

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
AGENDA
June 9, 2021 at 7:00 P.M.

NOTE: THIS MEETING WILL BE HELD BY WEB CONFERENCE*

- A. CALL TO ORDER:
- B. ROLL CALL: ANDREWS ___ GUSTAFSON___ LEEHY___
MIAZGA ___ WEHYEE___
STAFF PRESENT: THONGVANH___
- C. PRESENTATION
- D. APPROVAL OF MINUTES:
 - 1. May 5, 2021 City Council Workshop Minutes
 - 2. May 12, 2021 City Council Regular Minutes
- E. PUBLIC HEARINGS:
 - 1. Public Improvement Hearing for Alley Improvements
- F. CONSENT AGENDA:
 - 1. General Disbursements through: 6/03/21 \$27,909.30
Payroll through: 5/31/21 \$19,428.01
 - 2. City License(s)
- G. POLICY ITEMS:
 - 1. Suite Living Senior Care of Ramsey Project – Supplement and Amendment of a Trust Indenture
- H. INFORMATION/ANNOUNCEMENTS:
- I. COMMUNITY FORUM:
Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.
- J. ADJOURNMENT:

*You can participate in the meeting by clicking the following Zoom link:
<https://us02web.zoom.us/j/89488033956>

Toll Free Number:
1-877-853-5247
1-888-788-0099

Webinar ID: 894 8803 3956

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CITY OF FALCON HEIGHTS
City Council Workshop
City Hall
2077 West Larpenteur Avenue

MINUTES
May 5, 2021
6:30 P.M.

NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE

- A. CALL TO ORDER: 6:33PM
- B. ROLL CALL: ANDREWS_X_ GUSTAFSON_X_ LEEHY_X_
MIAZGA_X_ WEHYEE_X_

STAFF PRESENT: THONGVANH_X_ WALTER_X_
- C. PRESENTATIONS:
- D. POLICY ITEMS:
 - 1. Speed Limit Evaluation Report

City Engineer Friehammer

In the packet is the Speed Limit Evaluation Report, which I will go through with you tonight. We are recommending changing the speed limit to 20mph on most streets in Falcon Heights. We would recommend 25mph on collector roads, with the exception of Roselawn. About 83% of streets in the City would be reduced to 20. Roselawn is a former Ramsey County road but is now City road with shared jurisdiction with the City of Roseville.

For Hamline and Hoyt, St. Paul's report is recommending 25mph. If Falcon Heights adopts this, it would be signed. Roselawn would have to be done the same way.

Council Member Wehyee

Would we then have to retroactively update the ordinance to update the speed limit on Roselawn?

City Engineer Friehammer

My recommendation is to adopt an ordinance similar to how Minneapolis and St. Paul have, which is to delegate authority to the City Engineer to assign the speed limits. If in the future the Council recommends a change, I would draft a memo and we would discuss it but it would happen much more quickly. It also allows the Engineer to ensure that speed limits are applied in a way that is consistent with traffic standards based on data.

Mayor Gustafson

Would Hoyt to the west of Cleveland also need to be a shared jurisdiction with St. Paul?

City Engineer Freihammer

Yes. St. Paul is recommending 20 mph and we would recommend the same.

Council Member Miazga

I'm wondering if any of my colleagues would be willing to lower the speed limit on Roselawn to 25 mph.

Council Member Weyhee

Would you recommend traffic calming effects on Roselawn?

City Engineer Freihammer

The road could definitely use some traffic calming. One of the issues is that the roads are in good condition so the opportunity for a cost-effective reconstruction may not come up for many years. Just dropping the speed limit to 25 may not be effective, because about half of drivers are currently driving faster than the posted speed limit of 30 mph. The other thing is enforcement, if you don't enforce it people aren't going to obey the posted speed limit.

Council Member Miazga

I don't agree with the reasoning that we shouldn't post the lower speed because we assume people will drive fast regardless. We should post the lower speed and hope that it has a deterrent effect, and worry about more enforcement details when we have our new law enforcement agency.

Council Member Wehyee

I still am unclear what the process will look like in terms of the Council's responsibilities.

Administrator Thongvanh

The City has to adopt an ordinance that creates a process of changing the speed limit. The ordinance that St. Paul and Minneapolis adopted authorizes the Engineer to make these changes. If in the future a change is needed, it doesn't have to come back to the council, it would be done with an engineering report and would go into effect. We'll provide some communication to the public and we will need to host a public hearing because it's an ordinance change. For now, staff will work with the City Attorney to draft the ordinance and post for the public hearing.

Council Member Andrews

Thank you for your work on this. I think this change will calm some of the people in the Northome area.

2. Idaho/Iowa Alleyway Petition

City Engineer Freihammer

We received a petition from around 52% of property owners on the block, so we are required to respond to this issue. The drainage behind two or three of the properties in the alley is very

poor and below the level of we would consider acceptable drainage in the alley. We did a survey of the area, there are improvements that could be made. The condition of the alley is fair to poor. The residents pay for 90% of the costs, generally because the alley is only serving the adjacent residents.

Our estimate to repair the alley would be \$20-30,000 for that one block. If the Council would like to include this repair in the pavement management project, we would just need to do a change order. We would need to complete a feasibility report, but this could be completed this year if the Council wishes. We are aware of a couple other alleys needing repair, but if the Council decided that was a priority, it may be better to wait. Otherwise, it would still be cost effective to do just 1 alley.

Administrator Thongvanh

I think it's prudent to do this one this year. Holding off on the improvements would mean this waits until 2024.

City Engineer Freihammer

The PMP is scheduled to begin May 17. This project should only lengthen the overall project by a couple of days. We would need to approve a change order and hold a public hearing. We could have a change order ready to approve at the June 9 meeting. We would prepare the actual assessment amounts for that meeting, this will be based on lot frontage. It would be roughly \$1200 each assuming they all had equal frontage.

3. American Rescue Plan Funding Update

Administrator Thongvanh

The webinar was postponed. I wanted to provide an update to Council on this but there is no additional information they were able to share at this time. Hopefully I will have more information at the next workshop.

4. Amber Union Update

Administrator Thongvanh

We're continuing to move forward, there are a lot of complexities with the funding. The developer will be providing us a new portion of the property in exchange for a piece of land that is currently owned by the city and used as an emergency vehicle turnaround. If we vacate the City-owned piece, Buhl investors has said they would provide up to \$20,000 to install conduit wiring for an EV charging station.

Council Member Leehy

You mentioned the historical part of the building. I'm wondering which part is historical, because the whole property is considered historical.

Administrator Thongvanh

Correct, there're are some limitations. In their documents, the developer wants more greenspace because it's currently a concrete jungle.

5. Community Park Building Update

Administrator Thongvanh

Staff and Public Works visited three parks facilities in Roseville. The packet includes some photos of the facilities. The cost for the Lexington and Autumn Grove buildings ranged from 800-900K, and they included a conference room area, an office for staff, and a warming house. Cedarholm Golf Course was much larger. I'd look at having something like the smaller buildings, but having maybe 2 additional meeting rooms that people could rent out for use.

The University is in discussion with me, and I'm looking at a new agreement that is similar to what was done when the first building was constructed. That building at that time cost about \$300,000. The agreement would include a stipulation that if the University decided to terminate the agreement early, they would have to pay the remainder of unpaid building costs so we could use that to pay our debt service.

I'm hoping to pay for at least half of the project with existing funds so that our levy funds won't be so high.

We can either do lowest bid or best value bidding. The bigger building, the golf course, I believe they did best value. Using best value allows you to promote local contractors, but lowest bid allows you to convey to the public that you are keeping costs low.

