

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

**AGENDA**  
August 14, 2019 at 7:00 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: Vacant \_\_\_ LEEHY \_\_\_ HARRIS \_\_\_  
MIAZGA \_\_\_ GUSTAFSON \_\_\_  
  
STAFF PRESENT: THONGVANH \_\_\_
- C. PRESENTATION
  - 1. Neal Kwong Award - Alia Tang
- D. APPROVAL OF MINUTES:
  - 1. July 24, 2019 City Council Meeting Minutes
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
  - 1. General Disbursements through: 8/07/19 \$257,328.55  
Payroll through: 7/31/19 \$46,058.71
  - 2. Approval of License(s)
  - 3. Nomination of Esha Seth to Environment Commission
  - 4. Investments through the 4M Fund
- G: POLICY ITEMS:
  - 1. Variance Application for 1800 Albert Street
- H. INFORMATION/ ANNOUNCEMENTS:
- I. COMMUNITY FORUM:
- J. ADJOURNMENT:

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**The City That Soars!**

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<b>Agenda Item</b>	Presentation C1
<b>Attachment</b>	Resolution and Nomination Form
<b>Submitted By</b>	Amanda Lor, Administrative Coordinator

<b>Item</b>	Neal Kwong Youth Citizen Award - Alia Tang
<b>Description</b>	<p>The Neal Kwong Youth Citizenship Award was established September 2000 in memory of Neal Kwong. Neal Kwong, a youth leader and Eagle Scout, died suddenly early in August while at Boy Scout camp. Neal was an active coach, volunteer, and great young citizen. In his memory, we wish to establish the Neal Kwong Youth Citizenship Award to recognize outstanding youth leaders, volunteers, and citizens in their work here in Falcon Heights.</p> <p>We recommend that the award be granted annually to one person between the age of 12 and 21, who displays outstanding leadership, volunteerism, or citizenship while making contributions to the Falcon Heights community. The recipient would be recognized by the City Council, receive acknowledgement on a plaque at City Hall, and be highlighted in the city newsletter. These youth could be recommended through the schools, a nomination process, or by individual citizens of Falcon Heights.</p> <p>Mr. Gary Kwong would recommend awarding the Neal Kwong Citizenship Award to Alia Tang.</p> <p>Alia Tang is 19 years old and during her senior of high school, she became involved with various youth activist groups. Alia became a part of the national iMatter organization and started a group in St. Paul where it represents 4 different St. Paul high schools. Her group recognized that Minneapolis had a 2030 environmental sustainability plan, but St. Paul one. Alia led the group working with the St. Paul legislative leaders to draft a charter for sustainability, arranged all the meetings to move it forward. Alia passed on the leadership to the students who successfully got the measure signed into law a few weeks after her graduation (when she left the county to Mexico as a Rotary Youth Exchange Student).</p>
<b>Budget Impact</b>	No significate impact on the adopted 2019 budget.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Resolution 19-26 Awarding the Neal Kwong Youth Citizen Award to Alia Tang</li> <li>• Nomination Form and Recommendation Letter</li> </ul>

<b>Action(s) Requested</b>	Motion to approve the attached resolution and award the Neal Kwong Youth Citizen Award to Alia Tang.
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*"I will love life more than anybody I will ever know."* Neal Kwong, 1998

### Neal Kwong Youth Citizenship Award Nomination Form

Please nominate a person between the ages of 12 and 19 who either lives in Falcon Heights or has volunteered within Falcon Heights. Nominators are encouraged to attach extra pages if required.

Name of Nominee Alia Tang

Address 2108 Folwell Avenue, St. Paul MN 55108

Phone Number \_\_\_\_\_ Age 19

Your Name Kevin Silverstein

Your Phone \_\_\_\_\_ Your E-Mail Address \_\_\_\_\_

Your Relationship to the Nominee Father

How has the nominee demonstrated outstanding leadership, volunteerism, or citizenship?

During her senior year of high school, Alia became involved with various youth activist groups, and discovered she could start her own group within the larger national iMatter organization. She started an iMatter St. Paul group representing students from 4 different St. Paul high schools. Her group recognized the fact that Minneapolis had a 2030 environmental sustainability plan, but St. Paul lacked one. So she led the group working with the St. Paul legislative leaders to draft a charter for sustainability, arranged all the meetings to move it forward, and then passed on the leadership to the students who successfully got the measure signed into law a few weeks after her graduation (when she left the country to Mexico as a Rotary Club exchange student).

Is there anything you would like us to know about the nominee that will help us understand why you are nominating him or her (e.g. personal qualities, challenges, or interests)?

Alia is a talented and amazing individual. If she has wanted to achieve something, she has always taken her own initiative to get it done. She wanted to foster kittens, so she arranged all details for 6 litters (30 cats & kittens in all), including setting up all vet appointments herself, and leading all doctor discussions with a list of questions. She arranged nearly all details of her applications to 13 colleges, including flying to several of the interviews herself. She also found and arranged her two Rotary international exchange experiences by herself.

Nominations are due by Tuesday, April 30, 2019.

You can e-mail this information to [mail@falconheights.org](mailto:mail@falconheights.org), fax it to 651-792-7610 or mail it to us at:  
Falcon Heights City Hall; Attn: Neal Kwong Award; 2077 W. Larpenteur Avenue; Falcon Heights, MN 55113.

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**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

August 14, 2019

No. 19-26

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**RESOLUTION AWARDING THE NEAL KWONG YOUTH CITIZENSHIP AWARD TO ALIA  
TANG**

**WHEREAS**, the Neal Kwong Citizenship Award was established in September 2000 in memory of Neal Kwong who passed away suddenly at a Boy Scout Camp; and

**WHEREAS**, the award will be granted annually to one person between the age of 12 and 21, who displays outstanding leadership, volunteerism, or citizenship while making contributions to the Falcon Heights; and

**WHEREAS**, the recipient would be recognized by the City Council, receive acknowledgement on a plaque at city hall, and be highlighted in the city newsletter; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Falcon Heights, Minnesota award Alia Tang the Neal Kwong Youth Citizenship Award.

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Moved by:

Approved by: \_\_\_\_\_  
Randy Gustafson  
Mayor

VACANT  
GUSTAFSON  
HARRIS  
LEEHY  
MIAZGA

\_\_\_\_\_ In Favor  
\_\_\_\_\_ Against

Attested by: \_\_\_\_\_  
Sack Thongvanh  
City Administrator

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

AGENDA  
July 24, 2019 at 7:00 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: Vacant\_\_\_ LEEHY\_X\_ HARRIS\_\_\_  
                  MIAZGA\_X\_ GUSTAFSON\_X\_
- STAFF PRESENT: THONGVANH\_X\_

Mayor Gustafson

Add two items to the Policy Items. First, the Night to Night 2019 Proclamation and Second, consider hiring an interim fire chief.

Council Member Leehy Moved, Approved 3-0

- C. PRESENTATION
- D. APPROVAL OF MINUTES:
1. June 12, 2019 City Council Meeting Minutes

Approved 3-0

- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
1. General Disbursements through: 7/11/19 \$220,855.96  
Payroll through: 6/30/19 \$19,620.54
2. Resignation of Ned Mohan from the Environment Commission
3. Resignation of Hawa Samatar from the Planning Commission

Mayor Gustafson

I want to thank Ned Mohan and Hawa Samatar for their services and helping the city. We currently have vacancies for Environment, Planning, and Parks Commission. I encourage citizens of Falcon Heights who are interested in becoming more engaged in the community to consider applying and serving on those commissions. It is open for students and adults.

Approved 3-0

- G: POLICY ITEMS:
1. Cultivating a Caring Community: "Grey Area Thinking Engagement Agreement

City Administrator Thongvanh

Ellen Krug will be the third guest speaker in the Cultivating a Caring Community discussions, and the theme is Grey Area Thinking. The event will be on Monday, November 18. This event will replace the Community Engagement Commission meeting. It is a free event, and Ellie will not charge the city for booking her. As a free event, she provided an Engagement Agreement form. The form indicates that if the city decides to cancel the event, we will compensate for her time.

This is a great opportunity for the residents of Falcon Heights to be more involved in the inclusion efforts of cultivating a caring community.

Council Member Miazga Moved, Approved 3-0

2. Night to Night 2019 Proclamation

Mayor Gustafson

The proclamation is passed every year. The Minnesota Crime Prevention Association, along with the American Automobile Association, Minnesota and local law enforcement agencies are sponsoring a statewide program called Night to Night on August 6, 2019.

Mayor Gustafson Moved, Approved 3-0

3. Hire an Interim Fire Chief

City Administrator Thongvanh

Mayor Gustafson and I met with the Assistant Fire Chief, the four captains, and individual firefighters. The majority stated that they need a leader to provide assistance. After looking at many different opportunities, we decided to hire a professional service in the interim. It will not be a city employee but a contractor. Mayor Gustafson and I met with two individuals and interviewed them. One was a district chief for the St. Paul fire department and the other one was a former captain for St. Paul. We want to make sure that we bring someone who has experience managing a professional fire department and work with the needs of this council and the needs of the community. Motion to authorize the City Administrator to hire an Interim Fire Chief.

Mayor Gustafson Moved, Approved 3-0

H. INFORMATION/ANNOUNCEMENTS:

Council Member Miazga

- Councilmember Leehy and I were at a reception for local council members and state representatives and senators to welcome the new president of the University of Minnesota.
- Four metro suburbs recently adopted a local sales tax for five years. City of Excelsior officials petitioned the state for permission to levy a local sales tax so they could capture some of the dollars spent by out-of-towners at their lakeshore and Picture Us downtown. This past spring the legislature gave the city of 2,400 the authority to enact a half-cent sales tax on general

purchases starting October 1. It will make Excelsior along with Rogers, West St Paul, and Elk River the first metro area suburbs to implement a local tax on top of the statewide general sales tax of 6.875%. I will be talking with those cities and see how they did it.

- Environment Commission is continuing to do terrific work for the city.

#### Council Member Leehy

- The Restoration and Unity Day were fruitful times of people gathering and reflecting on July 6.
- Cultivating a Caring Community - Healing and Understanding event was very successful. There were about 66 people, and they asked great questions. It was a meaningful event. On July 7, the Castile family did their annual family gathering and provided food and music entertainment.
- I was selected to sit on the Criminal Justice Coordinating Council (CJC) for Ramsey County. I will be working with a council member from Lauderdale.
- The city was approved with the Good Neighbor grant and will begin having story time in the fall. Story time will involve seniors and youths of all ages. More details to come in the next few weeks.

#### Mayor Gustafson

- The Community Engagement Commission met on July 22. We discussed Human Rights Day topics and what we want to focus on. CEC wants to host a Neighborhood Liaison event on September 16 to thank our current liaisons and educate the community about the role. We hope to recruit more in the future.
- Filing is open for city council seats on July 30 - August 13. You can apply at the Ramsey County Elections office on Plato Boulevard in St. Paul.
- Tuesday, August 6 is Night to Unite. There are about 10-12 parties in Falcon Heights, and if your block does not have one, feel free to join the closest one to you.
- Saturday, August 10, is the Falcon Heights Fire Department Recruitment Open House. If you are interested in learning about firefighters and be part of a wonderful team, please attend the event.
- State Fair is just around the corner. Please remember Falcon Heights city code and regulations. No vendor stands are allowed in Falcon Heights, but lemonade stand is fine. No parking on the lawn is allowed.

#### City Administrator Thongvanh

- I want to thank the community for coming to our Ice Cream Social and Hot dog with a Deputy. It was a great event and we had about 250-270 people that attended.
- We are going through the budget process right now. At the July workshop, we talked about debt service, special revenue, and enterprise funds. The next budget workshop will be in August, and we will discuss general funds.

