

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

AGENDA
November 13, 2013

- A. CALL TO ORDER:
- B. ROLL CALL: LINDSTROM ___ HARRIS ___ GOSLINE ___
LONG ___ MERCER-TAYLOR ___
- STAFF PRESENT: FISCHER ___
- C. PRESENTATIONS:
1. Housing Resource Center Annual Report from Suzanne Snyder
- D. APPROVAL OF MINUTES: October 23, 2013
- E. PUBLIC HEARINGS:
1.
- F. CONSENT AGENDA:
1. General Disbursements through 11/5/2013: \$183,558.09
Payroll through 10/31/2013: \$15,552.58
2. Approval of City Licenses
3. SCORE Grant Application Authorization
4. Budget Amendment to the Parks Program Special Revenue Fund
5. Lawful Gambling Permit for Falcon Heights Elementary PTA
6. Statutory Tort Limits Liability Coverage for City in 2014
7. Storm Sewer Cleaning Program
8. Appointment of Nathan Thorvilson to the Environment Commission
9. Appointment of Cari Lee to the Parks and Recreation Commission
10. 2014 Commission Appointments
11. Acceptance of U of M Good Neighbor Grant Award
12. 2014 Housing Resource Center Consultant Services Agreement
13. Fire Department Relief Association Bylaws Amendment
14. Workman's Compensation Coverage for Mayor and City Council Members
- G. POLICY ITEMS:
1. Solar Energy Installations Ordinance Amendment
2. Canvass Election Results
3. Acceptance of Park Improvement Study Proposal
4. Acceptance of Bond Bids for the 2014 Fire Truck Purchase
- H. INFORMATION/ ANNOUNCEMENTS:

I. COMMUNITY FORUM:

J. ADJOURNMENT:

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

MINUTES
October 23, 2013

- A. CALL TO ORDER: 7:05 PM without a quorum. Quorum obtained at 7:18 PM*
- B. ROLL CALL: LINDSTROM _X_ HARRIS _X_ GOSLINE _X_
LONG _AB_ MERCER-TAYLOR _X_

STAFF PRESENT: FISCHER _X_ Police Chief Ohl _X_
- C. PRESENTATIONS:
1. Annual Presentation from Ramsey County Sheriff Matt Bostrom
The Sheriff provided an update on his department's activities for the year and answered questions from Council.

*Quorum obtained at 7:18 PM

2. 2013 Sustainability Fair from University of Minnesota Students Shannon Boehm and Isaac Schwartzbauer
Shannon and Isaac provided an update on the upcoming sustainability festival at Silverwood Park on Thursday November 14, 2013 from 5:30-8:00PM.
- D. APPROVAL OF MINUTES: October 9, 2013 APPROVED
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA: Pam Harris Moved, Approval 4-0
1. General Disbursements through 10/17/2013: \$135,937.48
Payroll through 10/15/2013: \$14,967.53
2. Appointment of Ahmed Hassan to Human Rights Commission
3. Curtiss Field Drainage Feasibility Study
4. Budget Amendment and Funds Transfer for Emerald Ash Borer Special Revenue Fund
5. Easement Addendum with University of Minnesota
- G. POLICY ITEMS: Keith Gosline Moved, Approval 4-0
1. Sale of \$720,000 General Obligation Equipment Certificates, Series 2013B
Nick Anhut of Ehlers provided a report and answered questions from Council.
- H. INFORMATION/ANNOUNCEMENTS:
Council Member Beth Mercer-Taylor:

-Provided an update on her recent testifying at the House of Representatives on solar initiatives.

Council Member Pam Harris:

-Provided an update on the October 22, 2013 Planning Commission meeting and upcoming solar ordinance.

Council Member Keith Gosline:

-Provided an update on NYFS activities.

Mayor Peter Lindstrom:

-Announced the upcoming Town Square Apartment meeting to be held on October 29, 2013 at 6:30PM

-Provided an update on the recent University Grove Association annual meeting.

-Provided an update on a meeting he had with Pam Wheelock of University Services at the University of Minnesota.

-Provided an update on a meeting he and City Administrator Fischer had with residents on California Ave. regarding a neighbor's house.

-Provided an update on the Neighborhood Commission meeting on October 21, 2013.

-Announced the upcoming election on November 5th, 2013.

I. COMMUNITY FORUM:

J. ADJOURNMENT: 8:51PM



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F1
Attachment	General Disbursements and Payroll
Submitted By	Roland Olson, Finance Director

Item	General Disbursements and Payroll
Description	General Disbursements through 11/5/2013: \$183,558.09 Payroll through 10/31/13 \$15,552.58
Budget Impact	
Attachment(s)	General Disbursements and Payroll
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

PACKET: 00899 OCTOBER 23 PAYABLES
VENDOR SET: 01 City of Falcon Heights
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

ID	POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
=====							
01-00250			AMERIPRIDE SERVICES				
I-1002598636	10/24/2013	APBNK	LINEN CLEANING DUE: 10/24/2013 DISC: 10/24/2013 LINEN CLEANING	45.85	1099: N 101 4124-82011-000	LINEN CLEANING	45.85
=== VENDOR TOTALS ===				45.85			
=====							
01-00295			AVR, INC				
I-88193	10/25/2013	APBNK	CONCRETE FOR SIDEWALKS DUE: 10/25/2013 DISC: 10/25/2013 CONCRETE FOR SIDEWALKS	1,063.41	1099: N 419 4419-92005-000	SIDEWALK IMPROVEMENTS	1,063.41
=== VENDOR TOTALS ===				1,063.41			
=====							
01-05072			BRANCH AND BOUGH TREE SERVICE				
I-1761	10/24/2013	APBNK	TREE PLANTINGS DUE: 10/24/2013 DISC: 10/24/2013 TREE PLANTINGS	7,780.00	1099: N 419 4419-86500-000	TREE STORM DAMAGE	7,780.00
=== VENDOR TOTALS ===				7,780.00			
=====							
01-01050			BURNET TITLE				
I-201310244371	10/24/2013	APBNK	REFUND OVER PAYMENT MANUAL CK# 081925 10/17/2013 REFUND OVER PAYMENT	104.20	1099: N 419 36150-000	SPEC ASSMTS CRAWFORD/ALL	104.20
=== VENDOR TOTALS ===				104.20			
=====							
089			CASH				
I-201310244359	10/24/2013	APBNK	POSTAGE DUE: 10/24/2013 DISC: 10/24/2013 POSTAGE	19.95	1099: N 101 4112-70500-000	POSTAGE	19.95
=== VENDOR TOTALS ===				19.95			
=====							
01-03117			CITY OF LITTLE CANADA				
I-201310244363	10/24/2013	APBNK	JUNE-SEPT BLDG INSPECTION FEE DUE: 10/24/2013 DISC: 10/24/2013 JUNE-SEPT BLDG INSPECTION FEES	15,921.03	1099: N 101 4117-81210-000	BUILDING INSPECTORS	15,921.03
=== VENDOR TOTALS ===				15,921.03			

PACKET: 00899 OCTOBER 23 PAYABLES
VENDOR SET: 01 City of Falcon Heights
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----
ST DATE BANK CODE -----DESCRIPTION----- GROSS P.O. #
DISCOUNT G/L ACCOUNT -----ACCOUNT NAME----- DISTRIBUTION
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01-06290 CITY OF ROSEVILLE

I-217903 ENGINEERING SERVICES 10,656.83
10/24/2013 APBNK DUE: 10/24/2013 DISC: 10/24/2013 1099: N
2013 PMP STREET ENGINEERING 419 4419-92055-000 CRAWFORD/ALLEY/ARONA MIL 9,326.50
CURTIS FIELD DRAINAGE 602 4602-80100-000 ENGINEERING 114.51
GENERAL ENGIN SERVICES 101 4133-80100-000 ENGINEERING SERVICES 1,001.77
GENERAL ENGIN 2013 ST PRJCT 419 4419-92055-000 CRAWFORD/ALLEY/ARONA MIL 214.05

=== VENDOR TOTALS === 10,656.83

01-05352 SHAILA CUNNINGHAM

I-201310244374 YOGA INSTRUCTOR 534.00
10/24/2013 APBNK DUE: 10/24/2013 DISC: 10/24/2013 1099: Y
YOGA INSTRUCTOR 201 4201-87700-000 INSTRUCTOR-SPECIALTY CLA 534.00

=== VENDOR TOTALS === 534.00

01-05113 DARLEY

I-17095833 EQUIPMENT MARKER 76.55
10/24/2013 APBNK DUE: 10/24/2013 DISC: 10/24/2013 1099: N
EQUIPMENT MARKER 101 4124-70100-000 SUPPLIES 76.55

=== VENDOR TOTALS === 76.55

01-05139 ELEMENTS MATERIALS TECHNOLOGY

I-201310244373 STREET IMPRV ENGINEERING TEST 2,468.75
10/24/2013 APBNK DUE: 10/24/2013 DISC: 10/24/2013 1099: N
STREET IMPRV ENGINEERING TEST 419 4419-92055-000 CRAWFORD/ALLEY/ARONA MIL 2,468.75

=== VENDOR TOTALS === 2,468.75

01-04027 EMERGENCY APPARATUS MAINT

I-69775 MAINTINENCE FOR TRUCKS 3,974.92
10/24/2013 APBNK DUE: 10/24/2013 DISC: 10/24/2013 1099: N
MAINTINENCE FOR TRUCK 752 101 4124-87029-000 REPAIR OTHER EQUIPMENT 855.41
MAINTINENCE FOR TRUCK 753 101 4124-87029-000 REPAIR OTHER EQUIPMENT 850.32
MAINTINENCE FOR TRUCK 757 101 4124-87029-000 REPAIR OTHER EQUIPMENT 2,269.19

=== VENDOR TOTALS === 3,974.92

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DUE TO/FROM ACCOUNTS SUPPRESSED

ID	POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
=====							
01-03421	GENERAL REPAIR SERVICE						
I-51061	10/24/2013	APBNK	SS LIFT STATION REPAIR DUE: 10/24/2013 DISC: 10/24/2013 SS LIFT STATION REPAIR	358.03	1099: N 601 4601-87000-000	REPAIR EQUIPMENT	358.03
=== VENDOR TOTALS ===				358.03			
=====							
01-05054	DEBORAH JONES						
I-201310254375	10/25/2013	APBNK	3RD QTR MILEAGE DUE: 10/25/2013 DISC: 10/25/2013 3RD QTR MILEAGE	55.31	1099: N 101 4116-86010-000	MILEAGE	55.31
=== VENDOR TOTALS ===				55.31			
=====							
01-07272	LILLIE SUBURBAN NEWSPAPER						
I-201310244361	10/24/2013	APBNK	ASSESMNT HEARING ST PROJECT DUE: 10/24/2013 DISC: 10/24/2013 HEARING ST PROJECT	202.13	1099: N 101 4111-70410-000	LEGAL NOTICES	202.13
=== VENDOR TOTALS ===				202.13			
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01-05670	METRO PRODUCTS INC						
I-95118	10/25/2013	APBNK	BATTERIES/ SHOP SUPPLIES DUE: 10/25/2013 DISC: 10/25/2013 BATTERIES/ SHOP SUPPLIES	57.90	1099: N 101 4131-70110-000	SUPPLIES	57.90
=== VENDOR TOTALS ===				57.90			
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693	MIDWEST ASPHALT CORPORATION						
I-125049-MB	10/24/2013	APBNK	CONCRETE DUMP CHARGES DUE: 10/24/2013 DISC: 10/24/2013 CONCRETE DUMP CHARGES	40.32	1099: N 419 4419-92005-000	SIDEWALK IMPROVEMENTS	40.32
I-125049MB	10/25/2013	APBNK	CONCRETE DUMP CHARGES DUE: 10/25/2013 DISC: 10/25/2013 CONCRETE DUMP CHARGES	40.32	1099: N 419 4419-92005-000	SIDEWALK IMPROVEMENTS	40.32
I-125202MB	10/25/2013	APBNK	CONCRETE DUMP CHARGES DUE: 10/25/2013 DISC: 10/25/2013 CONCRETE DUMP CHARGES	17.13	1099: N 419 4419-92005-000	SIDEWALK IMPROVEMENTS	17.13
=== VENDOR TOTALS ===				97.77			

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ID	POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
=====							
01-05731			MN DEPARTMENT OF LABOR INDUSTR				
I-18137123015	10/24/2013	APBNK	PERMIT SURCHARGES 3RD QTR DUE: 10/24/2013 DISC: 10/24/2013 PERMIT SURCHARGES 3RD QTR	432.12	1099: N 101 20801-000	DUE TO OTHER GOVERNMENTS	432.12
			=== VENDOR TOTALS ===	432.12			
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01-05672			MN EQUIPMENT SOLUTIONS				
I-031333	10/25/2013	APBNK	WINDSHIELD DUE: 10/25/2013 DISC: 10/25/2013 WINDSHIELD	586.85	1099: N 101 4141-70100-000	SUPPLIES	586.85
			=== VENDOR TOTALS ===	586.85			
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01-05797			MN STATE FIRE DEPT. ASSOC				
I-201310244368	10/24/2013	APBNK	MEMBERSHIP DUES DUE: 10/24/2013 DISC: 10/24/2013 MEMBERSHIP DUES	240.00	1099: N 101 4124-86110-000	MEMBERSHIPS	240.00
			=== VENDOR TOTALS ===	240.00			
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01-05900			NATIONAL RECOVERIES INC				
I-201310244370	10/24/2013	APBNK	REISSUE CHECK 80919 MANUAL CK# 081926 10/18/2013 REISSUE CHECK 80919	81.47	1099: N 201 4201-70100-000	SUPPLIES	81.47
			=== VENDOR TOTALS ===	81.47			
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0255			NATURAL GREEN				
I-98191	10/25/2013	APBNK	FERTILIZER/WEED CONTROL DUE: 10/25/2013 DISC: 10/25/2013 FERTILIZER/WEED CONTROL	520.64	1099: N 101 4131-87010-000	CITY HALL MAINTENANCE	520.64
			=== VENDOR TOTALS ===	520.64			
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01-07263			NEXTEL COMMUNICATIONS, INC				
I-201310244362	10/24/2013	APBNK	SEPT: CELL PHONE DUE: 10/24/2013 DISC: 10/24/2013 SEPT: CELL PHONE SEPT: CELL PHONE SEPT: CELL PHONE SEPT: CELL PHONE SEPT: CELL PHONE SEPT: CELL PHONE	113.92	1099: N 101 4121-85015-000 101 4131-85015-000 101 4141-85015-000 101 4132-85015-000 601 4601-85015-000 602 4602-85015-000	CELL PHONE CELL PHONE CELL PHONE CELL PHONE CELL PHONE CELL PHONES	55.92 11.60 11.60 11.60 11.60 11.60
			=== VENDOR TOTALS ===	113.92			

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 POST DATE BANK CODE -----DESCRIPTION----- GROSS P.O. #
 DISCOUNT G/L ACCOUNT -----ACCOUNT NAME----- DISTRIBUTION
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01-06024 ON SITE SANITATION

ID	POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
I-A-516853	10/24/2013	APBNK	COMM FIELD UNIT RENTAL DUE: 10/24/2013 DISC: 10/24/2013	59.85	1099: N		
			COMM FIELD UNIT RENTAL		601 4601-85080-000	PORTABLE TOILET PARKS	59.85
I-A-516863	10/24/2013	APBNK	CURT FIELD UNIT RENTAL DUE: 10/24/2013 DISC: 10/24/2013	59.85	1099: N		
			CURT FIELD UNIT RENTAL		601 4601-85080-000	PORTABLE TOILET PARKS	59.85
=== VENDOR TOTALS ===				119.70			

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01-06185 RAMSEY COUNTY

I-EMCOM-002873	10/24/2013	APBNK	OCT:FLEET SUPPORT FEE DUE: 10/24/2013 DISC: 10/24/2013	59.28	1099: N		
			OCT:FLEET SUPPORT FEE		101 4121-86800-000	RADIO SUBSCRIBER FEE	59.28
I-EMCOMM-002873	10/24/2013	APBNK	OCT: 911 DISPATCH SERVICES DUE: 10/24/2013 DISC: 10/24/2013	2,348.23	1099: N		
			OCT: 911 DISPATCH SERVICES		101 4122-81200-000	911 DISPATCH FEES	2,348.23
=== VENDOR TOTALS ===				2,407.51			