Council Member Miazga

Would you say that state bonding is off the table?

Administrator Thongvanh

I'm guessing we'll be done with the construction at that point but there might be other improvements that we request funding for in the future.

E. INFORMATION/ANNOUNCEMENTS:

Administrator Thongvanh

I'm working on the process of liquidating the fire equipment. I'll be selling one of the trucks to Century College for \$17,500, the value was estimated at \$15-20K. I'll be hopefully receiving a proposal from St. Paul for our other two trucks, we can discuss if they're acceptable. Statute allows us to sell to another jurisdiction without a lot of other red tape. Otherwise, we'll have to go the other route. I'll bring that to the council hopefully in the next couple of weeks. We're starting to get the community garden up and running. I'll be working with Ashleigh on a policy for liquidating equipment via a non-profit agency. Hopefully we'll bring it back at the end of the month.

F. ADJOURNMENT: 8:06PM

Randall C. Gustafson, Mayor

Dated this 5th day of May, 2021

Sack Thongvanh, City Administrator

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CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
MINUTES
May 12, 2021 at 7:00 P.M.

NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE

- A. CALL TO ORDER: 7:04PM
- B. ROLL CALL: ANDREWS _X_ GUSTAFSON _X_ LEEHY _X_
MIAZGA __ WEHYEE __
STAFF PRESENT: THONGVANH _X_

- C. PRESENTATION
1. 2020 Year-End Annual Audit Report

Matt Mayer, Bergan KDV

We have prepared an independent auditor’s report, which provides a true and accurate depiction of the City’s financial statements. The audit for 2020 was very clean and reflects positively on the City and its staff. The City’s fund balance has progressively increased in the last five years. The fund balance is equal to total assets minus total liabilities. Revenue for the year was increased over 2019, part of this was a conscious decision by the Council but it was also due to influx of COVID-19 funds. The City chose to use the funds for public safety through its police contract, so this had a positive impact on the general fund.

The City’s budget was 2.8 million in spending and revenue; revenue came in better than expected and spending for the year was under budget.

The sanitary sewer fund showed a less favorable year. There was a change in revenue based on decreased water usage for the State Fair and at the University of Minnesota due to COVID-19. These entities pay based on water usage, so this revenue was lower than expected last year. There is still a healthy fund balance in the sanitary sewer fund.

The storm drainage fund was shielded from impacts due to COVID-19 since it’s charged based on typical usage, not actual. The fund has a balance of \$200K, so it’s a good one to grow in the future to provide for capital improvement projects in the future.

Administrator Thongvanh

Based on the results of this audit, we should be able to fund the community park building by at least 50% so that should result in us not needing to increase the levy to cover this project.

Motion to accept and approve the Year-End 2020 Audit Report by Council Member Andrews;
Approved, 3-0.

- D. APPROVAL OF MINUTES:
1. April 7, 2021 City Council Workshop Minutes
2. April 14, 2021 City Council Regular Minutes

Motion to approve the minutes by Council Member Leehy;
Approved, 3-0.

E. PUBLIC HEARINGS:

F. CONSENT AGENDA:

1. General Disbursements through: 5/7/21 \$204,937.08
Payroll through: 4/30/21 \$19,550.37
2. City License(s)
3. Polling Place Agreement
4. Appointment of Laure Campbell to the Community Engagement Commission

Motion to approve the consent agenda by Council Member Andrews;
Approved, 3-0.

G: POLICY ITEMS:

1. Amber Union Project - Conduit Revenue Bonds

Catherine Courtney, Taft Law

There are two resolutions before you this evening related to the Amber Union project. The first resolution is to authorize the issuance of the next series of bonds will be part of the overall financing for the project.

After the meeting tonight, we will continue drafting the agreements and we will send signature pages for the mayor and administrator to sign. We do have a deadline to close on these bonds on July 9 but we are trying to close by the end of June.

Motion to approve Resolution 21-19 and authorize Mayor and City Administrator to execute all necessary documents related to passage of the resolution by Council Member Leehy;
Approved, 3-0.

2. Amber Union Project - Tax Increment Financing

Catherine Courtney, Taft Law

This resolution relates to the tax increment revenue note that will be given by the developer to the City. One of the lenders in the overall project are requesting an assignment of that note by the City to the lender. This resolution is to approve that assignment.

Mayor Gustafson

Their request makes it so that it's possible for us to do the TIF and have the project financed properly?

Catherine Courtney, Taft Law

Correct, it provides security for one of the other pots of money that is being used to finance the project.

Council Member Leehy

It seems to me like it's similar to requiring insurance to have a mortgage?

Catherine Courtney, Taft Law

Correct, it's a way of securing it. This is very typical on projects such as this.

Motion to approve Resolution 21-20 and authorize Mayor and City Administrator to execute all necessary documents related to passage of the resolution by Council Member Andrews;
Approved, 3-0.

Peter Deanovic, Buhl Investors

We are circulating projects for signatures to make sure that we are set for ground breaking, which we anticipate for mid- to late-June. Thank you for your partnership in trying to bring this asset back to life.

3. Order Feasibility Report and Set Public Hearing for Alley Improvements

City Engineer Freihammer

Staff received a petition from residents for improvements to the alleyway on Iowa and Idaho between Pascal and Arona Street. Instead of doing a bid for this project, we would just change order it to the current contract with have with the PMP this year. Staff recommend approval of the attached resolution ordering a feasibility report and setting a public hearing. We will bring this project to the contractor's attention at a construction meeting tomorrow.

Motion to approve Resolution 21-21 by Council Member Andrews;
Approved, 3-0.

H. INFORMATION/ANNOUNCEMENTS:

I. COMMUNITY FORUM:

J. ADJOURNMENT: 8:07PM

Randall C. Gustafson, Mayor

Dated this 12th day of May, 2021

Sack Thongvanh, City Administrator

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REQUEST FOR COUNCIL ACTION

Meeting Date	June 9, 2021
Agenda Item	Public Hearing E1
Attachment	Resolution, Preliminary Assessment Roll, Feasibility Report, Presentation
Submitted By	Stephanie Smith, Asst. City Engineer

Item	Public Improvement Hearing for Alley Improvements
Description	<p>At the May 21, 2021 Council workshop, the City Council ordered the preparation of a feasibility report and set the date for a public hearing for improvements in the Idaho/Iowa alleyway between Pascal St. and Arona St. This was based on a petition from 52% of adjacent property owners. The petition requests the City address problematic drainage on the alleyway, specifically where it intersects Pascal Street.</p> <p>At the May 26, 2021 Council meeting, the City Council accepted the feasibility report for these improvements, which further identified storm water improvements on Pascal Street. Following Minnesota Statutes, Chapter 429, notice of the public hearing must be posted twice prior to the meeting; this was done in the St Paul Pioneer Press on May 15, 2021 and May 22, 2021. A notice was also sent to each property proposed to be assessed as a part of this project.</p> <p>Once the hearing is closed, the next step in the process is for the City Council to order the improvements.</p> <p>The improvements consist of mill and overlay and minor stormwater improvements on:</p> <ul style="list-style-type: none"> • Idaho Ave./Iowa Ave. alleyway from Pascal St. to Arona St. <p><u>Idaho/Iowa Alleyway Improvements:</u> In order to address the drainage issue, staff would propose re-grading a portion of the alleyway, lowering the existing catch basin and adjusting the elevation profile of the alleyway. The portion of the alleyway where the profile is adjusted will be repaved. The rest of the alleyway would have a 2-inch mill and new pavement overlay to tie the pavement together on the two portions. This would improve the pavement condition of the alley as a whole. The cost of this improvement is estimated to be \$43,000.</p> <p><u>Pascal Street Storm Water Improvements:</u> After studying the drainage issue in more detail, if the alley is re-graded and improved, the alley drainage will be corrected but the drainage on Pascal may</p>

become worse. The Pascal Street curb grade is very flat allowing water to pond at the alley intersection, particularly under freeze-thaw conditions. The pooling of water at this location requires additional work on Pascal Street to correct.