I. COMMUNITY FORUM:

J. ADJOURNMENT: 8:00 P.M.

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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<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: 8/07/19 \$257,328.55 Payroll through: 7/31/19 \$46,058.71
<b>Budget Impact</b>	The general disbursements and payroll are consistent with the budget.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• General Disbursements and Payroll</li> </ul>
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

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PACKET: 01993 JULY 23 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
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01-03110 CENTURY LINK

I-201907237229		LANDLINES JULY 7 TO AUG 8	63.74			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		LANDLINES JULY 7 TO AUG 8		101 4141-85011-000	TELEPHONE - LANDLINE	63.74
=== VENDOR TOTALS ===			63.74			

01-03117 CITY OF LITTLE CANADA

I-201907237230		2ND QTR BLDG INSPECTONS	64,144.38			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		2ND QTR BLDG INSPECTIONS		101 4117-81210-000	BUILDING INSPECTORS	64,144.38
=== VENDOR TOTALS ===			64,144.38			

01-00911 CITY OF NEW BRIGHTON

I-19-0001274		2ND QTR HAXMAT SVC	139.86			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		2ND QTR HAXMAT SVC		101 4124-87025-000	HAZMAT EQUIPMENT MAINT	139.86
=== VENDOR TOTALS ===			139.86			

01-06290 CITY OF ROSEVILLE

I-0226369		JUNE ENG AND SHREDDING DAY EX	2,886.17			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		JUNE ENGINEERING		101 4133-80100-000	ENGINEERING SERVICES	1,588.17
		SHREDDING DAY EVENT		206 4206-89010-000	CLEANUPDAY/EVENTS/ORG CO	1,298.00
=== VENDOR TOTALS ===			2,886.17			

01-04027 EMERGENCY APPARATUS MAINT

I-106894		757 AIR CONDITIONER REPAIR	816.33			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		757 AIR CONDITIONER REPAIR		101 4124-87029-000	REPAIR OTHER EQUIPMENT	816.33
=== VENDOR TOTALS ===			816.33			

01-04030 EMERGENCY RESPONSE SOLUTIONSKL

I-133428		SCBA FLOW TESTING	1,604.00			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		SCBA FLOW TESTING		101 4124-87029-000	REPAIR OTHER EQUIPMENT	1,604.00
=== VENDOR TOTALS ===			1,604.00			

PACKET: 01993 JULY 23 PAYABLES

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DUE TO/FROM ACCOUNTS SUPPRESSED

POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
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01-05171	FRA DOR INC					
I-1906357		BLACK DIRT	340.00			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		BLACK DIRT		419 4419-92005-000	SIDEWALK IMPROVEMENTS	340.00
		=== VENDOR TOTALS ===	340.00			
=====						
01-03421	GENERAL REPAIR SERVICE					
I-69800		LIFT STATION REPAIRS	729.50			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		LIFT STATION REPAIRS		601 4601-87000-000	REPAIR EQUIPMENT	729.50
		=== VENDOR TOTALS ===	729.50			
=====						
01-05166	GRAINGER, W. W., INC.					
I-9226742188		REGULATOR AND PRESSURE GAUGE	75.85			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		REGULATOR AND PRESSURE GAUGE		101 4131-70110-000	SUPPLIES	75.85
		=== VENDOR TOTALS ===	75.85			
=====						
01-04570	JOSEPH, KATRINA E.					
I-0090		JUNE PROSECUTIONS	2,500.00			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: Y		
		JUNE PROSECUTIONS		101 4123-80200-000	LEGAL FEES	2,500.00
		=== VENDOR TOTALS ===	2,500.00			
=====						
01-05646	M-R SIGN COMPANY INC					
I-204920		STREET SIGNS NO PARKING	166.65			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		STREET SIGNS NO PARKING		101 4132-75100-000	STREET SIGNS	166.65
		=== VENDOR TOTALS ===	166.65			
=====						
01-05582	MENARDS					
I-201907237228		VELCRO, EAR PLUGS/ RESPIRATOR	145.66			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		VELCRO, EAR PLUGS/ RESPIRATOR		101 4124-70100-000	SUPPLIES	145.66
		=== VENDOR TOTALS ===	145.66			



PACKET: 01993 JULY 23 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

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

01-05670 METRO PRODUCTS INC

I-144732		NUTS, BOLTS	54.27			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		NUTS, BOLTS		101 4131-70110-000	SUPPLIES	54.27
=== VENDOR TOTALS ===			54.27			

01-05263 MID CITY SERVICES- INDUSTRIAL

I-108648		FLOOR MAT SVC	41.32			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		FLOOR MAT SVC		101 4131-70110-000	SUPPLIES	41.32
=== VENDOR TOTALS ===			41.32			

01-05343 MINNESOTA MULCH & SOIL

I-w16777		STREET SWEEPINGS	40.50			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		STREET SWEEPINGS		602 4602-84000-000	STREET SWEEPINGS	40.50
=== VENDOR TOTALS ===			40.50			

01-05843 MN NCPERS LIFE INSURANCE

I-201907237232		JULY LIFE INS	48.00			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		JULY LIFE INS		101 21709-000	OTHER PAYABLE	24.64
		JULY LIFE INS		204 21709-000	OTHER PAYABLE	1.60
		JULY LIFE INS		601 21709-000	OTHER PAYABLE	15.52
		JULY LIFE INS		602 21709-000	OTHER PAYABLE	6.24
=== VENDOR TOTALS ===			48.00			

01-05273 MN PUBLIC EMPLOYEES INSURANCE

I-863164		AUG HEALTH INS	8,667.00			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		AUG HEALTH INS		101 4112-89000-000	MISCELLANEOUS	8,667.00
=== VENDOR TOTALS ===			8,667.00			

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POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
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01-06030 OLSON,ROLAND

I-201907237231		MILEAGE REIMB	50.52			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		MILEAGE REIMB		101 4113-86010-000	MILEAGE	50.52
=== VENDOR TOTALS ===			50.52			

01-06024 ON SITE SANITATION

I-787315		HAND SANITIZERS	75.00			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		HAND SANITIZERS		601 4601-85080-000	PORTABLE TOILET PARKS	75.00
=== VENDOR TOTALS ===			235.00			

01-06301 SAMS CLUB MC/SYNCB

I-201907237233		SUPLIES/EVENTS/REC SPORTS EX	1,678.15			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		GTS EDUCATIONAL EVENT		101 4112-86100-000	CONFERENCES/EDUCATION/AS	315.00
		SUPLIES		101 4112-70100-000	SUPLIES	13.48
		REC SPORTS CLASS SUPPLIES		201 4201-70100-000	SUPLIES	216.25
		NEWSPAPER PIONEER PRESS		101 4116-70100-000	SUPLIES	2.99
		CONCRETE DISPOSAL		419 4419-92005-000	SIDEWALK IMPROVEMENTS	25.00
		UNITY DAY/SPRING TOGETHER EVEN		208 4208-89000-000	MISCELLANEOUS	57.18
		SURVEY MONKEY SURVEY		208 4208-89000-000	MISCELLANEOUS	384.00
		GARAGE DOOR REMOTES		101 4131-87010-000	CITY HALL MAINTENANCE	180.00
		GARAGE DOOR REMOTES		101 4124-70120-000	TOOLS & SUPPLIES	180.00
		CULTIVATING A CARING COMMU ITY		208 4208-89000-000	MISCELLANEOUS	304.25
=== VENDOR TOTALS ===			1,678.15			

01-0734 TRAFFIX GRAPHIX

I-6887		REFLECTIVE TRK DOOR DECALS	260.00			
7/23/2019	APBNK	DUE: 7/23/2019 DISC: 7/23/2019		1099: N		
		REFLECTIVE TRK DOOR DECALS		101 4132-70120-000	SUPLIES	260.00
=== VENDOR TOTALS ===			260.00			

PACKET: 01993 JULY 23 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

POST DATE	BANK CODE	DESCRIPTION	GROSS DISCOUNT	P.O. # G/L ACCOUNT	ACCOUNT NAME	DISTRIBUTION
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01-06581	TRI-STATE	BOBCAT INC				
I-A59585		TORO GEAR BOX FOR MOWER	664.33			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		GEAR BOX FOR MOWER		101 4132-70120-000	SUPPLIES	664.33
I-A59650		TORO MMOWER BLADES	41.85			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		TORO MMOWER BLADES		101 4141-70100-000	SUPPLIES	41.85
=== VENDOR TOTALS ===			706.18			

01-05870 XCEL ENERGY

I-201907227227		ELECTRIC	305.60			
7/22/2019	APBNK	DUE: 7/22/2019 DISC: 7/22/2019		1099: N		
		ELECTRIC		101 4121-85020-000	ELECTRIC	45.74
		ELECTRIC		101 4131-85020-000	ELECTRIC	5.02
		ELECTRIC		101 4141-85020-000	ELECTRIC/GAS	29.89
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	14.82
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	31.95
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	14.82
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	21.67
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	64.10
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	77.59
=== VENDOR TOTALS ===			305.60			
=== PACKET TOTALS ===			85,698.68			

PACKET: 01996 JULY 30 -PAYABLES  
 VENDOR SET: 01 City of Falcon Heights  
 SEQUENCE : ALPHABETIC  
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00270	ANCOM COMMUNICATIONS					
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I-89049		PAGERS	1,120.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		PAGERS		402 4402-91000-000	MACHINERY & EQUIPMENT	1,120.00
		=== VENDOR TOTALS ===	1,120.00			
=====						
01-00295	AVR, INC					
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I-193886		SIDEWALK PANELS COMM PARK	1,113.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		SIDEWALK PANELS COMM PARK		101 4141-87120-000	FACILITIES & GROUND MAIN	1,113.00
		=== VENDOR TOTALS ===	1,113.00			
=====						
01-00284	AWARDS BY HAMMOND					
-----						
I-m6359		NAMEPLATE	16.50			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		NAMEPLATE		101 4111-70100-000	SUPPLIES	16.50
		=== VENDOR TOTALS ===	16.50			
=====						
01-00869	BENEFIT EXTRAS, INC					
-----						
I-89068		2019 JULY TO DEC SVC	180.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		2019 JULY TO DEC SVC		101 4112-89000-000	MISCELLANEOUS	180.00
		=== VENDOR TOTALS ===	180.00			
=====						
01-00875	BHE COMMUNITY SOLAR, LLC					
-----						
I-9723266		JUNE CITY HALL SOLAR ELECT	946.63			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		JUNE CITY HALL SOLAR ELECT		101 4131-85025-000	SOLAR ELECTRIC	946.63
		=== VENDOR TOTALS ===	946.63			
=====						
01-05422	BP					
-----						
I-201907317237		FUEL	1,019.04			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		FUEL		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	657.36
		FUEL		101 4124-74000-000	MOTOR FUEL & LUBRICANTS	263.34
		FUEL		602 4602-74000-000	FUEL & LUBRICANTS	98.34
		=== VENDOR TOTALS ===	1,019.04			

PACKET: 01996 JULY 30 -PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-03103	CANON FINANCIAL SERVICES					
I-20328468		COPIER CHRG JULY	122.39			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		COPIER CHRG JULY		101 4131-87010-000	CITY HALL MAINTENANCE	122.39
		=== VENDOR TOTALS ===	122.39			
=====						
01-03117	CITY OF LITTLE CANADA					
I-19676		MILEAGE 2ND QTR	382.80			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		MILEAGE 2ND QTR		101 4117-81210-000	BUILDING INSPECTORS	382.80
		=== VENDOR TOTALS ===	382.80			
=====						
01-06290	CITY OF ROSEVILLE					
I-226374		NET MOTION SVC	900.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		NET MOTION SVC		101 4116-85070-000	TECHNICAL SUPPORT	900.00
I-226383		FIBER MAINTENANCE	4,020.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		FIBER MAINTENANCE		101 4116-85080-000	LASERFICHE MAINTENANCE	4,020.00
		=== VENDOR TOTALS ===	4,920.00			
=====						
01-05153	HOME DEPOT CRC/GECF					
I-201907317238		WOOD/REBAR/STAKES	322.47			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		WOOD/REBAR/STAKES		101 4131-70110-000	SUPPLIES	322.47
		=== VENDOR TOTALS ===	322.47			
=====						
01-05052	JOHNSON-POWERS,DAN					
I-201907317236		TEACHIING FF1 AND FF2	387.50			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		TEACHIING FF1 AND FF2		101 4124-86020-000	TRAINING	387.50
		=== VENDOR TOTALS ===	387.50			

PACKET: 01996 JULY 30 -PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
<hr/>						
01-05555	MEDICS TRAINING					
I-10395		EMT EMR TRNG JULY 23	550.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		EMT EMR TRNG JULY 23		101 4124-86020-000	TRAINING	550.00
=== VENDOR TOTALS ===			550.00			
<hr/>						
01-04800	MN RECREATION & PARK ASSOCIATI					
I-201907317239		FALL CONF MRPA	350.00			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		FALL CONF MRPA		101 4141-86100-000	CONFERENCES/EDUCATION/AS	350.00
=== VENDOR TOTALS ===			350.00			
<hr/>						
01-05427	NANDKUMAR, NALISHA					
I-201907317240		TELEPHONE/MILEAGE REIMB	60.60			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		TELEPHONE REIMB		101 4112-86010-000	MILEAGE & PARKING	20.00
		MILEAGE REIMB		201 4201-70100-000	SUPPLIES	40.60
=== VENDOR TOTALS ===			60.60			
<hr/>						
01-07263	NEXTEL COMMUNICATIONS, INC					
I-610189235-193		NEXTEL COMMUNICATIONS, INC	101.67			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		NEXTEL COMMUNICATIONS, INC		101 4131-85015-000	CELL PHONE	101.67
=== VENDOR TOTALS ===			101.67			
<hr/>						
01-05973	NORTH SUBURBAN ACCESS CORPORAT					
I-2019-106		WEBSTREAMING JUNE	345.10			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		WEBSTREAMING JUNE		101 4116-85060-000	WEB SITE	165.56
		WEBSTREAMING JUNE		101 4116-85050-000	CABLE TV	179.54
=== VENDOR TOTALS ===			345.10			
<hr/>						
01-06115	TIMOTHY PITTMAN					
I-201907317241		MILEAGE REIMB	74.24			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		MILEAGE REIMB		101 4132-86101-000	MILEAGE	74.24
=== VENDOR TOTALS ===			74.24			

