

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

**AGENDA**  
March 28, 2018 at 7:00 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: LINDSTROM \_\_\_ LEEHY\_\_\_ BROWN THUNDER \_\_\_  
                  MIAZGA \_\_\_ GUSTAFSON\_\_\_  
  
STAFF PRESENT: THONGVANH\_\_\_
- C. PRESENTATIONS:
  - 1. Northeast Youth & Family Services (NYFS) Annual Report
- D. APPROVAL OF MINUTES:
  - 1. March 14, 2018 City Council Meeting Minutes
- E. PUBLIC HEARINGS:
  - 1. Right-of-Way Ordinance – Small Wireless Facilities
- F. CONSENT AGENDA:
  - 1. General Disbursements through: 3/21/18 \$120,46.86  
Payroll through: 3/15/18 \$19,257.26
  - 2. Pay Adjustment - Colin Callahan (Public Works Worker)
- G: POLICY ITEMS:
- H. INFORMATION/ANNOUNCEMENTS
- I. COMMUNITY FORUM:
- J. ADJOURNMENT:

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**MINUTES**  
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                  MIAZGA   X   GUSTAFSON   X  

STAFF PRESENT: THONGVANH   X  

C. PRESENTATIONS:

D. APPROVAL OF MINUTES:

1. February 28, 2018 City Council Meeting Minutes

Approved

E. PUBLIC HEARINGS: None

F. CONSENT AGENDA:

1. General Disbursements through: 3/07/18 \$28,828.17  
Payroll through: 2/28/18 \$18,370.95
2. Accept the Resignation of Ian McCready from the FH Fire Department – He is moving out of state. If anyone know of a candidate for his replacement, the Fire Department is always looking for good people.
3. Designate City Signors for City Funds, Investments and Transfers.

Council Member Gustafson, Approved 4-0

G: POLICY ITEMS:

1. Sanitary Sewer Credit for Commonwealth Terrace Cooperative (CTC)

City Administrator Thongvanh:

In December, they discovered a water main break. It took a while for them to observe it just because there was frost and it took a while to get to the surface. That is why you see a spike in those months. We have done this in the past before, and my theory is as long as the MetCouncil does not charge us, we do not charge the resident or the company or business.

The issue here is companies or entities, like Common Wealth Terrance, are billed for sanity sewer based on the water usage. Therefore, their water usage is unbalanced, since it is coming out of a broken pipe and never actually made it to the sanity sewer, so they should not be billed for sanitary sewer.

City Administrator Thongvanh:

Correct. They are requesting, and the staff is recommending, the approved credit of \$5,307, which will be coming out of the Sanitary Sewer fee to Common Wealth Terrance

Co-op. I have confirmed that this credit is legitimate in terms that they pay that back toward St. Paul Water, and St. Paul Water has paid us.

Council Member Leehy, Approved 4-0

## 2. Citizen of the Year Award

### Mayor Lindstrom:

Sack or Melanie do either of you want to take a first crack at this.

### City Administrator Thongvanh:

I can start off. In 2016 the idea of the Citizen of the Year Award was introduced by the Communication Commission chair, at that time, which was Council Member Leahy. In 2017, as a resident, Council Member Leehy presented the idea to the council, and I believe at time the council directed resident Leehy to take it back to CC for recommendations and modifications. Then on March 7, 2018, the city council reviewed the modifications of the original submittal with recommendations of approval process and who would be involved. The intent of the award is to identify an honor and reinforce activities of exceptional, carrying citizens whose service or performance in the spirit of giving back to the community and fellow Falcon Heights residents is the goal of the CC for this award. Not only publicly recognizing volunteer efforts of a deserving citizen, but also inspiring others to step up and continue the tradition of Falcon Heights' residents volunteering and giving back to the community. The budgetary impact of this would be a very minimal, the giving of a plaque and putting the winners name on the plaque and then also doing a presentation at the Ice Cream Social, as an event, to recognize this individual. What you have in front of you are the guidelines and the application form. There are two things to look into in terms of the request, either decide to approve the recognize award and approve the guidelines and the application or the second one would be to the CC to defer the recommendation to the CC again. That concludes my staff report.

### Council Member Leehy:

I am looking forward to a citizen award of this nature to build camaraderie and to acknowledge hard workers in our city. I think we have a lot of people with generous hearts. Even the criteria speaks to that within the application "The nominee must have possess and demonstrate a generous community spirit and must have contributed quality service to the community of Falcon Heights through various activities, business, government, education, professional, civic, religious or other organizations or activities, and they must possess a record of noteworthy service that contributes to the quality of life here in Falcon Heights are seen as a role model in the community and thereby raises the standard of social responsibility." Our desire to see more community engagement, I believe this lends to towards this as well. People that have already shown enormous community spirit, but others that might say this is an opportunity for me to think about the part I play in the city does make a difference with the whole. With people submitting a nomination, we are looking at having three letters for that individual, and that can be easily done with one person initiating it and know a couple other people that want to go along with nominating the one individual. It does not have to be a lengthy letter, but still by submitting it before May 30 of the given year that award can be granted in enough time as we go through the applications.

Mayor Lindstrom - And your hoping this year. Even this year would be great to start it. Will get the ball rolling. We have a little time before May, but we will get the word out. As you said we have a lot of great people out there, and they deserve to be recognized

and for me, I think one of the greatest nights is the “Quan Award”, where we have young people that we recognize for their work that they do in our city, and this really builds on that. I know that you have looked at what other cities do for recognizing their residents, and have modeled our award off a few other cities. It looks great, I am fired up. I am ready to go.

Mayor Lindstrom: I am too. Nice work on it Melanie, putting it all together and getting folks together on this through the years to try to tweak it, and make it work.

Council Member Leehy: And our previous staff person contributed a lot to it as well. Katie O’Connor did contribute quite a bit.

Mayor Lindstrom: We have great staff here, just another example of that.

City Administrator Thongvanh:

There were a couple amendments to the description and the process too. Provision that if we do not get any nominations, it gives the council the authority to award the award to someone. It also includes the makeup of the committee that it includes at least two members of the city council as determined. Then it could possibly be a member of each commission as well.

Council Member Leehy, Approved 4-0

### 3. SolSmart – Solar Installation Checklist

City Administrator Thongvanh:

What you have before you is the permanent Checklist. The cities part of the SolSmart is the national recognition and there is no cost for the technical assistance program, which the council approved last year to be a part of. What they do is take a look at our codes, they review it. The purpose is to reduce barriers to implement Solar within the community. This is focused on our one residential homestead properties. We have a building permit process that lays out a checklist for the resident to look at, I need A, B, and C, and also what assistance can I get. What can the City provide me? At least it provides them an outline of the expectations from the City’s perspective, and also to promote solar technology in the City there is also a flat fee. Regardless, if it is on a small garage or on the whole roof of your home, there is flat fee of \$200. Makes it a little bit easier and simpler for the residents to understand. Otherwise, based on our fees, it is based on valuation, and if it is a small project it would be less, and a larger project, just like anything, it would be based on our fee schedule. I have contacted the city of Locan. Locan is the city that provides building official services and building inspection services to us and I did communicate with the city manager and he has agreed with the \$200 flat fee and so has the building commissioner. So everyone is kind of on board with it and it is nice to hear from them both, and it was, whatever Falcon Heights needs.

Mayor Gustafson: That is always a good answer.

City Administrator Thongvanh: What I am looking for from the Council is to have a motion to approve the \$200 flat fee and to add that new fee to our City fee schedule.

Council Member Gustafson, Approved 4-0

## H. INFORMATION/ANNOUNCEMENTS

### Council Member Leehy

- I just want to first respond to the Kettering Foundation trip that a few of us went to. I was gone at the last council meeting when I would have had the first opportunity to share on that. It was a great opportunity to meet the people around the country who our looking at community and safety, from those who are elected officials, staff, and there were also several police chiefs there. Just the overall sense of the caring hearts of the people in the room. One take away that warmed my heart was an individual from California talking about a culture of humility. Having a definition of cultural humility, and how we are honoring one another's culture and learning from one another and being able to embrace that. And here in Falcon Heights, walking in humility, as we continue to learn from each other and strive to strengthen our core connectedness.
- Today, at Falcon Heights Elementary, and I also believe at the other schools in the Roseville school district there was a 17 minute acknowledge of the tragedy in Florida. I was not able to be present, but I spoke to one of the staff and there were approximately 160 students as well as parents present at that time. They had a good system set up where the students had to have parent's permission to participate, and the teachers honored that system and they had age appropriate opportunities to participate. I was glad to see that.
- Lastly, I just want to mention that Park and Recreation Commission, which I serve on as a liaison, is still looking for commissioners. Therefore, whether yourself are interested in that commission or know of other people who are looking for an opportunity to serve with the city, you can go into the city's website and fill out the application. 'Rec on the Go' is in motion and to put that together, the staff will be meeting with a few other cities to find out how they have been successful. Therefore, we are not doing this blindly, but have some background as far as how that is put together.

### Council Member Brown Thunder:

- NYSF is having their leadership luncheon on Wednesday, May 2 from 11:30-1:00 pm at the Midland Hills Country Club. They will be having a speaker, John Noldner, who is the founder of "A Peace of Mind". It is a project built around, 'What does peace mean to you'. They always have fantastic speakers that come and talk to the group, so I thank this going to be another great opportunity, and it is also a fund raiser for the organization.
- I did get an opportunity to attend the Falcon Heights 'National Gun Violence Walk Out'. Honesty, it has been a while since I have been inspired. Today, I actually was inspired by seeing these young people lead these conversations, and lead the walk out and talk about what they want. Just hearing their voices made me definitely reflect as a leader on what these young people are saying. What they're saying is 'this has to end'. I think as adults and leaders, both our local as well as state and national - we need to listen because what they are saying is very important. So today, was a very good day and a very good event for these young people to let their voices be heard?