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01-06438 SANTELICES, LOUIE

I-201310244369	10/24/2013	APBNK	REIMB: CONFLICT W/RESERVATION DUE: 10/24/2013 DISC: 10/24/2013	214.26	1099: N		
			REIMB: CONFLICT W/RESERVATIONS		101 34101-000	CITY FACILITY RENTAL	214.26
=== VENDOR TOTALS ===				214.26			

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935 ST PAUL REGIONAL WATER SERVICE

I-201310244360	10/24/2013	APBNK	H2O AND SS SERVICES DUE: 10/24/2013 DISC: 10/24/2013	382.54	1099: N		
			H2O FOR CH		101 4131-85040-000	WATER	52.50
			SS FOR CH		101 4131-85070-000	SEWER	24.64
			SS FOR COMM PARK		101 4141-85070-000	SEWER	105.62
			H2O FOR COMM PARK		101 4141-85040-000	WATER	166.85
			SS FOR CURT PARK		101 4141-85070-000	SEWER	9.58
			H2O FOR CURT PARK		101 4141-85040-000	WATER	23.35
=== VENDOR TOTALS ===				382.54			

PACKET: 00899 OCTOBER 23 PAYABLES
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-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05303	MICHELLE TESSER					

I-201310244372		PLEX BENEFIT PAYMENT	2,800.00			
10/24/2013	APBNK	MANUAL CK# 081924 10/17/2013		1099: N		
		PLEX BENEFIT PAYMENT		101 21711-000	DEPENDENT CARE FLEX PAYA	2,100.00
		PLEX BENEFIT PAYMENT		201 21711-000	DEPENDENT CARE FLEX PAYA	700.00
		=== VENDOR TOTALS ===	2,800.00			
=====						
01-05170	TOM LYNCH ELECTRIC LLC					

I-201310244366		LED LIGHTS AND ELECTRIC FEES	5,156.00			
10/24/2013	APBNK	DUE: 10/24/2013 DISC: 10/24/2013		1099: N		
		LED LIGHTS AND ELECTRIC FEES		209 4209-87120-000	REPAIR & MAINTENANCE	4,086.00
		LED LIGHTS AND ELECTRIC FEES		402 4402-91000-000	MACHINERY & EQUIPMENT	1,070.00
		=== VENDOR TOTALS ===	5,156.00			
=====						
01-06930	U.S. POSTMASTER					

I-201310244365		10 ROLLS STAMPS	460.00			
10/24/2013	APBNK	DUE: 10/24/2013 DISC: 10/24/2013		1099: N		
		10 ROLLS STAMPS		101 4112-70500-000	POSTAGE	460.00
		=== VENDOR TOTALS ===	460.00			
		=== PACKET TOTALS ===	56,931.64			

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
05422	BP					
I-201310294381		FUEL CHARGES	786.71			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		FUEL FOR FIRE TRUCKS		101 4124-74000-000	MOTOR FUEL & LUBRICANTS	85.77
		FUEL FOR PW TRUCKS		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	605.22
		TAX EXMPT FILING FEE & LT FEE		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	95.72
		=== VENDOR TOTALS ===	786.71			
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01-05196	BRIGGS & MORGAN, P.A.					
I-528367		ATTORNEY SERVICES (MARY IPEL)	500.00			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: Y		
		ATTORNEY SERVICES (MARY IPEL)		419 4419-92055-000	CRAWFORD/ALLEY/ARONA MIL	500.00
		=== VENDOR TOTALS ===	500.00			
=====						
01-05171	FRA DOR INC					
I-1310036		BLACK DIRT BLVD MAINT	27.79			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		BLACK DIRT BLVD MAINT		101 4132-87010-000	BOULEVARD MAINTENANCE	27.79
		=== VENDOR TOTALS ===	27.79			
=====						
01-05153	HOME DEPOT CRC/GECF					
I-201310294382		LUMBER/ SHOP SUPPLIES	315.00			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		LUMBER/ SHOP SUPPLIES		101 4131-70110-000	SUPPLIES	315.00
		=== VENDOR TOTALS ===	315.00			
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05404	KURHAJETZ, CLEM					
I-201310294380		KITCHEN SUPPLIES	41.37			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		KITCHEN SUPPLIES		101 4124-70100-000	SUPPLIES	41.37
		=== VENDOR TOTALS ===	41.37			
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01-05646	M-R SIGN COMPANY INC					
I-179102		NO PARKING SIGNS	162.45			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		NO PARKING SIGNS		101 4132-75100-000	STREET SIGNS	162.45
		=== VENDOR TOTALS ===	162.45			

-----ID-----			GROSS	P.O. #			
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
=====							
05693		MIDWEST ASPHALT CORPORATION					
I-125049-MB-1		CONCRETE DUMP CHARGES	40.32				
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N			
		CONCRETE DUMP CHARGES		419 4419-92005-000	SIDEWALK IMPROVEMENTS		40.32

I-125202-MB-1		CONCRETE DUMP CHARGES	17.13				
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N			
		CONCRETE DUMP CHARGES		419 4419-92005-000	SIDEWALK IMPROVEMENTS		17.13
=== VENDOR TOTALS ===			57.45				
=====							
01-05252		MN DEPARTMENT OF TRANSPORTATIO					

I-P00002238		MN DOT TESTING ST PROJECT	369.86				
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N			
		MN DOT TESTING ST PROJECT		419 4419-92055-000	CRAWFORD/ALLEY/ARONA MIL		369.86
=== VENDOR TOTALS ===			369.86				
=====							
01-05843		MN NCPERS LIFE INSURANCE					

I-201310294377		NOV: LIFE INS	96.00				
10/29/2013	APBNK	MANUAL CK# 081953 10/28/2013		1099: N			
		NOV: LIFE INS		101 21709-000	OTHER PAYABLE		96.00
=== VENDOR TOTALS ===			96.00				
=====							
01-06460		SAFEGUARD					

I-29268478		NEW DEPOSIT TICKETS	50.52				
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N			
		NEW DEPOSIT TICKETS		101 4113-70100-000	SUPPLIES		50.52
=== VENDOR TOTALS ===			50.52				
=====							
01-05284		BRYAN SULLIVAN					

I-201310294379		REISSUE CHECK #80505	22.57				
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N			
		REISSUE CHECK #80505		101 4124-70100-000	SUPPLIES		22.57
=== VENDOR TOTALS ===			22.57				

PACKET: 00902 OCTOBER 29 PAYABLES
 VENDOR SET: 01 City of Falcon Heights
 SEQUENCE : ALPHABETIC
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
05870	XCEL ENERGY					

I-201310294378		FIRE SIREN	39.20			
10/29/2013	APBNK	DUE: 10/29/2013 DISC: 10/29/2013		1099: N		
		FIRE SIREN		101 4121-85020-000	ELECTRIC	8.08
		AUTO PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	31.12

=== VENDOR TOTALS === 39.20
 === PACKET TOTALS === 2,468.92

federal withholdings 5888.54
 state withholdings 1725.28
 Pera 2840.84
 Icma 1625.00

total 14,548.58

11/05/2013 2:46 PM
 PACKET: 00908 PAYABLES NOVEMBER 1ST
 VENDOR SET: 01 City of Falcon Heights
 SEQUENCE : ALPHABETIC
 DUE TO/FROM ACCOUNTS SUPPRESSED

A/P Regular Open Item Register

-----ID-----				GROSS	P.O. #		
ST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L	ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====							
01-00220		ALEX AIR APPARATUS INC					
I-24651		2 - 6000 PSI CASCADE CYLINDER	2,618.44				
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N			
		2 - 6000 PSI CASCADE CYLINDERS		402	4402-91700-000	FEMA FIRE EQUIP GRANT	2,618.44
		=== VENDOR TOTALS ===	2,618.44				
=====							
01-00222		ALLEGRA PRINT & IMAGING					
I-138422		SELF INKING STAMPS/CAFR COVER	140.14				
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N			
		SELF INKING STAMPS&CAFR COVERS		101	4112-70100-000	SUPPLIES	140.14
		=== VENDOR TOTALS ===	140.14				
=====							
01-00800		ALLIED WASTE SERVICES					
I-923-002352574		NOV: WASTE REMOVAL	374.92				
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N			
		NOV: WASTE REMOVAL		101	4131-82010-000	WASTE REMOVAL	374.92
		=== VENDOR TOTALS ===	374.92				
=====							
01-00250		AMERIPRIDE SERVICES					
I-1002611254		LINEN CLEANING	45.85				
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N			
		LINEN CLEANING		101	4124-82011-000	LINEN CLEANING	45.85
		=== VENDOR TOTALS ===	45.85				
=====							
01-00270		ANCOM TECHNICAL CENTER					
I-40951		REPAIR RADOIS	58.92				
11/01/2013	APBNK	DUE: 11/01/2013 DISC: 11/01/2013		1099: N			
		REPAIR RADIOS		101	4124-87092-000	REPAIR RADIOS	58.92
		=== VENDOR TOTALS ===	58.92				
=====							
01-00295		AVR, INC					
I-88631		CONCRETE FOR SIDEWALKS	710.72				
11/01/2013	APBNK	DUE: 11/01/2013 DISC: 11/01/2013		1099: N			
		CONCRETE FOR SIDEWALKS		419	4419-92005-000	SIDEWALK IMPROVEMENTS	710.72
		=== VENDOR TOTALS ===	710.72				

PACKET: 00908 PAYABLES NOVEMBER 1ST
VENDOR SET: 01 City of Falcon Heights
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----
ST DATE BANK CODE -----DESCRIPTION----- GROSS P.O. #
DISCOUNT G/L ACCOUNT -----ACCOUNT NAME----- DISTRIBUTION
=====

01-00889 JUDY BAILEY

I-201311014386 RSW PERMIT REBATE PROGRAM 69.62
11/01/2013 APBNK DUE: 11/01/2013 DISC: 11/01/2013 1099: N
RSW PERMIT REBATE PROGRAM 101 4117-89100-000 ENERGY REBATE PROGRAM 69.62
=== VENDOR TOTALS === 69.62

01-03123 CINTAS CORPORATION #470

I-470317351 TOWELS/TP/SUPPLIES 113.76
11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
TOWELS/TP/SUPPLIES 101 4131-70110-000 SUPPLIES 113.76
=== VENDOR TOTALS === 113.76

01-00911 CITY OF NEW BRIGHTON

I-201311014387 3RD QTR HAZMAT SERV 156.00
11/01/2013 APBNK DUE: 11/01/2013 DISC: 11/01/2013 1099: N
3RD QTR HAZMAT SERV 101 4124-87025-000 HAZMAT EQUIPMENT MAINT 156.00
=== VENDOR TOTALS === 156.00

01-06290 CITY OF ROSEVILLE

I-217929 NOV: IT SERVICES 1,717.16
11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
NOV: IT SERVICES 101 4116-85070-000 TECHNICAL SUPPORT 1,717.16

I-217963 VIDEO CARD FD TRAINING 29.74
11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
VIDEO CARD FD TRAINING 101 4124-70100-000 SUPPLIES 29.74

I-217966 NOV: PHONE BILL 354.09
11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
NOV: PHONE BILL 101 4116-85070-000 TECHNICAL SUPPORT 354.09
=== VENDOR TOTALS === 2,100.99

01-03122 CITY OF ST PAUL

I-129623 NEWSLETTER FEES 1,736.14
11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
NEWSLETTER FEES 206 4206-70420-000 NEWSLETTER 202.02
NEWSLETTER FEES 206 4206-70500-000 POSTAGE 93.13
NEWSLETTER FEES 101 4116-70420-000 NEWSLETTERS/INFORMATION 986.32
NEWSLETTER FEES 101 4116-70500-000 POSTAGE 454.67
=== VENDOR TOTALS === 1,736.14

-----ID-----			GROSS	P.O. #		
ST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-03539		DAKOTA ELECTRIC ASSOCIATION				
I-1380700012		NOV: SOLAR ELECTRIC	530.00			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		NOV: SOLAR ELECTRIC		101 4131-85025-000	SOLAR ELECTRIC	530.00
		=== VENDOR TOTALS ===	530.00			
01-03300		DISCOUNT STEEL, INC				
I-1938805		TUBULAR STEEL FOR TRAILOR	646.65			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		TUBULAR STEEL FOR TRAILOR		101 4131-70110-000	SUPPLIES	646.65
		=== VENDOR TOTALS ===	646.65			
01-04092		FISCHER, BART J				
I-201311054395		OCT: MILEAGE	129.84			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		OCT: MILEAGE		101 4112-86010-000	MILEAGE & PARKING	129.84
		=== VENDOR TOTALS ===	129.84			
01-05115		GOPHER STATE ONE CALL				
I-81487		OCT: LOCATES	168.05			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		OCT: LOCATES		601 4601-88030-000	LOCATES	168.05
		=== VENDOR TOTALS ===	168.05			
01-0201		ICMA CONFERENCE REGISTRATION				
I-432370		MEMBERSHIP RENEWAL	718.08			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		MEMBERSHIP RENEWAL		101 4112-86100-000	CONFERENCES/EDUCATION/AS	718.08
		=== VENDOR TOTALS ===	718.08			
01-05235		JAN-PRO CLEANING SYSTEMS				
I-37911		NOV: CLEANING SERVICES	219.61			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		NOV: CLEANING SERVICES		101 4131-87010-000	CITY HALL MAINTENANCE	219.61
		=== VENDOR TOTALS ===	219.61			

PACKET: 00908 PAYABLES NOVEMBER 1ST
VENDOR SET: 01 City of Falcon Heights
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
ST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05490		CITY OF LAUDERDALE				
I-201311054394		2013 SHARE OF 5K RUN	825.27			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		2013 SHARE OF 5K RUN		101 4116-89010-000	SPECIAL EVENTS	825.27
=== VENDOR TOTALS ===			825.27			
=====						
01-07272		LILLIE SUBURBAN NEWSPAPER				
I-201311054396		LEGAL SOLAR ORDINANCE	19.65			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		LEGAL SOLAR ORDINANCE		101 4111-70410-000	LEGAL NOTICES	19.65
=== VENDOR TOTALS ===			19.65			
=====						
01-05665		METROPOLITAN COUNCIL				
I-1027081		DEC: SS SERVICES	41,379.76			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		DEC: SS SERVICES		601 4601-85060-000	METRO SEWER CHARGES	41,379.76
=== VENDOR TOTALS ===			41,379.76			
=====						
01-07263		NEXTEL COMMUNICATIONS, INC				
I-172868921-104		CELL PHONE: FIRE DEPT	53.89			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		CELL PHONE: FIRE DEPT		101 4124-85015-000	CELL PHONE	53.89
=== VENDOR TOTALS ===			53.89			
=====						
01-07030		OLSON, ROLAND				
I-201311054388		FLEX PAYMENT	120.02			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		FLEX PAYMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	105.61
		FLEX PAYMENT		601 21712-000	MEDICAL FLEX SAVINGS PAY	12.00
		FLEX PAYMENT		602 21712-000	MEDICAL FLEX SAVINGS PAY	2.41
=== VENDOR TOTALS ===			120.02			
=====						
01-06053		OREILLY AUTO PARTS				
I-201311054393		SHOP SUPPLIES: GLOVES, OIL	109.49			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		SHOP SUPPLIES: GLOVES, OIL		101 4132-70120-000	SUPPLIES	109.49
=== VENDOR TOTALS ===			109.49			