PACKET: 01996 JULY 30 -PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
<hr/>						
01-06184		RAMSEY COUNTY - POLICE AND 911				
<hr/>						
I-EMCOM 007776		JUNE RADIO FLEET SUPPORT	84.24			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		JUNE RADIO FLEET SUPPORT		101 4124-86800-000	RADIO MESB/FLEET SUPPORT	84.24
<hr/>						
I-EMCOM 007808		JUNE 911 DISPATCH	2,530.14			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		JUNE 911 DISPATCH		101 4122-81200-000	911 DISPATCH FEES	2,530.14
<hr/>						
I-EMCOM 007825		JUNE CAD	518.59			
7/31/2019	APBNK	DUE: 7/31/2019 DISC: 7/31/2019		1099: N		
		JUNE CAD		101 4122-81200-000	911 DISPATCH FEES	518.59
		=== VENDOR TOTALS ===	3,132.97			
		=== PACKET TOTALS ===	15,144.91			

PACKET: 01998 AUG 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
-----	-----	-----	-----	-----	-----	-----
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00220	ALEX AIR APPARATUS INC					
I-1749		AIR COMPRESSOR ANNUAL SVC	686.07			
8/06/2019	APBNK	DUE: 8/06/2019 DISC: 8/06/2019		1099: N		
		AIR COMPRESSOR ANNUAL SVC		101 4124-87029-000	REPAIR OTHER EQUIPMENT	686.07
		=== VENDOR TOTALS ===	686.07			
=====						
01-00087	AMANDA LOR					
I-201908057242		MILEAGE & CELL PHONE REIMB	24.00			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		MILEAGE REIMB		101 4112-86010-000	MILEAGE & PARKING	4.00
		MILEAGE REIMB		101 4116-85010-000	TELEPHONE	20.00
		=== VENDOR TOTALS ===	24.00			
=====						
01-00250	AMERIPRIDE SERVICES					
I-1004525520		LINEN SVC	61.30			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		LINEN SVC		101 4124-82011-000	LINEN CLEANING	61.30
I-004537303		LINEN SVCS	59.30			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		LINEN SVCS		101 4124-82011-000	LINEN CLEANING	59.30
		=== VENDOR TOTALS ===	120.60			
=====						
01-06290	CITY OF ROSEVILLE					
I-226412		CRADLEPOINT NETCLOUD SUBSCRIP	415.41			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		CRADLEPOINT NETCLOUD SUBSCRIPT		101 4116-85070-000	TECHNICAL SUPPORT	415.41
I-226417		ACROBAT SUBSCRIPTION	78.00			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		ACROBAT SUBSCRIPTION		101 4116-85010-000	TELEPHONE	78.00
I-226434		PHONE SVCS	340.00			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		PHONE SVCS		101 4116-85010-000	TELEPHONE	340.00
I-226469		IT SUPPORT SVCS	2,510.00			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		IT SUPPORT SVCS		101 4116-85070-000	TECHNICAL SUPPORT	2,510.00
		=== VENDOR TOTALS ===	3,343.41			



PACKET: 01998 AUG 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----		GROSS	P.O. #		
-----	-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-05115 GOPHER STATE ONE CALL

I-9070383		JULY LOCATES	137.70		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N	
		JULY LOCATES		601 4601-88030-000 LOCATES	137.70
=== VENDOR TOTALS ===			137.70		

01-05235 JAN-PRO CLEANING SYSTEMS

I-86696		CLEANING SVC	205.00		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N	
		CLEANING SVC		101 4131-87010-000 CITY HALL MAINTENANCE	205.00
=== VENDOR TOTALS ===			205.00		

01-05058 JOSH JORDAN

I-201908057246		TAE KWON DO INSTRUCTOR	1,139.20		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: Y	
		TAE KWON DO INSTRUCTOR		201 4201-87700-000 INSTRUCTOR-SPECIALTY CLA	1,139.20
=== VENDOR TOTALS ===			1,139.20		

01-07272 LILLIE SUBURBAN NEWSPAPER

I-201908057247		LEGALS ORDINANCES	123.63		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N	
		LEGALS ORDINANCES		101 4111-70410-000 LEGAL NOTICES	123.63
=== VENDOR TOTALS ===			123.63		

01-05418 JUSTIN MARKON

I-201908057243		CELLL PHONE AND MILEAGE REIMB	57.41		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N	
		MILEAGE REIMB		101 4117-86010-000 MILEAGE	37.41
		CELL PONE REIMB		101 4131-85015-000 CELL PHONE	20.00
=== VENDOR TOTALS ===			57.41		

01-05263 MID CITY SERVICES- INDUSTRIAL

I-107606		FLOOR MATS	41.32		
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N	
		FLOOR MATS		101 4131-70110-000 SUPPLIES	41.32
=== VENDOR TOTALS ===			41.32		

PACKET: 01998 AUG 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-07263	NEXTEL COMMUNICATIONS, INC					
I-201908067248		CELL PHONES	17.25			
8/06/2019	APBNK	DUE: 8/06/2019 DISC: 8/06/2019		1099: N		
		CELL PHONES		101 4124-85015-000	CELL PHONE	17.25
		=== VENDOR TOTALS ===	17.25			
=====						
01-05973	NORTH SUBURBAN ACCESS CORPORAT					
I-2019-511		COOPERATIVE SVC 2ND QTR	2,780.81			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		COOPERATIVE SVC 2ND QTR		101 4116-85050-000	CABLE TV	2,780.81
		=== VENDOR TOTALS ===	2,780.81			
=====						
01-06030	OLSON, ROLAND					
I-201908057244		FLEX PAYMENT	22.00			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		FLEX PAYMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	18.26
		FLEX PAYMENT		601 21712-000	MEDICAL FLEX SAVINGS PAY	3.30
		FLEX PAYMENT		602 21712-000	MEDICAL FLEX SAVINGS PAY	0.44
		=== VENDOR TOTALS ===	22.00			
=====						
01-06185	RAMSEY COUNTY					
I-RISK 001999		DENTAL/DISABILITY/LIFE INS	892.54			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		RAMSEY COUNTY		101 4112-89000-000	MISCELLANEOUS	892.54
		=== VENDOR TOTALS ===	892.54			
=====						
01-06184	RAMSEY COUNTY - POLICE AND 911					
I-SHRFL 001809		JULY POLICE SVCS	96,322.76			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		JULY POLICE SVCS		101 4122-81000-000	POLICE SERVICES	96,322.76
		=== VENDOR TOTALS ===	96,322.76			
=====						
01-05374	TENNIS SANITATION LLC					
I-2436836		JULY RECYCLING	6,249.75			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		JULY RECYCLING		206 4206-82030-000	RECYCLING CONTRACTS	6,249.75

PACKET: 01998 AUG 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05374	TENNIS SANITATION LLC	( ** CONTINUED ** )				
=====						
I-2436837		JULY SWMT AND CEC CHRGS	66.50			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		JULY SWMT AND CEC CHRGS		101 4131-87010-000	CITY HALL MAINTENANCE	66.50
		=== VENDOR TOTALS ===	6,316.25			
=====						
01-05737	VERIZON WIRELESS					
=====						
I-9834787219		July CELL PHONE FIRE INSPECT	60.28			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		July CELL PHONE FIRE INSPECT		101 4117-85015-000	CELL PHONE	60.28
		=== VENDOR TOTALS ===	60.28			
=====						
01-05870	XCEL ENERGY					
=====						
I-201908057245		ELECT	94.85			
8/05/2019	APBNK	DUE: 8/05/2019 DISC: 8/05/2019		1099: N		
		PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	29.89
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	14.82
		ELECTRIC		209 4209-85020-000	STREET LIGHTING POWER	50.14
		=== VENDOR TOTALS ===	94.85			
		=== PACKET TOTALS ===	112,385.08			

PACKET: 02000 AUG 7 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00161	ANCHOR PAPER COMPANY					
I-10593534.01		HANDTOWELS	119.79			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: N		
		HANDTOWELS		101 4131-70110-000	SUPPLIES	119.79
		=== VENDOR TOTALS ===	119.79			
=====						
01-00295	AVR, INC					
I-195252		CEMENT FOR SIDEWALKS	557.00			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: N		
		CEMENT FOR SIDEWALKS		101 4141-87120-000	FACILITIES & GROUND MAIN	557.00
		=== VENDOR TOTALS ===	557.00			
=====						
01-00900	BEISSWENGER'S					
I-206198		MOWER PARTS	10.98			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: N		
		MOWER PARTS		101 4141-70100-000	SUPPLIES	10.98
		=== VENDOR TOTALS ===	10.98			
=====						
01-05058	JOSH JORDAN					
I-201908077250		TAE KWON DO INSTRUCTOR	49.60			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: Y		
		TAE KWON DO INSTRUCTOR		201 4201-87700-000	INSTRUCTOR-SPECIALTY CLA	49.60
		=== VENDOR TOTALS ===	49.60			
=====						
01-05418	JUSTIN MARKON					
I-201908077251		TUITION REIMBURSEMENT	2,000.00			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: N		
		TUITION REIMBURSEMENT		101 4192-89000-000	MISCELLANEOUS	2,000.00
		=== VENDOR TOTALS ===	2,000.00			
=====						
01-05665	METROPOLITAN COUNCIL					
I-1009182		SEPT SANITARY SEWER	41,362.51			
8/07/2019	APBNK	DUE: 8/07/2019 DISC: 8/07/2019		1099: N		
		SEPT SANITARY SEWER		601 4601-85060-000	METRO SEWER CHARGES	41,362.51
		=== VENDOR TOTALS ===	41,362.51			
		=== PACKET TOTALS ===	44,099.88			

EMP #	NAME	AMOUNT
1 1005	SACK THONGVANH	4,022.63
01-1020	AMANDA P LOR	1,360.28
01-1022	NALISHA NANDKUMAR	1,402.69
01-1136	ROLAND O OLSON	2,649.53
01-1021	JUSTIN M MARKON	1,581.55
01-0040	KEVIN ANDERSON	196.49
01-0085	DANIEL S JOHNSON-POWERS	168.53
01-0087	MICHAEL A MCKAY	240.49
01-0095	MICHAEL J POESCHL	408.28
01-0097	PATRICK GAFFNEY	572.24
01-0105	ANTON M FEHRENBACH	422.65
01-0106	SCOTT A TESCH	274.77
01-0123	BRYAN R SULLIVAN	173.01
01-0124	MICHAEL D KRUSE	393.75
01-0126	BENJAMIN J SMITH	156.47
01-0132	ANDREW K TEMME	189.09
01-0135	MORGAN B MCCANN	115.65
01-0136	SCHLIZ S SAWYERS	156.70
01-0137	DANIEL J WATTENHOFER	208.40
01-0138	GRANT W HEITMAN	149.59
01-0139	WILLIAM M RAVEN	252.44
01-2172	MICHAEL W ARCAND	240.49
01-1030	TIMOTHY J PITTMAN	2,094.07
01-1033	DAVE TRETSEVEN	1,681.32
01-1143	COLIN B CALLAHAN	1,639.77
0 2257	BENJAMIN T STEINER	448.53
0 2254	KELLY M HART	132.92
01-2259	ABIGAIL T PROULX	793.50
01-2261	GRACE AN	81.26

TOTAL PRINTED: 29 22,207.09

7-08-2019 11:52 AM  
 PAYROLL NO: 01 City of Falcon Heights

PAYROLL CHECK REGISTER

PAGE: 1  
 PAYROLL DATE: 7/08/2019

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0054	KURHAJETZ, CLEMENT	R	7/08/2019	105.05	088734
2262	TWOHY, MICHAEL K	R	7/08/2019	1,185.40	088735
2236	YARBROUGH-WRIGHT, GIOVANI J	R	7/08/2019	111.05	088736
2249	WASSON, LUKE D	R	7/08/2019	132.92	088737
2263	CULP, PETER S	R	7/08/2019	53.10	088738
2264	SHEN, LILY	R	7/08/2019	42.48	088739