Mayor Lindstrom:

- Thank you for representing the city at that critical event. I could not agree more about what you just said

Council Member Gustafson:

- The Community Engagement Commission will be meeting next Monday night, March 19<sup>th</sup> at 7:00 pm at City Hall we are taking on task force recommendations, event planning, and outreach strategies. We want everybody to mark their calendars for Saturday May 12, from 11:00 – 2:00 pm the ‘Spring Together Event’ will be hosted at Curtis Field. We want everyone to get out and get together on this one. The Engagement Commission is working a lot outreach and engagement type focused activities. What we are really going to need is people to volunteer to participate in that process. To get involved somehow with how we can connect as a community with each other. If you would like to participate and volunteer, please contact City Hall. Tim has offered some services to help tracking for the CDC, volunteers that get involved with helping us to utilize the task force recommendation implementation and better ways that we can communicate as a city. Getting that interconnected and getting that conversation is critical to fulfilling our part as a community that gets along together.
- A long that line, then on Thursday, March 29, from 5:30 – 7:30 pm will be a ‘Coffee with a Cop’ event with Ramsey County Sheriff’s deputies. There are not any speeches or agendas or anything like that. It is just a chance to get together over a coffee or tea to talk about local concerns. Therefore, that will be happening at the Town Square Apartments in the community room, 1550 Larpenteur Avenue W., there at Snelling. A nice low-key event to just chat about stuff that is going on in the neighborhood. That is the update of the community engagement.

Mayor Lindstrom:

- Speaking of community events, I will be at 1666 Kaufman along with Sheriff Shirear to talk to the residents about where we are at with policing, and an opportunity to get to know the sheriff department. Therefore, that will be a good event on April 20<sup>th</sup>. Also coming in April, we have a ‘Sustainability Fair’ that the environment mission has been planning. Time and date forthcoming. There will be six different workshops like planting trees and LED light distribution.

City Administrator Thongvanh:

- Community Development Coordinator, Paul Moretto and myself met with a representative for the 2020 census. We met with her just to get a game plan started for the city. So the residents and the city will see that upcoming during the spring and summer. We are also looking at developing a census page on our city website, just so people will know the information, and what they need to know. What the census is doing differently is they are going to try and collect as much as possible through technology: phones cell phones, and social media. Where in the past you would see a lot of people door knocking. Now they are going to try to use the advancement of technology. Then the people that they do not reach through mailings or technology, they will be out door knocking. They are looking at boots on the ground door knocking in July through August. Just so, the community is aware that they are there for the census. They are allowed to be out there to do this. Just so, the people are aware that they are not scammers or someone out there to take advantage of them. The residents will be getting mailing, e-mails, e-news, so they will get a lot of information, so they will

know when it will be gearing up and starting. In addition, not that it is related to the city, but Mayor Lindstrom was a part of a solar event here that Sert's presented here. It always surprises me how many people show up to these events, but not only how many people show up at these type of events, but the communities that show up for these events. Because these are large communities well over 20 – 40 thousand people and they are coming to the city of Falcon Heights to see what we are doing, and I am surprised about that. It does show, not only for the council's perspective, but also from the city's perspective that in terms of per capita we probably do a lot compared to other communities, of the initiatives here in terms of energy or sustainability. We are a community of 5,000 but we are green step for the community. There are communities of 20,000 – 30,000 that are a step one. To display that for the city is just great.

Mayor Lindstrom:

- My day job, Clean Energy Resources, is leading a bulk purchasing effort for local governments and schools and we had our kick off today. The city of Falcon Heights was kind enough to open their doors to about 50 local government officials to learn more about it. After the event, we had an optional tour of our solar panels on the roof. There was a representative of a city of about 30,000 people or so, and she was just drooling, looking at all our solar panels, as if oh man I am so jealous - we should be doing this. In addition, we have been doing it since 2011. Therefore, it was good morning

City Administrator Thongvanh:

- I would echo what Council Member Leehy said about that Kettering Foundation. What you have in front of you, and I have already passed this out to most of the Council member already. What you have in front of you is a book titled "Ecology of Democracy". I started reading it and it is a very good book. Very well written. It is written by David Matthews, and he is non-partisan independent, but he served as a cabinet officer in the Ford Administration, but he was also the president of the University of Alabama where he taught history there. What he talks about here is the power of the people. I think Falcon Heights is a great example of that. What he mentions in this book is that institutions, governments do not have all the answers. The people out there are very dedicated, very passionate. They might not have all the solutions, but if we come together as one entity trying to resolve within their community, everyone wins. I think that is what we have been doing as a community we have acted in a rational way of approaching, just how we are going to approach certain situations. And to see that actual approach in some one's writing, and to see that in person uses that approach that we actually are using is uplifting in terms of that dedication. Therefore, I have given the book to the entire council member, but the Kettering Foundation has also given me enough copies that will be distributed all the member of the \_\_\_ commission. The reason why we will be doing that is because of all the work that they have been doing or will be doing and starting here in terms of implementing the task force recommendations.
- Reminder that the Council Retreat is March 24 from 9am to 1pm. I will be putting out an agenda for the Council this week in terms of things we will be discussing for purposes to set goals and look at the future of the community.
- On March 21, there will be a joint meeting with the Pine Commission, and WSB will be there to present the results of some of the findings for comprehensive



planning; and to talk about deadlines and where we go from here. So that completes my updates.

I. COMMUNITY FORUM:

J. ADJOURNMENT: 7:30 P.M.

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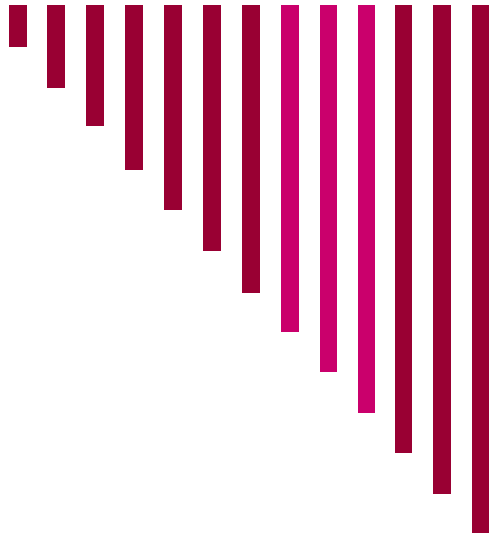
Peter Lindstrom, Mayor

Dated this 14<sup>th</sup> day of March, 2018

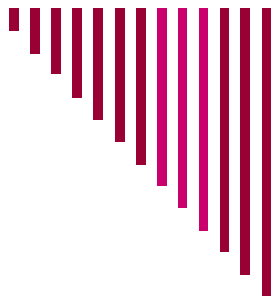
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Sack Thongvanh, City Administrator

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Presentation to the  
City of Falcon Heights  
March 2018



"I can't change the direction of the wind,  
but I can adjust my sails  
to always reach my destination."

Jimmy Dean



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# About NYFS

- Primary Population: 5-21 year olds
- 4,000 youth, adults, families
- \$3.3 million annual budget
- Three program areas
  - Mental Health
  - Day Treatment
  - Community Services

[www.nyfs.org](http://www.nyfs.org)