As detailed in the feasibility report, a new catch basin is proposed to be installed near the alley and connect by a perforated infiltration trench/pipe north to the catch basin/infiltration trench at Pascal/Iowa. The proposed storm sewer would be constructed in the boulevard to minimize impacts to the street. This would help eliminate some of the major standing water. The cost of this improvement is estimated to be \$27,000.

Project Schedule:

Due to the complexity of the drainage in the area and short timeframe to add this project to this years PMP contract, engineering staff proposes to delay the project until a later date. The current PMP contract has minimal pipe work and adding that to the project may result in higher than normal prices.

Additionally, this will allow staff to look into more options and to make sure the solution found will solve the problem and be cost effective.

- Delay entire project until a later date.
 - Drainage issues will still be present in freeze/thaw conditions. Additional maintenance may be needed to address this in the short term.
- Approve only alley improvements.
 - Pavement issues would be resolved. Some drainage issue will still be present at the alley intersection.
- Approve both the alley improvements and storm sewer improvements
 - Additional City cost. Change order may result in higher than normal costs due to the added nature of the work.

If the Council were to order a project anticipated for the 2022 construction schedule, a draft schedule is shown below. Items that require Council action are marked "CC":

- June 9, 2021 – CC Public Hearing, Order Improvements
- Fall 2021 – CC Approve Plans and Spec, Authorize Ad for Bids
- Winter 2021/2022– Open Bids
- Spring 2022 – CC Award Contract
- Summer 2022 – Construction
- Fall 2022 – CC Assessment Hearing

A resolution accepting ordering the improvements is attached.

Budget Impact

The City's Assessment Manual states that property owners are responsible for 90% of the costs for alleyway improvements. The assessment per parcel is proposed based on the length of the parcel frontage on the alleyway and is estimated at \$32.03/front-foot. The City would fund the remaining 10% of the

	<p>cost with the Street Fund. The assessment cost is estimated at \$38,700 and the City's cost would be \$4,300 from the street improvement fund.</p> <p>The estimated cost for the additional storm sewer work on Pascal is \$27,000 which would be paid using storm sewer funds.</p>
Attachment(s)	<ul style="list-style-type: none"> • Preliminary Assessment Roll • Feasibility Report • Presentation • Resolution 2021-28 Ordering Improvements for the 2021 Alleyway Improvement Project
Action(s) Requested	<p>Hold Public Improvement Hearing and Consider Resolution Ordering Improvements for the 2021 Alleyway Improvement Project.</p>

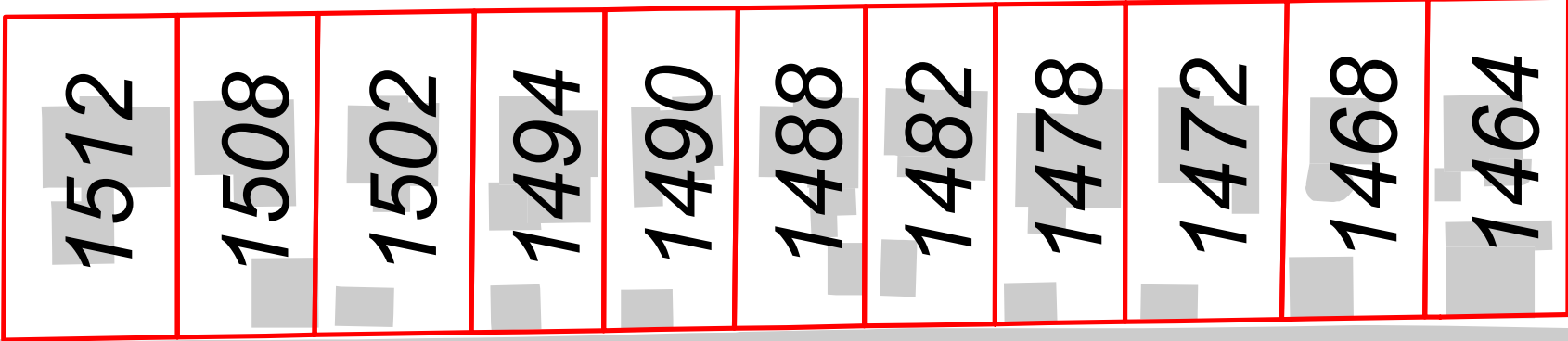
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PRELIMINARY ASSEMENT ROLL

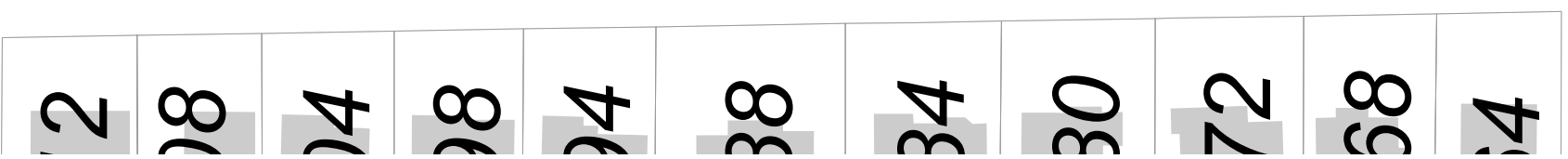
Parcel ID	Parcel Address	Frontage (FT)	Footage Used (FT)	Assessment Rate (\$/FT)	Proposed Assessment Total (\$)
222923220084	1463 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220083	1467 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220082	1471 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220081	1477 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220080	1481 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220079	1485 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220078	1489 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220077	1493 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220076	1497 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220075	1503 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220074	1507 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220073	1513 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220072	1512 IDAHO AVE W	65	65	\$ 32.03	\$ 2,081.95
222923220071	1508 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65
222923220070	1502 IDAHO AVE W	60	60	\$ 32.03	\$ 1,921.80
222923220069	1494 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220068	1490 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220067	1488 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220066	1482 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220065	1478 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220064	1472 IDAHO AVE W	60	60	\$ 32.03	\$ 1,921.80
222923220063	1468 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65
222923220062	1464 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65

15 15 14 12 12 12 12 12 12 12

IDAHO AVE



IOWA AVE



ARONA AVE

PASCAL ST



Prepared by:
 City of Roseville Engineering Department
 May 20, 2021

Idaho and Iowa Alleyway Assessed Parcels

Proposed Assessments



Data Sources and Contacts:
 * Ramsey County GIS Base Map (5/04/21)
 City of Roseville Engineering Department
 For further information regarding the contents of this map contact:
 City of Roseville, Engineering Department,
 2660 Civic Center Drive, Roseville MN

DISCLAIMER:
 This map is neither a map nor a plan. It is intended to be used as an aid. This map is a compilation of records, information and data maintained by the City of Roseville. It is not intended to represent the actual conditions on the ground. It is not intended to be used as a legal document. It is not intended to be used as a basis for litigation. It is not intended to be used as a basis for determining property boundaries. It is not intended to be used as a basis for determining ownership. It is not intended to be used as a basis for determining liability. It is not intended to be used as a basis for determining damages. It is not intended to be used as a basis for determining compensation. It is not intended to be used as a basis for determining any other legal or equitable remedy. It is not intended to be used as a basis for determining any other legal or equitable remedy. It is not intended to be used as a basis for determining any other legal or equitable remedy.