7-08-2019 11:52 AM  
 PAYROLL NO: 01 City of Falcon Heights

PAYROLL CHECK REGISTER

PAGE: 2  
 PAYROLL DATE: 7/08/2019

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

REGULAR CHECKS:	6	1,630.00
DIRECT DEPOSIT REGULAR CHECKS:	29	22,207.09
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	35	23,837.09

\*\*\* NO ERRORS FOUND \*\*\*

\*\* END OF REPORT \*\*

EMP #	NAME	AMOUNT
01-0016	PAMELA M HARRIS	277.05
01-0022	RANDALL C GUSTAFSON	393.07
01-0023	MELANIE M LEEHY	262.05
01-0024	MARK J MIAZGA	262.05
01-1005	SACK THONGVANH	3,825.44
01-1020	AMANDA P LOR	1,360.28
01-1022	NALISHA NANDKUMAR	1,402.69
01-1136	ROLAND O OLSON	2,649.53
01-1021	JUSTIN M MARKON	1,581.55
01-0095	MICHAEL J POESCHL	220.50
01-0097	PATRICK GAFFNEY	128.61
01-0105	ANTON M FEHRENBACH	358.44
01-0123	BRYAN R SULLIVAN	92.35
01-0124	MICHAEL D KRUSE	126.51
01-1030	TIMOTHY J PITTMAN	2,094.07
01-1033	DAVE TRETSEVEN	1,681.32
01-1143	COLIN B CALLAHAN	1,639.77
01-2257	BENJAMIN T STEINER	1,204.64
01-2254	KELLY M HART	120.40
01-2259	ABIGAIL T PROULX	929.61
01-2261	GRACE AN	40.63

TOTAL PRINTED: 21 20,650.56

7-25-2019 8:23 AM PAYROLL CHECK REGISTER  
 PAYROLL NO: 01 City of Falcon Heights

PAGE: 1  
 PAYROLL DATE: 7/25/2019

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
22...	TWOHY, MICHAEL K	R	7/25/2019	909.92	088780
2236	YARBROUGH-WRIGHT, GIOVANI J	R	7/25/2019	249.12	088781
2249	WASSON, LUKE D	R	7/25/2019	156.24	088782
2255	HUBERT, BRADEN R	R	7/25/2019	149.58	088783
2263	CULP, PETER S	R	7/25/2019	63.72	088784
2264	SHEN, LILY	R	7/25/2019	42.48	088785

7-25-2019 8:23 AM PAYROLL CHECK REGISTER  
 PAYROLL NO: 01 City of Falcon Heights

PAGE: 2  
 PAYROLL DATE: 7/25/2019

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

REGULAR CHECKS:	6	1,571.06
DIRECT DEPOSIT REGULAR CHECKS:	21	20,650.56
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	27	22,221.62

\*\*\* NO ERRORS FOUND \*\*\*



*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<b>Agenda Item</b>	Consent F2
<b>Attachment</b>	N/A
<b>Submitted By</b>	Amanda Lor, Administrative Coordinator

<b>Item</b>	Approval of City License(s)
<b>Description</b>	The following individuals have applied for a <u>Municipal License</u> for 2019. Staff has received the necessary documents for licensure. 1. Phone Swap LLC
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve the 2019 City License Applications contingent on background checks as required by each permit.

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<b>Agenda Item</b>	Consent F3
<b>Attachment</b>	Resolution
<b>Submitted By</b>	Justin Markon, Community Development Coordinator

<b>Item</b>	Appointment of Esha Seth to the Environment Commission
<b>Description</b>	<p>City Staff and the Chair for the Environment Commission interviewed Ms. Esha Seth for the Environment Commission. Her Commission application is below.</p> <p><b>Date:</b> 07/01/2019</p> <p><b>Name:</b> Esha Seth</p> <p><b>In Which Capacity Would You Like to Serve?</b> I would like to join the Environment Commission.</p> <p><b>What is the Reason You Would Like to Serve?</b> I am interested in being involved in the work to make Falcon Heights more environmentally friendly. I am personally very conscious about protecting the environment and would like to be involved in making systems and environmental changes with the city.</p> <p><b>List Prior (Previous) Public Service:</b> I have worked at the Association for Nonsmokers-MN(ANSR) since June 2014 where I work as the tobacco technical assistance provider for public health departments across the state that are working on making policy, systems, and environmental changes in their community. I understand the work, time, relationships, and effort that go in to making substantial and lasting changes in a community. I have also been involved in grant writing and managing in my role at ANSR.</p> <p>I am working on completing my Master's degree in Public Health from the University of MN with a concentration of public policy.</p>
<b>Budget Impact</b>	N/A

<b>Attachment(s)</b>	<ul style="list-style-type: none"><li>• Resolution 19-27 Appointment of Esha Seth to the Environment Commission</li></ul>
<b>Action(s) Requested</b>	Staff recommend approval of attached resolution appointing Esha Seth to the Environment Commission.

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

August 14, 2019

No. 19-27

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**RESOLUTION APPOINTING ESHA SETH TO THE  
FALCON HEIGHTS ENVIRONMENT COMMISSION**

**WHEREAS**, the Environment Commission serves in an advisory capacity to the City Council on all policy matters relating to energy use, air quality, recreation and aesthetic appreciation, green infrastructure, water, solid waste, and environmental education;

**WHEREAS**, City Staff and the Commission Chair have interviewed Esha Seth and recommend appointment to the Falcon Heights Environment Commission.

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

1. That the appointment of Esha Seth to the Falcon Heights Environment Commission is approved and adopted by the City Council of the City of Falcon Heights.

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Moved by:

Approved by: \_\_\_\_\_  
Randy Gustafson  
Mayor

VACANT  
GUSTAFSON  
HARRIS  
LEEHY  
MIAZGA

\_\_\_\_\_ In Favor  
\_\_\_\_\_ Against

Attested by: \_\_\_\_\_  
Sack Thongvanh  
City Administrator

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*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<b>Agenda Item</b>	Consent F4
<b>Attachment</b>	Resolution
<b>Submitted By</b>	Roland Olson, Finance Director

<b>Item</b>	Investments through the 4M Fund
<b>Description</b>	Morgan Stanley has decided that a \$10 million investment fund is needed to maintain our investments with them. Since we don't have this amount to invest with Morgan Stanley, we are forced to move our investments from them. The 4M fund is an excellent alternative. A Resolution Reauthorizing Membership in the 4M fund is needed.
<b>Budget Impact</b>	No impact on the budget.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>Resolution 19-28 Reauthorizing Membership in the 4M Fund</li> </ul>
<b>Action(s) Requested</b>	Staff recommends approving the Resolution Reauthorizing Membership in the 4M fund and move the investments from Morgan Stanley to the 4M fund.

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**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

August 14, 2019

No. 19-28

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**RESOLUTION AUTHORIZING MEMBERSHIP IN THE 4M FUND**

**WHEREAS**, Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

**WHEREAS**, the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987, pursuant to the Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

**WHEREAS**, the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund; and

**WHEREAS**, this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund’s service providers including the Investment Advisor (Prudent Man Advisors, Inc.) or Sub-Advisor (RBC Global Asset Management (U.S.) Inc.), the Administrator (PMA Financial Network, Inc.), the Distributor (PMA Securities, Inc.) or the Fixed Rate Program Providers, PMA Financial Network, Inc. and PMA Securities, Inc., and the Custodian, U.S. Bank National Association, (“Service Providers”) and/or their successors;

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

**Section 1.** This municipality shall renew its membership as a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

**Section 2.** This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as “Authorized Officials” with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

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Print Name	Title	Signature
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Print Name	Title	Signature
------------	-------	-----------

Print Name	Title	Signature
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(Additional names may be added on a separate list. The treasurer shall advise the Fund of any changes in Authorized Officials in accordance with Fund procedures.)

**Section 3.** The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

**Section 4.** That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, Inc. or PMA Securities, Inc. for the purpose of transaction clearing and safekeeping, or the purchase of certificates of deposit (“CDs”) or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA Financial Network, Inc. and PMA Securities, Inc. and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund’s Programs available through its Services Providers.

It is hereby certified that the Council of the City of Falcon Heights adopted this Resolution at a duly convened meeting of the Council and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

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Moved by:

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

Randy Gustafson  
Mayor

VACANT  
GUSTAFSON  
HARRIS  
LEEHY  
MIAZGA

\_\_\_\_\_ In Favor  
\_\_\_\_\_ Against

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

Sack Thongvanh  
City Administrator





**The City That Soars!**

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	August 14, 2019
<b>Agenda Item</b>	Policy G1
<b>Attachment(s)</b>	See below
<b>Submitted By</b>	Justin Markon, Community Development Coordinator

<b>Item</b>	Consider variance request for property at 1800 Albert Street
<b>Description</b>	<p>Mr. Todd Thun and Ms. Marsha Keppel have completed an application for a variance request at their property, located at 1800 Albert Street. They are planning to tear down and rebuild the existing detached garage. They are requesting a variance from the required corner side yard setback. The property is located at the corner of Albert Street and Garden Avenue, and the garage faces and is accessed off Garden Avenue, the corner side yard. The lot is approximately 69' by 296'.</p> <p>The City Code states the follows (highlights for emphasis):</p> <p>Section 113-240 – Accessory buildings and structures</p> <p>(e) <i>Yard setbacks; building locations.</i> The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in section 113-174(e)(2) (20 percent of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall have a minimum corner side yard setback requirement of not less than fifteen feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.</p> <p>The current garage is legally nonconforming, having been built before the current zoning regulations. It is currently 5 feet from the corner side yard property line. The City Code allows existing nonconformities to be replaced, as long as the nonconformity is not increased. The property owners would like to build a three-stall garage near the existing footprint, at an 8 foot corner side yard setback, which would expand the nonconformity. Thus, they have requested a variance from the required corner side yard setback. During conversation with staff, Mr. Thun has acknowledged that building a two-stall garage on the existing footprint would be the backup plan if the variance is denied.</p> <p>At 1803 Hamline Ave, a five-stall garage was built with a 28 foot setback. This garage complies with the zoning code, and the lot is 16 feet narrower than 1800 Albert St.</p>

Mr. Thun and Ms. Keppel applied for a similar variance in 2005. At that time, the request was for a variance to allow a garage to be built on the same/current setback. The variance request was denied by both the Planning Commission and City Council. Residents are allowed to apply for a variance after having been denied.

The Planning Commission held a public hearing on July 23 to consider the variance. Mr. Thun and a few of his neighbors spoke in favor of granting the variance. The Planning Commission voted 3-1 to recommend approving the variance. Their findings of fact are included herein.

Staff recommend denying the variance and offer the following information as it relates to the considerations for a variance request:

#### Section 113-62 - Variances

(e) *Review criteria.* The city council shall not approve any variance request unless they find that failure to grant the variance will result in practical difficulties on the applicant, and, as may be applicable, all of the following criteria have been met:

(1) The variance would be in harmony with the general purposes and intent of this chapter.

Staff believe that building a three-stall garage to serve a single family home in the R-1 zoning district is in harmony with the general purposes and intent of the zoning chapter of the city code.

(2) The variance would be consistent with the comprehensive plan.

Staff believe replacing the garage is consistent with the comprehensive plan.

(3) That, there are practical difficulties in complying with this chapter.

The League of Minnesota Cities provides the following information related to this criteria:

*A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted.*

The three standards for practical difficulties are as follows: reasonableness, uniqueness, and essential character.

Reasonableness

Staff believe replacing the garage at an 8 foot setback is not reasonable. Mr. Thun has pointed out that with the existing garage, a 5 foot setback from the property line results in his vehicles projecting nearly into the street. The City's right of way extends ten feet to the south of Garden Ave. This right of way exists to allow the City and contractors to place utilities in or near the street and to allow enough space for a future sidewalk if the City feels that is appropriate. By placing the garage 8 feet from the property line, staff believe the potential hazard of vehicles projecting into the right of way would not be eliminated. Staff believe the 15 foot corner yard setback was created for this purpose so that the right of way may remain clear, should the City need to access this area.

Uniqueness

Staff believe there are no unique characteristics that would prohibit the garage to be built at the required 15 foot setback. The lot is very deep, and staff believe the garage may be placed in a different location at the appropriate setback. The uniqueness of the property is related to the physical characteristics of the lot, not personal characteristics. Mr. Thun has shared that the required setback would obstruct the view of his backyard from the rear patio. Staff do not believe this fits the uniqueness criteria.