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# NYFS Programs

## Mental Health

- solution oriented
- school based, clinic based, in-home

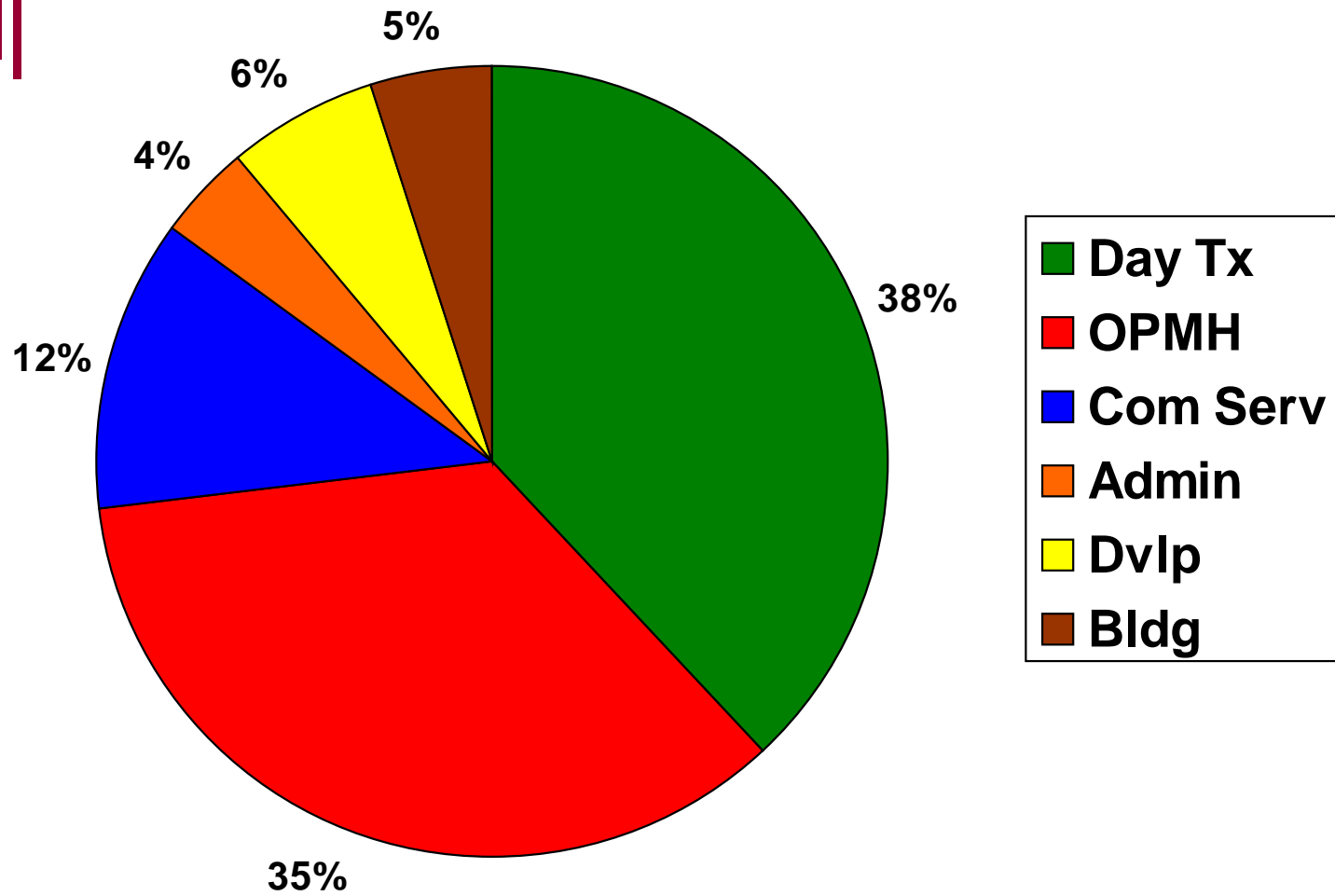
## Community Services

- academics, employment, life skills, citizenship
- Diversion, Out of School, Senior Chore

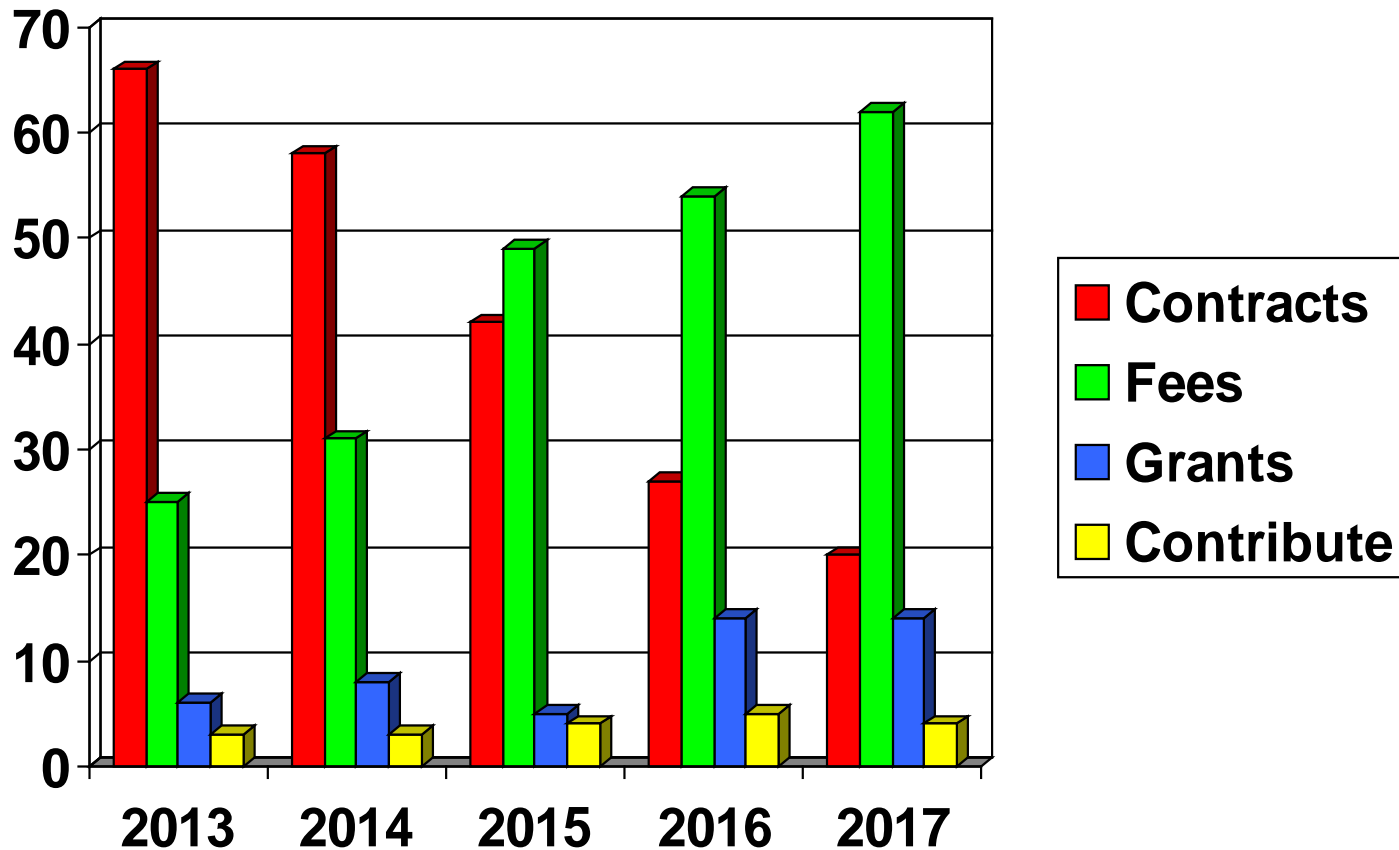
## Day Treatment

- therapy and academics
- NETS, REACH

# NYFS Budget: \$3,314,486



# NYFS Revenue Sources





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# What your support buys

- Services for residents are assured
- Benefits
  - Educational attainment
  - Effective workforce
  - Citizenship
- Reduced costs to public
- Leverage outside resources



# 2016-2017 Service Summary

Contracted Services	#	2016	#	2017
Counseling	2	\$2,835	1	\$450
Diversion	2	\$328	3	\$1,237
Senior Chore (seniors/youth)	5/NA	\$4,500	2	\$120
<b>Cost of Contracted</b>	<b>9</b>	<b>\$7,663</b>	<b>6</b>	<b>\$1,807</b>
<b>Non Contracted</b>	<b>12</b>	<b>\$3,706</b>	<b>12</b>	<b>\$12,790</b>
<b>City Contract</b>		<b>\$8,927</b>		<b>\$9,017</b>



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# Current Community Trends

- § Complexity
  - § Presenting issues
  - § Evidence based practices
  
- § Community
  - § Widening gap
  - § Accept mental health
  
- § Business
  - § Workforce
  - § Middle income



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# NYFS Partnerships

- **Communities**

Arden Hills, Birchwood Village, Falcon Heights, Hugo, Little Canada, Mahtomedi, Mounds View, New Brighton, North Oaks, Roseville, Shoreview, St. Anthony, Vadnais Heights, White Bear Lake, White Bear Township

- **School Districts**

Mahtomedi, Mounds View, North St. Paul/Maplewood, Roseville Area, St. Anthony/New Brighton, White Bear Lake Area

- **Collaborations**

Minnesota Youth Intervention Program Association, North Suburban Gavel Club, Ramsey County Children's Mental Health Collaborative, Roseville Rotary, Shoreview/Arden Hills Rotary, St. Anthony-New Brighton Family Service Collaborative, Suburban Ramsey Family Collaborative, Twin Cities North Chamber of Commerce, Vadnais Heights Economic Development Council, White Bear Chamber

- **Faith Community**

- **Businesses**

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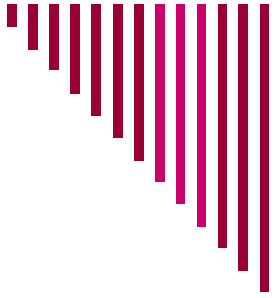
# Future Events

Leadership Lunch

May 2, 2018

Mayor's Challenge Golf Tournament

June 11, 2018



"I alone cannot change the world,  
but I can cast a stone across the water  
to create many ripples."

Mother Teresa



*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	March 28, 2018
<b>Agenda Item</b>	Public Hearing E1
<b>Attachment</b>	Ordinance
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Right-of-Way (ROW) Small Wireless Facilities
<b>Description</b>	<p>Requesting the City Council; review for consideration attached ordinance amending Chapter 42, Article II Pertaining to Telecommunications Right of Way Management</p> <p><b>History:</b></p> <p>State law gives “telecommunications right of way users” the right to install facilities in the public right of way and use the public right of way for delivery of their services. This right is subject to local governmental authority to manage the right of way by permitting. Local governments affirmatively elect to manage the right of way by adopting a right of way ordinance. Under the right of way ordinance, use of the right of way may be conditioned or denied if necessary to protect the public health, safety, or welfare.</p> <p>In 2017, the state legislature amended the state statutes that authorize local government units (“LGU”) to regulate the right of way. The amendments permit wireless providers to deploy “small wireless facilities” and “wireless support structures” in the right of way. A “small wireless facility” is statutorily defined as an antenna that is located inside an enclosure that is no more than six cubic feet in volume with all other associated wireless equipment being no more than 28 cubic feet in volume. A “wireless support structure” is statutorily defined as a new or existing structure (i.e. pole) in the public right of way designed to support or capable of supporting small wireless facilities, as reasonably determined by a LGU.</p> <p>The new law requires LGU’s to approve or deny small wireless facility permit applications within 90 days. The failure to timely act on a permit application results in the permit being “automatically issued.” Denial of a permit application must be in writing and state the basis for denial.</p> <p>Under the new law LGU’s are entitled to recover right of way management costs from wireless providers that use the right of way through permit fees.</p> <p>In pushing for these amendments to state law, one of the wireless industry’s goals was to require that poles or similar structures owned by the LGU in the right of way (light poles, for example) be made available for attachment of small wireless facilities. The new law expressly allows the LGU to determine whether a particular pole or other structure in the right of way was designated to support proposed</p>

