors may complain about natural landscaping as violating the city code even when it is well-maintained. Furthermore, cases where a property owner insists that their neglected yard is a "prairie garden" are difficult to prosecute because the code does not define such gardens or provide any standards of maintenance beyond the 6 inch height limit.</p> <p>Many cities have ordinances that define and allow prairie gardens, water gardens, meadow gardens and other types of "natural" landscaping, sometimes requiring a permit. Falcon Heights does not have such an ordinance. Natural landscaping has a benefit to the environment in requiring less water, lower use of chemical pesticides and fertilizer, and, when well-established easier maintenance and less opportunity for noxious or invasive plants.</p> <p>The Environment Commission supports including natural landscaping in the options available to city residents and recommends adoption of the attached ordinance. The ordinance would amend the city code to define and allow prairie gardens and provide standards for maintenance and tools for enforcement. The draft is based on the City of Minnetonka's ordinance and does not include a permit requirement.</p> <p>The Planning Commission found that the proposed ordinance is in line with the vision and values of the City's comprehensive plan and that it does not require</p>

	any changes to the Zoning Code, Chapter 113. Commissioners pointed out that the city code does not impose setbacks and coverage limits on any other type of vegetation, other than the visibility triangle requirement at street intersections.
Budget Impact	Unknown
Attachment(s)	<ul style="list-style-type: none">• Draft Ordinance 12-0_ regulating prairie gardens and other natural landscaping.
Action(s) Requested	<ul style="list-style-type: none">• Discussion