-----ID-----			GROSS	P.O. #		
ST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-06115	TIMOTHY PITTMAN					
=====						
I-201311054389		REIMB: MILEAGE AND COOKIES	119.55			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		REIMB: MILEAGE		101 4131-87010-000	CITY HALL MAINTENANCE	39.55
		REIMB: COOKIES FOR WINTER FEST		101 4116-89010-000	SPECIAL EVENTS	80.00
		=== VENDOR TOTALS ===	119.55			
=====						
01-06185	RAMSEY COUNTY					
=====						
I-PRRLG 001068		SPECIAL ASMT FEE (MULT PRJCTS	47.50			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		SPECIAL ASMT FEE (MULT PRJCTS)		419 4419-89000-000	MISCELLANEOUS	47.50
=====						
I-PUBW 013133		PAINTING FOR CROSSWALK	879.05			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		PAINTING FOR CROSSWALK		101 4132-87005-000	CROSSWALK PAINTING	879.05
		=== VENDOR TOTALS ===	926.55			
=====						
01-07228	CITY OF ST ANTHONY					
=====						
I-3042		NOV: POLICE SERVICE	50,169.17			
11/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		NOV: POLICE SERVICE		101 4122-81000-000	POLICE SERVICES	50,169.17
		=== VENDOR TOTALS ===	50,169.17			
=====						
01-00935	ST PAUL REGIONAL WATER SERVICE					
=====						
I-201311054390		H2O FOR LARPENTEUR PLANTS	150.98			
/05/2013	APBNK	DUE: 11/05/2013 DISC: 11/05/2013		1099: N		
		H2O FOR LARPENTEUR PLANTS		101 4132-85040-000	WATER FOR BLVD PLANTS	150.98
		=== VENDOR TOTALS ===	150.98			
=====						
01-05374	TENNIS SANITATION LLC					
=====						
I-1076627		OCT: RECYCLE	5,769.00			
11/01/2013	APBNK	DUE: 11/01/2013 DISC: 11/01/2013		1099: N		
		OCT: RECYCLE		206 4206-82030-000	RECYCLING CONTRACTS	5,769.00
		=== VENDOR TOTALS ===	5,769.00			

-----ID-----
 ST DATE BANK CODE -----DESCRIPTION----- GROSS P.O. #
 DISCOUNT G/L ACCOUNT -----ACCOUNT NAME----- DISTRIBUTION
 =====

01-06548 TOLL - GAS & WELDING SUPPLY
 I-201311054391 WELDING SUPPLIES 22.71
 11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
 WELDING SUPPLIES 101 4131-70110-000 SUPPLIES 22.71
 === VENDOR TOTALS === 22.71

01-00880 US BANK HSA CUSTODIAN FOR BART
 I-201311054392 NOV HSA DEDUCTION 416.67
 11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
 NOV HSA DEDUCTION 101 21714-000 HSA FLEX PAYAB LE 366.67
 NOV HSA DEDUCTION 206 21714-000 HSA FLEX PAYABLE 20.83
 NOV HSA DEDUCTION 601 21714-000 HSA FLEX PAYABLE 16.67
 NOV HSA DEDUCTION 602 21714-000 HSA FLEX PAYABALE 12.50
 === VENDOR TOTALS === 416.67

01-05870 XCEL ENERGY
 I-201311054397 ELECTRIC DUES 1,293.56
 11/05/2013 APBNK DUE: 11/05/2013 DISC: 11/05/2013 1099: N
 ELECTRIC DUES 101 4131-85030-000 NATURAL GAS 188.80
 ELECTRIC DUES 101 4141-85020-000 ELECTRIC/GAS 329.02
 ELECTRIC DUES 101 4141-85020-000 ELECTRIC/GAS 45.40
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 12.22
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 11.19
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 48.00
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 47.50
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 61.81
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 46.56
 ELECTRIC DUES 101 4141-85020-000 ELECTRIC/GAS 11.19
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 48.63
 ELECTRIC DUES 209 4209-85020-000 STREET LIGHTING POWER 11.19
 ELECTRIC DUES 601 4601-85020-000 ELECTRIC 26.96
 ELECTRIC DUES 101 4131-85020-000 ELECTRIC 405.09
 === VENDOR TOTALS === 1,293.56

01-07205 ZEP SALES & SERVICE
 I-9000597524 TRASH BAGS 163.87
 11/01/2013 APBNK DUE: 11/01/2013 DISC: 11/01/2013 1099: N
 TRASH BAGS 101 4131-70110-000 SUPPLIES 163.87
 === VENDOR TOTALS === 163.87
 === PACKET TOTALS === 112,077.87

EMP #	NAME	AMOUNT
01-0013	PETER C LINDSTROM	310.01
01-0016	PAMELA M HARRIS	277.05
01-0019	KEITH P GOSLINE	277.05
01-1004	BART J FISCHER	2,403.98
01-1010	MICHELLE C TESSER	1,474.36
01-1014	CHELSEA PETERSEN	913.13
01-1136	ROLAND O OLSON	854.85
01-1150	JOHN R ONEILL	479.51
01-2154	MAUREEN A ANDERSON	144.53
01-1038	DEBORAH K JONES	1,671.96
01-0086	RICHARD H HINRICHS	254.92
01-0095	MICHAEL J POESCHL	101.58
01-0105	ANTON M FEHRENBACH	98.77
01-1030	TIMOTHY J PITTMAN	1,543.63
01-1033	DAVE TRETSVEN	1,454.68
01-1143	COLIN B CALLAHAN	427.84
01-1149	JONATHON R PERKINS	761.09
01-2197	LAURA A CHANDLER	110.18

TOTAL PRINTED: 18 13,559.12

10-28-2013 11:03 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 1
PAYROLL DATE: 10/28/2013

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0017	MERCER-TAYLOR, ELIZABETH	R	10/28/2013	274.93	081954
0018	LONG, CHARLES E	R	10/28/2013	277.05	081955
0034	KURHAJETZ, CLEMENT	R	10/28/2013	366.92	081956
0097	GAFNEY, PATRICK	R	10/28/2013	101.58	081957
2172	ARCAND, MICHAEL W	R	10/28/2013	99.04	081958
1152	SPORLEIN, MICHAEL G	R	10/28/2013	814.84	081959
2207	REINHART, ELIZABETH A	R	10/28/2013	59.10	081960

10-28-2013 11:03 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 2
PAYROLL DATE: 10/28/2013

*** REGISTER TOTALS ***

REGULAR CHECKS:	7	1,993.46
DIRECT DEPOSIT REGULAR CHECKS:	18	13,559.12
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	25	15,552.58

*** NO ERRORS FOUND ***

** END OF REPORT **



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F2
Attachment	N/A
Submitted By	Michelle Tesser, Assistant to the City Administrator

Item	Approval of City Licenses
Description	<p>The following individual has applied for a <u>Mechanical Contractor's License</u> for 2013. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. BWS Commercial Construction, LLC <p>The following individuals have applied for a <u>Municipal Business License</u> for 2014. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Century 21 Jay Blank Realty, Inc. 2. Spire Federal Credit Union 3. National Youth Leadership Council 4. Awad Eye Care, LLC 5. Golden Tailor 6. TIES 7. Har Mar Lock & Service Center 8. Association of Metropolitan School Districts 9. Minnesota Association of Secondary School Principals 10. Cox Insurance Associates, Inc. 11. Young Spa 12. Hair Design Unlimited 13. Falcon Heights Gas & Convenience, Inc. <p>The following individuals have applied for a <u>Mechanical Contractor's License</u> for 2014. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Standard Heating & Air Conditioning 2. Yale Mechanical, LLC 3. Bonfe's Plumbing, Heating & Air Service, Inc. 4. Corval Constructors, Inc. <p>The following individual has applied for a <u>Tree Trimming License</u> for 2014. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. A-1 Walsh, Inc.

	<p>The following individual has applied for a <u>Home Occupation License</u> for 2014. Staff has received the necessary documents for licensure.</p> <p>1. Therapy for Children, Adults, and Families, Inc.</p> <p>The following individual has applied for a <u>Car Wash, Retail Grocery, Cigarette, and Gasoline Station Operator Licenses</u> for 2014. Staff has received the necessary documents for licensure.</p> <p>1. Falcon Heights Gas & Convenience, Inc.</p>
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the 2013 and 2014 City License Applications.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F3
Attachment	Resolution 13-31
Submitted By	Deborah Jones, Zoning & Planning Director

Description	SCORE Grant Application Authorization
Background	<p>The SCORE grant from the State of Minnesota helps offset the cost of providing recycling services to our residents. The city must apply for this funding annually through St. Paul-Ramsey County Department of Public Health, Environmental Health Division.</p> <p>The Council must authorize the Mayor and Administrator to enter into an agreement with Ramsey County for funding under the 2014 SCORE recycling grant along with adopting the attached resolution.</p>
Budget Impact	This year's grant is expected to provide approximately \$10,990 to the City of Falcon Heights, exact amount TBD.
Attachment(s)	Resolution 13-31
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the SCORE grant application.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 13, 2013

No. 13-31

**RESOLUTION AUTHORIZING THE MAYOR AND STAFF TO SIGN THE 2012
RAMSEY COUNTY SCORE GRANT, AND ENTER INTO AN AGREEMENT
WITH RAMSEY COUNTY FOR FUNDING**

WHEREAS, the City of Falcon Heights has a recycling program, which serves the residents of the City; and

WHEREAS, the City utilizes the SCORE funding to offset costs of that program each year; and

WHEREAS, the City Council has determined that participation in this program is beneficial to the residents of Falcon Heights;

NOW, therefore, be it resolved by the City Council of the City of Falcon Heights, Minnesota;

The Mayor and City Administrator are authorized to enter into an agreement with Ramsey County for funding under the 2014 SCORE Grant.

ADOPTED by the Falcon Heights City Council this 13th day of November, 2013.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor
November 13, 2013

LINDSTROM ___ In Favor
GOSLINE
HARRIS ___ Against
LONG
MERCER-TAYLOR

Attested by: _____

Bart Fischer
Administrator
November 13, 2013



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F4
Attachment	N/A
Submitted By	Roland Olson, Finance Director

Item	Budget amendment to the Parks Program Special Revenue Fund (201)
Description	Additional revenues and expenses are being recognized in the Parks Program Fund from the Tae Kwon Do classes and other specialty classes such as Yoga. Staff recommends amending the revenue budget and expense budget to reflect these additional revenue and expenditure increases for 2013.
Budget Impact	Increase the resident recreation fees revenue line item by \$7,000 and the non-resident recreation fees revenue line item by \$6,000. Also, increase the expenditure line items for seasonal employees by \$7,000, and specialty instructors by \$6,000.
Attachment(s)	N/A
Action(s) Requested	Staff recommends the following budget amendments to the Parks Program Special Revenue Fund 201 for 2012: Increase \$7,000 to the resident recreational fees revenue line budget item. Increase \$6,000 to the non-resident recreational fees revenue line budget item. Increase \$7,000 to the seasonal employee expenditure line budget item. Increase \$6,000 to the specialty instructor expenditure line budget item.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F5
Attachment	City's Charitable Gambling Application LG220 Application for Exempt Permit
Submitted By	Michelle Tesser, Assistant to the City Administrator

Item	Lawful Gambling Permit for Falcon Heights Elementary PTA
Description	<p>The Falcon Heights Elementary PTA desires to hold raffles at their annual carnival to be held at the Falcon Heights Elementary School. Since the dollar value of the prizes are expected to be over \$1,500, an exempt permit to hold lawful gambling activity is required. The Falcon Heights Elementary PTA is asking the city to approve their application to conduct this lawful gambling activity. They are requesting the approval be with no waiting period so the raffle tickets can be printed and the students can start selling them as soon as possible.</p> <p>Because the gambling premise is within the city limits, the PTA must complete the city's charitable gambling application and the city must sign on the LG220 Application Form. There are three choices for the city: (1) The City approves the application with no waiting period. (2) The City approves the application with a 30 day waiting period, and allows the Board to issue a permit after 30 days. (3) The City denies the application.</p> <p>Once the City signs their approval of the application, the organization would then submit it to MN Lawful Gambling Board. The Board usually completes their process within a couple of days and mails out the permit or arranges with the organization to pick it up at the Board's office. The organization must also complete a Financial Report that must be returned to MN Lawful Gambling within 30 days of the gambling activity.</p>
Budget Impact	N/A
Attachment(s)	City's Charitable Gambling Application LG220 Application for Exempt Permit

Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the city's charitable gambling application and state's temporary permit request with no waiting period by the Falcon Heights Elementary PTA to conduct lawful gambling activity at their annual carnival.
------------------------	---



CITY OF FALCON HEIGHTS

2077 W Larpenteur Ave
Falcon Heights MN 55113
Phone 651-792-7600. Fax 651-792-7610
www.falconheights.org

FOR OFFICE USE	
License Number:	
Approval Date:	
Amount Paid:	
Receipt:	

Charitable/Lawful Gambling License Application (Exemption) No Permit Fee

Name of Organization: Falcon Heights Elementary PTA
 Business Phone: 651 646 0021 Email: NYJets72@MSN.com
 Main Contact Name: Michael Reilly Michael.J.Reilly@WellsFargo.com
 Organization Address: 1393 GARDEN AVE Falcon Heights MN 55113
 Name of Gambling Manager: Michael Reilly
 Gambling Manager's Address: 1393 GARDEN AVE Falcon Heights MN 55113
 Gambling Manager's Phone: 763 498 2396 Email: NYJets72@MSN.com
 Location of Gambling Site: Falcon Heights Elementary
 Dates and hours of Gambling: February 28, 2014 5:30PM - 8:00 PM

ITEMS REQUIRED FOR LICENSURE:

- Completed application form
- A copy of the organization's non profit status
- A copy of the organizations' charitable gambling Exemption permit (MN Gambling Board forms)

I swear that I have read and will follow Falcon Heights City Code Sec. 30.4 Regulation of nonprofit organization of gambling. I swear that the organization is within the exemption set forth in MN Statute §349.166 and will following the rules set forth in MN Statute §349.166.

I swear that I understand the above statement provided I swear that the application is completed to the true and best of my knowledge and belief.

Michael Reilly
Signature

10/23/2013
Date

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

Application fee (non refundable)

If application is postmarked or received 30 days or more before the event **\$50**; otherwise **\$100**.

ORGANIZATION INFORMATION

Organization name
FALCON HEIGHTS PTA

Previous gambling permit number
X-06740-11-001

Minnesota tax ID number, if any
Federal employer ID number (FEIN), if any
41-0706117

Type of nonprofit organization. Check one.

Fraternal Religious Veterans Other nonprofit organization

Mailing address
1393 GARDEN AVE W

City
FALCON HEIGHTS

State
MN

Zip code
55113

County
RAMSEY

Name of chief executive officer [CEO]
MICHAEL REILLY

Daytime phone number
763-498-2396

E-mail address
NYJETS7@MSN.COM

NONPROFIT STATUS**Attach a copy of ONE of the following for proof of nonprofit status.**

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.

Don't have a copy? This certificate must be obtained each year from:
Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103
Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]

If your organization falls under a parent organization, attach copies of **both** of the following:

- a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
- b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.
FALCON HEIGHTS ELEMENTARY

Address [do not use PO box]
1393 GARDEN AVE W

City or township
FALCON HEIGHTS

Zip code
55113

County
RAMSEY

Date[s] of activity. For raffles, indicate the date of the drawing.
FEBRUARY 28, 2013

Check each type of gambling activity that your organization will conduct.

Bingo* Raffle Paddlewheels* Pull-tabs* Tipboards*

***Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].
- The application is denied.

Print city name _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name _____

Signature of county personnel _____

Title _____ Date _____

TOWNSHIP. If required by the county.

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature Michael Reilly Date 9-30-2013

Print name MICHAEL REILLY

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day

Send application with:

- a copy of your proof of nonprofit status, and
- application fee (non refundable). Make check payable to "State of Minnesota."

To: Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us.

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

Internal Revenue Service

Date: July 24, 2006

PTA MINNESOTA CONGRESS
1667 SNELLING AVE N
ST PAUL MN 55108-2131

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
DALPHENE NAEGELE 31-04012
CUSTOMER SERVICE SPECIALIST
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
41-0706117
Group Exemption Number:
0870

Dear Sir or Madam:

This is in response to your request of July 24, 2006, regarding your organization's tax-exempt status.

In August 1945 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

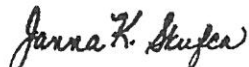
Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list your organization submitted as exempt from federal income tax under section 501(c)(3) of the Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F6
Attachment	N/A
Submitted By	Roland Olson, Finance Director

Item	Statutory Tort Limits Liability Coverage for City in 2014
Description	<p>Effective January 1, 2014, the statutory tort limits for the City of Falcon Heights under our insurance policy with the League of Minnesota Cities Insurance Trust will continue to be \$1,500,000. An individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which statutory tort limits apply would be limited to \$1,500,000.</p> <p>The League of Minnesota Cities Insurance Trust is requesting that cities determine if they wish to waive the statutory tort limits for 2014. Under certain circumstances the LMCIT, which represents the city in these claims, may negotiate above the legal liability limit if necessary because some claims like employment are exempt from the cap. The general council from the LMCIT states that cities make different choices depending upon their circumstances. However, they perceived that maintaining the limit was prudent in many cases. The city has had no claims for settlements for several years. Since 2000, the city council has voted <u>not to waive</u> the statutory tort limits.</p>
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends that the city council approve a motion <u>not to waive</u> the city's statutory tort limits for 2014.