	<p>wireless equipment or is capable of doing so. An LGU may deny a wireless provider access to a particular facility based on this determination or other public health, safety, or welfare concerns.</p> <p>Another goal of the wireless industry was to obtain the right to use LGU owned facilities in the right of way for little or no rent. The new law allows LGUs to impose rent of up to \$150 annually plus \$25 for maintenance for each site. Additional fees may be imposed if the wireless provider uses LGU-purchased electricity rather than separately metering its facility.</p> <p>The new law authorizes LGU's to require separate agreements with wireless providers governing attachments to poles or other facilities the LGU owns.</p> <p>The new law makes small wireless facilities a permitted use in all right of way regardless of the underlying zoning district in which the right of way is located.</p> <p><b>How does this change Falcon Heights' Code?</b></p> <p><b>The ordinance amends City Code Chapter 42 Article 2 pertaining to telecommunication facilities right of way management in the following ways:</b></p> <ul style="list-style-type: none"> <li>· The ordinance creates a small wireless facility permit to collocate in the public right of way.</li> <li>· The ordinance imposes a small wireless facility permit fee.</li> <li>· The ordinance incorporates the 90 day deadline for the City action on small wireless facility permit applications.</li> <li>· The ordinance sets a 50 foot maximum height limitation on wireless support structures.</li> <li>· The ordinance limits wireless facilities from extending more than ten feet above a wireless support structure.</li> <li>· The ordinance permits the City to impose separation requirements between new and existing wireless support structures.</li> <li>· The ordinance requires that applicants seeking to collocate small wireless facilities on City owned structures enter into a collocation agreement with the City. Under the collocation agreement the City will recover its right of way management costs, statutory rent, and cost of electricity.</li> <li>· The ordinance provides for denial of permit applications and revocation of permits when necessary to protect health, safety, and welfare of the community.</li> </ul>
<b>Budget Impact</b>	<p>The City will be able to recover some of its costs for managing the right of way from small wireless facility permittees. The City will also be able to charge rent to collocate small wireless facilities on City structures in the right of way.</p>



<b>Attachment(s)</b>	· Ordinance 18-01 Amending Chapter 42, Article II Pertaining to Telecommunication Facilities Right of Way Management
<b>Action(s) Requested</b>	Staff recommends approval of attached ordinance regulating small wireless facilities in the public right-of-way.

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

**ORDINANCE NO. 18-01**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II PERTAINING TO  
TELECOMMUNICATION FACILITIES RIGHT OF WAY MANAGEMENT**

**THE CITY COUNCIL OF FALCON HEIGHTS, RAMSEY COUNTY, MINNESOTA,  
ORDAINS:**

**SECTION 1.** Chapter 42, Article II of the Falcon Heights City Code is amended by adding the underlined language and deleting the strikethrough language as follows:

**Sec. 42-23. - Purpose; intent; interpretation.**

- (a) *Purpose.* To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its roads and streets and the appropriate use of the rights-of-way, the city strives to keep its right-of-way in a state of good repair and free from unnecessary encumbrances.
- (b) *Intent.* Accordingly, the city hereby enacts this new article relating to right-of-way permits and administration. This article imposes regulation on the placement and maintenance of facilities and equipment currently within its right-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this article, persons excavating and obstructing the right-of-way will bear financial responsibility for their work. Finally, this article provides for recovery of out-of-pocket and projected costs from persons using the public right-of-way.
- (c) *Interpretation.* This article shall be interpreted consistently with Minn. Stats. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the city and users of the right-of-way. This article shall also be interpreted consistently with Minn. Rules 7819.0050—7819.9950 where possible. To the extent any provision of this article cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This article shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

**Sec. 42-24. - Management of the right-of-way.**

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to Minn. Stats. § 237.163, subd. 2(b), to manage the right-of-way under its jurisdiction. The term "manage the right-of-way" means the authority of the city to do any or all of the following:

- (1) Require registration;
- (2) Require construction performance bonds and insurance coverage;

- (3) Establish installation and construction standards;
- (4) Establish and define location and relocation requirements for equipment and facilities;
- (5) Establish coordination and timing requirements;
- (6) Require right-of-way users to submit henceforth required by the city project data reasonably necessary to allow the city to develop a right-of-way mapping system including GIS system information;
- (7) Require right-of-way users to submit, upon request of the city, existing data on the location of user's facilities occupying the public right-of-way within the city. The data may be submitted in the form maintained by the user in a reasonable time after receipt of the request based on the amount of data requested;
- (8) Establish right-of-way permitting requirements for excavation and obstruction;
- (9) Establish removal requirements for abandoned equipment or facilities, if required in conjunction with other right-of-way repair, excavation or construction; and impose reasonable penalties for unreasonable delays in construction.

**Sec. 42-25. - Definitions.**

The definitions included in Minn. Stats. § 237.162 and Minn. Rule 7819.0100, subpt. 1—25 are hereby adopted by reference and incorporated into this article as if set out in full.

**Sec. 42-26. - Administration.**

The city administrator is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The city administrator may delegate any or all of the duties hereunder. Authority granted to the city administrator under this section may, in the alternative, be exercised by the deputy clerk.

**Sec. 42-27. - Registration; bond; exceptions.**

- (a) *Registration.* Each person who occupies, uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, equipment or facilities located in any right-of-way must register with the city. Registration will consist of providing application information to, and as required by the city, paying a registration fee, and posting a performance and restoration bond. Registration fee and bond amount shall be set by resolution of the city council.
- (b) *Performance and restoration bond.* The performance and restoration bond required in this section, and in sections 42-31(5) and 42-34(d) shall be in an amount determined in the city's sole discretion, sufficient to serve as security for the full and complete performance of the obligations under this section, including any costs, expenses, damages, or loss the city pays or incurs because of any failure to comply with this section or any other applicable laws, regulations or standards. During periods of construction, repair or restoration of rights-of-way or equipment or facilities in rights-of-way, the performance and restoration bond shall be in an amount sufficient to cover 100 percent of the estimated cost of such work, as documented by the person proposing to perform such

work, or in such lesser amounts as may be determined by the city administrator, taking into account the amount of equipment and facilities in the right-of-way, the location and method of installation of the equipment and facilities, the conflict or interference of such equipment or facilities with the equipment or facilities of other persons, and the purposes and policies of this section. Sixty days after completion of the work, the performance and restoration bond may be reduced in the sole determination of the city.

- (c) *Registration prior to work.* No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered with the city.
- (d) *Exceptions.*
  - (1) Nothing herein shall be construed to repeal or amend the rights of persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this article. However, plantings must not violate applicable clear zone requirements nor obstruct visibility on the roadway, and the city may remove such plantings, if necessary for maintenance, safety, or construction purposes, with no compensation due the property owner.
  - (2) Irrigation systems shall be allowed in the right-of-way without a permit and installers shall be exempt from registration. There shall be no compensation for removal necessary for any permitted utility project. No compensation shall be paid for any irrigation system if removal is required or if it is damaged by any city or municipal activity or by any permitted utility activity.
  - (3) Resident-owned sewer and water service lines to a city main and resident-owned drain tile lines shall not be required to register, unless requested by the city, but shall be required to obtain permits for excavation and obstruction.
  - (4) Nothing herein relieves a person from complying with the provisions of Minn. Stats. ch. 216D ("One Call Excavation Notice System").

**Sec. 42-28. - Registration information.**

- (a) *Required information.* The information provided to the city administrator at the time of registration shall include, and be on the form approved by the city or this article, but not be limited to:
  - (1) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.
  - (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
  - (3) A certificate of insurance or self-insurance:

- a. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed or otherwise authorized to do business in the state, or a form of self insurance acceptable to the city administrator;
  - b. Verifying that the registrant is insured against claims for bodily and personal injury, including death, as well as claims for property damage arising out of the: (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;
  - c. Naming the city as an additional insured as to whom the coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage;
  - d. Requiring that the city administrator be notified 30 days in advance of cancellation of the policy or material modification of a coverage term;
  - e. Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the city administrator in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this article.
- (4) The city may require a copy of the actual insurance policies if necessary to ensure the city administrator that the policy provides adequate third party claim coverage and city indemnity and defense coverage.
- (5) If the person is a corporation, a copy of the certificate required to be filed as recorded and certified to by the secretary of state.
- (6) A copy of the person's order granting a certificate of authority from the state public utilities commission (PUC) or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval certificate from said commission or other state or federal agency.
- (b) *Notice of changes.* The registrant shall keep all of the information listed above current at all times by providing to the city administrator information as to changes within 15 days following the date on which the registrant has knowledge of any change.

**Sec. 42-29. - Construction plan; exceptions.**

- (a) *Construction/major maintenance plan.* Each registrant that provides utility service shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city administrator. Such plan shall be submitted using a format designated by the city administrator and shall contain the information determined by the city administrator to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way. The city shall maintain in the file a copy of the city's construction plan for construction projects. The utility facility plans shall be kept up-to-date by the registrant. The plans shall be on file and available for public inspection. The plan shall include, but not be limited to, the following information:

- (1) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project");
- (2) How the registrant will accommodate the city plan;
- (3) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five-year project").

It is the registrant's responsibility to keep informed on available plans. The term "project" in this section shall include both next-year projects and five-year projects but does not include individual service line hookups and minor maintenance unless they are part of an area-wide program.

- (b) *Exception.* Notwithstanding the foregoing, the city administrator will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

**Sec. 42-30. - Permit requirement; extensions; penalty.**

- (a) *Permit required.* Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way without first registering and having obtained the appropriate right-of-way permit from the city.
  - (1) *Excavation permit.* An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
  - (2) *Obstruction permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.
  - (3) *Small wireless facility permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.
- (b) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:
  - (1) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
  - (2) A new permit or permit extension is granted.