Essential Character

Staff believe building a three-stall garage at an 8 foot setback would not dramatically alter the essential character of the neighborhood.

Staff believe that all of the practical difficulties criteria are not met.

(4) That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.

Staff believe that granting the variance would not impair the above-mentioned criteria.

(5) That the requested variance is the minimum action required to eliminate the practical difficulties.

Staff believe the practical difficulties criteria are not met and that the garage may be placed elsewhere on the lot to satisfy the 15 foot corner side yard setback requirement.

(6) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. Variances may be approved for the temporary use of a one-family dwelling as a two-family dwelling.

	<p>This criteria is not applicable to the request.</p> <p>In conclusion, staff believe the proposed garage and its location do not meet all criteria for granting a variance. Staff are concerned that if the garage is built closer than allowed there could be hazards related to right of way access. Finally, staff believe there are other locations on the property that would meet all zoning requirements for replacing the garage.</p>
<b>Budget Impact</b>	No impact
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Planning Application with additional information</li> <li>• Adopted Findings of Fact</li> <li>• City Code Section 113-62 - Variances</li> <li>• League of Minnesota Cities Information Memo</li> <li>• View of garage at 1803 Hamline Ave</li> <li>• Extract of minutes from September 14, 2005 City Council meeting</li> <li>• Resolution</li> </ul>
<b>Action(s) Requested</b>	City Staff recommend denying the variance request for a corner side yard setback for the property at 1800 Albert Street.



# City of Falcon Heights Planning Application

FOR INTERNAL USE: Date received: _____ Receipt: _____
---

**Action Requested By:**

Name of Property Owner Todd Thun and Marsha Keppel  
 Phone (h) 651-646-6125 (w) 651-783-5300  
 Address of Property Owner 1800 Albert St. N., Falcon Heights, MN 55113  
 Name of Applicant (if different) \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

**Property Involved:**

Address 1800 Albert St. N., Falcon Heights, MN 55113  
 Legal Description Lot 1 of LARPENTEUR VILLAS N 68 58/100 FT OF THE W 1/2 OF LOT 1

Property Identification Number (PIN) 152923340044

**Present Use of Property (check one):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Single Family Dwelling | <input type="checkbox"/> Business/Commercial      |
| <input type="checkbox"/> Duplex/Two Family Dwelling        | <input type="checkbox"/> Government/Institutional |
| <input type="checkbox"/> Multi Family Complex              | <input type="checkbox"/> Vacant Land              |

**Action Requested (NON-REFUNDABLE):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Variance (\$500.00)          | <input type="checkbox"/> Lot Split (\$250.00)         |
| <input type="checkbox"/> Conditional Use Permit (\$500.00)       | <input type="checkbox"/> Site Plan Review (\$100.00)  |
| <input type="checkbox"/> Rezoning, Zoning Amendment (\$500.00)   | <input type="checkbox"/> Subdivision (Fee on request) |
| <input type="checkbox"/> Comprehensive Plan Amendment (\$550.00) | <input type="checkbox"/> Other (Please Specify) _____ |

*The above Application Fees do not include any additional fees that might be required, including legal, engineering, consulting and additional City services. Applicants should meet with City Staff prior to submitting application to discuss applicable ordinances, required attachments, timelines and fees.*  
*Credit card charges will incur a 3.1% + \$0.30 convenience fee.*

**Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):**

This request seeks a variance from the corner lot setback requirements for a replacement garage. Please see the attached letter of explanation for details of request.

**I certify that all statements on this application are true and correct:**

**Signature of Property Owner (required)**

\_\_\_\_\_  
**Signature of Applicant (if applicable)**

Planning Commission meeting: _____	City Council meeting: _____	Approved ___ Denied ___
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**List of Properties Owners for Properties Abutting 1800 Albert St. N.**

1. John and Olga Dale, 1803 Hamline Ave. N., Falcon Heights, MN 55113-6221;
2. Dan and Ann Burt, 1794 Albert St. N., Falcon Heights, MN 55113-6221;
3. Chabha and Akli Mansouri, 1797 Hamline Ave. N., Falcon Heights, MN 55113-6221.

May 31, 2019

Planning Commission  
City of Falcon Heights

Dear Planning Commission Members,

This letter is in explanation and support of my family's request for a variance in connection with a garage replacement at our home located at 1800 Albert St. N., in Falcon Heights (see accompanying Planning Application).

The existing garage is on its last legs. (See Attachment A) It is nonconforming because it is too close to the street (in violation of the corner lot setback requirement for garages), and it is also located too close to our house. City officials have confirmed we are able to replace the existing garage with an identically sized garage in its present location because this is a "grandfathered" pre-existing nonconforming structure. In other words, because it was built before the ordinances were enacted, it can be replaced as a nonconforming structure as long as it is not expanded, and it is built on the same footprint.

However, replacing the existing garage with a new, same-sized garage on the same footprint leaves us (and the city) with the problems associated with the present garage—it is too close to the street, too close to the house and too small for us to comfortably enter and exit.

We would like to expand our garage from its existing size of 22' x 22' to 22' x 40', move it in three feet further off of Garden Street, and move it a foot further from the house. However, unless a variance from the setback requirement is granted, we will be unable to carry out this plan.

Without a variance, we will replace the existing garage with an identical structure on its existing footprint. For reasons discussed below, that is less than desirable for us and the city as a whole.

### **Details of Property**

Our home at 1800 Albert St. N. (including the garage), like most homes in the neighborhood, was built in the 1950's long before the present set back requirements were enacted. We purchased our home in 1991 and have lived there since. The property is shaped like a long, narrow shoebox, and measures 68' x 295' which the short side facing west on Albert Street, and the long side facing north along Garden Street. (See Attachment B) The front door of the home faces Albert Street while the garage entrance faces Garden Street. The 295' property line running east/west is located 10' off of the curb which runs along Garden Street and the 10' span from the curb to the lot line is a city-owned boulevard.

The size and configuration of this lot is very unique to the City of Falcon Heights. To my knowledge only our property and the lot directly behind us to the East have the double length lots located on the corner of an intersection. This is significant because the length of these lots makes it impractical to relocate the garage to the back end of the lots—it is simply too great a distance from garage to house.

The side street setback which applies to our garage, according to city officials, requires that the garage be set back 15' from the side property line running east/west along Garden Street. When coupled with the 10' city easement which begins at the curb along Garden Street, a garage must be located 25' off of Garden Street in order to comply with the setback ordinance. Presently, our existing garage is located

15' off of Garden Street, or five feet off of the east/west property line. So, in order to comply with the set back requirement, the garage would have to be moved 10 feet deeper into our yard. We are proposing to move it three feet deeper rather than the required 10 feet for reasons discussed below.

*It should be noted that the proposed garage satisfies applicable lot coverage limitations. In other words, this is not a request to allow a structure which is too large for the existing lot. City officials have confirmed that existing lot size and present structures would allow a replacement garage of this size.*

The rear part of the first story of our home is comprised of a one room dining/family room area, with only a 68-inch-wide patio door providing a view of the back yard. (See Attachments C-F) The rear wall of the garage extends about to within four feet of the patio door. (See Attachment G)

Moving the garage location 10 feet deeper into the yard to meet the 15' set back requirement would result in the garage blocking all but the last few inches of the patio door, thereby almost completely obstructing any view of our backyard from the first story of our house. (See Attachments H & I). Note: the hanging blanket shows how far in the rear wall of the garage would extend in front of the patio door in order to comply with the setback requirement.

In addition, this patio door exits directly to our patio, which we use extensively during warm weather (and outdoor cooking during cold weather). (See Attachments J & K) Moving the garage location to 10 feet deeper into the yard would eliminate most of the useful patio area (as well as the view of our back yard).

### **Reasons for Garage Expansion and Relocation**

Our desire is to replace our present garage with wider garage, move the garage three feet further off of Garden Street, and move the garage a foot further from our house for the following reasons:

1. Widening the garage will allow us to install more widely spaced garage door openings to allow for easier and safer ingress/egress to the garage. At the present time, the size of the entrance to the garage is very narrow and requires very careful maneuvering to park and remove our cars from the garage, and requires considerable contortion getting into and out of the vehicles when they are parked in the garage together; (See Attachment L )
2. A larger garage will allow us to get all three of our vehicles off the street (and into shelter if necessary, during snow storms and other inclement weather). This will free up additional street parking for teachers and visitors to the elementary school directly across the street from our house. More importantly, it will allow us to get all vehicles completely off the street for snow plowing activities. At this time, plows must swerve away from the curb to get around any vehicles parked in our driveway. Also, a third stall can also be used for additional purposes, such as a woodworking shop, freeing up the work shop space in our basement for other purposes. I enjoy woodworking, and examples of my projects are pictured in attachments A, K & T (flag gate, outdoor shed, Adirondack chairs).
3. Moving the garage three additional feet off of Garden Street will allow vehicles in our driveway to be entirely off of Garden Street; at present time the back ends of both of our vehicles hang out on Garden Street when parked in the driveway. (See Attachments M & N) This forces street sweepers and snow plows to swerve around these vehicles if they are parked in the driveway.



4. Moving the garage a foot further away from the house will lessen the hazard to the house if there is a fire in the garage.

### **State and Local Criteria for Granting this Type of Variances**

Applicable state law provides that variances may be granted when the applicant for the variance establishes that there are "practical difficulties" in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Minn. Stat. 462.357, subd. 1e (2019). This standard is mirrored in Sec. 113-62 of the Falcon Heights city code.

In addition, the Falcon Heights city code provides that the city Council shall not approve any variance request unless they find that failure to grant the variance will result in practical difficulties on the applicant, and, as may be applicable, all of the following criteria have been met:

- The variance would be in harmony with the general purposes and intent of this chapter.
- The variance would be consistent with the comprehensive plan.
- That, there are practical difficulties in complying with this chapter.
- That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.
- That the requested variance is the minimum action required to eliminate the practical difficulties.

### **Analysis**

1. Constructing a garage which complies with the set-back requirement will result in "practical difficulties" in the use of our property

- a. Reasonable use of property in manner not allowed by set-back ordinance

Moving our garage ten feet deeper into our yard will impair the reasonable use of our property in two respects.

First, keeping the garage close to our house but moving ten feet deeper into the yard will result in our patio being largely eliminated because the garage would sit on top of the patio, leaving only a small, oddly shaped area which would be impractical for reasonable use or entertainment.

Second, moving the garage 10 feet deeper will almost completely obstruct our view out of our house of almost all of the back yard. The view out the patio door will be of almost entirely of a garage wall a few feet away with the view of the backyard almost totally blocked. (See Attachments H & I) A central feature of this lot and its appeal is the deep picturesque backyard with its large mature legacy trees. (See Attachment O) That feature will be lost if the location of the garage is moved deeper into the yard

to comply with the setback. Moreover, such a configuration would make our home dramatically less attractive to any potential buyer.

Clearly, preserving the use of our patio and preserving the view of our backyard from the first level of our house is a reasonable use of our property.

- b. Plight of the landowner is due to circumstances unique to the property not created by the landowner

Our practical difficulty in complying with the setback requirements results from: 1) the long and narrow shape of our lot; 2) the location of our patio door in the center of a very narrow lot; 3) the fact that the door is the only view of the backyard from the main level of our home; 4) and the long stretch of back yard beyond the to the rear of the lot (which makes putting the garage on the rear portion of the lot an impracticality). None of these factors are of our creation. All of these factors are associated with the property as it existed when we bought it. This combination of factors is very unique to the typical residential lot in Falcon Heights, and these unique features are of the type that an easement is intended to address.

- c. Variance, if granted, will not alter the essential character of the locality

Our proposal is to move the location of the garage three feet deeper into the yard and away from the street, rather than the ten feet required under the setback ordinance. Would moving the garage three feet instead of 10 feet alter the essential character of the locality? Obviously, no.

Along Garden Street between Snelling Avenue and Hamline Avenue there are 19 garages (including ours) and all are located on corner lots. At least half of them do not comply with the setback requirement because they are not 25' from the curb (10' easement plus 15' set back). Most of these houses and garages were likely built before the setback was enacted. Moreover, our proposal results in the garage being farther off Garden Street by three feet than the present existing garage or a replacement garage built on the same footprint.

Moreover, having the garage three feet further off of Garden Street is in the interests of the community and the city. Vehicles will fit within the driveway and be off the street, thereby facilitating street cleaning and plowing activities, and reduce the chances of accidents.