Families, Fields and Fair

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F7
Attachment	N/A
Submitted By	Tim Pittman, Director of Public Works and Parks

Item	Storm Sewer Cleaning Program
Description	The City of Falcon Heights storm sewer system consists of 283 catch basins and 136 manhole accesses. Approximately 4 miles of storm sewer pipe size varying from 12" to 42" in diameter. In 2011 a little over a ¼ of the system was cleaned, in 2012 another ¼ of the system was cleaned. Again for 2013 another section of the system is scheduled for cleaning. These systems carry rain water to rivers, streams, and lakes. Lake Como is our body of water that our system drains to. After years of leaves and debris passing thru this system, deposits have developed. To reduce the chance of these contaminants getting to our lakes and streams proper cleaning of the system is required. This consists of a high pressure nozzle that washes the inside of the pipes and basins and the debris our vacuumed out and hauled away to a proper disposal site.
Budget Impact	Money has been allocated in the Storm Drainage Fund (602) for 2013 in the amount of \$10,000.00.
Attachment(s)	N/A
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve an agreement with American Environmental LLC for the amount of \$10,000.00



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F8
Attachment	Application
Submitted By	Mayor Peter Lindstrom

Item	City Commission Appointment
Description	I recommend Nathan Thorvilson be appointed to the Falcon Heights Environment Commission.
Budget Impact	N/A
Attachment(s)	Nathan Thorvilson's application.
Action(s) Requested	Approval of the above appointment.

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

From: Please Do Not Click Reply [mailto:support@govoffice.com]

Sent: Tuesday, October 29, 2013 9:44 AM

To: Bart Fischer

Subject: City Commission Application (form) has been filled out on your site.

Your Site has received new information through a form.

Form: City Commission Application

Site URL: www.falconheights.org

Date: 10/29/13

Name: Nathan Thorvilson

Street Address:

City, State, Zip Code: Phone Number: Additional Phone Number:

Email:

How Long at Above Address?: 1 month

In Which Capacity Would You Like to Serve?: I'm interested in serving on the Environment Commission. I'd also be interested in serving on the Planning Commission, but because of my interest in the volunteer fire fighter program, I think there would be a conflict in scheduling (Tuesday nights).

What is the Reason You Would Like to Serve?: I'd like to become more involved in the local community, network with community members, and learn about and improve the City of Falcon Heights.

List Prior (Previous) Public Service: I have served on the board of directors of Community Neighborhood Housing Services for three years. This is a St. Paul-based non-profit, offering foreclosure mitigation counseling, homebuyer education, and home improvement lending programs. They serve the metro area, including Falcon Heights.

Other Relevant Background (Other Comments): I work as a Commercial and Residential Real Estate Appraiser. I believe my experience and knowledge would be beneficial to Environment Commission and Planning Commission (should scheduling allow for membership).

Do Not Click Reply - This e-mail has been generated from a super form.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F9
Attachment	Application
Submitted By	Mayor Peter Lindstrom

Item	City Commission Appointment
Description	I recommend Cari Lee be appointed to the Falcon Heights Parks and Recreation Commission.
Budget Impact	N/A
Attachment(s)	Cari Lee's application.
Action(s) Requested	Approval of the above appointment.

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

From: Please Do Not Click Reply [mailto:support@govoffice.com]

Sent: Wednesday, October 16, 2013 12:49 PM

To: Bart Fischer

Subject: City Commission Application (form) has been filled out on your site.

Your Site has received new information through a form.

Form: City Commission Application

Site URL: www.falconheights.org

Date: 10/16/2013

Name: Cari Lee

Street Address:

City, State, Zip Code: Phone Number: Additional Phone Number:

Email:

How Long at Above Address?: 4 years

In Which Capacity Would You Like to Serve?: Park and Rec What is the Reason You Would

Like to Serve?: I have three children who use the parks and participate in the Park and Rec

programs. I would like to help keep and find programs that are important to us. I live in

University Grove and there has been a boom in the number of children who live in this area. It

would be a good thing to have a representative from this side of town.

List Prior (Previous) Public Service:

Other Relevant Background (Other Comments): I volunteer in the following communities: St Mathews Church, Parkview Center School, Families with Children from Asia and the University Grove Association.

Do Not Click Reply - This e-mail has been generated from a super form.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F10
Attachment	N/A
Submitted By	Peter Lindstrom, Mayor

Item	2014 Commission Appointments
Description	<p>Each year the City Council appoints residents to serve on various city commissions. Below are my recommendations for residents to serve three year terms (2014-2016), as directed by the city code:</p> <p>Jacob Brown, Planning Commission (second term) Linda Fite, Planning Commission (second term) Melanie Leehy, Neighborhood Commission (second term) Felicia Turner, Neighborhood Commission (first term)</p>
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	I recommend that the residents listed above be appointed to three year terms to their respective commissions.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F11
Attachment	N/A
Submitted By	Michelle Tesser, Assistant to the City Administrator

Item	Acceptance of U of M Good Neighbor Grant Award
Description	The Cleveland Avenue Beautification Project was completed in October 2013. The U of M Good Neighbor grant paid the final installment of the Cleveland Avenue Beautification Project in the amount of \$6,000. The total amount awarded was \$9,000 for the Beautification Project and \$1,200 of the Spring Together event. This will complete the grant.
Budget Impact	N/A
Attachment(s)	Photos of the Cleveland Avenue Beautification Project
Action(s) Requested	Staff recommends that the Falcon Heights City Council accept the \$6,000.00 grant award.





The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F12
Attachment	2014 Consultant Services Agreement
Submitted By	Bart Fischer, City Administrator

Item	2014 Housing Resource Center Consultant Services Agreement
Description	The City of Falcon Heights has historically partnered with the Housing Resource Center (HRC) so that our residents have access to resources such as Ramsey County loan funds, scope of service/bid preparation, contractor lists, and numerous other services. The annual cost of this contract continues to be \$2,000. The draft 2014 Consultant Services Agreement is attached to this report.
Budget Impact	The \$2,000 cost associated with this contract is included in the draft 2014 operating budget.
Attachment(s)	2014 Consultant Services Agreement
Action(s) Requested	Staff recommends that the Falcon Heights City Council adopt the attached 2014 Consultant Services Agreement with the Greater Metropolitan Housing Corporation.

CONSULTANT SERVICES AGREEMENT

THIS IS AN AGREEMENT entered into the ____ day of _____, 20__, by and between the City of Falcon Heights, a Minnesota municipal corporation, (“the City”), and **GREATER METROPOLITAN HOUSING CORPORATION**, a Minnesota non-profit corporation (“Consultant”).

RECITALS

A. The Consultant has a division called The Housing Resource Center (“HRC”). GMHC has agreed to provide certain Services through HRC (as defined below) in connection with the City’s housing program.

B. The City desires to hire the Consultant to render this technical, professional, and marketing assistance in connection with housing programs in the City for the term as set forth in this Agreement.

C. Consultant is willing to provide such services on the terms and conditions set forth herein.

In consideration of the foregoing recitals and following terms, conditions and mutual promises contained herein, the parties agree as follows:

1. **Scope of Services.** The Consultant shall provide services as follows (the “Services”):
 - b. Administer the following home improvement programs for residents of the City of Falcon Heights: MHFA Fix Up Fund, the MHFA Rental Rehab Program, the MHFA Emergency and Accessibility Program and the MHFA Rehabilitation Loan Program (collectively the “MHFA Programs”):
 1. Providing information to residents and property owners about the programs, upon request;
 2. Assist the City in developing procedures for the programs;
 3. Receipt of applications from residents;
 4. Processing applications;
 5. Closing loans to qualified applicants in accordance with the applicable program;
 6. Overseeing the draw process for the funds, including, as necessary, reviewing draws, reviewing the progress of the work and collecting lien waivers and certificates of occupancy. Consultant may, for this purpose, rely on third-party representations and certifications.
 7. Provide monthly reports about the number of loans closed and the balance in each loan program.

- c. Assist City residents considering rehabilitation, including property visits, meet with homeowners and potential contractors, suggest alternatives for rehabilitation to homeowners, educate homeowners on the construction bid process, assist homeowners to evaluate bids and work completed and construction progress.
- d. Provide HRC housing information to City residents, including information on emergency assistance, housing rehabilitation, first time homebuyers and limited rental information;
- e. Assist the City in developing programs to purchase and rehabilitate homes;
- f. Coordinate these services out of Consultant's Housing Resource Center, 1170 Lepak Court, Shoreview, MN 55126; and
- g. Have Consultant's staff visit residences as determined necessary by Consultant.

2. **Term.** This Agreement shall be in full force and effect from January 1, 2014 and shall continue through December 31, 2014, unless otherwise terminated as set forth below.

3. **Compensation.** For services provided under this Agreement, the City shall pay to the Consultant Two Thousand Dollars (\$2,000.00) within thirty (30) days after execution of this Agreement.

The Consultant shall receive compensation for administering the MHFA Programs directly from the Minnesota Housing Finance Agency and not from the City.

4. **Termination.** Notwithstanding any other provision hereof to the contrary, this Agreement may be terminated as follows:

- a. The parties, by mutual written agreement, may terminate this Agreement at any time in which case the parties shall agree to the amount of fees payable to Consultant.
- b. The City may terminate this Agreement upon the breach by Consultant of any of its material covenants contained herein, where such breach shall have continued for a period of thirty (30) days following the receipt by Consultant of a written notice from the City, specifying the alleged breach; provided, however, if the nature of a non-monetary breach is such that Consultant cannot reasonably cure same in the thirty (30) day period, Consultant shall not be deemed to be in breach if it commences to cure within the thirty (30) day period, and diligently pursues same to completion within ninety (90) days following receipt by Consultant of such written notice. In the event of termination by the City hereunder, Consultant shall be entitled to fees due to the date the notice of breach is sent by the City.
- c. If Consultant or City (as applicable) (i) files a voluntary petition in bankruptcy (ii) files a voluntary petition for reorganization under any bankruptcy law, statute

or regulation or other similar statute or regulation, (iii) is adjudicated a bankrupt, (iv) makes an assignment for the benefit of creditors or applies for or consents to the appointment of a receiver or trustee as part of or in conjunction with a “creditor plan” with respect to any substantial part of its assets, or (v) a receiver or trustee is appointed, or an attachment or execution levied with respect to any substantial part of its assets, and said appointment is not vacated, or the attachment or execution not released, within sixty (60) days, then this Agreement shall, effective as of such date, without notice or further action by either party, immediately terminate.

- d. Consultant may terminate this Agreement upon the breach by City of any of its material covenants contained herein, where such breach shall have continued for a period of thirty (30) days following the receipt by City of a written notice from Consultant, specifying the alleged breach; provided, however, if the nature of a non-monetary breach is such that City cannot reasonably cure same in the thirty (30) day period, City shall not be deemed to be in breach if it commences to cure within the thirty (30) day period, and diligently pursues same to completion within ninety (90) days following receipt by City of such written notice. In the event of termination by Consultant hereunder. Consultant shall be entitled to retain the entire fee under this Agreement.

5. **Insurance.**

- a. During the term of this Agreement, the Consultant shall obtain and maintain workers compensation, comprehensive general liability, and automobile liability insurance. Comprehensive general liability insurance shall have an aggregate limit of Two Million Dollars (\$2,000,000.00).
- b. Upon request by the City, the Consultant shall provide a certificate or certificates of insurance relating to the insurance required. Such insurance secured by the Contractor shall be issued by insurance companies licensed in Minnesota. The insurance specified may be in a policy or policies of insurance, primary or excess.
- c. Such insurance shall be in force on the date of execution of an Agreement and shall remain continuously in force for the duration of the Agreement.

6. **Indemnification.**

- a. Notwithstanding anything to the contrary in this Agreement, the City, its officers, agents, and employees shall not be liable or responsible in any manner to the Consultant, the Consultant’s successors or assigns, the Consultant’s subcontractors, or to any other person or persons for any third party claim, demand, damage, or cause of action of any kind, nature, or character, including intentional acts, arising out of or by reason of the performance of this Agreement by Consultant. The Consultant, and the Consultant’s successors or assigns, agree to protect, defend and save the City, and its officers, agents, and employees, harmless from all third party

claims, demands, damages, and causes of action, to the extent caused by the negligence or wrongful acts of Consultant, and the costs, disbursements, and expenses of defending the same, including but not limited to, attorneys fees, consulting services, and other technical, administrative or professional assistance.

- b. Nothing in this Agreement shall constitute a waiver or limitation of any immunity or limitation of any immunity or limitation on liability to which the City is entitled under Minnesota Statutes, Chapter 466, or otherwise.

7. **Assignment.** This Agreement shall not be assigned, sublet, or transferred, in whole or in part without the prior written approval of the City.

8. **Conflict of Interest.** The Independent Contractor shall use best efforts to meet all professional obligations to avoid conflicts of interest and appearances of impropriety in representation of the City. In the event of a conflict, the Independent Contractor, with the prior written consent of the City, shall arrange for suitable alternative services.

9. **Compliance with Laws.** The Consultant shall comply with all applicable Federal, State, and local laws, rules, ordinances, and regulations at all times and in the performance of the services pursuant to this Agreement.

10. **Notices.** Any notices permitted or required by this Agreement shall be deemed given when personally delivered or upon deposit in the United States mail, postage fully prepaid, certified, return receipt requested, addressed to:

Consultant: Greater Metropolitan Housing Corporation
15 South 5th Street, Suite 710
Minneapolis, MN 55402
ATTN: Suzanne Snyder

City: City of Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, MN 55113

Or such other address as either party may provide to the other by notice given in accordance with this provision.

11. **Entire Agreement.** This Agreement, any attached exhibits and any addenda or amendments signed by the parties shall constitute the entire agreement between the City and the Consultant, and supersedes any other written or oral agreements between the City and the Consultant. This Agreement can only be modified in writing signed by the City and the Consultant.

12. **Third Party Rights.** The parties to this Agreement do not intend to confer on any third party any rights under this Agreement.

13. **Counterparts.** This Agreement may be signed in one or more counterparts but all of which taken together shall constitute one instrument.

14. **Choice of Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

15. **Agreement Not Exclusive.** The City retains the right to hire other housing program consultants, in the City's sole discretion.

16. **Data Practices Act Compliance.** Data provided to the Consultant or created by the Consultant under this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as amended.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates indicated below.

CITY:

CITY OF FALCON HEIGHTS

By: _____

Its: Mayor

Date: _____, 20__.

By: _____

Its: City Administrator

Date: _____, 20__.

CONSULTANT:

GREATER METROPOLITAN HOUSING CORPORATION

By: _____

Its: President

Date: _____, 20__.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F13
Attachment	Bylaws of Falcon Heights Fire Department Relief Association
Submitted By	Bart Fischer, City Administrator Fire Relief Association Members

Item	Approve Amendment to Bylaws of Fire Department Relief Association
Description	<p>The Fire Relief Association recently approved the following language amendment to their bylaws, Article II - Definitions and Active Services Provisions.</p> <ol style="list-style-type: none"> 1. <u>If a member who is not 100% vested in his or her account balance separates from Active Service, the member shall forfeit the non-vested portion of his or her account balance when the member receives a distribution of the vested portion of his or her account balance or on January 1 of the year after the member does not return to active service with the Fire Department within 5 years from the member's date of separation unless prior to such date, the member rejoins the Fire Department.</u> The member's forfeited share shall be allocated among the active members pursuant to Minn. Stat. Section 424A.016 and Section 9.5 of these Bylaws for the Plan Year in which the Forfeiture occurs. 2. <u>A member who separates from Active Service and later rejoins the Fire Department may again become an active member by applying for membership in accordance with Section 3.1. The following rules shall apply to a member who is accepted for membership following a break in Active Service:</u> <ol style="list-style-type: none"> (a) <u>If the member rejoins the Fire Department prior to receiving a distribution from the member's account, the member's years of Active Service shall include the member's years of Active Service before and after the break in service.</u> (b) <u>If the member rejoins the Fire Department after receiving a distribution from the member's account:</u> <ol style="list-style-type: none"> (1) <u>the non-vested portion of the member's account shall not be reinstated; and</u> (2) <u>the member's years of Active Service before the break in service shall not be included in determining the vested portion of the member's account that is attributable to the member's years of Active Service."</u> (c) <u>If the member rejoins the Fire Department more than 5 years after separating from Active Service, but prior to receiving a distribution from the member's account:</u> <ol style="list-style-type: none"> (1) <u>the non-vested portion of the member's account shall not be reinstated; but</u> (2) <u>the member's years of Active Service shall include the member's years of Active Service before and after the break in service.</u> <p>In addition to the Relief Association approving these changes, the City Council also must approve them. The Relief Association wanted to make their by-laws more in line with recent State Auditor changes.</p>

Budget Impact	N/A
Attachment(s)	Bylaws of Falcon Heights Fire Department Relief Association
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the amendment to the Fire Department Relief Association bylaws.