An extension can, at the discretion of the city administrator, or the city administrator's designee, be granted orally and without application of a separate permit fee.
- (c) *Delay penalty.* In accordance with Minn. Rules 7819.1000 subpt. 3 notwithstanding subsection (b) of this section, the city shall establish and may impose a delay penalty for

unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution and shall include any delays or damages charged by the city's construction contractor and may include liquidated damages consistent with the contract. A delay penalty will not be imposed if the delay in project completion is due to circumstances beyond the control of the applicant including, without limitation, inclement weather, acts of God, or civil strife.

- (d) *Permit display.* Permits issued under this article shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

**Sec. 42-31. - Permit applications; additional bond.**

- (a) Application for a permit is made to the city administrator. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:
- (1) Registration with the city pursuant to this article.
  - (2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
  - (3) Payment of money due the city for:
    - a. Permit fees, estimated restoration costs and other management costs;
    - b. Prior obstructions or excavations;
    - c. Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the right-of-way or any emergency actions taken by the city;
    - d. Franchise fees or other charges, if applicable.
  - (4) Payment of disputed amounts due the city for prior disputed fees, penalties or other charges by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing.
  - (5) When an excavation permit is required for purposes of installing additional equipment or facilities, and a performance and restoration bond which is in existence is insufficient with respect to the additional equipment or facilities in the sole determination of the city, the permit applicant may be required by the city to post an additional performance and restoration bond in accordance with section 42-27(b).
- (b) Deadline for Action. The City shall approve or deny a small wireless facility permit application within ninety (90) days after receiving a complete application. The small wireless facility permit, and any associated encroachment or building permit shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.
- (c) Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to fifteen (15) small wireless facilities, or a greater number if agreed by the city, provided that all small wireless facilities in an application:
1. are located within a two-mile radius;



2. consist of substantially similar equipment; and
3. are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

(d). Tolling of Deadline for Action. The ninety (90) day deadline for action may be tolled if

1. The city receives applications within a single seven-day period from one or more applicants seeking approval of permits for more than thirty (30) small wireless facilities. In such case, the city may extend the ninety (90) day deadline for all such applications by an additional 30 days by informing the affected applicants in writing of such extension.
2. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within thirty (30) business days of receipt of the application, clearly and specifically delineating all missing documents or information. Information delineated in the notice is limited to documents or information publicly required as of the date of application and reasonably related to the city's determination whether the proposed equipment falls within the definition of a small wireless facility and whether the proposed deployment satisfies all health, safety, and welfare regulations applicable to the small wireless facility permit request. Upon applicant's submittal of additional information in response to a notice of incompleteness, the city has ten (10) days to notify the applicant in writing of any information requested in the initial notice of incompleteness that is still missing. Second or subsequent notices of incompleteness may not specify documents or information that were delineated in the original notice of incompleteness. Requests for information not requested in the initial notice of incompleteness do not toll the ninety (90) day deadline for action.
3. The city and applicant may agree in writing to toll the review period.

#### **Sec. 42-32. - Issuance of permit; conditions.**

- (a) *Permit issuance.* If the applicant has satisfied the requirements of this article, the city shall issue a permit.
- (b) *Conditions.* The city administrator may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or, when necessary, to protect the right-of-way and its current and future use.
- (c) *Small Wireless Facility Conditions.* In addition to part b, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right of way, shall be subject to the following conditions:

1. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
  2. No new wireless support structure installed within the right of way shall exceed 50 feet above ground level in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right of way and its current use, and further provided that a wireless support structure that replaces an existing wireless support structure in the public right of way that is greater than fifty (50) feet above ground level in height may be placed at the height of the existing wireless support structure, subject to such conditions or requirements as may be imposed in the applicable permit.
  3. No wireless facility constructed in the right of way after May 30, 2017 may extend more than ten (10) feet above a wireless support structure existing on May 30, 2017.
  4. Where an applicant proposes to install a new wireless support structure in the right of way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right of way.
  5. Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of such structure.
  6. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
- (d) *Small Wireless Facility Agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right of way, after applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:
1. Management costs;
  2. Up to \$150 per year for rent on the city structure;
  3. \$25 per year for maintenance associated with the collocation;
  4. A monthly fee for electrical service as follows:
    - a. \$73 per radio node less than or equal to 100 maximum watts;
    - b. \$182 per radio node over 100 maximum watts;
    - c. The actual cost of electricity, if the actual cost exceed the foregoing.
- The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

- (e) Routine obstructions and excavations. A public right-of-way user may negotiate a permit plan that, among other conditions, allows for routine excavations and obstructions without separate notice and separate compensation for projects. Projects that do not involve excavation of the paved surface and lasting less than four hours in duration may be included in such plan.

**Sec. 42-33. - Permit fees.**

- (a) Excavation permit fee. The city shall ~~establish~~ impose an excavation right-of-way permit fee schedule specifying fees that are adequate to recover the following costs:
- (1) City management costs;
  - (2) Degradation costs, if applicable;
  - (3) Mapping costs.

Permit fees shall be established by resolution of the city council, as amended from time to time.

- (b) Obstruction permit fee. The city shall establish the obstruction permit fee that shall be in an amount sufficient to recover the city management costs.
- (c) Small wireless facility permit fee. The city shall impose a small wireless facility permit fee in an amount sufficient to recover:
- (1) management costs, and;
  - (2) city engineering, make-ready, and construction costs associated with collection of small wireless facilities.
- (d) Payment of permit fees. No right-of-way permit shall be issued without payment of any and all applicable permit fees unless the city allows applicants to pay such fees within 30 days of billing.
- (e) Nonrefundable. Permit fees that were paid for a permit that the city administrator has revoked for a breach as stated in section 42-43 are not refundable. Permit fees paid for work that is subsequently cancelled are not refundable.
- (f) Management costs; franchise fees. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

**Sec. 42-34. - Right-of-way patching and restoration.**

- (a) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under section 42-37
- (b) *Temporary surfacing, patch and restoration.* The permittee shall patch its own work.
- (c) *City restoration.* If the city restores any part of the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If the city restores only the surface of the right-of-way and during the 24 months following such restoration, the pavement settles due to improper back-filling, the permittee shall pay to the city, within 30 days of billing, all costs related to restoring the right-of-way or associated with having to correct the defective work, which may include removal and replacement of any or all work done by

- the permittee, provided, however, that the city will first give the permittee notice of the pavement defect and reasonable opportunity to correct the defect. These costs shall include administrative overhead, mobilization, material, labor, and equipment.
- (d) *Permittee restoration.* If the permittee restores the right-of-way itself, the city may require, at the time of application for a permit, posting of a performance and restoration bond in an amount determined by the city administrator to be sufficient to cover the cost of repair and restoration. The permittee shall determine the type of security it will provide in accordance with Minn. Rule § 7819.3000. If, within 24 months after completion of the restoration of the right-of-way, the city administrator determines that the right-of-way has been properly restored, the posted security shall be released.
  - (e) *Degradation fee and patching.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.
  - (f) *Standards.* The permittee shall perform temporary surfacing, patching and restoration including back-fill, compaction, and landscaping according to the standards and with the materials specified by the city administrator. The city administrator shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The city administrator in exercising this authority shall comply with PUC standards for right-of-way restoration and require conformance to MN/DOT standard specifications.
  - (g) *Guarantees.* The permittee guarantees its work and shall maintain it for 24 months following its completion. During this 24-month period it shall, upon notification from the city administrator, correct all restoration work to the extent necessary, using the method required by the city administrator. Said work shall be completed within five business days of the receipt of the notice from the city administrator, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under section 42-37
  - (h) *Duty to correct defects.* The permittee shall correct defects in patching, or restoration of the public right-of-way performed by permittee or its agents. The permittee, upon notification from the city, shall correct all restoration work to the extent necessary under state law and Minnesota Rules, using the method required by the city. Said work shall be completed within ten business days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under section 42-37
  - (i) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the city administrator, or fails to satisfactorily and timely complete all restoration required by the city administrator, the city, at its option, may do or sub-contract such work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

**Sec. 42-35. - Joint applications; fees.**

- (a) *Joint application.* Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.
- (b) *Shared fees.* Registrants who apply for permits for the same obstruction or excavation may share in the payment of the permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.
- (c) *City construction projects.* Registrants who join in a scheduled utility installation or obstruction or excavation coordinated with a city construction project by the city administrator, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the obstruction and degradation portions of the permit fee, but a permit is still required.

**Sec. 42-36. - Supplementary applications; permit extensions.**

- (a) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area:
  - (1) Make application for a permit extension and pay any additional fees required thereby; and
  - (2) Be granted a new permit or permit extension.

The city administrator or the city administrator's designee may orally approve the permit extension and an additional fee will not be required.

- (b) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be done before the permit end date. Permits for nonemergency work shall be submitted at least three business days prior to the planned start of work.

**Sec. 42-37. - Obligations; prohibitions.**

- (a) *Compliance with other laws.* Obtaining a right-of-way permit does not release the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other appropriate jurisdiction or other applicable rule, law or regulation. The permittee shall comply with other local codes and with road load restrictions. A permittee shall comply with all requirements of local, state and federal laws, including Minn. Stats. ch. 216D ("One Call Excavation Notice System"). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

- (b) *Prohibited work.* Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- (c) *Interference with right-of-way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters, culverts, ditches, tiles or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- (d) *Traffic control.* Traffic control shall conform to the Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Traffic Control Zones Field Manual and any directions of the city engineer.