## 2. Other Review Criteria Favor Granting of Variance

Falcon Heights City Code Sec. 113.62 provides that the city council shall not approve any variance request unless they find that the failure to grant the variance will result in practical difficulties on the applicant, and as may be applicable, all of the following criteria have been met: a) The variance would be in harmony with the general purposes and intent of this chapter; 2) The variance would be consistent with the comprehensive plan; 3) That there are practical difficulties in complying with this chapter; 4) That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety; and 5) That the requested variance is the minimum action required to eliminate the practical difficulties.

These criteria are met in this instance.

Our property is a residential property located on a street with numerous other detached garages which do not comply with the present set back. Moreover, granting the variance will result in more set back than will be the case if the garage is simply rebuilt on its present footprint.

The practical difficulties resulting from strict application of the setback are discussed above and will not be repeated here.

Granting the variance will not adversely impact an adequate supply of light and air to adjacent property. The only property theoretically impacted would be the lot directly behind our house on the SE corner of Garden and Hamline. However, our garage and the house on that property are separated by over 250 feet of yard and privacy shrubs which separate the rear ends of the two lots. (See Attachments P & R)

Move over, granting the variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety; indeed, the opposite is true. Granting of the variance will result in the garage being moved three additional feet off of Garden, resulting in a longer driveway for our vehicles. A refusal of the variance will result in us replacing the existing garage on the existing footprint, which results in the garage remaining two feet closer to Garden.

Finally, our proposal is the minimum action required to eliminate the practical difficulties. We are consciously proposing a garage which is only 22' deep (instead of a desired 24') so that we can move it three feet further off the street.

### 3. Impracticality of Other Possible Locations for Replacement Garage

It has been suggested in the past by city officials that a variance is not needed because the garage can be located to the rear end of our lot—either all the way back or partially back.

Indeed, many of the properties along Garden Avenue do have their garages located on the rear end of the lot, which eliminates the blocking of view and use of the back yard. However, it is critical to note that none of those properties are of the double length lot size, which we are dealing with. Those properties have a manageable distance from the house to the garage because all of those lots are much shallower. This is why this case presents special circumstances unique to our property, which are not present with almost any other lot in Falcon Heights.

Unlike most residential lots in Falcon Heights, placing our garage on the rear end of our property would result in having to walk 100-150 feet from the house to the garage. Carrying groceries half the length of a football field and installing/maintaining a sidewalk/walkway that entire distance (including snow removal in the winter) simply is not feasible.

In addition, the back part of our yard has two rows of large, legacy trees, including an evergreen tree, which is over 100 feet tall. Moving the garage to the rear of the property could result in the removal of one or more large legacy trees, considering the span of each tree's root system and the possible damage which could result from installing the new garage foundation. (See Attachments Q & R; Note: Two photos had to be taken to show the length of our lot because I could not fit it into just one photo)

Thun/Keppel Variance Request  
May 31, 2019

Finally, the present location of the garage provides a privacy barrier for the use of our patio, serving the function of a tall privacy fence. With our patio so close to Garden and the constant foot/vehicle/bicycle traffic on Garden Street, a privacy barrier is a necessity. Moving the garage to the rear of the property would force us to build a large, tall fence to allow for private use of our patio. Once the decision to build such a fence is made, then the next decision is how far to extend it--the full length of the property to the relocated garage?

Moving our garage to the rear portion of our lot is simply is not feasible. Moving the garage to the mid-rear portion of the yard also is not desirable for the same reasons.

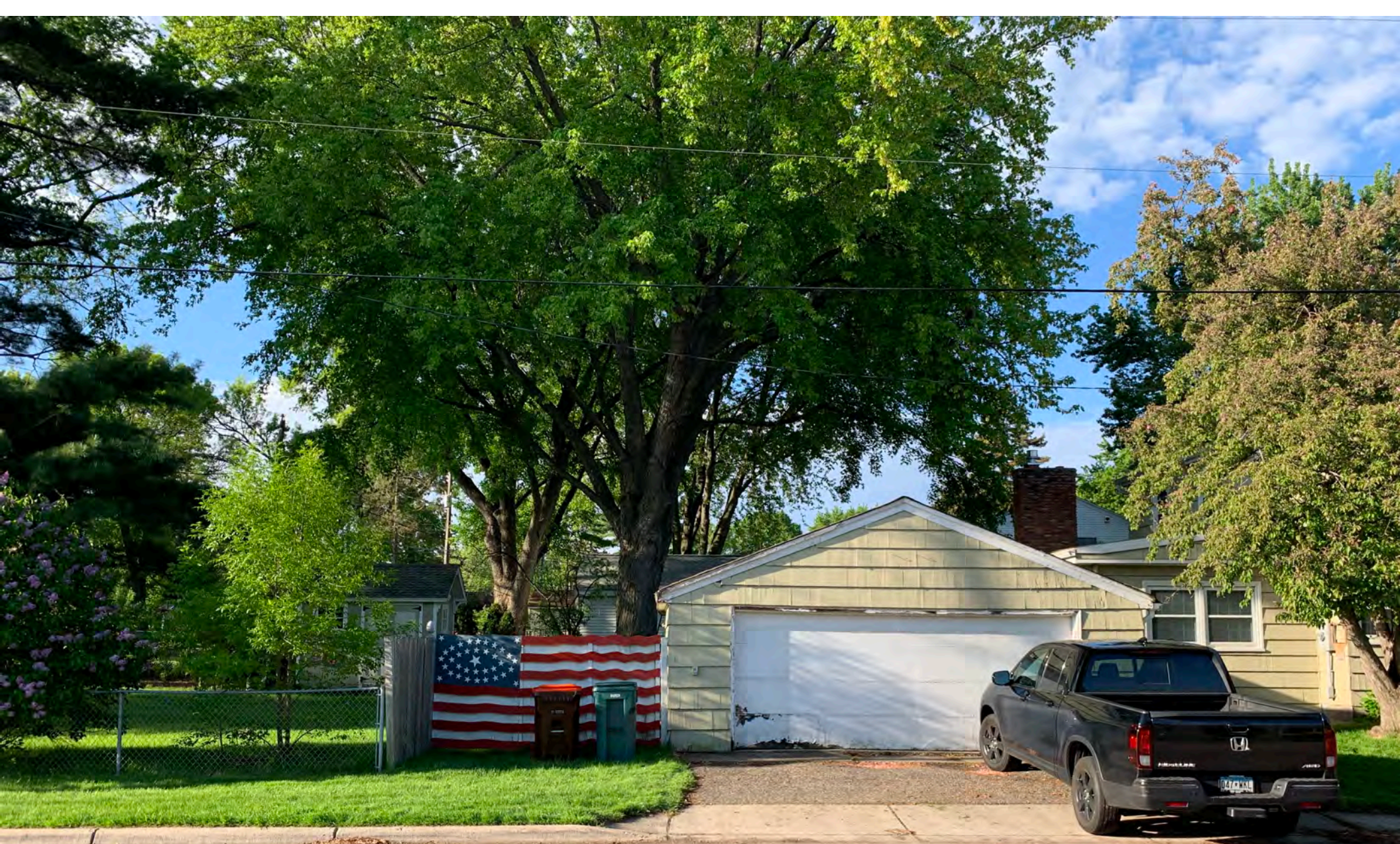
### **Conclusion**

Granting the requested variance results in a win-win for us and the community. We will have a larger, more usable garage resulting in badly needed storage space in our house. Also, we will have a larger garage door, making it easier to park in the garage, exit the garage, and get in and out of our cars. We intend to construct a garage which is as visually appealing as possible. The city wins because the garage is moved three feet further off of the street, thereby improving street cleaning and snow plowing, and improving a possible traffic impediment.

If a variance is not granted and that denial is ultimately upheld, we will replace the existing garage with an identically-sized garage on the exact same footprint. This will leave us with a less than optimal garage, which will be disappointing for us, and leaves the city with the new garage in the present location--three feet closer to the street than what would be the result from our requested variance. Any chance to at least partially remedy the proximity of the garage to Garden Street will be gone. This would be a lose-lose for the city and us.

Respectfully submitted,

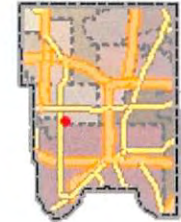
Todd Thun/Marsha Keppel



Attachment A



**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

**Notes:**

1. Garage to be moved east so it is 5' away from house. (presently 44")
  2. Present distance from garage front to curb is 16'. New garage will be at least 19' from curb (i.e. 36" farther from street)
  3. Impermeable Surfaces:
    - a. House = 1,280
    - b. New garage = 880
    - c. patio = 650
    - d. shed = 96
    - e. BB court = 1,040
    - f. driveway = 144
- Total: 4,090

**Notes**

Enter Map Description

100.0 0 50.00 100.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Attachment C