Feasibility Report

2021 Alleyway Improvement Project Project FH-21-03

Iowa/Idaho Alleyway (Pascal St. to Arona St.)

Prepared by: Jesse Freihammer
City Engineer
City of Falcon Heights

I hereby certify that this feasibility report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Jesse
Freihammer

Digitally signed by
Jesse Freihammer
Date: 2021.05.20
16:19:23 -05'00'

P.E.

License No. 47272

INTRODUCTION

This feasibility report outlines the proposed 2021 Alleyway Improvement Project.

This report consists of a detailed investigation of the alleyway proposed for improvements, shown in the map below.



The proposed project involves storm water utility work, small adjustments to the road elevation of the eastern portion of the alleyway, and milling and overlaying the pavement on the entire length of the alleyway. This project is proposed to address the drainage issue on the eastern end of the alleyway and also to improve the pavement condition over the entire length of pavement.

Utility improvements for the project include the lowering the existing catch basin in the alleyway as well as installing a new catch basin where the alleyway intersects Pascal Street. This will assist with draining the storm water from the alleyway during rain events.

The total project cost for Falcon Heights is estimated to be \$43,000, which includes engineering, contingencies and overhead costs. Additionally, a storm water improvement at the alleyway's intersection with Pascal Street is estimated at \$27,000. Funding for the project will be provided through assessments from the benefitting properties and stormwater utility funds.

It is expected that if these improvements are approved, the work will be completed during the 2021 construction season. This project was initiated by Council after receiving a petition from the adjacent properties requesting improvements to the alleyway. The petition cited issues in the past with drainage on the eastern portion of the alleyway.

EXISTING CONDITIONS

The Iowa/Idaho alleyway is approximately 17' wide. The pavement has significant delamination that has created shallow potholes in the alleyway. This alleyway is the primary access to the garage for the adjacent single-family homes on Iowa Avenue and Idaho Avenue. The right-of-way of the alleyway is 20' wide. Several garages, retaining walls and landscaping are within 1'-3' of the edge of the alleyway.

The alleyway has a reverse crown, which channels storm water to the center of the alleyway rather than shedding to the sides like on a street. There are existing catch basins in the alleyway. Residents submitted photos to City staff showing storm water pooling at the east end of the alleyway and at the intersection of the alleyway and Pascal Street.

This block of Pascal Street has a storm water infiltration trench at Idaho Avenue. The catch basins at the intersection connect to the infiltration trench under Pascal Street, which allows the storm water from the street to percolate into the soil beneath the roadway.

PROPOSED CONSTRUCTION

The main scope of the project is to address the drainage issues in the eastern portion of the alleyway. The design proposed to mitigate this issue would include minor adjustment to the alleyway profile and lowering the elevation of the existing catch basin. This would allow the existing catch basin to collect more of the alleyway drainage. However, some of the drainage would be directed to Pascal Street. A mill and overlay, to remove and replace the top layer of pavement is proposed over the length of the alleyway to tie-in the adjusted roadway profile and address the deteriorated pavement areas.

The area where the alleyway intersects Pascal Street is fairly flat and reported holds water during the spring. This can create icing issues for residents using the alley entrance and on Pascal Street. An option to address this issue would be to install a new catch basin at the intersection of the alleyway and Pascal Street. Perforated pipe would be proposed to connect the new catch basin to the existing infiltration storm trench at Pascal Street and Idaho Avenue. Additional analysis in final design will evaluate the infiltration capacity. As this option includes work that is significantly different from the scope of the rest of the alleyway project and the 2021 pavement management project currently underway in the City, staff recommends construction as a separate project in 2022.

ESTIMATED COSTS AND PROPOSED FUNDING

Proposed project costs for the 2021 Alleyway Improvement Project are summarized below. The cost estimate is based on recent construction projects of similar character and assumes construction in 2022.

	Estimated Cost*	Street Infrastructure Funds	Assessments	Storm Sewer Fund
Alleyway Improvements**	\$43,000	\$4,300	\$38,700	
<i>Optional Pascal St. Storm Water Improvements***</i>	\$27,000			\$27,000
Total	\$70,000	\$4,300	\$38,700	\$27,000

- *Includes 13.5% Engineering
- **Includes 10% Contingency
- ***Includes 30% Contingency

The proposed project is eligible for assessments according to the City of Falcon Heights Assessment Policy. Per City Policy, a portion of the street improvements will be assessed to the benefitting properties. Along with assessments, alleyway costs will be financed through the Street Infrastructure Fund.

Utility improvements on Pascal Street would be funded from the storm water utility fund, and are not assessable.

Assessments will be levied to the benefitting properties as outlined in Minnesota State Statute Chapter 429 and the City's Assessment Policy, which is summarized below. The assessed amount is levied on a front footage basis.

Assuming this project is completed by fall 2022, the final assessment amount would be determined following an assessment hearing in the fall of 2022 and a thorough review of the proposed assessments by the Council.

The following City of Falcon Heights assessment policies are being followed:

- Alleyway Assessment Rates:
 - Adjacent Properties – 90% of the cost
 - City – 10% of the cost

Below list the breakdown of costs for the estimated frontage, per foot rates:

- $\$38,700 / 1208' = \$32.03/\text{foot}$

PROPOSED PROJECT SCHEDULE

Feasibility Report, Order Plans & Specs	May 26, 2021
Public Hearing	June 9, 2021
Approve Plans & Specs	Fall 2021
Bidding	Winter 2021/22
Construction	Summer 2022
Final Assessment Hearing	October 2022

PRELIMINARY ASSEMENT ROLL

Parcel ID	Parcel Address	Frontage (FT)	Footage Used (FT)	Assessment Rate (\$/FT)	Proposed Assessment Total (\$)
222923220084	1463 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
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222923220079	1485 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220078	1489 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220077	1493 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220076	1497 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220075	1503 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220074	1507 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220073	1513 IOWA AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220072	1512 IDAHO AVE W	65	65	\$ 32.03	\$ 2,081.95
222923220071	1508 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65
222923220070	1502 IDAHO AVE W	60	60	\$ 32.03	\$ 1,921.80
222923220069	1494 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220068	1490 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220067	1488 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220066	1482 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220065	1478 IDAHO AVE W	50	50	\$ 32.03	\$ 1,601.50
222923220064	1472 IDAHO AVE W	60	60	\$ 32.03	\$ 1,921.80
222923220063	1468 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65
222923220062	1464 IDAHO AVE W	55	55	\$ 32.03	\$ 1,761.65

Appendix



- Catch Basin
- ▲ Flared End
- Storm Manhole
- Storm Pipe
- ~ 2 Contours

Idaho and Iowa Alleyway - Existing Conditions



Prepared by
City of Roseville Engineering Department
May 20, 2021

Date: 05/20/21
 Project: Roseville Alleyway Study
 Drawing: Existing Conditions
 Scale: 1" = 60'
 Author: [Name]
 Checker: [Name]
 Engineer: [Name]
 City of Roseville Engineering Department
 1000 Roseville Blvd., Roseville, CA 95678
 Phone: (916) 782-1000
 Fax: (916) 782-1001
 Email: [Email]
 Website: [Website]



2021 Alleyway Improvement Project



Falcon Heights – June 9, 2021

Alleyway Improvement Project Overview



2021 Alleyway Improvements

- Need for the project
 - Drainage Issue Reported
 - Ponding at Pascal Street
 - Icing During Freeze/Thaw
 - Petition Received – 52% of Property Owners

2021 Alleyway Improvements

➤ Drainage Improvements

- Adjust existing east catch basin elevation
- Regrade the alleyway

Optional - Pascal Street Storm Water Improvements

- Install new catch basin and tie-into storm sewer at Pascal Street & Idaho Avenue

➤ Surface Improvements

- Mill and Overlay Pavement

Pascal Storm Options



- Adjustments to the alley grading may increase flow to a relatively flat area where the alleyway meets Pascal Street.
- The flat area allows ponding in the street and icing during freeze/thaw.
- Improvements shown are estimated at \$27,000.