**Sec. 42-38. - Denial of permit.**

- (a) The city may deny a permit for failure to meet the requirements and conditions of this article or if the city determines that the denial is necessary to protect the public health, safety, and welfare or when necessary to protect the right-of-way and its current and future use. The city may deny a permit if the applicant has failed to comply with previous permit conditions. The city may withhold issuance of a permit until conditions of previous permit are complied with.
- (b) *Procedural Requirements.* The denial of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant in writing within three business days of the decision to deny a permit. If an application is denied, the applicant may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within thirty (30) days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission

**Sec. 42-39. - Work requirements.**

The excavation, back-filling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules 7819.1100 and 7819.5000 and shall conform to MN/DOT standard specifications and other applicable local requirements, insofar as they are not inconsistent with Minn. Stats. §§ 237.162 and 237.163.

**Sec. 42-40. - Completion; inspection.**

- (a) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minn. Rules 7819.1300.
- (b) *Site inspection.* The permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) *Authority of city.*

- (1) At the time of inspection the city administrator may order the immediate cessation and correction of any work that poses a serious threat to the life, health, safety or well-being of the public.
- (2) The city administrator may issue an order to the permittee to correct any work which does not conform to the terms of the permit or other applicable standards, rules, laws, conditions, or codes, so long as the nonconformance constitutes a "substantial breach" as set forth in Minn. Stats. § 237.163, subd. 4(c)(1)—(5). The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city administrator that the violation has been corrected. If such proof has not been presented within the required time, the city administrator may revoke the permit pursuant to section 42-43
- (3) The cost of any action required by the city shall be paid by the permittee.

**Sec. 42-41. - Work done without a permit.**

- (a) *Emergency situations.*
  - (1) Each registrant shall immediately notify the city administrator of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this article for the actions it took in response to the emergency.
  - (2) If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to correct the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.
- (b) *Nonemergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by this article, and deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this article.

**Sec. 42-42. - Supplementary notification.**

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the city of the accurate information as soon as this information is known.

**Sec. 42-43. - Permittee breach; probation; revocation of permits.**

- (a) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the

permit including a threat to the safety of workers, or the right-of-way user or the utility users. A substantial breach by the permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
  - (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
  - (3) Any material misrepresentation of fact in the application for a right-of-way permit;
  - (4) The failure to complete the work in a timely manner; unless a permit extension is obtained, or unless the failure to complete work is due to reasons beyond the permittee's control, or failure to relocate existing facilities as specified in section 42-45
  - (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to section 42-40
  - (6) Failure of the utility to pay any required costs, fees, or charges billed by the city; or
  - (7) Failure to provide traffic control that conforms to the provisions of the Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Traffic Control Zones Field Manual on Uniform Traffic Control Devices.
- (b) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.
- (c) *Response to notice of breach.* Within three business days of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city that will cure the breach. The permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, the permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall automatically revoke the permit and may include placing the permittee on probation for one full year. No plan will be unreasonably rejected.
- (d) *Cause for probation.* From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.
- (e) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable management costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.
- (f) *Revoked permit.* Revocation of a right of way permit or small wireless facility permit shall be made in writing within three (3) business days of the decision to revoke the permit and shall document the basis for the revocation. If the city revokes a utility's



permit for breach of this article, the utility will not be allowed to install any utility or to obstruct or excavate within the city right-of-way until the breach situation is corrected to the satisfaction of the city administrator and the permit is reissued.

**Sec. 42-44. - Mapping information.**

- (a) *Mapping information.* Each registrant and permittee shall provide mapping information required by the city in accordance with Minn. Rules 7819.4000 and 7819.4100.
- (b) *Required application information.* The city requires as part of its permit application the filing of all the following information:
  - (1) Location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on:
    - a. Offsets from property lines, distances from the centerline of the public right-of-way, and curblines as determined by the city;
    - b. Coordinates derived from the coordinate system being used by the city; or
    - c. Any other system agreed upon by the right-of-way user and city.
  - (2) The type and size of the utility facility;
  - (3) A description showing aboveground appurtenances;
  - (4) A legend explaining symbols, characters, abbreviations, scale, and other data shown on the map; and
  - (5) Any facilities to be abandoned, if applicable, in conformance with Minn. Stats. § 216D.04, subd. 3.
- (c) *Changes and corrections.* The application must provide that the applicant agrees to submit "as built" drawings, reflecting any changes and variations from the information provided under subsection (b) of this section.
- (d) *Additional construction information.* In addition, the right-of-way user shall submit to the city at the time the project is completed a completion certificate according to Minn. Rules 7819.1300.
- (e) *Conveying permit data; conversion costs.* A right-of-way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the right-of-way user to a format currently in use by the city. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.
- (f) *Data on existing facilities.* At the request of the city, a right-of-way user shall provide existing data on its existing facilities within the public right-of-way in the form maintained by the user at the time the request was made, if available.

**Sec. 42-45. - Location and relocation of facilities.**

- (a) *Conformity to regulations.* Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities. By submitting a request for a permit the person recognizes they must conform to the existing ordinances and codes of other units of government related to underground placement regardless of how the application is written or permit granted. Utility poles and guy anchors, and any other equipment, shall conform to NCHRP 350 standards for

crashworthiness or must be located outside of applicable clear zones. Any installation that does not conform to the state department of transportation clear zone standards must be approved by the city administrator, and the facility owner shall indemnify and hold harmless the city.

- (b) *Relocation of facilities.* A registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way in accordance with the provisions of Minn. Rule 7819.3100, which is incorporated herein and made a part hereof.
- (c) *Relocation notification procedure.*
  - (1) The city administrator shall notify the utility owner at least six months in advance of the need to relocate existing facilities so the owner can plan the relocation.
  - (2) The city administrator shall provide a second notification to the owner one month before the owner needs to begin the relocation.
  - (3) The utility owner shall begin relocation of the facilities within one week of the second notification. All utilities shall be relocated within one month.
  - (4) The city administrator may allow a different schedule if it does not interfere with the city's project.
  - (5) The utility owner shall diligently work to relocate the facilities within the above schedule.
  - (6) When emergency, natural disaster, or unforeseen changes to a programmed project necessitate relocation of a facility, the city shall notify the utility owner as soon as possible, but shall be exempt from the notification schedule described above.
  - (7) In the event that emergency work by the city or another governmental entity in the city right-of-way requires relocation of a utility, the notification requirements above are waived. The city and utility shall coordinate efforts to minimize delay.
- (d) *Delay to city project.* The city administrator shall notify the utility owner if the owner's progress will not meet the relocation schedule. If the owner does not take action to insure the relocation will be completed in accordance with the above schedule and the city administrator determines this delay will have an adverse impact on a city project, the city administrator may hire a competent contractor to perform the relocation. In that event, the city may charge the utility owner all costs incurred to relocate the facility. The city may charge the utility owner for all costs incurred and requested by a contractor working for the city that is delayed because the relocation is not completed in the scheduled timeframe and for all other additional costs incurred by the city due to the delay. However, this does not exempt the utility company from paying for the value of any taking of said property by occupation without compensation.

#### **Sec. 42-46. - Pre-excavation facilities location.**

In addition to complying with the requirements of Minn. Stats. ch. 216D ("One Call Excavation Notice System"), before the start date of any right-of-way excavation, each registrant that has facilities or equipment in the area to be excavated shall mark the horizontal placement of all said facilities. Any registrant's facilities or equipment that are in the area of work shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation to protect the safety of workers and right-of-way users and other

utility users. If the utility is not at the approved location, it shall be exposed at the permittee's expense or by the city upon written notice to the permittee. The city may, upon said notice, locate said utility at the permittee's expense.

**Sec. 42-47. - Damage to other facilities.**

When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city administrator shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way that it or its facilities damage. When the registrant does damage to city facilities in the right-of-way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, it shall correct the damage immediately. If it does not, the city may make such repairs as necessary and charge all of the expenses of the repair to the registrant, which shall be paid within 30 days of billing. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

**Sec. 42-48. - Right-of-way vacation.**

- (a) *Rights of registrant.* If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minn. Rules 7819.3200 and other applicable laws.
- (b) *Relocation of facilities.* If the vacation requires the relocation of the public right-of-way user's equipment or facility; and the vacation proceedings are initiated by the public right-of-way user or the city for a public project, the public right-of-way user shall pay the relocation costs. If the vacation proceedings are initiated by a person other than the public right-of-way user, the person initiating the vacation shall pay the relocation costs.

**Sec. 42-49. - Indemnification and liability.**

- (a) *Limitation of liability.* Upon the issuance of a public right-of-way permit, the city does not assume any liability for:
  - (1) Injuries to persons, damage to property or loss of service claims by parties other than the registrant or the city; or
  - (2) Claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants or permittees or activities of registrants or permittees.
- (b) *Indemnification; defense of registrant; litigation.*
  - (1) *Indemnification of city, city officials.* A registrant or permittee shall indemnify, keep and hold the city, its officials, employees and agents, free and harmless from any and all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its equipment and facilities, or out of any activity undertaken in or near a public right-of-way, whether or not any act or omission complained of is authorized, allowed or prohibited by a public right-of-way permit. The foregoing does not

indemnify the city for its own negligence except for claims arising out of or alleging the city's negligence in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition or purpose of a permit.

- (2) *Defense of registrant.* This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permittee or city, and the registrant or permittee, in defending any action on behalf of the city, shall be entitled to assert in any action every defense or immunity that the city could assert on its own behalf.
- (3) *City consent for litigation settlement.* If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the city. The city's consent shall not be unreasonably withheld.
- (4) *Permits conditional to ownership rights.* All permits are granted subject to the ownership rights the city may have in the property involved and to the extent that state, federal or local laws, rules, and regulations allow and said permit is subject to all such laws and rules.

**Sec. 42-50. - Discontinued operations; abandoned or unusable facilities.**

- (a) *Discontinued operations.* A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this article have been lawfully assumed by another registrant.
- (b) *Removal of facilities.* Any registrant that has abandoned or unusable facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the city waives this requirement.