***Falcon Heights Fire Department
Relief Association***



**Bylaws of
Falcon Heights Fire
Department Relief Association**

Date of Restatement: November 22, 2011

Revision Record

Sections Revised	Date	Submitted By
Added Revision section	12/13/2005	Gaffney
Added Section 13.2.1	12/13/05	Gaffney
Changed section 8.5, added Secretary	12/13/05	Gaffney
Changed section 2.5.2, five years to two years	12/13/05	Gaffney
Changed all 10 years to 5 years, referencing vesting period	12/13/05	Gaffney
Removed "Restatement" from title	12/13/05	Gaffney
Removed section 2.4	12/7/06	Johnson-Powers
Section 2.5 (now 2.4) combined subsections one and two, removing the distinction between vested and non-vested members and changing the deadline from 2 to 5 years	12/7/06	Johnson-Powers
Section 2.11 (now 2.10) Deleted the last sentence which called for prorating pensions based on partial years served.	12/7/06	Johnson-Powers
Changed date in title to December 6, 2006	12/7/06	Gaffney
Updated section 2.6 and 9.4	9/1/07	Johnson-Powers

Added section 6.4	02/02/2010	Huff
Changed Section 2.2.1, 2.2 2 and 2.2.3, Removed 2.2.4	02/02/2010	Huff
Changed Section 2.4	02/02/1010	Huff
Removed Section 2.7	02/02/2010	Huff
Changed Section 2.8	02/02/2010	Huff
Changed Section 13.1, 13.2, 13.3 Old Section 13.3 removed, replaced with old section 13.4	02/02/2010	Huff
Added Article 17	02/02/2010	Huff
Changed Section 4.2	11/22/2011	S. Tesch
Changed Sections 2.4.1 and 2.4.2.c	07/13/2013	M. Kruse
Reformatted Changes in Section 2.4.2.c	10/19/2013	S. Tesch

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Article I – Name, Location and Purpose

Section 1.1. – Name. The Name of this Association shall be Falcon Heights Fire Department Relief Association.

Section 1.2. – Location. The registered office of this Association shall be located at 2077 West Larpenteur Avenue, Falcon Heights, MN 55113.

Section. 1.3. – Purpose. This instrument constitutes the Bylaws of the Falcon Heights Fire Department, adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written pension plan for the relief association. The Association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting. The objectives of the plan shall be to provide service pensions and ancillary benefits to members and dependants of the Falcon Heights Fire Department, hereinafter "Fire Department". All benefits issued by this association shall be governed by these bylaws and federal and state laws.

Article II – Definitions and Active Services Provisions

In these Bylaws, unless otherwise provided, the following terms shall have the following meanings, for purpose of active service provisions, the provision shall be interpreted as a definition and as a plan operational requirement.

Section 2.1. – Active Service. The active performance of fire suppression duties or the supervision of fire suppression duties. The performance of suppression or supervision of fire suppression duties includes meeting the requirements of Fire Department Standard Operating Procedures and call attendance requirements contained therein. Annually, the fire chief shall submit a written certification to the board of trustees that shall certify members' active service. Such certification shall be required to be submitted for approval by the board of trustees, by January 30 of each year.

Section 2.2. – Beneficiary. Pursuant to Minn. Stat. §424A.05, the beneficiary under this plan, that is entitled to receive a benefit following the death of an active, disabled, deferred or early vested member. The benefit shall be paid to the following persons, in the following succession:

1. To the Surviving Spouse and surviving child or children, in equal shares, or if there are no Surviving Spouse or children
2. To the beneficiary (which may be a trust created under Minn. Stat. Chapter 501B, if the survivor benefit will be distributed as a one-time lump sum payment) identified in writing, on forms supplied by the Secretary, and if no beneficiary is identified,
3. To the estate, as a death benefit.”

Comment [C1]: Amended to use terminology in 424A.05, Subd. 3

Section 2.3. – Board of Trustees. The Board of Trustees of the Association as specified under Minn. Stat. §424A.04. There shall be three ex-officio members. The three ex officio trustees shall be the mayor, the city finance director, and the chief of the municipal fire department.

Section 2.4. – Forfeiture. Forfeiture shall be defined as the portion of a member’s account balance that is forfeited for any reason.

1. If a member who is not 100% vested in his or her account balance separates from Active Service, the member shall forfeit the non-vested portion of his or her account balance when the member receives a distribution of the vested portion of his or her account balance or on January 1 of the year after the member does not return to active service with the Fire Department within 5 years from the member’s date of separation. ~~unless, prior to such date, the member rejoins the Fire Department.~~ The member’s forfeited share shall be allocated among the active members pursuant to Minn. Stat. Section

424A.016 and Section 9.5 of these Bylaws for the Plan Year in which the Forfeiture occurs.

2. A member who separates from Active Service and later rejoins the Fire Department may again become an active member by applying for membership in accordance with Section 3.1. The following rules shall apply to a member who is accepted for membership following a break in Active Service:
 - (a) If the member rejoins the Fire Department prior to receiving a distribution from the member's account, the member's years of Active Service shall include the member's years of Active Service before and after the break in service.
 - (b) If the member rejoins the Fire Department after receiving a distribution from the member's account:
 - (1) the non-vested portion of the member's account shall not be reinstated; and
 - (2) the member's years of Active Service before the break in service shall not be included in determining the vested portion of the member's account that is attributable to the member's years of Active Service."
 - (c) If the member rejoins the Fire Department more than 5 years after separating from Active Service, but prior to receiving a distribution from the member's account:
 - (1) the non-vested portion of the member's account shall not be reinstated; but
 - (2) the member's years of Active Service shall include the member's years of Active Service before and after the break in service.

Section 2.5. – Fiduciary Responsibility. In the discharge of their respective duties, the officers and trustees shall be held to the standard of care specified in section 11A.09. In addition, the trustees shall act in accordance with chapter 356A. Each member of the board is a fiduciary and shall undertake all fiduciary activities in accordance with the standard of care of section 11A.09, and in a manner consistent with chapter 356A. No trustee of the Association shall cause the relief association to engage in a transaction, if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions.

1. sale or exchange or leasing of any real property between the relief association and a board member;
2. lending of money or other extension of credit between the relief association and a board member or member of the relief association;
3. furnishing of goods, services, or facilities between the relief association and a board member; or

Comment [C2]: Amended to use language in 424A.04, Subd. 2a.3

4. transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.

Section 2.6. – Length of Service. For purposes of computing benefits or service pensions payable, a year of service shall be defined as a period of 12 complete months of active service, which need not be consecutive, on the Fire Department. No volunteer shall be given credit for a year of service unless that volunteer shall have completed an entire and complete year as an active volunteer member in good standing with the Fire Department. No volunteer shall be given credit for service during any periods of disability, medical leave, suspensions or department approved leaves of absence without specific and prior approval by the board of trustees. No portions or parts of years may be considered in determining the length of service for purposes of determining eligibility for benefits or amounts of benefits. Thus leaves of absence will affect total length of service in years but not necessarily the member’s annual certification of service.

Section 2.7. – Blank - Removed

Section 2.8. – Surviving spouse. The term ‘surviving spouse’ means the spouse of a deceased member who was legally married to the member at the time of death.”

Section 2.9. – Trustees. The individuals designated as such by Minn. Stat. §424A.04 and by virtue of elected office, those that qualify as the ex-officio trustee.

Section 2.10. – Year of Active Service. For purposes of computing benefits, service pensions payable or calculating vesting requirements, a year of service shall be defined as a period of 12 full months of active service in the Fire Department.

Section 2.11. – Domestic Relations Order. Any judgment, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minn. Stat. §§518.58, 518.581, or 518.611.

Section 2.12. – Account. The record of the amounts credited to an individual under the plan, including amounts transferred from the defined benefit pension plan, plus contributions, forfeitures and investment income allocated under the plan.

Section 2.13. – Accounting date. December 31.

Section 2.14. – Contribution. The additions to the special fund from fire state aid and/or municipal contribution.

Section 2.15. – Plan Year. The twelve month period commencing on January 1 and ending December 31.

Section 2.16. – Valuation. A determination made by an investment manager, C.P.A., actuary or other professional as designated by the board. A valuation shall include a calculation that determines the fair market value of the total assets. The fair market value shall be determined based on the value at which the investments could be sold on an open market. The board of trustees will determine the market value of any assets for which there is no readily determinable market value, upon consultation with the same designated professional. Where appropriate, the board of trustees shall have the discretion to use an independent appraiser to value the investments. The determination as to fair market value of investments shall not include selling those investments merely to determine their saleable value, and any transaction that shall result in churning of the account or other fraudulent activity, in order to conduct the valuation is prohibited. The professional shall not sell assets during the valuation process unless specifically directed to do so by the board. This definition also applies to the process of revaluing members' accounts and any other appropriate sections of these bylaws or activities of the board where assets or members' accounts are "valued".

Article III – Membership

Section 3.1. – Eligibility for membership. All active members of the Falcon Heights Fire Department including probationary members except members of the PERA Police and Fire Fund who are eligible for regular salary or overtime salary during volunteer activity are eligible for membership in the Falcon Heights Fire Department Relief Association. Application for membership shall be made in writing on a form supplied by the Secretary of the Relief Association. The application shall be reviewed for compliance with state statutory and plan requirements. If approved, the applicant shall be entered on the membership rolls

Section 3.2. – Classes of Membership. Members of this Association shall be classified in to three categories; active, deferred and disabled.

1. Active members are those that have not been suspended or expelled from this Association.
2. Deferred members shall be those former members who have retired from the Falcon Heights Fire Department and who have had an active period or periods of service in the Falcon Heights Fire Department for 5 years, but who have not reached the age of 50, or receive payment for the service pension from their account.
3. Disabled Members are those former members that have been permanently disabled due to injury or sickness while an active member and are no longer in active service with the Falcon Heights Fire Department.

Section 3.3. – Expulsion. Any member may be expelled from this Relief Association for cause by a two-thirds (2/3) vote of all members present at a regular or special meeting of the general membership. Cause for expulsion includes but is not limited to, failure to account for money belonging to the Association or feigning illness or injury for the purpose of defrauding the Association. The member shall have a right to a hearing before a quorum of the Board of Trustees. Written notice via registered mail will be sent to the individual at least 15 days prior to the hearing.

Article IV – Meetings and Elections of Officers

Section 4.1. – Annual Meeting of the Members. The annual meeting of the Association, for election of Association officers and two (2) Board Trustees shall be held on the first Tuesday in January each year. Written notice of the annual meeting shall be given to all members at least 7 days in advance. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

Section 4.2. – Regular Membership Meetings. The regular business meeting shall be held on the first Tuesday of the first month of each quarter. .

Section 4.3. – Special meetings. Special meetings may be called by the President and Secretary in cases of emergency. Notice of all special meetings shall be given to all members and the object of the meeting stated in such notice.

Section 4.4. – Order of Business. At meetings, the order of business of the Association shall be:

1. Call to order
2. Reading of minutes
3. Report of the Treasurer
4. Unfinished business
5. New Business
6. Proposed Memberships
7. Reports of Special Committees
8. Reading of Reports and Minutes of Board of Trustees
9. Election of officers or trustees (annual meeting)

Section 4.5. – Quorum at Membership Meetings. A majority of all active members in good standing of the Association constitute quorums of the transaction of business at annual, regular, and special meetings.

Section 4.6. – Quorum at Board of Trustee Meetings. A majority of members of the Board of Trustees shall constitute a quorum for the transaction of business at meetings.

Section 4.7. – Location of Board Meetings. A meeting of the Board of Trustees shall be held at the registered office of the Association in the City of Falcon Heights unless noticed of another place within the state as designated by the Board.

Section 4.8. – Notice. Subject to waiver, a notice of every meeting shall be sent or delivered by the Secretary to each trustee including ex-officio trustees, at least five (5), but not more than thirty (30) days, before the meeting, excluding the date of the meeting. Such notice shall set forth the date, time, place, and in case of a special meeting, the purpose.

Section 4.9. – Open Meeting Law. The association is governed by Minn. Stat. §13D.01 which requires that all meetings of the association be open to the public with rare exceptions. All notices provided for by this association shall comply with Minn. Stat. §13D.04 which requires at a minimum that:

1. A schedule of regular meetings be kept on file at the association offices and,
2. For special meetings, a notice will be placed on the door of the meeting room, as the association has no principal location and no bulletin board in which to alert the public.

Article V – Officers

Section 5.1. – President. It shall be the duty of the President to attend and preside at all meeting of this Association and the Board of Trustees. The President shall enforce the due observance of Minnesota State Statutes, the Articles of Incorporation and the Bylaws and see that officers properly perform the duties assigned to them. The president shall sign all checks issued by the Treasurer and all other papers requiring the President’s signature. The President shall be a member of all committees and shall exercise careful supervision over the affairs of the Association. The President shall have other duties as assigned from time to time by the Board of Trustees.

Section 5.2. – Vice-President. It shall be the duty of the Vice-President to perform the duties of the President in the President’s absence. In the absence of both, it shall be the duty of the Association to appoint a President Pro-tempore, who shall perform the duties incident to the office. The Vice President shall have other duties as assigned from time to time by the President or Board of Trustees.

Section 5.3. – Secretary. It shall be the duty of the Secretary to keep a true and accurate record of the proceedings of all meetings of the Association and the board of trustees. The Secretary shall keep a correct record of all amendments, alternations and additions to the Constitution, Bylaws, or order of business in a separate book from the minutes of the Association. The Secretary shall cause a due notice of all special meetings of the Association and Board of Trustees. The Secretary shall keep a roll of membership, with date of joining, resignation, discharge, name of beneficiary in case of death, assessments paid and relief furnished. The Secretary shall, prior to entering upon the duties of office, give a bond in such sum and with such securities as may be required and approved by the Board of Trustees, conditioned upon the faithful discharge of the trusts and full performance of the duties of the office. The Secretary shall approve all checks issued by the Treasurer. The Secretary shall receive such salary as the Board of Trustees shall from time to time fix, subject to the approval of the Association. The Secretary shall prepare all paperwork and obtain required signatures for relief benefits due to the membership and insure benefits are distributed to appropriate parties. The Secretary shall receive all monies due to the Association and pay the same over to the Treasurer, taking a receipt of the same, and failing to do so the Secretary may be impeached and expelled from the Association. The books of the Secretary shall be at all times open to inspection by the Board of Trustees. The Secretary shall prepare and process all correspondence as needed. The Secretary shall sign all orders for payment issued to the Treasurer, and jointly with the Treasurer prepare and file all reports and statements required by laws. The Secretary shall have other duties as assigned from time to time by the Board of Trustees.

Section 5.4. – Treasurer. It shall be the duty of the Treasurer to receive all monies belonging to the Association and to hold them subject to the order of the President and countersigned by the Secretary and no others. The Treasurer shall keep separate and distinct accounts of all General and Special funds, and shall prepare and present to the Board of Trustees a full and detailed statement of the assets and liabilities of each fund and separately at each annual meeting of the Board of Trustees. The Treasurer shall deliver to the successor in office, or any committee appointed by the Board of Trustees to receive the same, all monies, books, papers, etc., pertaining to the office immediately upon the expiration of term of office. Failing in his/her obligations, he/she may be impeached and expelled from the Association. The Treasurer shall, prior to entering upon the duties of office, give a bond in the sum and with such securities as may be required and approved by the City Council conditioned upon the faithful discharge of the trusts and full performance of the duties of the office. The amount of the bond will be equal to at least ten percent (10%) of the assets of the Association; however, the amount of the bond need not exceed \$500,000.00. Jointly with the Secretary, the Treasurer shall prepare and file all reports and statements required by law. The treasurer shall receive such a salary as the Board of Trustees shall from time to time fix subject to the approval of the Association. The Treasurer shall have other duties as assigned from time to time by the Board of Trustees.