Attachment D





Attachment E



Attachment F



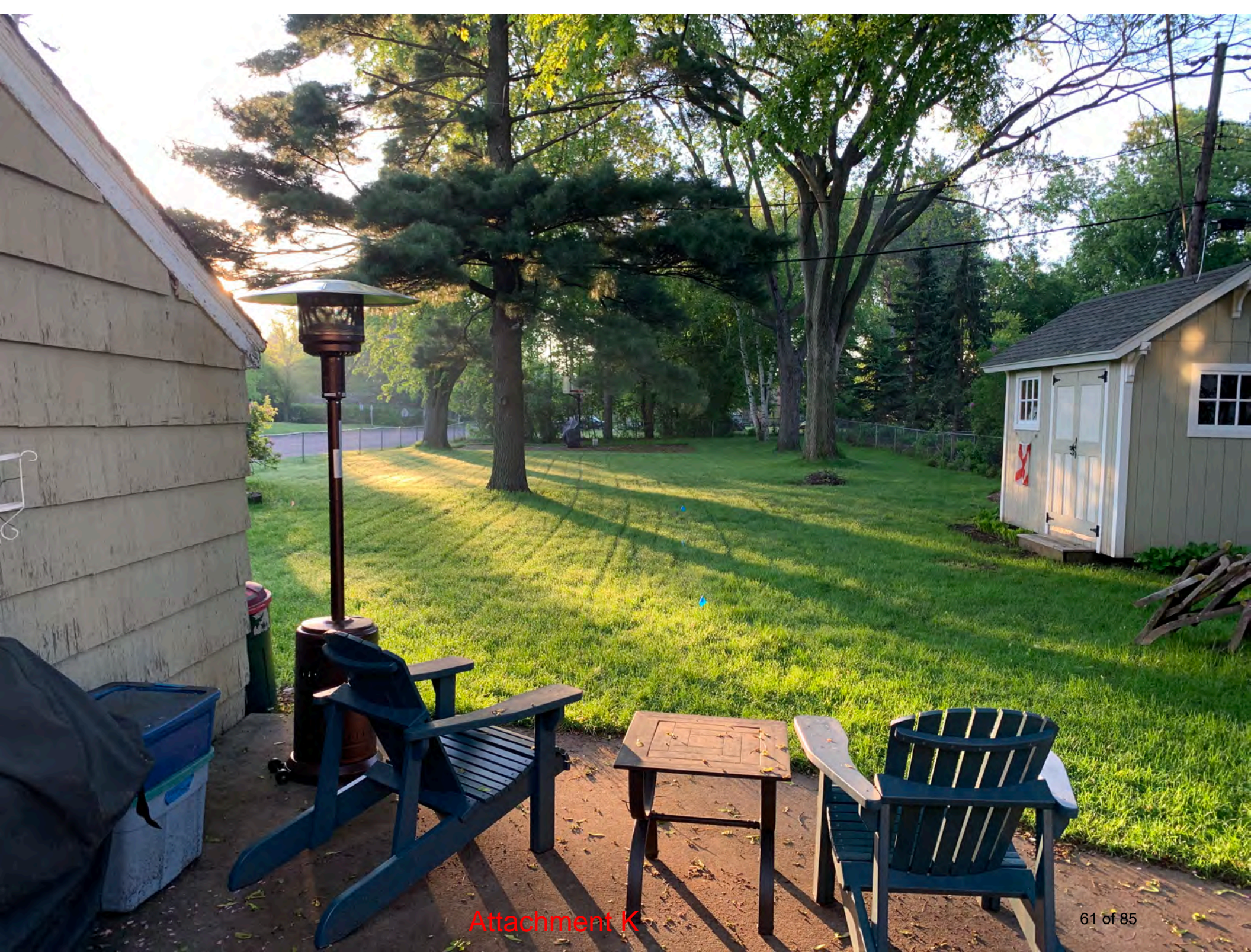
Attachment G



Attachment H

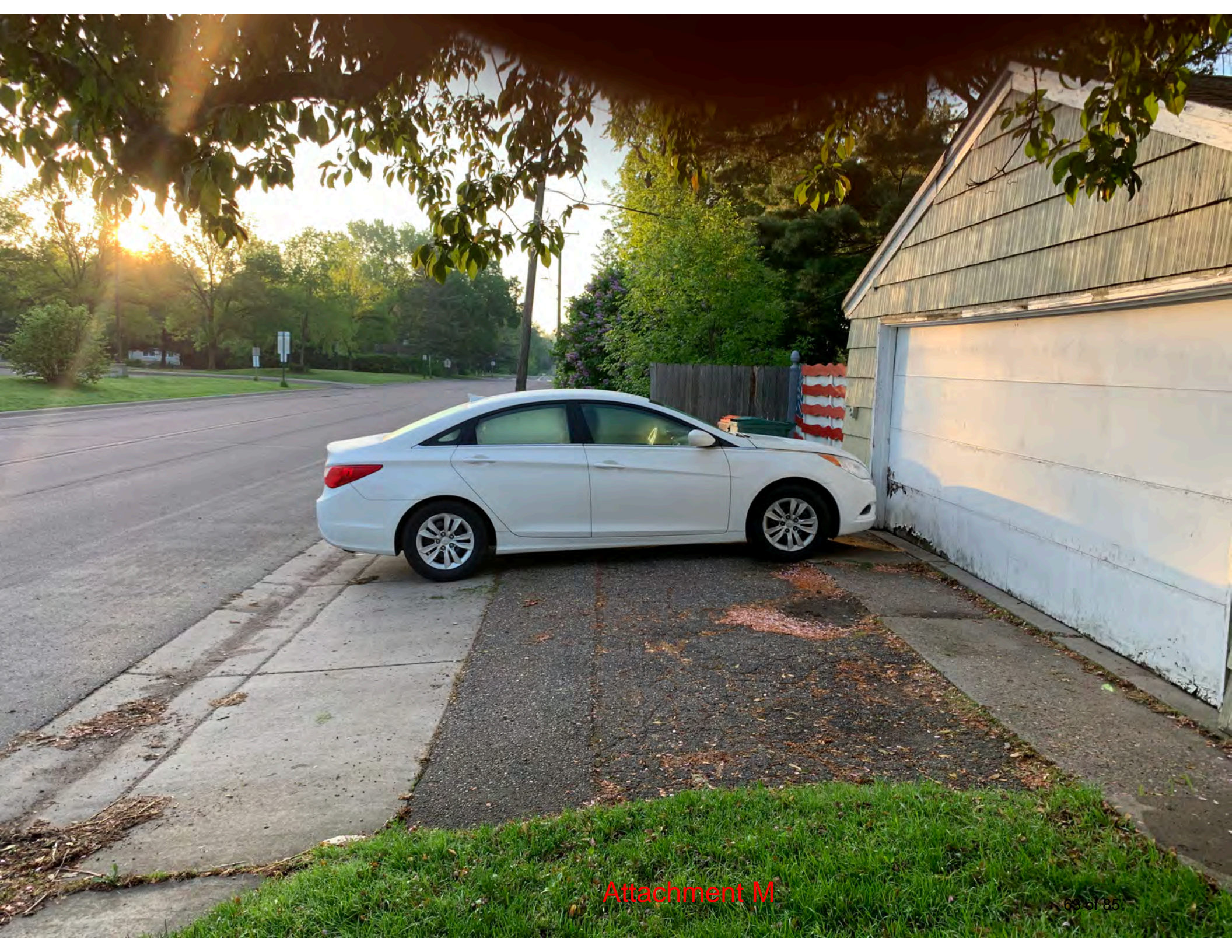




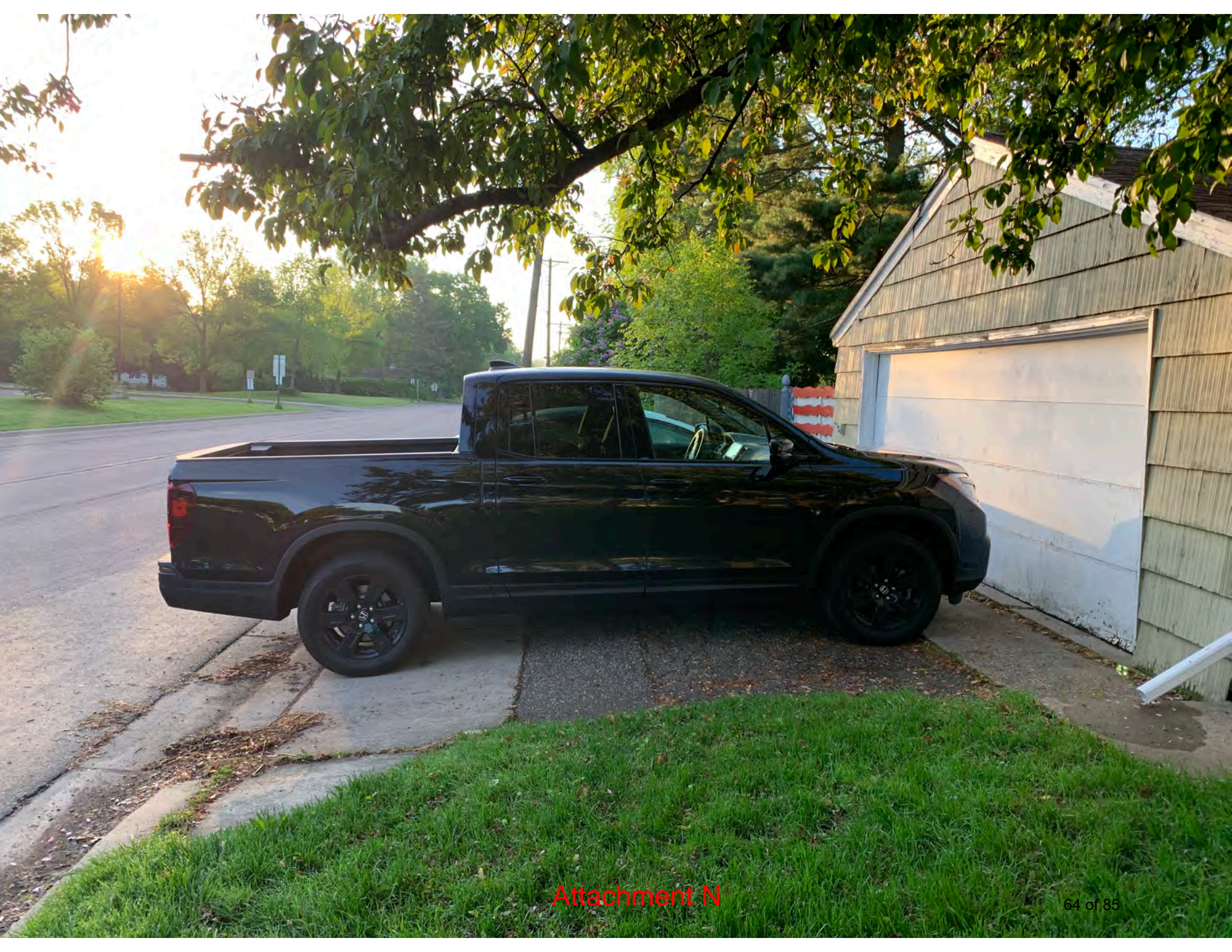


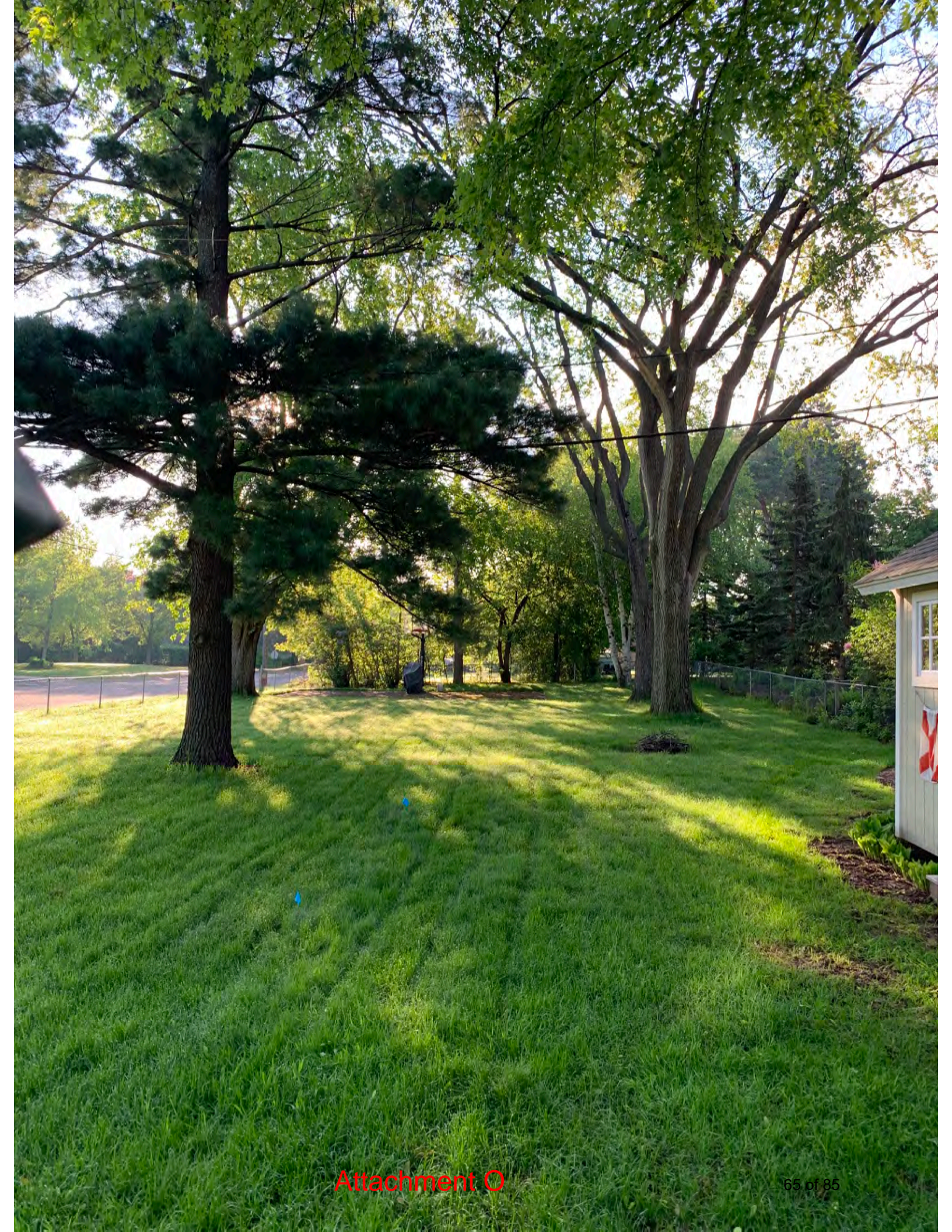






Attachment M







Attachment P



Attachment Q









CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

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IN RE:

Application of Todd Thun and Marsha Keppel,  
1800 Albert Street, for a variance  
from corner side yard setback requirements.

**FINDINGS OF FACT  
AND  
RECOMMENDATION**

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On July 23, 2019, the Falcon Heights Planning Commission met at its regularly scheduled meeting to consider the application of Todd Thun and Marsha Keppel, 1800 Albert Street, for a variance from the corner side yard setback requirements for a detached garage in the R-1 Zoning District. The Planning Commission conducted a public hearing on the proposed variance preceded by published and mailed notice. The applicant was present, and the Planning Commission heard testimony from all interested persons wishing to speak and now makes the following:

**FINDINGS OF FACT:**

1. The subject property is zoned R-1, One Family Residential District.
2. The subject property is legally described as:  

The North 68.58 feet of the West ½ of Lot 1, Block 1, Larpenteur Villas
3. The applicant seeks a variance from Section 113-240, Subd. (e) (corner side yard requirements) of the Falcon Heights City Code, which requires structures or buildings to be located no closer than fifteen (15) feet from the corner side yard line.
4. The subject property is 20,425.28 square feet. The existing garage is set back five (5) feet from the north property line, and it is legally nonconforming. The variance proposal requests a setback of eight (8) feet for a replacement garage.

5. Section 113-62 Subd. (e) of the Falcon Height City Code directs that the City to make the following findings when considering a request for a variance:

- (1) The variance would be in harmony with the general purposes and intent of this chapter.

*The Planning Commission finds that the granting of this variance would be in harmony with the general purposes and intent of Chapter 113.*

- (2) The variance would be consistent with the comprehensive plan.

*The Planning Commission finds that the granting of this variance is consistent with the comprehensive plan.*

- (3) That, there are practical difficulties in complying with this chapter.