**Sec. 42-51. - Appeal.**

A right-of-way user that:

- (1) Has been denied registration;
- (2) Has been denied a permit;
- (3) Has had a permit revoked; or
- (4) Believes that the fees imposed are invalid;

may have the denial, revocation or fee imposition reviewed, upon request, by the city council. The city council shall act on a timely written request. A decision by the city council affirming the denial, revocation or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**Sec. 42-52. - Reservation of regulatory and police powers.**

A permittee's or registrant's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

**Sec. 42-53. - Penalty for violation.**

Violation of this article shall result in the assessment of a penalty of \$500.00 per occurrence per site per mile per day as long as may be applicable unless a penalty or fine is otherwise specifically designated in this article.

**Secs. 42-54—42-79. - Reserved.**

**SECTION 2.** This ordinance shall be effective upon its passage and a summary published in the official newspaper.

**ADOPTED** by the Falcon Heights City Council this 28th day of March, 2018.

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Moved by:

Approved by: \_\_\_\_\_

Randy Gustafson  
Mayor Pro-Tem

LINDSTROM           \_\_\_ In Favor  
GUSTAFSON  
BROWN THUNDER   \_\_\_ Against  
MELANIE LEEHY  
MARK MIAZGA

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator

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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	March 28, 2018
<b>Agenda Item</b>	Consent F1
<b>Attachment</b>	General Disbursements and Payroll
<b>Submitted By</b>	Roland Olson, Finance Director

<b>Item</b>	General Disbursements and Payroll
<b>Description</b>	General Disbursements through: 3/21/18 \$120,046.86 Payroll through: 3/15/18 \$19,257.26
<b>Budget Impact</b>	The general disbursements and payroll are consistent with the budget.
<b>Attachment(s)</b>	· General Disbursements and Payroll
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

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01-123		CINTAS CORPORATION #470				
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3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		GLASS CLEANER AND BLACK MATS		101 4131-70110-000	SUPPLIES	116.94
		=== VENDOR TOTALS ===	116.94			
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01-06290		CITY OF ROSEVILLE				
I-224163		LASERFISCHE MAINTENANCE	1,153.18			
3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		LASERFISCHE MAINTENANCE		101 4116-85080-000	LASERFISCHE MAINTENANCE	1,153.18
		=== VENDOR TOTALS ===	1,153.18			
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01-05290		GOODIN COMPANY				
I-2263664		WRAP FOR PIPING IN FIRE DEPT	25.37			
3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		WRAP FOR PIPING IN FIRE DEPT		101 4131-87010-000	CITY HALL MAINTENANCE	25.37
		=== VENDOR TOTALS ===	25.37			
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01-05625		MINNESOTA MANAGEMENT & BUDGET				
I-21258A2620002B001		FIREFIGHTER REIMBURSEMENT	1,000.00			
3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		FIREFIGHTER REIMBURSEMENT		101 4125-64040-000	FIRE RELIEF AID	1,000.00
		=== VENDOR TOTALS ===	1,000.00			
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01-06184		RAMSEY COUNTY - POLICE AND 911				
MCOM006781		FEBRUARY 911 DISPATCH	2,557.68			
3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		FEBRUARY 911 DISPATCH		101 4122-81200-000	911 DISPATCH FEES	2,557.68
		=== VENDOR TOTALS ===	2,557.68			
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01-05812		SORENSEN CONSULTING				
I-201803216603		PERSONNEL ASSESSMENT SERVICES	1,600.00			
3/21/2018	APBNK	DUE: 3/21/2018 DISC: 3/21/2018		1099: N		
		PERSONNEL ASSESSMENT SERVICES		101 4112-80330-000	CONSULTANT	1,600.00
		=== VENDOR TOTALS ===	1,600.00			
		=== PACKET TOTALS ===	6,453.17			

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01-0022		CITY OF ST PAUL					
I-IN00027545		LIGHTING WORK AT HOYT/COFFMAN	811.00				
3/19/2018	APBNK	DUE: 3/19/2018 DISC: 3/19/2018		1099: N			
		LIGHTING WORK AT HOYT/COFFMAN		427 4427-92098-000	2017 STREET PROJECT - GR		811.00
I-IN00027546		LIGHTING WORK HOYT/COFFMAN	50.27				
3/19/2018	APBNK	DUE: 3/19/2018 DISC: 3/19/2018		1099: N			
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		=== VENDOR TOTALS ===	861.27				
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01-05721		COLBERT ENGRAVING & TROPHIES					
I-830		FD LOCKER NAMEPLATES	13.75				
3/19/2018	APBNK	DUE: 3/19/2018 DISC: 3/19/2018		1099: N			
		FD LOCKER NAMEPLATES		101 4124-70100-000	SUPPLIES		13.75
		=== VENDOR TOTALS ===	13.75				
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01-04005		ECONOMIC DEVELOPMENT ASSOCIATI					
I-300001067		MEMBERSHIP RENEWAL 2018	295.00				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		MEMBERSHIP RENEWAL 2018		101 4112-86100-000	CONFERENCES/EDUCATION/AS		295.00
		=== VENDOR TOTALS ===	295.00				
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01-05533		FALCON PLUMBING, LLC					
I-1134		REPLACE VACUUM BREAKER FOR IR	1,051.00				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		REPLACE VACUUM BREAKER FOR IRR		101 4131-87010-000	CITY HALL MAINTENANCE		1,051.00
		=== VENDOR TOTALS ===	1,051.00				
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01-05179		FIRE SAFETY USA, INC					
I-109288		BLOCK IT AND LOCK IT DOOR CHO	70.00				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		BLOCK IT AND LOCK IT DOOR CHOC		101 4124-70100-000	SUPPLIES		70.00
		=== VENDOR TOTALS ===	70.00				

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01-032	MENARDS						
I-201803156601		STREETS AND FD SUPPLIES	134.63				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		SWIVEL CASTERS		101 4132-70120-000	SUPPLIES		15.57
		ADJUSTABLE NOZZLES		101 4132-70120-000	SUPPLIES		11.46
		FIRE DEPT SUPPLIES		101 4124-70100-000	SUPPLIES		107.60
		=== VENDOR TOTALS ===	134.63				
01-05694	MIDWEST TRAINING ASSOCIATES LL						
I-201803156600		FIRE BEHAVIOR CLASS	300.00				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		FIRE BEHAVIOR CLASS		101 4124-86020-000	TRAINING		300.00
		=== VENDOR TOTALS ===	300.00				
01-05468	MN DEPT OF HEALTH						
I-201803156599		COLLECTION SYSTEM CONFERENCE	23.00				
3/15/2018	APBNK	DUE: 3/15/2018 DISC: 3/15/2018		1099: N			
		COLLECTION SYSTEM CONFERENCE		601 4601-86100-000	TRAINING		23.00
		=== VENDOR TOTALS ===	23.00				
01-06483	SENTRY SYSTEMS, INC.						
I-736424		COMMERCIAL MONITORING SERVICE	94.50				
3/16/2018	APBNK	DUE: 3/16/2018 DISC: 3/16/2018		1099: N			
		COMMERCIAL MONITORING SERVICES		101 4131-87100-000	PANIC BUTTON SECURITY		94.50
		=== VENDOR TOTALS ===	94.50				
01-098	WSB						
I-201803166602		PLANNING SERVICES JAN AND FEB	10,890.50				
3/16/2018	APBNK	DUE: 3/16/2018 DISC: 3/16/2018		1099: N			
		PLANNING SERVICES JAN		208 4208-81900-000	OTHER PROFESSIONAL SERVI		9,117.00
		PLANNING SERVICES FEB		208 4208-81900-000	OTHER PROFESSIONAL SERVI		1,773.50
		=== VENDOR TOTALS ===	10,890.50				
		=== PACKET TOTALS ===	13,733.65				

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01-001	CAMPBELL KNOTSON					
I-201803126593		FEB LEGALS	2,131.64			
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: Y		
		FEB LEGALS		101 4114-80200-000	LEGAL FEES	1,140.50
		FEB LEGALS 1354 CALIFORNIA		101 4114-80200-000	LEGAL FEES	991.14
		=== VENDOR TOTALS ===	2,131.64			
01-03110	CENTURY LINK					
I-201803136596		LANDLINE - PARK AND LIFT STAT	127.76			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		LANDLINES - PARKS		101 4141-85011-000	TELEPHONE - LANDLINE	62.07
		LANDLINES - LIFT STATION AUTO		601 4601-85011-000	TELEPHONE - LANDLINE	65.69
		=== VENDOR TOTALS ===	127.76			
01-03123	CINTAS CORPORATION #470					
I-4004395896		SHOP TOWELS, BLACK MATS, CLEA	164.81			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		SHOP TOWELS, BLACK MATS, CLEAN		101 4131-70110-000	SUPPLIES	164.81
I-470		BLACK MATS, GLASS CLEANER	116.93			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		BLACK MATS, GLASS CLEANER		101 4131-70110-000	SUPPLIES	116.93
I-470300756		BLACK MAT SERVICE	72.00			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		BLACK MAT SERVICE		101 4131-70110-000	SUPPLIES	72.00
		=== VENDOR TOTALS ===	353.74			
01-0075	FERGUSON WATERWORKS					
I-274591		12 HYDRANT MARKERS	315.49			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		12 HYDRANT MARKERS		101 4141-70100-000	SUPPLIES	315.49
		=== VENDOR TOTALS ===	315.49			
01-05290	GOODIN COMPANY					
I-226284100		FIRE DEPT SINK	283.06			
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N		
		FIRE DEPT SINK		101 4131-87010-000	CITY HALL MAINTENANCE	283.06
		=== VENDOR TOTALS ===	283.06			