Article VI – Board of Trustees

Section 6.1. – The Board of Trustees shall consist of six (6) members elected by the membership - President, Vice President, Secretary, Treasurer, and two (2) Trustees -and three (3) ex-officio members consisting of the Fire Department Chief, Mayor and Finance Director.

Section 6.2. – Two Board members shall be elected for one (1) year terms at each annual meeting of the Association. A vacancy on the Board may be filled by the remaining Board members at any regular, or special meeting, shall hold office only until the next special or annual meeting of the Association membership when the successor shall be elected by the membership for the remainder of the term.

Section 6.3. – Compensation. As compensation for services to the Association by the President, Secretary and Treasurer, the membership may at the Annual Association meeting authorize payment of an aggregate salary expense payable from the Special Fund to these officers. The Board shall then apportion that aggregate authorized amount to reflect the services respectively rendered by those officers during the prior year. All other Board members can receive a nominal fixed payment from the General Fund for each Board meeting attended. The amount shall be recommend by the Board to the membership and approved by the membership at their Annual Association meeting. Administrative expenses incurred by the Board members in fulfilling their administrative responsibilities shall be paid from the Special Fund.

Section 6.4. – Resolved that the Association shall indemnify any person who is a member of the Board of Trustees of the association in accordance with, and to the maximum extent permitted by, the provisions of Minnesota Statutes 356A.11. In consideration of such right of indemnification, the Association shall have the right to appoint counsel of its choosing in any action brought against any such person, to protect the interests of the Association.

Article VII – Investments

Section 7.1. – Prudent Person. The Board of Trustees shall discharge their duties in good faith and with that diligence and care which an ordinarily prudent person would exercise under similar circumstances.

Section 7.2. – Investment Duties. It shall be the duty of the Board of Trustees to prepare modes and plans for the safe and profitable investment of the unappropriated funds of the Association and whenever investments are made, to investigate and pass upon the securities offered and to attend to the drawing and execution of necessary papers. The Board shall order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the members at the annual meeting. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, the bylaws, and the investment policy attached hereto. The Board of Trustees shall meet with the Investment Committee. The members of the Board shall act as Trustees with a fiduciary obligation to the State of Minnesota, to the City of Falcon Heights and the members of the Association.

Section 7.3. – Investment Committee. The Board of Trustees may designate two or more Association members to sit on an investment committee. The treasurer, the president and an ex-officio member shall sit on the committee. The investment committee shall investigate and make recommendations to the Board of suitable investments for Association funds among those permitted by Statute, the bylaws and the investment policy attached hereto.

Section 7.4. – Brokers' Certification. The board of trustees shall comply with Minn. Stat. §356A.06, Subd. 8b that requires the relief association to provide annually to any brokers, a written statement of investment restrictions pursuant to statute or the investment policy that apply to the special fund. Upon receipt of the written statement of investment restrictions, each broker handling investments of the Association shall acknowledge, in writing annually the receipt of the investment restrictions. The acknowledgment shall contain a statement of the broker's agreement to handle the Association's investments pursuant to the written restrictions.

Section 7.5. – Consultant Certificate of Insurance. Before employing or contracting with a consultant, the secretary of the relief association must obtain a copy of the consultant's certificate of insurance. A consultant is an individual or firm providing legal or financial advice, including an actuary; attorney; accountant; investment advisor, manager, counselor, or investment manager selection consultant; pension benefit design advisor or consultant; or any other financial consultant.

Comment [C3]: Amended to reflect 2009 amendment to §424A.04, Subd. 3

Section 7.6. – Continuing Education Plan. The board of trustees shall develop and periodically revise a plan for continuing education for all members and officers of the board of trustees in order to ensure that trustees keep abreast of their fiduciary responsibilities as required by Minn. Stat. §356A.13.

Article VIII – Funds

Section 8.1. – Funds. All monies received from the Association shall be kept in two separate funds as follows:

Section 8.2. – General Fund. The funds received by the Association from dues, fines, initiation fees and entertainment shall be kept in the general fund and may be disbursed upon a majority vote of the members of the Board of Trustees for any purpose reasonably suited to promote the welfare of the Association and its members.

Section 8.3. – Special Fund. All funds received by this Association qualifying as state aid received pursuant to law, all taxes levied by or other revenues received from the city pursuant to law providing for municipal support for the relief association, any monies or property donated, given, granted or devised excluding fundraiser proceeds, by any person which is specified for the use for the support of the Special Fund, and any interest earned on the assets of the Special Fund. Any tax sources and other money which may be directly donated or transferred to said fund, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed only for the following purposes.

1. Payment of members' service pension benefits in accordance with these bylaws;
2. Payment of ancillary benefits in accordance with these bylaws;
3. Administrative expenses as limited by Minn. Stat. §69.80.
4. Payments of fees, dues and assessments to belong to the Minnesota State Fire Department Association and to the Minnesota Area Relief Association Coalition in order to entitle relief association members to membership in and the benefits of the association or organizations.
5. Payment of insurance premiums to the state Volunteer Firefighters Benefit Association, or an insurance company licensed by the state of Minnesota offering casualty insurance, in order to entitle relief association members to membership in and the benefits of the association or organization.

Comment [C4]: Added in response to state auditor comment, and to conform to 424A.05, Subd. 3

Comment [C5]: Added to reflect 2009 amendment to 424A.05, Subd. 3

All other expenses of the Association shall be paid out of the General Fund.

Section 8.4. – Deposits. All money belonging to this Association shall be deposited to the credit of this Association in such banks, trust companies, savings and loan associations or other depositories as the Board of Trustees may designate. The board of

trustees shall make deposits in conformance with state statute and the investment policy, attached hereto.

Section 8.5. – Disbursements. No disbursement of the funds of this Association shall be made except by checks drawn by the Treasurer and countersigned by the President , Vice President or Secretary. Except when issued for salaries, pensions and other fixed charges, the exact amount of which has previously been determined by the Board of Trustees or the members, no check shall be issued until the claim to which it relates has been approved by the Board of Trustees.

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Article IX – Benefits

Section 9.1. – Type of Benefit. The exclusive pension provided by the Association is a "defined contribution lump sum service pension" as defined in Minnesota Statutes, Section 424A.02, subdivision 4.

Section 9.2. – Service Pensions. Any volunteer firefighter who (1) has attained the age of fifty years, (2) has served five or more years as a volunteer firefighter (3) has permanently separated from active service and (4) has five or more years in good standing as a member of the association, shall be eligible to receive a lump payment of his or her account balance less any administrative fees or requisite deductions, at the time of his or her retirement and application for payment. The pension payment shall be paid to the member pursuant to Article X – Timing and Modes of Distribution.

Section 9.3. – Applications and purposes of pension provisions. The provisions of this article apply to individuals who are members of the Association and members of the Fire Department. An individual shall not be considered a member of the Association after receiving a lump sum distribution of his pension benefits or ancillary benefits, from the Association.

Section 9.4. – Eligibility to share in contributions. An individual shall be eligible to share in the contributions and forfeitures, if any, for the plan year only if the individual is credited at least one month of active service and (a) is a member of that Plan Year or (b) terminated membership during the Plan Year for reasons other than death or disability.

Section 9.5. – Allocation of Contributions.

1. Allocation Rule. Contributions to be made to the special fund and forfeitures, if any, for a Plan Year shall be allocated among the individuals entitled to share in the contributions for such Plan Year under section 4, in the ratio that the months of service credited during such Plan year for each such individual bears to the Months of Service credited during such Plan Year for all such individuals.
2. Time of Making Allocations and Time of Funding. Allocations under subsection (a) shall be made as of the accounting date, after each Account has been adjusted for gains or losses. The calculation of each Member's share of the Association's fiscal year and receipt by the Association of the audited financial report prepared by the Secretary and the Treasurer for that year. The Treasurer shall submit to the Trustees for approval that amount to be credited to each member's account.
3. Make-up contributions for omitted members. If, after the contribution for a Plan Year has been made and allocated, it should appear that, through oversight or a mistake of fact of law, a Member (or individual who should have been a member) who was entitled to share in such contribution received no allocation or received an allocation which was less than he should have received, the Trustees may, at their election, and in lieu of reallocating the prior contribution, make a special

make-up contribution out of unallocated earnings for the Account of such member in an amount adequate to provide for him the same contribution for each Month of Service as would have been allocated to his Account if such oversight or mistake had not been made. Unallocated earnings include any income of the Special Fund earned since the preceding accounting date that has not yet been credited to the Member's account pursuant to Section 7 (a).

Section 9.6. – Individual Member's Accounts.

1. Annual Reports. A member shall be entitled to inspect his or her account balance and transactions in the member's account by giving reasonable notice to the Treasurer, of the request. At least annually, (no later than the thirtieth of June), the Treasurer will provide each member with a written report of the member's account balance and vesting level as of the most recent accounting date and any account transactions (such as distributions), contributions and forfeitures) during the prior Plan Year.

Section 9.7. – Periodic Adjustment of Accounts and Forfeitures

1. Annual Adjustments. As of each accounting date, the account of each member, former member and beneficiary shall be revalued. As of each accounting date, the trustees shall value the assets of the special fund at their fair market value and determine the net investment gain or loss of such assets since the preceding accounting date. In determining the net investment gain or loss (1) the accrual basis of accounting shall be used (unrealized appreciation or depreciation shall be taken into account), and (2) contributions to the special fund and payments or distributions from the special fund to provide benefits for members, former members and beneficiaries shall not be considered as gains or losses of the special fund.

After the close of the plan year, the net investment gain or loss for said Plan Year shall be credited or debited, as of the accounting date for such Plan Year, to the respective accounts containing such assets and which are existing on said accounting date in proportion to the value of each such account on the preceding accounting date, but reduced by forfeitures or distributions from said account made during the plan year.

The value of each account, as adjusted by the preceding provisions of this section, increased by contributions and forfeitures allocated to such account and reduced by distributions or forfeitures from such account for that Plan Year, shall be the value of said account on the accounting date for the plan year.

2. Adjustment on direction. A valuation of the special fund shall be made as of any other date specified by the Trustees, and this date shall be considered an accounting date.

Section 9.8. – Benefit Eligibility. To be eligible to receive a service pension a member must meet all of the following requirements:

1. Have retired from the fire department of the municipality and be permanently separate from active service;
2. Have completed at least 5 years of active service with such department before retirement; and
3. Have been a member of the Association in good standing at least 5 years prior to such retirement.

Section 9.9. – Application for Service Pension. All applications for pensions or deferred pension status shall be submitted to the Board of Trustees at a regular or special meeting of the Board. An application form will be provided by the Secretary of the Association containing the following information:

1. Age of the applicant.
2. Length of service the applicant has been a member of the Association.
3. Such other information as the Board of Trustees may require by including lawful requests for information or questions on an application form for benefits which has been adopted by the Board of Trustees.

Application for benefits shall be made by or on behalf of the applicant within ninety (90) days prior to the date that the pension commences, and no pension benefits shall be paid for a period covering more than ninety (90) days before the application is made.

Section 9.10. – It shall be the duty of the Board to approve applications for service pensions if the applicant meets all of the eligibility requirements set forth in these bylaws. It shall also be the duty of the Board not to approve the application if any of the eligibility requirements are not met. If an application is not approved, the Board shall return the application to the applicant within thirty (30) days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, within the next thirty (30) days, on the question of whether the applicant meets all of the eligibility requirement. If an application is not approved, the applicant may appeal and such appeal shall comply with Article XIV - Procedure for Review. If the application is approved, the service pension shall be paid as a service pension to such applicant.

Section 9.11. – Notice of Intent to Take Distribution. It shall be the duty of each member who intends to request a service pension from the association, to file a notice of intent to take distribution. Such notice shall be in writing and shall be filed the Secretary not less than 3 months (90 days) prior to the date of submission of application for service pension. Upon receipt of a notice, the Secretary shall provide any notices as required by state or federal law and the application forms for service pension payments.

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Article X – Timing and Modes of Distribution

Section 10.1. – Expertise Should Be Sought. Because of the varying circumstances in each member's retirement planning, optional benefit payment methods are offered. Selection should occur after consultation with a tax consultant, insurance and/or estate planner, or an attorney. Alternate payment methods on the Application Form shall include.

1. Check. A single Lump sum check payment payable to the eligible retiree; or
2. Annuity. Lump Sum payment by the Association to a recognized insurance carrier licensed to do business in this state and approved for this product by the Commerce Commissioner under Minn. Stat. § 60A.40.
3. Rollover to IRA. Rollover to an IRA account pursuant to Section 10.2.

Section 10.2. – Rollover Procedure. Upon written request from the retiring member who has given proper notice of retirement, the Secretary or Treasurer shall directly transfer the service pension amount into an Individual Retirement Account under Section 408(a) of the Internal Revenue Code, as amended.

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Article XI – Ancillary Benefits

Section 11.1. – Survivor Benefits. A member's Beneficiary shall be eligible to receive a benefit upon the death of a deferred, disabled, active, or retired Member who has not yet received his or her full retirement benefit.

1. Upon the death of an active member or disabled member who has not yet received his or her disability benefits, who is in good standing, the association shall pay to the member's benefit, the remaining full account balance as of the end of the year in which the member's death occurred.
2. In the event that the death occurs after the member has terminated or retired from the Fire Department, only the vested portion of the pension, as determined under Article XII – Early Vesting shall be distributed.

Section 11.2. – Disability Benefits. A member who is permanently disabled from being an active firefighter on the Fire Department may be eligible for a disability benefit in lieu of retirement. Upon approval of the Board of Trustees pursuant to this section, the following disability benefits will apply. A member who is permanently disabled with a service-related disability incurred in the line of duty, shall be eligible to collect a disability benefit in an amount equal to his or her full account balance as of the end of the year in which the application for disability pension is made. The member shall be eligible to receive the disability benefit immediately upon approval of the Board of Trustees.

1. No Further Benefits. Any such disability benefit paid in accordance with this section shall be in lieu of all rights to further service pension and survivor's benefit.
2. Disability defined. Disability is defined sustaining an injury or impairment, incurred in the line of duty, that results in the member's inability to engage in performance of his/her duties as a firefighter by reason of a medically determinable physical or psychological impairment that is certified by a physician, surgeon or chiropractor acceptable to the board of trustees, which can be expected to last for a continuous period of not less than twelve months or can be expected to result in death, that was incurred in the line of duty as a firefighter with the City of Falcon Heights.
3. Reports Required. No member shall be paid disability benefits except upon the written report of a physician, surgeon or chiropractor of the

member's choice. This report shall set forth the diagnosis and prognosis of the disability, disease or injury of the member. Each such report shall be filed with the association.

4. Procedure. All applications for disability benefits shall be made within six months after such applicant has ceased to be an active member of the fire department. Written application shall be made to the Board setting out the nature and cause of such disability. This application shall be under oath by the member or his or her immediate family. The application shall be tabled until the next meeting so that the applicant may be examined by a physician, surgeon or chiropractor of the member's choice. The physician, surgeon or chiropractor shall submit a written opinion concerning the diagnosis and prognosis of the applicant's disability and its probable duration of permanence. The Board of Trustees has the discretion to request that another doctor, selected by the board, examine the applicant. Final determination of disability will be based on the reports of at least one doctor and by a 2/3 majority vote of a quorum of the Board of Trustees present at the subsequent association meeting.
5. Proof Required. An applicant shall not be considered under a disability unless the member furnishes adequate proof of the existence thereof. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of disability as defined in this section.
6. Grievance Procedure. If the applicant for disability benefits feels the he/she has been aggrieved by any action of Board, the member shall, within sixty (60) days from notice of such action of the Board, file written objections and the reasons thereof with the Board and shall be allowed to appeal the determination pursuant to the Procedure for Review in these bylaws.