Pascal Storm Options



- Complex Drainage Area
- Infiltration Trench Systems
- High Prices for Pipe if Change Ordered into PMP
- Short Time Frame for Design

Cost Estimates and Funding

	Estimated Cost*	Street Infrastructure Funds	Assessments	Storm Sewer Fund
Alleyway Improvements**	\$43,000	\$4,300	\$38,700	
<i>Optional Pascal St. Storm Water Improvements***</i>	\$27,000			\$27,000
Total	\$70,000	\$4,300	\$38,700	\$27,000

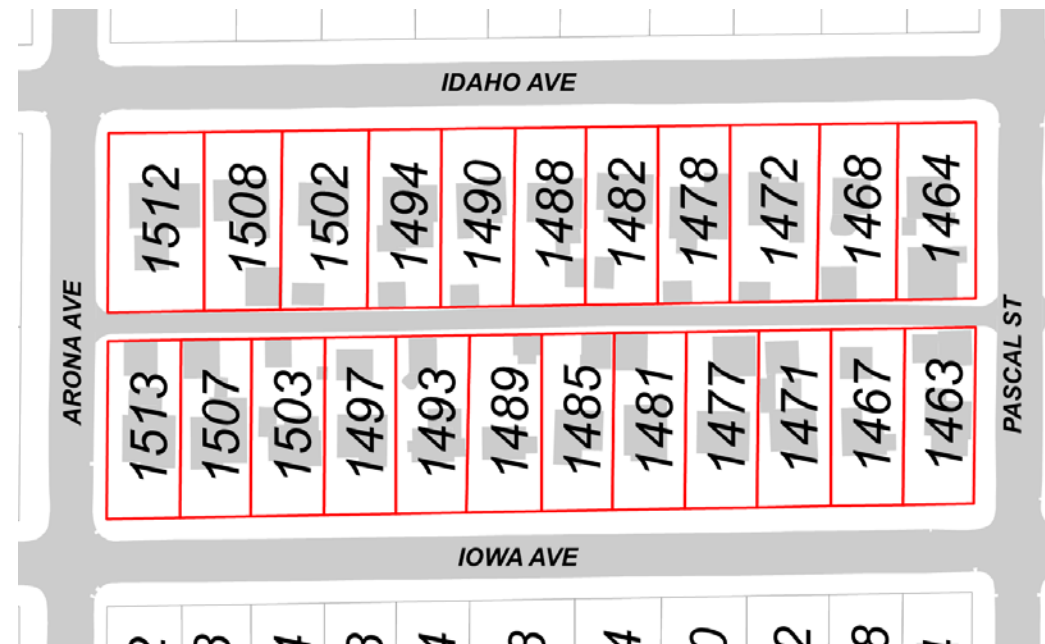
*Includes 13.5% Engineering

**Includes 10% Contingency

***Includes 30% Contingency

Assessment Policy - Alleyways

- Alleyway Assessment Rates:
 - Adjacent Properties – 90% of the cost
 - City – 10% of the cost
- The breakdown of costs for the estimated frontage, per foot rates:
 - $\$38,700 / 1208' = \$32.03/\text{foot}$



Assessments - Payment Options

After assessment hearing:

- ❖ Pay part or all up front interest free in first 30 days
- ❖ Add to property taxes
 - ❖ Length of payment period and interest rate set by City Council
 - ❖ Typically 5 years
 - ❖ Interest rate 2% over current rate of return on the City's portfolio
 - ❖ First payment due in 2022 with property taxes
- ❖ Hardship deferral
 - ❖ Homestead property
 - ❖ Age 65 or older, or retired by virtue of a disability
 - ❖ Payment would be a hardship
 - ❖ Assessment will accrue interest
 - ❖ Application available at City Hall

Proposed Project Schedule

1. Delay entire project until a later date. (Staff Recommended)

- Drainage issues will still be present in freeze/thaw conditions. Additional maintenance may be needed to address this in the short term.

2. Approve only alley improvements.

- Pavement issues would be resolved. Some drainage issue will still be present at the alley intersection.

3. Approve both the alley improvements and storm sewer improvements

- Additional City cost. Change order may result in higher than normal costs due to the added nature of the work.

Proposed Project Schedule

- ❖ June 9, 2021 – Public Hearing, Order Improvements
- ❖ Fall 2021 – Approve Plans and Spec, Authorize Ad for Bids
- ❖ Winter 2021/2022 – Open Bids
- ❖ Spring 2022 – Award Contract
- ❖ Summer 2022 – Construction
- ❖ Fall 2022 – Assessment Hearing

Actions Requested

- ❖ Hold Public Hearing
- ❖ Consider Resolution to Order Improvements (Staff Recommends Delaying Project)

Questions?

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**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

June 9, 2021

No. 21-28

**RESOLUTION ORDERING IMPROVEMENT FOR THE
2021 ALLEYWAY IMPROVEMENT PROJECT**

WHEREAS, pursuant to resolution of the City Council adopted May 12, 2021, fixed a date for a council hearing on the 2021 Alleyway Improvement Project, the proposed improvement of the following alleyway:

- Idaho Avenue/Iowa Avenue, Pascal Street to Arona Street

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held on June 9, 2021, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the City Council resolution adopted June 9, 2021.
3. Such improvement has no relationship to the comprehensive municipal plan.

Moved by:

Approved by: _____
Randy Gustafson
Mayor

GUSTAFSON ___ In Favor
LEEHY
MIAZGA ___ Against
ANDREWS
WEHYEE

Attested by: _____
Sack Thongvanh
City Administrator

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REQUEST FOR COUNCIL ACTION

Meeting Date	June 9, 2021
Agenda Item	Consent F1
Attachment	General Disbursements and Payroll
Submitted By	Roland Olson, Finance Director

Item	General Disbursements and Payroll
Description	General Disbursements through: 6/03/21 \$27,909.30 Payroll through: 5/31/21 \$19,428.01
Budget Impact	The general disbursements and payroll are consistent with the budget.
Attachment(s)	<ul style="list-style-type: none"> • General Disbursements and Payroll
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

*Payroll has not been processed

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PACKET: 02301 MAY 27 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
=====						
01-05380	BERGANKDV					
I-1131005		BALANCE AUDIT FEE 2020	11,200.00			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		BALANCE AUDIT FEE 2020		101 4113-80310-000	AUDIT	11,200.00
		=== VENDOR TOTALS ===	11,200.00			
=====						
01-05493	MCMA					
I-202105267842		Ashleigh MCMA membership	75.00			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		Ashleigh MCMA membership		101 4112-86100-000	CONFERENCES/EDUCATION/AS	75.00
		=== VENDOR TOTALS ===	75.00			
=====						
01-05670	METRO PRODUCTS INC					
I-159445		TY WRAPS, TOOL SET	140.15			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		TY WRAPS, TOOL SET		101 4132-70120-000	SUPPLIES	140.15
		=== VENDOR TOTALS ===	140.15			
=====						
01-05676	OFFICE DEPOT					
I-171245745001		TONER CARTRIDGES	166.02			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		TONER CARTRIDGES		101 4112-70100-000	SUPPLIES	166.02
		=== VENDOR TOTALS ===	166.02			
=====						
01-06115	TIMOTHY PITTMAN					
I-202105267840		MILEAGE AND CLOTHING REIMB	214.98			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		MIELAGE REIMB		101 4132-86101-000	MILEAGE	36.48
		CLOTHING REIMB		101 4132-77000-000	CLOTHING	178.50
		=== VENDOR TOTALS ===	214.98			
=====						
01-06973	RENGEL PRINTING CO					
I-131330		WINDOW ENVELOPES	273.21			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		WINDOW ENVELOPES		101 4116-70420-000	NEWSLETTERS/INFORMATION	273.21
		=== VENDOR TOTALS ===	273.21			