*The Planning Commission finds that the granting of this variance does meet all three criteria for practical difficulties as described in Minnesota Statutes § 462.357, subd. 6(2).*

- (4) That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.

*The Planning Commission finds that the variance would not impair an adequate supply of light and air to the adjacent properties, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger public safety.*

- (5) That the requested variance is the minimum action required to eliminate the practical difficulties.

*The Planning Commission finds that the variance does meet the criteria for practical difficulties.*

- (6) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. Variances may be approved for the temporary use of a one-family dwelling as a two-family dwelling.

*The Planning Commission finds that criteria (6) does not apply to this variance application.*

**RECOMMENDATION**

The Planning Commission recommends that the City Council approve the application by Todd Thun and Marsha Keppel for a variance from Section 113-240, Subd. (e) of the Falcon Heights City Code for 1800 Albert Street.

ADOPTED by the Falcon Heights Planning Commission on this 23<sup>rd</sup> day of July, 2019.


**FALCON HEIGHTS PLANNING COMMISSION**

  
\_\_\_\_\_

By: Colin Stemper

Its Vice-Chairperson

ATTEST:

  
\_\_\_\_\_

By: JUSTIN MARKOW

Its: STAFF Liaison

## **Sec. 113-62. - Variances.**

(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Practical difficulties* means the same as that term defined in Minn. Stats. § 462.357, as may be amended, meaning that the property owner proposes to use the property in a reasonable manner not permitted by this chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and a variance, if granted, shall not alter the character of the locality. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include but are not limited to inadequate access to direct sunlight for solar energy systems.

*Variance* means a modification of or variation from the provisions of this chapter consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this chapter.

(b) *Purpose.* The purpose of this division is to provide the procedure and criteria for variances.

(c) *Application.*

(1) Any owner of property or a person holding a contract to purchase property, or an optionee holding an option conditioned solely on the grant of a variance, or the duly authorized agent of such appellant, may make application for a variance. The application shall be made on forms prepared by the zoning administrator.

(2) The application shall contain the legal description of the property, the zoning district in which it is located, a brief statement of the reasons the variance is requested, a statement of the ownership interest therein of the applicant and the names and addresses of the owners of all abutting property as listed on the current real estate tax rolls. The application shall be verified.

(d) *Use variances prohibited.* Variances may not be approved for a use that is not allowed in the zoning district where the property is located.

(e) *Review criteria.* The city council shall not approve any variance request unless they find that failure to grant the variance will result in practical difficulties on the applicant, and, as may be applicable, all of the following criteria have been met:

(1) The variance would be in harmony with the general purposes and intent of this chapter.

(2) The variance would be consistent with the comprehensive plan.

(3) That, there are practical difficulties in complying with this chapter.

(4) That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.

- (5) That the requested variance is the minimum action required to eliminate the practical difficulties.
- (6) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. Variances may be approved for the temporary use of a one-family dwelling as a two-family dwelling.
- (f) *Conditions.* The city may attach conditions to the grant of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (g) *Procedure.*
- (1) All applications for variances shall be referred to the planning commission for study and recommendation to the city council.
  - (2) Within 60 days, the planning commission shall forward its recommendations to the city council; if no recommendation is transmitted within 60 days after referral of the application for variance to the planning commission, the city council may take action without further awaiting such recommendation.
  - (3) Variances are granted or denied by motion of the city council.
- (h) *Termination.* The violation of any condition of the variance shall be the basis for the city council, following a hearing, to terminate the variance. If the property is not used or improvements substantially begun within a period of one year after the decision granting the variance, unless the variance decision provides otherwise, the variance shall be terminated. Unless the city council specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the planning commission or the city council, unless the applicant commences the authorized use or improvement within one year of the date the variance is issued; or, unless before the expiration of the one-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by city council. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one year shall be subject to the review and approval of the zoning administrator. Should a second extension of time, or any extension of time longer than one year, be requested by the applicant, it shall be presented to the planning commission for a recommendation and to the city council for a decision.

(Code 1993, § 9-15.03; Ord. No. 11-01, § 1, 7-13-2011)

State Law reference— Variances, Minn. Stats. § 462.357, subd. 6(2).



## INFORMATION MEMO

# Land Use Variances

*Learn about variances as a way cities may allow an exception to part of their zoning ordinance. Review who may grant a variance and how to follow and document the required legal standard of “practical difficulties” (before 2011 called “undue hardship”). Links to a model ordinance and forms for use with this law.*

### RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 6.](#)

[Minn. Stat. § 462.357, subd. 6.](#)

[Minn. Stat. § 462.357, subd. 6.](#)

## I. What is a variance

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located.

## II. Granting a variance

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

### **III. Legal standards**

When considering a variance application, a city exercises so-called “quasi-judicial” authority. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

#### **A. Practical difficulties**

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

##### **1. Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

##### **2. Uniqueness**

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

## RELEVANT LINKS:

[2011 Minn. Laws, ch. 19, amending Minn. Stat. § 462.357, subd. 6.](#)

[Krummenacher v. City of Minnetonka](#), 783 N.W.2d 721 (Minn. June 24, 2010).

[Minn. Stat. § 462.357, subd. 6.](#)  
[Minn. Stat. § 394.27, subd. 7.](#)

See Section I, *What is a variance.*

See Section IV-A, *Harmony with other land use controls.*

### 3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

### B. Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law. After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature. On May 5, Gov. Dayton signed the new law. It was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The 2011 law restores municipal variance authority in response to a Minnesota Supreme Court case, *Krummenacher v. City of Minnetonka*. It also provides consistent statutory language between city land use planning statutes and county variance authority, and clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes.



## RELEVANT LINKS:

[Issuance of Variances](#), LMC Model Ordinance.

[Variance Application](#), LMC Model Form.  
[Adopting Findings of Fact](#), LMC Model Resolution.

[Minn. Stat. § 462.357, subd. 6.](#)

See LMC information memo, [Taking the Mystery out of Findings of Fact](#).

[Minn. Stat. § 462.357, subd. 6.](#)

## C. City ordinances

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

The models linked at the left reflect the 2011 variance legislation. While they may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

## IV. Other considerations

### A. Harmony with other land use controls

The 2011 law also provides that: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” This is in addition to the three-factor practical difficulties test. So a city evaluating a variance application should make findings as to:

- Is the variance in *harmony with* the purposes and intent of the ordinance?
- Is the variance *consistent with the comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

### B. Economic factors

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met.

**RELEVANT LINKS:**

[Minn. Stat. § 462.357, subd. 6.](#)

## **C. Neighborhood opinion**

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

## **D. Conditions**

A city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.

## **V. Variance procedural issues**

### **A. Public hearings**

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

### **B. Past practices**

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

## RELEVANT LINKS:

[Minn. Stat. § 15.99.](#)

[Minn. Stat. § 15.99, subd. 2.](#)

See LMC information memo,  
*Taking the Mystery out of  
Findings of Fact.*

[Minn. Stat. § 15.99, subd. 2.](#)

Jed Burkett  
LMCIT Land Use Attorney  
[jburkett@lmc.org](mailto:jburkett@lmc.org)  
651.281.1247

### C. Time limit

A written request for a variance is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval.

### D. Documentation

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

## VI. Variances once granted

A variance once issued is a property right that "runs with the land" so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

## VII. Further assistance

If you have questions about how your city should approach variances under this statute, you should discuss it with your city attorney. You may also contact League staff.

Garage at 1803 Hamline Avenue



EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE CITY OF  
FALCON HEIGHTS, MINNESOTA

HELD: September 14, 2005

Pursuant to due call, a regular meeting of the City Council of the City of Falcon Heights, Minnesota, was duly held at the City Hall on September 14, 2005, 7:00 P.M.

The following members were present: Mayor Sue Gehrz, Councilmembers Laura Kuettel, Robert Lamb, Peter Lindstrom and Richard Talbot.

The following is an extract of the meeting minutes relative to item H-4: Variance Request for 1800 N. Albert Street:

Administrator Worthington began the item by giving a brief history of the property – information was retrieved from the council agenda packet for 9-14-05. She gave the specs of the parcel, which is 68.58 feet wide by 295.4 feet deep, with an area of 20,473.2 square feet. The property is unusual in that it is one of the series of double deep lots on Albert and Hamline, south of Garden and north of Larpenteur. These properties are at least twice as large as other properties in the neighborhood.

The owner of 1800 N. Albert proposed construction of a triple garage measuring 24' x 38' with space for three cars and a workshop, set 10 feet east of the house. The proposed garage would require a variance of 8.5 feet on setback from the right-of-way. The proposed garage would also require a variance of 7 feet to accommodate the 31 foot driveway in order to give access to the three bays of the garage. The property is eligible for a 24 foot absolute maximum.

Administrator Worthington reported the planning commission voted 4-2 to deny the variance. Councilmember Lindstrom encouraged the council to uphold the planning commission's decision by expressing concern on the set-back of the proposed garage because of its proximity to the street. The current garage structure allows for storage inside, however cars parked on the driveway hang out into the street, causing concern for motorists and pedestrians. The new garage would be in the same location as the current structure, still 6 to 7 feet off the street. Councilmember Lindstrom suggested the homeowner look into constructing the garage farther back on his lot to meet the set-back requirements since the space is available.

Councilmember Lamb stated he would support a variance for a width extension on the driveway, but the set-back was a concern. He questioned whether the planning commission votes on the entire proposal as a whole or on each variance separately? Administrator Worthington replied that the planning commission has the discretion to separate by each variance request, but for purposes of the staff report in the agenda packet it is combined. Councilmember Lamb suggested giving the council the separate requests and decisions, and Administrator Worthington said staff would accommodate. Conversations on the variance then focused back on the driveway, with Councilmember Lindstrom suggesting a funneled or flared driveway with a smaller opening onto the street and widening closer to the garage to accommodate the three

garage stalls. Administrator Worthington said that staff encourages applicants for variances to use this method to slow down run-off and alleviate curbing issues. She added that the homeowner has to explore the options and can still have the 3-car garage, driveway, and shop, but that the structure cannot be in the current proposed location. Councilmember Talbot agreed, stating that no other uses are granted for public right of way use – not for fences or anything – and it is the same for the homeowner, Mr. Thune. He went on to state that the proposed garage would not consider future uses for the right-of-way, including a potential sidewalk. Councilmember Talbot also thanked the planning commission members for their work and Councilmember Lindstrom for being the council liaison to the commission. Councilmember Lindstrom moved to adopt the finding of fact and to accept the planning commission’s recommendation to deny the variance request for 1800 N. Albert. Councilmembers Talbot, Lamb, and Lindstrom, along with Mayor Gehrz were in favor. Kuettel was opposed. Motion passed 4-1.

STATE OF MINNESOTA

CITY COUNCIL OF THE CITY OF FALCON HEIGHTS

I, the undersigned, being the duly qualified and acting City Clerk of the City of Falcon Heights, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated.

WITNESS my hand on July 19, 2019.

  
Sack Thongvanh  
City Administrator/Clerk

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

August 14, 2019

No. 19-29

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**RESOLUTION TO DENY THE VARIANCE APPLICATION AT 1800 ALBERT STREET**

**WHEREAS**, the owner of 1800 Albert Street, Falcon Heights, MN 55113 PID: 152923340131 Legal Description: The North 68.58 feet of the West ½ of Lot 1, Block 1, Larpenteur Villas; and

**WHEREAS**, the owners, Todd Thun and Marsha Keppel propose to construct a detached garage eight (8) feet from the north property line, which is the corner side yard. The Zoning Ordinance requires that structures, including detached garages, to be located no closer than fifteen (15) feet from the corner side yard line. The applicant is required to apply for a variance for the construction of the garage, which infringes on the required setback by seven (7) feet; and

**WHEREAS**, the Planning Commission held a posted and held a public hearing on July 23, 2019; and

**WHEREAS**, the Planning Commission made recommendation for approval of the application for a variance; and

**WHEREAS**, City Staff make a recommendation for denial of the application for a variance;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Falcon Heights, Minnesota adopt the following findings for denying the variance at 1800 Albert Street, Falcon Heights, MN:

1. That the variance application does not meet the conditions of practical difficulties
2. That the granting of the variance would be in harmony with the general purposes and intent of the Zoning Ordinance;
3. That the granting of the variance would be consistent with the comprehensive plan;
4. That the granting of the variance would not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.

Moved by:

Approved by: \_\_\_\_\_  
Randy Gustafson  
Mayor

VACANT \_\_\_\_\_ In Favor  
GUSTAFSON  
HARRIS \_\_\_\_\_ Against  
LEEHY  
MIAZGA

Attested by: \_\_\_\_\_  
Sack Thongvanh  
City Administrator