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Article XII – Early Vesting Provision

Except as provided in section 2, in the event a member with five (5) years or more but less than twenty (20) years of active service on the Fire Department resigns or otherwise becomes a nonmember, that person shall be entitled to the following benefits that represents the nonforfeitable portion of:

Completed Years of Service Nonforfeitable Percentage of Pension Amount

5	40 percent
6	44 percent
7	48 percent
8	52 percent
9	56 percent
10	60 percent
11	64 percent
12	68 percent
13	72 percent
14	76 percent
15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent
20 and thereafter	100 percent

Section 12.2. – In the event any member of the Falcon Heights Fire Department with at least five (5) years or more of active service on the Falcon Heights Fire Department resigns or otherwise becomes a nonmember, where that person was an active member of the Falcon Heights Fire Department at any time during the period from June 2, 1992 to November 4, 1997, that person shall be entitled to an unreduced service pension. The service pension may be paid when the retiring member meetings the minimum age requirement of Minnesota Statutes, Section 424A.02, Subdivision 1.

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Article XIII – Deferred Pension Status

Section 13.1. – Deferred pension rolls. A member of the Association who has at least five (5) years of Active Service, but has not reached the age of 50 years, may retire from said fire department and be placed on the deferred pension roll. Upon reaching the age of 50 years, and provided that membership in good standing in the Association has been maintained for at least five (5) years, upon approval of a valid written application therefore, such member shall be paid a deferred pension. A member who is on the deferred pension roll shall not be eligible to receive any of the ancillary benefits provided for in these Bylaws except those that are specified in Section 13.3.

Section 13.2. – Amount of Deferred Pension. The amount of an eligible member's deferred pension shall be the vested percentage of the member's account balance as of the most recent accounting date prior to the date of distribution. Deferred member's account balances will be subject to the same market fluctuations and accounting costs as active members.

Section 13.3. – Survivor Benefits. If the member dies while on the deferred pension roll and that benefit is yet unpaid, the total deferred pension applicable at the time of death shall be paid to the member's beneficiary in accordance with Article XI - Ancillary benefits.

Article XIV – Procedure for Review

Section 14.1. – Right to Appeal. In the event that the Board of Trustees denies an application for a service or ancillary pension benefit, the member shall be entitled to the right to appeal the determination.

Section 14.2. – Member Requirements. If an application is not approved, the board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full board, on the question of whether the applicant meets all of the eligibility requirements. The member shall indicate that the member intends to appeal by furnishing the board with a written intent to appeal that is filed with the Secretary of the association within 30 days of receiving an adverse determination. The intent to appeal shall be certified, in writing, by the member.

Section 14.3. – Review of Appeal. Upon receipt of the written intent to appeal, the Board of Trustees shall hold a special meeting within 60 days of receipt of the written intent to appeal. Timely notice of the meeting shall be given to the member at least 15 days prior to the special meeting. The member shall have the reasonable opportunity to be heard by the Board of Trustees at the special meeting with regard to the negative determination. The board reserves the right to engage the services of a mediator or arbitrator, acceptable to both parties, at any time during the appeal. The mediator or arbitrator shall be selected from the Rule 114 Supreme Court Roster. The cost of the mediator or arbitrator shall be split in half among both parties.

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Article XV – Limits on Benefits

Section 15.1. – Domestic Relations Order. A domestic relations order shall be accepted by the plan administrator if in compliance with state and federal law. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan or under state law.

Section 15.2. – Garnishment, judgment or legal process. No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§518.58, 518.581, or 518.611.

Section 15.3. – Assignments. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Section 15.4. – Limitations on Ancillary Benefits. Following the receipt of a lump sum death benefit neither a member's surviving spouse or estate is entitled to any other or further financial relief or benefits from the Association.

Section 15.5. – Limitations on Rejoining the Fire Department, and Thereby Rejoining the Association. All members who retire or otherwise separate from active service and are paid a benefit from the relief association are encouraged to consider and weigh their decision carefully prior to separation from service. Such separation will be considered permanent per state law. A member who has retired, and has taken his or her distribution, shall not be eligible for reinstatement as a member. In addition, pursuant to Minn. Stat. 424A.02, Subd. 9(b), the member shall not be eligible to accrue further active service and shall:

1. Repay any pensions that have been paid to the special fund of the association and such pension benefit amounts shall immediately be repaid,
2. The amount shall be repaid within sixty (60) days of reinstatement.

The Association does not take responsibility for any penalties incurred on distribution options such as IRAs or cash payments due to the fact that distributed benefits must be repaid to the association.

Article XVI – Amendments

Section 16.1. – Amendments. The Bylaws of this Association may be amended at any regular meeting by a vote of two-thirds (2/3) of the members present, provided that members present constitute a quorum and provided that notice of any proposed amendment shall be given by reading the same at a regular meeting next preceding that upon which such amendment is acted upon. A further stipulation pertaining to any change in the Bylaws relative to that purpose, amount or manner of disbursements, by the Association shall obtain the approval of a three-fifths (3/5) majority of the members of the City Council of the City of Falcon Heights.

Section 16.2. – Filing. The Bylaws of the Association shall be filed with the President and Secretary and may be inspected by any member of the Association upon request. A copy of the duties of the Board of Trustees will be furnished to each member of the Board.

Article XVII – Military Service

Section 17.1. – Authorization. Subject to the restrictions stated in Minn. Stat. § 424A.021, a volunteer firefighter who is absent from firefighting service due to service in the uniformed services, as defined in United States Code, title 38, section 4303(13), may obtain an allocation by the Association as though the person was an active member for the period of the uniformed service, not to exceed five years, unless a longer period is required under United States Code, title 38, section 4312.

Section 17.2. – Limitations.

1. To be eligible for an allocation as though an active member under this section, the volunteer firefighter must return to firefighting service with coverage by this Association or its successor upon discharge from service in the uniformed service within the time frame required in United States Code, title 38, section 4312(e).
2. An allocation as though an active member is not authorized if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. An allocation as though an active member is also not authorized if the firefighter fails to provide notice to the fire department that the individual is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.”



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Consent F14
Attachment	Resolution 13-32
Submitted By	Roland Olson, Finance Director

Item	Workman's Compensation coverage for Mayor and City Council Members.
Description	Minnesota statute allows elected or appointed officials of the City to be covered by the Minnesota Workman's Compensation Law. In the past, this coverage for the Mayor and Council members has been provided. Our last resolution providing this coverage was done in December 2006. It is a good practice to periodically review this coverage. A new resolution is attached for consideration. For Informational purposes, the cost of this coverage for 2013 was \$63.00. Staff recommends the Mayor and City Council Members be covered by workman's compensation.
Budget Impact	The minimal cost of the workman's compensation coverage.
Attachment(s)	Resolution 13-32
Action(s) Requested	Staff recommends the Mayor and City Council members be covered by the Minnesota Workman's Compensation Law.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 13, 2013

No. 13-32

**RESOLUTION COVERING MAYOR AND COUNCILMEMBERS UNDER THE
MINNESOTA WORKERS' COMPENSATION LAW**

WHEREAS, the law enables elected or appointed officials of the city to be covered; and

WHEREAS, the Mayor and Councilmembers' intent is that they will be included as employees;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Councilmembers of the City of Falcon Heights be covered by the Minnesota Workers' Compensation Law.

Adopted by the City Council of Falcon Heights, Minnesota, this 13th day of November, 2013.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor
November 13, 2013

LINDSTROM _____ In Favor
GOSLINE
HARRIS _____ Against
LONG
MERCER-TAYLOR

Attested by: _____

Bart Fischer
City Administrator
November 13, 2013



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Policy G1
Title	Ordinance 13-05 Solar Energy Installations
Submitted By	Deborah Jones, Zoning and Planning Director

Description	An ordinance is proposed amending Chapter 113 (Zoning) of the City Code to make private solar energy installations a permitted accessory use and to establish zoning standards for solar installations. The Planning Commission recommends adoption.
Background	<p>Solar energy is one of the fastest growing industries in the United States. In the last twenty years the cost of solar power generation has dropped precipitously, falling 50% in the last two years alone. By 2016, solar power is projected be competitive with fossil fuel generated electricity. Homeowners are finding that solar installations on their homes are a smart investment with ever decreasing pay-back times and improved property values. (This information is from the Metropolitan Council’s “Solar Powering Your Community Workshop,” September 10, 2013)</p> <p>Falcon Heights should expect a growth in permit applications for household solar installations.</p> <p>Although the City code and the Comprehensive Plan address solar access as required by the State, the use is conditional in Falcon Heights – a significant barrier to adoption – and there are no guiding standards for setback, location, height, etc. The Minnesota Solar Energy Challenge provided grant-funded technical assistance in 2012-2013 to help cities modernize their solar energy ordinances. The City of Falcon Heights was able to take advantage of this assistance to construct the draft ordinance, presented here. The draft is based on a model ordinance provided by the program, adjusted by staff to fit conditions in Falcon Heights.</p> <p>The proposed ordinance eliminates the requirement for a Conditional Use Permit and makes solar energy a permitted accessory use in all zones. It provides comprehensive standards for height, setback, visibility, location and other zoning considerations, based on the “best practices” model recommended to Minnesota Cities by the Minnesota Solar Challenge.</p> <p>On October 22, the Falcon Heights Planning Commission voted unanimously to recommend adoption of this ordinance.</p>
Budget Impact	N/A

Attachment(s)	<ul style="list-style-type: none">• Ordinance 13-05 amending Chapter 113 of the City Code
Action(s) Requested	Adopt the proposed ordinance.

ORDINANCE NO. 13-05

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE
CITY CODE CONCERNING SOLAR ENERGY**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Section 113-3 of the Falcon Heights City Code is amended by adding the following definitions:

Photovoltaic System means an active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Renewable Energy System means a solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

Roof Pitch means the final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical “rise” to the distance, in inches, of horizontal “run,” such as 3:12, 9:12, 12:12.

Solar Access means a view of the sun, from any point on the collector surface, that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface means any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting means a device specifically designed to capture and redirect the visible

portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

Solar Energy Easement See Renewable Energy Easement.

Solar Energy System means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar Heat Exchanger means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Water System means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices means devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

Solar System, Active means a solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar System, Building-Integrated means an active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Solar System, Grid-Intertie means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Solar System, Off-Grid means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Solar System, Passive means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

SECTION 2. Chapter 113 of the Falcon Heights City Code is amended by adding section 113-254 to provide as follows:

(a) Purpose and Scope. The City of Falcon Heights has adopted this Section to meet the Comprehensive Plan goal of becoming a sustainable, energy efficient community and to preserve the health, safety and welfare of the community's citizens by promoting the safe, effective and efficient use of solar energy systems to reduce consumption of fossil fuels. This Section applies to all solar energy installations in the City of Falcon Heights.

(b) Permitted Accessory Use - Active solar energy systems are an accessory use in all zoning districts, subject to the following requirements:

1. Height - Active solar energy systems must meet the following height requirements:

a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

2. Set-back - Active solar energy systems must meet the accessory structure setback for the zoning district in which the system is located.

a. Roof-mounted Solar energy systems - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

b. Ground-mounted Solar energy systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

3. Visibility - Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

a. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks and regulations for the district in which the building is located.

b. Solar Energy Systems with Mounting Devices - Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

c. Coverage - Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

d. Lot Coverage – The surface area of pole of ground mount systems shall be treated as impervious coverage as regulated for each zoning classification. Allowed impervious coverage may be increased by up to 10% above maximum lot coverage for the zone provided 100% of the excess is accounted for by an approved solar ground or pole mounted solar energy system.

4. Approved Solar Components - Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

(c) Plan Approval Required - All solar energy systems shall require administrative approval by the Zoning and Planning Administrator.

1. Plan Applications - Plan applications for solar energy systems shall be accompanied by a site plan and by to-scale horizontal and vertical (elevation)

drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

- 2. Pitched Roof Mounted Solar Energy Systems** - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- 3. Flat Roof Mounted Solar Energy Systems** - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- 4. Compliance with Building Code** - All active solar energy systems shall require a building permit.
- 5. Compliance with State Electric Code** - All photovoltaic systems shall comply with the Minnesota State Electric Code.
- 6. Compliance with State Plumbing Code** - Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- 7. Utility Notification** - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- 8. Plan Approvals** - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the Zoning and Planning Administrator. Plan approval does not include Building, Electric, or Plumbing Code approval. If applicable, such approvals must also be obtained.

SECTION 3. Section 113-393 of the Falcon Heights City Code is amended to provide as follows:

Sec. 113-393. - Solar systems.

Access to sunlight for active and passive solar systems shall be protected in accordance with the City Code and all applicable state statutes and regulations.

ADOPTED this 13th day of November, 2013, by the City Council of Falcon Heights,
Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom
Mayor

ATTEST:

BY: _____
Bart Fischer
City Administrator

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

November 13, 2013

No. 13-33

RESOLUTION APPROVING ABSTRACT OF VOTES CAST IN THE PRECINCTS OF
THE CITY OF FALCON HEIGHTS STATE OF MINNESOTA AT THE GENERAL
ELECTION HELD TUESDAY, NOVEMBER 5, 2013

WHEREAS, the City of Falcon Heights held a municipal election on November 5, 2013;
and

WHEREAS, the abstract of votes cast are attached and incorporated into this resolution;

NOW, THEREFORE, BE IT RESOLVED that the Falcon Heights City Council, sitting as
members of the canvassing board, approve the abstract of votes cast attached to this
resolution.

Passed and Adopted by the Council on this 13th day of November, 2013.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor
November 13, 2013

LINDSTROM ___ In Favor

GOSLINE

HARRIS ___ Against

LONG

MERCER-TAYLOR

Attested by: _____

Bart Fischer
Administrator
November 13, 2013

Abstract of Votes Cast
In the Precincts of the City of Falcon Heights
State of Minnesota
at the General Election
Held Tuesday, November 05, 2013

as compiled from the official returns.

Summary of Totals
City of Falcon Heights
Tuesday, November 05, 2013 General Election

Number of persons registered as of 7 a.m.	3192
Number of persons registered on Election Day	25
Number of accepted regular, armed forces and temporarily overseas absentee ballots	17
Number of federal office only absentee ballots	0
Number of presidential absentee ballots	0
Total number of persons voting	766

Summary of Totals
City of Falcon Heights
Tuesday, November 05, 2013 General Election

KEY TO PARTY ABBREVIATIONS

NP - Nonpartisan

Council Member at Large (Falcon Heights) (Elect 2)

NP
KEITH GOSLINE
514

NP
MICHAEL W THOMAS
180

NP
PAM HARRIS
604

WI
WRITE-IN**
17

Detail of Election Results
City of Falcon Heights
Tuesday, November 05, 2013 General Election

Precinct	Persons Registered as of 7 A.M.	Persons Registered on Election Day	Total Number of Persons Voting
62 0060 : FALCON HEIGHTS P-1	1589	9	338
62 0070 : FALCON HEIGHTS P-2	1603	16	428
City of Falcon Heights Total:	3192	25	766

Detail of Election Results
 City of Falcon Heights
 Tuesday, November 05, 2013 General Election

Office Title: Council Member at Large (Falcon Heights) (Elect 2)

Precinct	NP KEITH GOSLINE	NP MICHAEL W THOMAS	NP PAM HARRIS	WI WRITE-IN**
62 0060 : FALCON HEIGHTS P-1	233	70	286	8
62 0070 : FALCON HEIGHTS P-2	281	110	318	9
Total:	514	180	604	17

We, the legally constituted county canvassing board, certify that we have herein specified the names of the persons receiving votes and the number of votes received by each office voted on, and have specified the number of votes for and against each question voted on, at the General Election held on Tuesday, November 05, 2013.

As appears by the returns of the election precincts voting in this election, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the City of Falcon Heights Clerk. Witness our official signature at _____ in _____ County this _____ day of _____, 2013.

Member of canvassing board

Member of canvassing board

Member of canvassing board

Member of canvassing board

Member of canvassing board

Member of canvassing board

Member of canvassing board

State of Minnesota
City of Falcon Heights

I, _____, Clerk of the City of Falcon Heights do hereby certify the within and foregoing _____ pages to be a full and correct copy of the original abstract and return of the votes cast at the City of Falcon Heights General Election held on Tuesday, November 05, 2013.