PACKET: 02301 MAY 27 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
-----ID-----						
01-06303 REPUBLIC SERVICES						
I-923-004636096		STREET SWEEPINGS	1,018.32			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		STREET SWEEPINGS		602 4602-84000-000	STREET SWEEPINGS	1,018.32
=== VENDOR TOTALS ===			1,018.32			
-----ID-----						
01-07019 ST CLOUD STATE UNIV						
I-202105267841		2021 MCFOA NEW CITY CLERK ORI	50.00			
5/26/2021	APBNK	DUE: 5/26/2021 DISC: 5/26/2021		1099: N		
		2021 MCFOA NEW CITY CLERK ORIE		101 4112-86100-000	CONFERENCES/EDUCATION/AS	50.00
=== VENDOR TOTALS ===			50.00			
-----ID-----						
01-00935 ST PAUL REGIONAL WATER SERVICE						
I-202105277843		H2O AND SS	75.21			
5/27/2021	APBNK	DUE: 5/27/2021 DISC: 5/27/2021		1099: N		
		H2O AND SS		101 4131-85040-000	WATER	58.73
		H2O AND SS		601 4601-85070-000	SAC CHARGES AND SS CHARG	16.48
=== VENDOR TOTALS ===			75.21			
-----ID-----						
01-07689 WALTER, ASHLEIGH						
I-202105277844		CELL PHONE REIMB AND SUPPLIES	45.10			
5/27/2021	APBNK	DUE: 5/27/2021 DISC: 5/27/2021		1099: N		
		CELL PHONE REIMB 2 MONTHS		101 4116-85010-000	TELEPHONE	40.00
		SUPPLIES		101 4112-70100-000	SUPPLIES	5.10
=== VENDOR TOTALS ===			45.10			
=== PACKET TOTALS ===			13,257.99			

PACKET: 02303 JUNE 3 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

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

01-00284 AWARDS BY HAMMOND

I-m7959					
6/02/2021	APBNK				
		16.50			
			1099: N		
			101 4131-70110-000	SUPPLIES	16.50
=== VENDOR TOTALS ===		16.50			

01-00875 BHE COMMUNITY SOLAR, LLC

I-11144182					
6/02/2021	APBNK				
		1,037.95			
			1099: N		
			101 4131-85025-000	SOLAR ELECTRIC	1,037.95
=== VENDOR TOTALS ===		1,037.95			

01-05422 BP

I-202106027847					
6/02/2021	APBNK				
		640.69			
			1099: N		
			101 4132-74000-000	MOTOR FUEL & LUBRICANTS	423.97
			602 4602-74000-000	FUEL & LUBRICANTS	216.72
=== VENDOR TOTALS ===		640.69			

01-05115 GOPHER STATE ONE CALL

I-1959384					
6/02/2021	APBNK				
		139.05			
			1099: N		
			601 4601-88030-000	LOCATES	139.05
=== VENDOR TOTALS ===		139.05			

01-05538 GRANICUS

I-135759					
6/02/2021	APBNK				
		1,600.00			
			1099: N		
			101 4116-85060-000	WEB SITE	1,600.00
=== VENDOR TOTALS ===		1,600.00			

01-05646 M-R SIGN COMPANY INC

I-212288					
6/03/2021	APBNK				
		1,115.95			
			1099: N		
			403 4403-91000-000	MACHINERY & EQUIPMENT	1,115.95
=== VENDOR TOTALS ===		1,115.95			

PACKET: 02303 JUNE 3 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
=====						
01-05582	MENARDS					
I-202106027848		HOSES AND QUICKRETE	124.85			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		HOSES AND QUICKRETE		203 4203-70100-000	SUPPLIES	124.85
		=== VENDOR TOTALS ===	124.85			
=====						
01-05973	NORTH SUBURBAN ACCESS CORPORAT					
I-2021-080		WEBSTREAMING	747.42			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		WEBSTREAMING		101 4116-85050-000	CABLE TV	170.67
		PRODUCTION CABLE SVCS		101 4116-85050-000	CABLE TV	52.75
		VIRTUAL MEETING CHRGS		101 4116-85050-000	CABLE TV	524.00
		=== VENDOR TOTALS ===	747.42			
=====						
01-06030	OLSON,ROLAND					
I-202106027846		MILEAGE REIMB	47.66			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		MILEAGE REIMB		101 4113-86010-000	MILEAGE	47.66
		=== VENDOR TOTALS ===	47.66			
=====						
01-06024	ON SITE SANITATION					
I-1133489		TIPPED PORTABLE TOILET IN PAR	22.00			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		TIPPED PORTABLE TOILET IN PARK		601 4601-85080-000	PORTABLE TOILET PARKS	22.00
		=== VENDOR TOTALS ===	22.00			
=====						
01-07212	PERFORMANCE PLUS LLC					
I-9007		PERFORMANCE PLUS LLC	298.00			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		PERFORMANCE PLUS LLC		101 4124-86020-000	TRAINING	298.00
I-9033		MEDICAL EVALUATIONS	1,490.00			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		MEDICAL EVALUATIONS		101 4124-86200-000	MEDICAL EXAMINATIONS	1,490.00
		=== VENDOR TOTALS ===	1,788.00			

PACKET: 02303 JUNE 3 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
JUST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-00935		ST PAUL REGIONAL WATER SERVICE				

I-202106027850		H2O AND SS	44.44			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		H2O		101 4131-85040-000	WATER	32.61
		SS		601 4601-85070-000	SAC CHARGES AND SS CHARG	11.83
		=== VENDOR TOTALS ===	44.44			
=====						
01-05374		TENNIS SANITATION LLC				

I-2929331		RECYCLING MAY	6,961.50			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		RECYCLING MAY		206 4206-82030-000	RECYCLING CONTRACTS	6,961.50

I-2929332		SWMT AND CEC	65.50			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		SWMT AND CEC		101 4131-87010-000	CITY HALL MAINTENANCE	65.50
		=== VENDOR TOTALS ===	7,027.00			
=====						
01-05737		VERIZON WIRELESS				

880520568		CELL PHONE TO MAY 23	112.07			
6/03/2021	APBNK	DUE: 6/03/2021 DISC: 6/03/2021		1099: N		
		CELL PHONE TO MAY 23		101 4131-85015-000	CELL PHONE	112.07
		=== VENDOR TOTALS ===	112.07			
=====						
01-05870		XCEL ENERGY				

I-202106027849		XCEL ENERGY	39.74			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		XCEL ENERGY		101 4121-85020-000	ELECTRIC	11.71
		XCEL ENERGY		101 4141-85020-000	ELECTRIC/GAS	28.03
		=== VENDOR TOTALS ===	39.74			
=====						
01-08997		XIONG, LEON				