PACKET: 01727 MARCH 12 PAYABLES  
VENDOR SET: 01 City of Falcon Heights  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

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01-0040		LOFFLER COMPANIES, INC					
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I-22278350		MARCH COPIER CHARGES	222.08				
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N			
		MARCH COPIER CHARGES		101 4112-87000-000	REPAIR OFFICE EQUIPMENT		222.08
		=== VENDOR TOTALS ===	222.08				
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01-05273		MN PUBLIC EMPLOYEES INSURANCE					
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I-690520		APRIL HEALTH INSURANCE	6,795.10				
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N			
		APRIL HEALTH INSURANCE		101 4112-89000-000	MISCELLANEOUS		6,795.10
		=== VENDOR TOTALS ===	6,795.10				
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01-05728		MN STATE FIRE MARSHAL CONFEREN					
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I-18023		2018 FIRE MARSHAL CONFERENCE	155.00				
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N			
		2018 FIRE MARSHAL CONFERENCE		101 4124-86020-000	TRAINING		155.00
		=== VENDOR TOTALS ===	155.00				
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01-06053		OREILLY AUTO PARTS					
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I-1799397216		LATEX GLOVES	43.47				
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N			
		LATEX GLOVES		101 4132-70120-000	SUPPLIES		43.47
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01-06115		TIMOTHY PITTMAN					
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01803126594		FLEX REFUND	533.53				
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N			
		FLEX REFUND		101 21712-000	MEDICAL FLEX SAVINGS PAY		213.41
		FLEX REFUND		601 21712-000	MEDICAL FLEX SAVINGS PAY		186.74
		FLEX REFUND		602 21712-000	MEDICAL FLEX SAVINGS PAY		133.38
		=== VENDOR TOTALS ===	533.53				
=====							
01-06190		RAMSEY COUNTY - HAZARDOUS WAST					
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I-321071		ANNUAL HAZARDOUS WASTE LICENS	90.00				
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N			
		ANNUAL HAZARDOUS WASTE LICENSE		101 4131-89000-000	MISCELLANEOUS		90.00
		=== VENDOR TOTALS ===	90.00				

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0284	RAMSEY COUNTY - POLICE AND 911					
I-SHRFL001683	MARCH POLICE SERVICES		82,692.72			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		MARCH POLICE SERVICES		101 4122-81000-000	POLICE SERVICES	82,692.72
=== VENDOR TOTALS ===			82,692.72			
01-06301	SAMS CLUB MC/SYNCB					
I-201803136598	TOWEL HOLDER AND DUMP TRUCK P		250.49			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		TOWEL HOLDER SACK'S OFFICE		101 4131-70110-000	SUPPLIES	3.19
		DUMP TRUCK PARTS/SUPPLIES		101 4132-70120-000	SUPPLIES	125.73
		DUMP TRUCK PARTS/SUPPLIES		101 4132-70120-000	SUPPLIES	121.57
=== VENDOR TOTALS ===			250.49			
01-05779	SAWYERS, CELESTE					
I-201803136595	MANKATO FIRE SCHOOL		279.53			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		MANKATO FIRE SCHOOL - MILEAGE		101 4124-86020-000	TRAINING	145.52
		MANKATO FIRE SCHOOL - HOTEL		101 4124-86020-000	TRAINING	134.01
=== VENDOR TOTALS ===			279.53			
01-05811	SENSIT TECHNOLOGIES LLC					
I-0253960IN	HAZMAT MAINTENANCE		217.53			
3/12/2018	APBNK	DUE: 3/12/2018 DISC: 3/12/2018		1099: N		
		HAZMAT MAINTENANCE		101 4124-87025-000	HAZMAT EQUIPMENT MAINT	217.53
=== VENDOR TOTALS ===			217.53			
01-06525	SUBURBAN ACE HARDWARE					
I-201803136597	VARIOUS SUPPLIES		123.41			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		FASTENERS		101 4132-70120-000	SUPPLIES	4.68
		PARACORD		101 4132-70120-000	SUPPLIES	7.99
		LIFT STATION KEYS		601 4601-70100-000	SUPPLIES	12.45
		LIFT STATION KEYS		601 4601-70100-000	SUPPLIES	4.98
		LIFT STATION KEYS		601 4601-70100-000	SUPPLIES	13.45
		AIR COUPLER		101 4132-70120-000	SUPPLIES	10.19
		FIRE DEPT SUPPLIES		101 4124-70100-000	SUPPLIES	69.67
=== VENDOR TOTALS ===			123.41			

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-082		SURPLUS SERVICES				
I-20038086		BOOKCASE	40.00			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		BOOKCASE		101 4131-70110-000	SUPPLIES	40.00
I-20038087		8 CHAIRS	120.00			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		8 CHAIRS		101 4131-70110-000	SUPPLIES	120.00
=== VENDOR TOTALS ===			160.00			
01-05870		XCEL ENERGY				
I-582568719		ST LIGHTING ELECTRIC	43.60			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	43.60
I-582576505		CITY HALL GAS	914.45			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		CITY HALL GAS		101 4131-85030-000	NATURAL GAS	914.45
I-582689055		ST LIGHTING ELECTRIC	48.97			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	48.97
I-582756003		ST LIGHTING ELECTRIC	2,192.00			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	2,192.00
I-582766940		COMM PARK ELECTRIC AND GAS	719.75			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		COMM PARK ELECTRIC		101 4141-85020-000	ELECTRIC/GAS	418.54
		COMM PARK GAS		101 4141-85030-000	NATURAL GAS	301.21
I-582854267		CURTISS FIELD ELECTRIC	282.18			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		CURTISS FIELD ELECTRIC		101 4141-85020-000	ELECTRIC/GAS	282.18
I-582935682		ST LIGHTING ELECTRIC	46.93			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	46.93
I-582936097		ICE RINK AND AUTO PROTECTIVE	26.64			
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N		
		COFFMAN ICE RINK LIGHTS		101 4141-85020-000	ELECTRIC/GAS	11.31
		AUTO PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	15.33

-----ID-----			GROSS	P.O. #			
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
01	70	XCEL ENERGY					( ** CONTINUED ** )
I-582941695		CITY HALL ELECTRIC	692.69				
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N			
		CITY HALL ELECTRIC		101 4131-85020-000	ELECTRIC		692.69
I-852743881		ST LIGHTING ELECTRIC	51.23				
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N			
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER		51.23
I-852924366		ST LIGHTING ELECTRIC	67.05				
3/13/2018	APBNK	DUE: 3/13/2018 DISC: 3/13/2018		1099: N			
		ST LIGHTING ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER		67.05
		=== VENDOR TOTALS ===	5,085.49				
		=== PACKET TOTALS ===	99,860.04				



\*\*\*\*\* DIRECT DEPOSIT LIST \*\*\*\*\*

PAY PERIOD ENDING 3/15/2018  
DIRECT DEPOSIT EFFECTIVE DATE 3/12/2018

EMP #	NAME	AMOUNT
0005	SACK THONGVANH	3,198.63
01-1017	TIMOTHY J SANDVIK	1,736.07
01-1136	ROLAND O OLSON	1,990.00
01-2246	BRANDON C NELSON	384.68
01-1018	PAUL A MORETTO	2,556.68
01-0040	KEVIN ANDERSON	106.27
01-0085	DANIEL S JOHNSON-POWERS	155.51
01-0086	RICHARD H HINRICHS	517.87
01-0087	MICHAEL A MCKAY	138.79
01-0095	MICHAEL J POESCHL	814.90
01-0097	PATRICK GAFFNEY	154.75
01-0105	ANTON M FEHRENBACH	629.36
01-0106	SCOTT A TESCH	75.95
01-0119	JEFFREY M WICK	69.26
01-0123	BRYAN R SULLIVAN	237.75
01-0124	MICHAEL D KRUSE	157.34
01-0126	BENJAMIN J SMITH	82.10
01-0132	ANDREW K TEMME	124.16
01-0135	MORGAN B MCCANN	157.34
01-0136	SCHLIZ S SAWYERS	56.97
01-0137	DANIEL J WATTENHOFER	151.99
01-0138	GRANT W HEITMAN	107.24
01-0139	WILLIAM M RAVEN	144.21
01-2172	MICHAEL W ARCAND	170.08
01-1030	TIMOTHY J PITTMAN	2,062.95
00033	DAVE TRETSVEN	1,626.64
01-1143	COLIN B CALLAHAN	1,525.71

TOTAL PRINTED: 27 19,133.20

3-12-2018 10:19 AM PAYROLL CHECK REGISTER  
PAYROLL NO: 01 City of Falcon Heights

PAGE: 1  
PAYROLL DATE: 3/12/2018

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
01	MCCREADY, IAN H	R	3/12/2018	63.11	087345
22	KILBRIDE, JOHN P	R	3/12/2018	60.95	087346

3-12-2018 10:19 AM PAYROLL CHECK REGISTER  
PAYROLL NO: 01 City of Falcon Heights

PAGE: 2  
PAYROLL DATE: 3/12/2018

\*\*\* REGISTER TOTALS \*\*\*

REGULAR CHECKS:	2	124.06
DIRECT DEPOSIT REGULAR CHECKS:	27	19,133.20
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	29	19,257.26

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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	March 28, 2018
<b>Agenda Item</b>	Consent F2
<b>Attachment</b>	N/A
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Pay Adjustment for Public Works Worker Colin Callahan
<b>Description</b>	From time to time, I review employees' job descriptions, duties and pay. I compared them to employees of similar or identical jobs duties to make a determine when an increase is warranted.
<b>Budget Impact</b>	Colin's proposed increase will be distributed among different funds. The 2018 General Fund will be able to absorb the increase.
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	The Personnel Sub Group and Staff recommends an increase of \$1.50 per hour to Public Works Worker Colin Callahan.