Witness my hand and official seal of office this _____ day of _____, 2013.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 11, 2013
Agenda Item	Policy G3
Attachment	Comprehensive Bid List
Submitted By	Michelle Tesser, Assistant to the City Administrator

Item	Acceptance of Park Improvement Study Proposal
Description	The City of Falcon Heights recently received a park dedication amount from the redevelopment of the Hermes business site. After receiving resident feedback at public park forums, Staff and the Parks and Recreation Commission recommended that a park improvement study would be necessary to determine if the City parks are meeting the needs of the community. The study will reflect current and future needs of the community including park facilities, park amenities, playgrounds, landscape architecture and a wide range of recreation program needs. More importantly, the study will create a vision of what the park system of Falcon Heights should look like. This study will have the ability to be used for years to come to help guide the City in future uses.
Budget Impact	The Park Dedication Fee from the sale of the Hermes site will be used to pay the approximate \$15,000 cost of the study.
Attachment(s)	Comprehensive bid list
Action(s) Requested	Staff asks that the Council approve the WSB and Associates proposal for the Park Improvement Study.

Comprehensive Bid List: Parks Improvement Study

WSB and Associates	\$14,900.00
Landform	\$14,995.00
Stantec	\$15,000.00 (additional cost for Community Open House: \$3,500.00)
Loucks Associates	\$14,760.00



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 13, 2013
Agenda Item	Policy G4
Attachment	Draft Resolution No. 13-34
Submitted By	Bart Fischer, City Administrator

Item	Approve Bond Bid for 2014 Fire Truck Purchase
Description	<p>The City's Financial Consultant Ehler's and Associates will have received bids back for the bonds relating to the 2014 Fire Truck Purchase by the time of the City Council meeting on November 13th. Due to timing related to the bond sale, they have asked that the Council approve the bond bid at that meeting.</p> <p>Attached is a draft of the resolution provided by the City's bond counsel and Ehlers for Council approval. A representative of Ehlers will be at the meeting to provide more information on the bond bid to be received and the resolution.</p> <p>Staff recommends approval of the bond bid relating to the 2014 Fire Truck Purchase.</p>
Budget Impact	Ehlers representatives will explain the budget impact at the Council meeting. Levying for the bonds has been accounted for in future Budgets
Attachment(s)	Draft Resolution No. 13-34
Action(s) Requested	That Council approves Resolution No. 13-34, providing for the issuance and sale of \$720,000 General Obligation Equipment Certificates, Series 2013B, and levying a tax for the payment thereof.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 13, 2013

No. 13-34

**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$720,000
GENERAL OBLIGATION EQUIPMENT CERTIFICATES, SERIES 2013B, AND
LEVYING A TAX FOR THE PAYMENT THEREOF**

A. WHEREAS, the City of Falcon Heights, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$720,000 General Obligation Equipment Certificates, Series 2013B (the "Certificates" or individually, a "Certificate"), pursuant to Minnesota Statutes, Chapter 475 and Minnesota Statutes, Section 412.301, to finance the purchase of various items of capital equipment for the City (the "Equipment") and each item of equipment to be financed by the Certificates has an expected useful life at least as long as the term of the Certificates; and

B. WHEREAS, the amount of the Certificates to be issued does not exceed one-quarter of one percent (0.25%) of the market value of the taxable property in the City (\$362,697,600 times 0.25% is \$906,744); and

C. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the sale of the Certificates and was therefore authorized to sell the Certificates by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9) and proposals to purchase the Certificates have been solicited by Ehlers pursuant to the resolution adopted October 23, 2013; and

D. WHEREAS, it is in the best interests of the City that the Certificates be issued in book-entry form as hereinafter provided; and

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

1. Acceptance of Proposal. The proposal of _____, in _____, _____ (the "Purchaser"), to purchase the Certificates, in accordance with the Terms of Proposal, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$ _____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable proposal received, is hereby accepted and the Certificates are hereby awarded to the Purchaser.

2. Certificate Terms.

(a) Original Issue Date; Denominations; Maturities; Term Bond Option. The Certificates shall be dated December 5, 2013, as the date of original issue, shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on the February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2015	\$	2020	\$
2016		2021	
2017		2022	
2018		2023	
2019			

As may be requested by the Purchaser, one or more term bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Certificate(s).

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Certificates, and to this end:

(i) The Certificates shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Certificate for each maturity of the Certificates; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Certificate shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Certificate.

(ii) Upon initial issuance, ownership of the Certificates shall be registered in a bond register maintained by the Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Certificates neither the City nor the Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Certificates as securities depository (the "Participant") or the person for which a Participant holds an interest in the Certificates shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Certificates, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Certificates, including any

notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Certificates, or (D) the consent given or other action taken by the Depository as the Register Holder of any Certificates (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Certificates are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Registrar may treat as and deem the Depository to be the absolute owner of the Certificates for the purpose of payment of the principal of and premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to the Certificates, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Certificates, and for all purpose whatsoever. The Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Certificates only to or upon the Holder of the Holders of the Certificates as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Certificates to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Certificate is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, by the Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Certificates (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Certificates, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Certificate issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Certificates.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such

consent or other action; provided, that the City or the Registrar may establish a special record date for such consent or other action. The City or the Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(ix) Any successor Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Certificates at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Certificate if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Certificate that the Beneficial Owners be able to obtain certificates for the Certificates, the Certificates shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Certificates shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Certificates will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

(d) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose. The Certificates shall provide funds to finance the Equipment. The total cost of the Equipment, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Certificates.

4. Interest. The Certificates shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2014,

calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity dates as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>
2015	%
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	

5. Redemption. All Certificates maturing on February 1, 2022, and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2021, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Certificates subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Certificates having a common maturity date are called for prepayment, the specific Certificates to be prepaid shall be chosen by lot by the Registrar. Certificates or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Certificates.

To effect a partial redemption of Certificates having a common maturity date, the Registrar prior to giving notice of redemption shall assign to each Certificate having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Certificate. The Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Certificates, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Certificates to be redeemed. The Certificates to be redeemed shall be the Certificates to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Certificate of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Certificate is to be redeemed only in part, it shall be surrendered to the Registrar (with, if the City or Registrar so requires, a written instrument of transfer in form satisfactory to the City and Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Registrar shall authenticate and deliver to the Holder of the Certificate, without service charge, a new Certificate or Certificates having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Certificate so surrendered.

6. Registrar. Bond Trust Services Corporation, in Roseville, Minnesota, is appointed to act as registrar and transfer agent with respect to the Certificates (the "Registrar"),

and shall do so unless and until a successor Registrar is duly appointed, all pursuant to any contract the City and Registrar shall execute which is consistent herewith. The Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Certificates shall be paid to the registered holders (or record holders) of the Certificates in the manner set forth in the form of Certificate and paragraph 12.

7. Form of Certificate. The Certificates, together with the Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY

CITY OF FALCON HEIGHTS

R-_____

\$_____

GENERAL OBLIGATION EQUIPMENT CERTIFICATE, SERIES 2013B

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
___%	February 1, 20__	December 5, 2013	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THE CITY OF FALCON HEIGHTS, RAMSEY COUNTY, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2014, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Certificate will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Certificate are payable upon presentation and surrender hereof at the principal office of Bond Trust Services Corporation, in Roseville, Minnesota (the "Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Certificate will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Certificate is registered (the "Holder") on the registration books of the Issuer maintained by the Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business

on a date (the "Special Record Date") fixed by the Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Holders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Certificate are payable in lawful money of the United States of America. So long as this Certificate is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Certificate and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution. Until termination of the book-entry only system pursuant to the Resolution, Certificates may only be registered in the name of the Depository or its Nominee.

Redemption. The Certificates of this issue (the "Certificates") maturing on February 1, 2022, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2021, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Certificates subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Certificates having a common maturity date are called for prepayment, the specific Certificates to be prepaid shall be chosen by lot by the Registrar. Certificates or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Certificates prior to the date fixed for redemption.

Prior to the date on which any Certificate or Certificates are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Certificates to be redeemed to be mailed to the Registrar and all Certificate holders, at the addresses shown on the Register. All Certificates so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Selection of Certificates for Redemption; Partial Redemption. To effect a partial redemption of Certificates having a common maturity date, the Registrar shall assign to each Certificate having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Certificate. The Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Certificates, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Certificates to be redeemed. The Certificates to be redeemed shall be the Certificates to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Certificate of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Certificate is to be redeemed only in part, it shall be surrendered to the Registrar (with, if the Issuer or Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Registrar shall authenticate and deliver to the Holder of such Certificate, without service charge, a new Certificate or Certificates of the same series having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by such

Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Certificate so surrendered.

Issuance; Purpose; General Obligation. This Certificate is one of an issue in the total principal amount of \$720,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on November 13, 2013 (the "Resolution"), for the purpose of providing money to finance the purchase of various items of capital equipment for the Issuer. This Certificate is payable out of the General Obligation Equipment Certificates, Series 2013B Fund of the Issuer. This Certificate constitutes a general obligation of the Issuer and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Certificates are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Certificates of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Registrar. Copies of the Resolution are on file in the principal office of the Registrar.

Transfer. This Certificate is transferable by the Holder in person or by the Holder's attorney duly authorized in writing at the principal office of the Registrar upon presentation and surrender hereof to the Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Registrar. Thereupon the Issuer shall execute and the Registrar shall authenticate and deliver, in exchange for this Certificate, one or more new fully registered Certificates in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Certificate, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Certificate and any legal or unusual costs regarding transfers and lost Certificates.

Treatment of Registered Owners. The Issuer and Registrar may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Certificate shall be overdue, and neither the Issuer nor the Registrar shall be affected by notice to the contrary.

Authentication. This Certificate shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Registrar.

Qualified Tax-Exempt Obligation. This Certificate has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution, laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Certificate, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Certificate, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Falcon Heights, Ramsey County, Minnesota, by its City Council has caused this Certificate to be executed on its behalf by the facsimile signatures of its Mayor and its City Administrator, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: BOND TRUST SERVICES CORPORATION

Payable at: BOND TRUST SERVICES CORPORATION

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

CITY OF FALCON HEIGHTS, RAMSEY COUNTY, MINNESOTA

This Certificate is one of the Certificates described in the Resolution mentioned within.

/s/ Facsimile
Mayor

Bond Trust Services Corporation
Roseville, Minnesota
Registrar

/s/ Facsimile
City Administrator

By _____
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship

and not as tenants in common

UTMA - _____ as custodian for _____ under the _____ Uniform

(Cust)

(Minor)

(State)

Transfers to Minors Act

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Certificate and does hereby irrevocably constitute and appoint _____ attorney to transfer the Certificate on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: _____ The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Certificate in every particular, without alteration or any change whatever.

Signature Guaranteed: _____

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Registrar will not effect transfer of this Certificate unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Certificate is held by joint account.)

8. Execution; Temporary Certificates. The Certificates shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and Administrator and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Certificates may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Certificates shall cease to be such officer before the delivery of the Certificates, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Certificate, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Registrar. Certificates of Authentication on different Certificates need not be signed by the same person. The Registrar shall authenticate the signatures of officers of the City on each Certificate by execution of the Certificate of Authentication on the Certificate and by inserting as the date of registration in the space provided the date on which the Certificate is authenticated, except that for purposes of delivering the original Certificates to the Purchaser, the Registrar shall insert as a date of registration the date of original issue of December 5, 2013. The Certificate of Authentication so executed on each Certificate shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Registrar a certificate register in which, subject to such reasonable regulations as the Registrar may prescribe, the Registrar shall provide for the registration of Certificates and the registration of transfers of Certificates entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Certificate at the principal office of the Registrar, the City shall execute (if necessary), and the Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Certificates of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Certificate may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Certificates may be exchanged for Certificates of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Certificates to be exchanged at the principal office of the Registrar. Whenever any Certificates are so surrendered for exchange, the City shall execute (if necessary), and the Registrar shall authenticate, insert the date of registration of, and deliver the Certificates which the Holder making the exchange is entitled to receive.

All Certificates surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

All Certificates delivered in exchange for or upon transfer of Certificates shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Certificates surrendered for such exchange or transfer.

Every Certificate presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or the Holder's attorney duly authorized in writing.

The Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Certificate and any legal or unusual costs regarding transfers and lost Certificates.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Registrar, including regulations which permit the Registrar to close its transfer books between record dates and payment dates. The City Administrator is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Certificate delivered upon transfer of or in exchange for or in lieu of any other Certificate shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Certificate.

12. Interest Payment; Record Date. Interest on any Certificate shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Certificate is registered (the "Holder") on the registration books of the City maintained by the Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Registrar may treat the person in whose name any Certificate is registered as the owner of such Certificate for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Certificate and for all other purposes whatsoever whether or not such Certificate shall be overdue, and neither the City nor the Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Certificates when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Equipment Certificates, Series 2013B Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall

be maintained in the manner herein specified until all of the Certificates and the interest thereon have been fully paid. There shall be maintained in the Fund the following separate accounts:

16. Capital Account. To the Capital Account there shall be credited the proceeds of the sale of the Certificates. From the Capital Account there shall be paid all costs and expenses of the acquisition of the Equipment including all costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the moneys in the Capital Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Certificates may also be used to the extent necessary to pay interest on the Certificates due prior to the anticipated date of commencement of the collection of taxes herein levied.

17. Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (i) all taxes herein and hereafter levied for the payment of the Certificates; (ii) all funds remaining in the Capital Account after the payment of all costs of acquisition of the Equipment; (iii) all investment earnings on funds held in the Debt Service Account; and (iv) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest of the Certificates and any other general obligation certificates of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Certificates shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (i) for a reasonable temporary period until such proceeds are needed for the purpose for which the Certificates were issued and (ii) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Certificates or \$100,000. To this effect, any proceeds of the Certificates and any sums from time to time held in the Capital Account or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the certificates payable therefrom) in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Certificates to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

18. Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Certificates there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
2014-2021	2015-2022	\$_____

The tax levies are such that if collected in full they, together with other revenues herein pledged for the payment of the Certificates, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Certificates. The tax levies shall be irrevocable so long as any of the Certificates are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

19. Defeasance. When all Certificates have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Certificates shall cease. The City may discharge its obligations with respect to any Certificates which are due on any date by irrevocably depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Certificate should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Certificates called for redemption on any date when they are prepayable according to their terms, by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Certificates, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

20. Compliance with Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Certificates, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural,

surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Certificates, and (ii) a de minimis amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or five percent of the proceeds of the Certificates.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Certificates or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Certificates and in all events within the period ending on the date which is the later of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of bond proceeds to reimburse the Reimbursement Expenditure and, if made within thirty days after the Certificates are issued, shall be treated as made on the day the Certificates are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Certificates stating in effect that such action will not impair the tax-exempt status of the Certificates.

21. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Certificates, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Certificates and any other certificates payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

22. Certificate of Registration. A certified copy of this resolution is hereby directed to be filed with the County Auditor of Ramsey County, together with such other information as the County Auditor shall require and there shall be obtained from the County Auditor a certificate that the Certificates have been entered in the Bond Register and that the tax levy required by law has been made.

23. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Certificates, certified copies of all proceedings and records of the City relating to the Certificates and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Certificates as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and

affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

24. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described:

(a) to provide or cause to be provided to the Municipal Securities Rulemaking Board, by filing at www.emma.msrb.org, (i) at least annually, its audited financial statements for the most recent fiscal year, and (ii) notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of such event, in accordance with the Undertaking; and

(b) its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and Administrator or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

25. Negative Covenant as to Use of Proceeds and Equipment. The City hereby covenants not to use the proceeds of the Certificates or the equipment financed thereby, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the equipment, in such a manner as to cause the Certificates to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

26. Tax-Exempt Status of the Certificates and Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Certificates, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Certificates, and (iii) the rebate of excess investment earnings to the United States if the Certificates (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small issuer exception amount of \$5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds, determines and declares that (i) the Certificates are issued by a governmental unit with general taxing powers; (ii) no Certificate is a private activity bond; (iii) ninety five percent or more of the net proceeds of the Certificates are to be used for local governmental activities of the City (or of

a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Certificates are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

27. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Certificates as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (a) the Certificates are issued after August 7, 1986;
- (b) the Certificates are not "private activity bonds" as defined in Section 141 of the Code;
- (c) the City hereby designates the Certificates as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2013 will not exceed \$10,000,000; and
- (e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2013 have been designated for purposes of Section 265(b)(3) of the Code.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

28. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of Certificate proceeds allocable to the payment of issuance expenses to KleinBank, in Chaska, Minnesota, on the closing date for further distribution as directed by the City's financial advisor, Ehlers.

29. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions hereof.

30. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor
November 13, 2013

LINDSTROM _____ In Favor
GOSLINE
HARRIS _____ Against
LONG
MERCER-TAYLOR

Attested by: _____

Bart Fischer
City Administrator
November 13, 2013