I-202106027845		REIMB SAFETY BOOTS	147.99			
6/02/2021	APBNK	DUE: 6/02/2021 DISC: 6/02/2021		1099: N		
		REIMB SAFETY BOOTS		101 4132-77000-000	CLOTHING	147.99
		=== VENDOR TOTALS ===	147.99			
		=== PACKET TOTALS ===	14,651.31			

EMP #	NAME	AMOUNT
	RANDALL C GUSTAFSON	293.07
	MELANIE M LEEHY	262.05
	MARK J MIAZGA	262.05
	YAKASAH WEHYEE	262.05
	KAY ANDREWS	255.30
	SACK THONGVANH	4,011.94
	ASHLEIGH WALTER	1,563.04
	VANDARA THAMMAVONGSA	1,544.21
	ROLAND O OLSON	2,861.89
	TIMOTHY J PITTMAN	2,259.27
	DAVE TRETSVEN	1,813.02
	COLIN B CALLAHAN	1,990.77

TOTAL PRINTED: 12 17,378.66

5-25-2021 3:40 PM PAYROLL CHECK REGISTER PAGE: 1
PAYROLL NO: 01 City of Falcon Heights PAYROLL DATE: 5/25/2021

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
	MORETTO, PAUL A	R	5/25/2021	2,049.35	090496

5-25-2021 3:40 PM PAYROLL CHECK REGISTER PAGE: 2
AYROLL NO: 01 City of Falcon Heights PAYROLL DATE: 5/25/2021

*** REGISTER TOTALS ***

REGULAR CHECKS:	1	2,049.35
DIRECT DEPOSIT REGULAR CHECKS:	12	17,378.66
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	13	19,428.01

*** NO ERRORS FOUND ***

** END OF REPORT **



REQUEST FOR COUNCIL ACTION

Meeting Date	June 9, 2021
Agenda Item	Consent F2
Attachment	N/A
Submitted By	Vandara Thammavongsa Assistant to the City Administrator

Item	Approval of City License(s)
Description	The following individuals/entities have applied for a General <u>Contractor's License</u> for 2021. Staff have received the necessary documents for licensure. <ol style="list-style-type: none"> 1. Ace Asphalt Inc
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends approval of the City license applications contingent fire inspections as required.

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REQUEST FOR COUNCIL ACTION

Meeting Date	June 9, 2021
Agenda Item	Policy G1
Attachment	Resolution & Documents
Submitted By	Stephanie Smith, Asst. City Engineer

Item	Suite Living Senior Care of Ramsey Project - Supplement and Amendment of a Trust Indenture
Description	On June 10, 2020, the City issued conduit bond for Suite Living Senior Care of Ramsey Series 2020A of \$7,680,000 and Series B of \$335,000. The purpose of the supplemental indenture is to facilitate a redemption and a purchase in lieu of redemption, which will result in the bonds being paid off.
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Resolution 21-29 Authorizing the Supplement and Amendment of A Trust Indenture Between the City of Falcon Heights, Minnesota and Wilmington Trust, National Association, and Other Matters Relating Thereto • Supplement and Amendment of a Trust Indenture
Action(s) Requested	Motion to adopt attached resolution and authorize the Mayor and City Administrator to execute all necessary documents.

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FIRST SUPPLEMENTAL TRUST INDENTURE

between

CITY OF FALCON HEIGHTS, MINNESOTA,

as Issuer

and

WILMINGTON TRUST, NATIONAL ASSOCIATION,

as Trustee

Securing:

\$7,680,000

City of Falcon Heights, Minnesota
Senior Housing Revenue Bonds
(Suite Living Senior Care of Ramsey Project)
Series 2020A

\$335,000

City of Falcon Heights, Minnesota
Taxable Senior Housing Revenue Bonds
(Suite Living Senior Care of Ramsey Project)
Series 2020B

Dated as of April 1, 2021

FIRST SUPPLEMENTAL TRUST INDENTURE

THIS FIRST SUPPLEMENTAL TRUST INDENTURE, executed and dated as of the 1st day of April, 2021 (this “*First Supplemental Indenture*”), supplementing the Trust Indenture dated as of June 1, 2020 (the “*Original Indenture*” and, together with this First Supplemental Indenture and as further supplemented and amended from time to time, the “*Indenture*”), between the **CITY OF FALCON HEIGHTS, MINNESOTA**, a municipal corporation existing under the laws of the State of Minnesota (the “*Issuer*”), and **WILMINGTON TRUST, NATIONAL ASSOCIATION**, a national banking association chartered under the laws of the United States of America and duly authorized and empowered to accept and execute trusts of the character herein set out under and by virtue of the laws of the United States of America, as trustee (the “*Trustee*”).

WITNESSETH:

WHEREAS, pursuant to the Original Indenture, the Issuer issued its City of Falcon Heights, Minnesota Senior Housing Revenue Bonds (Suite Living Senior Care of Ramsey Project) Series 2020A, in the original aggregate principal amount of \$7,680,000 (the “*Series 2020A Bonds*”), and its City of Falcon Heights, Minnesota Taxable Senior Housing Revenue Bonds (Suite Living Senior Care of Ramsey Project) Series 2020B, in the original aggregate principal amount of \$335,000 (the “*Series 2020B Bonds*” and, together with the Series 2020A Bonds, the “*Series 2020 Bonds*”); and

WHEREAS, pursuant to (1) a Joint Powers Agreement dated as of June 1, 2020, between the Issuer and the City of Ramsey, Minnesota, and (2) a Loan Agreement dated as of June 1, 2020, between the Issuer and Hampton Properties of Ramsey, LLC, a Minnesota limited liability company (the “*Borrower*”), the sole member of which is Suburban Housing & Community Services Corporation, a California nonprofit, public benefit corporation that has been determined to be an exempt organization within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, the Issuer lent the proceeds of the Series 2020 Bonds to the Borrower to finance and refinance the costs of the acquisition, construction, and equipping of a senior living facility known as Suite Living Senior Care of Ramsey, located at 139th Lane Northwest at the intersection of Jasper Street Northwest in Ramsey, Minnesota, and consisting of an approximately 32-unit high acuity assisted living, and memory care facility; and

WHEREAS, under the Indenture Greenwich Investment Management, Inc. (“*GIM*”), is the Bondholder Representative with respect to the Bonds; and

WHEREAS, pursuant to Section 3.02 of the Indenture, the Borrower desires to purchase in lieu of redemption, and the Bondholder Representative has agreed, on behalf of persons for whom GIM serves as an investment advisor, to sell to the Borrower, all of the Series 2020A Bonds owned by persons for whom GIM serves as investment advisor at a purchase price of 95% (ninety five percent) of the principal amount thereof, with no interest accrued through the purchase date, and all of the Series 2020B Bonds owned by persons for whom GIM serves as investment advisor at a purchase price of 99.5% (ninety nine and one half percent) of the principal amount thereof, with no accrued interest through the purchase date (the “*Purchase in Lieu of Redemption*”); and

WHEREAS, the Borrower also desires to redeem prior to maturity the approximately \$110,000.00 aggregate principal amount of the Series 2020A Bonds owned by persons other than persons for whom GIM serves as an investment advisor at a redemption price of 101% (one hundred one percent) of the principal amount thereof, plus interest accrued through the redemption date (the “*Redemption*”); and

WHEREAS, with the consent of the Bondholder Representative as required by Section 11.02(a) of the Indenture, the Issuer and the Trustee desire to enter into this First Supplemental Indenture to authorize and otherwise provide for the Purchase in Lieu of Redemption and the Redemption; and

WHEREAS, all acts, proceedings and things necessary and required by law to make the Indenture a valid and effective deed of trust, have been done, taken and performed, and the execution, acknowledgment and delivery of this First Supplemental Indenture have, in all respects, been duly authorized by the Issuer and the Trustee;

NOW THEREFORE, the Issuer and the Trustee, in consideration of the premises and other good and lawful consideration, the receipt and sufficiency of which are hereby acknowledged, hereby agree as follows:

Section 1. Definitions. In this First Supplemental Indenture, words and terms defined in the Original Indenture shall have the meaning therein prescribed unless the context otherwise indicates. Any words or terms used in the Original Indenture for which a different definition is provided herein shall have the meanings herein prescribed unless the context otherwise indicates.

Section 2. Amendment of Optional Redemption Date. Section 3.01(b) of the Original Indenture is hereby deleted in its entirety and replaced with the following text:

(b) ***Optional Redemption of Series 2020 Bonds.*** The Series 2020 Bonds are subject to optional redemption in whole or in part on or after April 1, 2021 at a redemption price of 101% (one hundred one percent) of the principal amount thereof, plus interest accrued to the date of redemption.

Section 3. Waiver of Notice of First Supplemental Indenture. The Issuer and the Trustee acknowledge and agree that Sections 11.02(b) and 11.03 of the Indenture require: (a) the Trustee to provide notice of any proposed supplemental indenture to the Bondholder Representative, each Holder of Bonds then outstanding, and the Borrower; and (b) the Bondholder Representative or, if none, a Majority of the Bondholders, and the Borrower to consent to and approve any supplemental indenture prior to the execution thereof. By executing their respective signature pages set forth at the end of this First Supplemental Indenture, the Bondholder Representative, on behalf of itself and each Holder of the Bonds, and the Borrower hereby: (y) waive the requirements of Sections 11.02(b) and 11.03 of the Indenture requiring the Trustee to provide notice of this First Supplemental Indenture to the Bondholder Representative, each Holder of outstanding Bonds, and the Borrower; and (z) consent to and approve this First Supplemental Indenture.

Section 4. Waiver of Notice of Redemption. The Issuer and the Trustee acknowledge and agree that Sections 3.02 and 3.03 of the Indenture require: (a) the Borrower to give the Trustee notice of redemption or purchase in lieu of redemption at least forty-five (45) days before the redemption date; and (b) the Trustee to give notice of redemption to the Bondholder Representative and the Holder of each Series 2020 Bond at least thirty (30) and not more than sixty (60) days before the redemption date. By executing its signature page set forth at the end of this First Supplemental Indenture, the Bondholder Representative, on behalf of itself and each Holder of the Bonds, hereby waives the notice requirements of Sections 3.02 and 3.03 of the Indenture with respect to the Purchase in Lieu of Redemption and the Redemption and consents to and approves the Purchase in Lieu of Redemption and the Redemption; provided, however, that the Trustee shall, as soon as practicable before the Redemption date, provide notice of redemption in the form required by Section 3.03 of the Indenture to the Holder of each Series 2020 Bond other than the Bondholder Representative by first class mail at the address for each Holder set forth on the Bond Register and by posting such notice on the Electronic Municipal Market Access service of the Municipal Securities Rulemaking Board; provided further, that the Series 2020 Bonds or portions thereof designated for the Redemption will become and be due and payable on the date fixed for the Redemption, as long as: (a) the Borrower has paid all compensation, expenses, and other amounts owing to the Issuer, the Bondholder Representative, their respective counsel, and bond counsel; and (b) immediately-available funds are on deposit with the Trustee in an amount sufficient to pay the Redemption price and all compensation, expenses, and other amounts owing to the Trustee and its counsel, in which case such Series 2020 Bonds or portions thereof will be deemed “paid,” as that term is used in Section 8.01 of the Indenture, and will cease to bear interest from and after the Redemption date, whether or not such Series 2020 Bonds or portions thereof are presented and surrendered for payment on such date.

Section 5. Purchase in Lieu of Redemption Account. The Trustee shall deposit all funds transmitted by the Borrower to the Trustee for the purpose of paying the purchase price of the Purchase in Lieu of Redemption into the Principal Account of the Bond Fund. On the Purchase in Lieu of Redemption date, the Trustee shall use the funds deposited in the Principal Account of the Bond Fund to purchase the Series 2020 Bonds that are subject to the Purchase in Lieu of Redemption and shall cancel such Series 2020 Bonds in accordance with Section 3.02 of the Indenture.

Section 6. Opinion of Bond Counsel and Consents. This First Supplemental Indenture shall not become effective unless and until: (a) Taft Stettinius & Hollister LLP, as bond counsel, has delivered to the Trustee an Opinion of Bond Counsel stating that this Supplemental Indenture: (i) is authorized or permitted by the Original Indenture, complies with its terms, and upon execution will be valid and binding on the Issuer in accordance with its terms; and (ii) will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Series 2020A Bonds; and (b) the Borrower and the Bondholder Representative have consented to and approved this First Supplemental Indenture by executing the signature pages set forth at the end of this Supplemental Indenture.

Section 7. Effect of First Supplemental Indenture. Except as specifically amended by this First Supplemental Indenture, the provisions of the Original Indenture remain in full force and effect. In the event that any provisions of this First Supplemental Indenture and the Original Indenture conflict, the provisions of this First Supplemental Indenture shall control.

Section 8. Counterparts. This First Supplemental Indenture may be simultaneously executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

Section 9. Electronic Signatures. The parties agree that the electronic signature of a party to this First Supplemental Indenture shall be as valid as an original signature of such party and shall be effective to bind such party to this First Supplemental Indenture. The parties agree that any electronically signed document (including this First Supplemental Indenture) shall be deemed (a) to be “written” or “in writing,” (b) to have been signed and (c) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. Such paper copies or “printouts,” if introduced as evidence in any judicial, arbitral, mediation or administrative proceeding, will be admissible as between the parties to the same extent and under the same conditions as other original business records created and maintained in documentary form. Neither party shall contest the admissibility of true and accurate copies of electronically signed documents on the basis of the best evidence rule or as not satisfying the business records exception to the hearsay rule. For purposes hereof, “electronic signature” means a manually signed original signature that is then transmitted by electronic means; “transmitted by electronic means” means sent in the form of a facsimile or sent via the internet as a “pdf” (portable document format) or other replicating image attached to an e mail message; and, “electronically signed document” means a document transmitted by electronic means and containing, or to which there is affixed, an electronic signature.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the Issuer has executed this First Supplemental Indenture by causing its name to be hereunto subscribed by its Authorized Signatory; the Trustee has executed this First Supplemental Indenture by causing its name to be hereunto subscribed by its Authorized Signatory; the Bondholder Representative has executed, consented to, and approved this First Supplemental Indenture by causing its name to be hereunto subscribed by its Authorized Signatory; and the Borrower has executed, consented, to, and approved this First Supplemental Indenture by causing its name to be hereunto subscribed by its Authorized Signatory, all being done as of the date and year first written above.

CITY OF FALCON HEIGHTS, MINNESOTA

By: _____
Name: Randall C. Gustafson
Its: Mayor

By: _____
Name: Sack Thongvanh
Its: City Administrator

[Signature Page – First Supplemental Indenture]

**WILMINGTON TRUST, NATIONAL
ASSOCIATION**

By: _____
Name: _____
Its: _____

[Signature Page – First Supplemental Indenture]

CONSENTED AND AGREED TO:

HAMPTON PROPERTIES OF RAMSEY, LLC

By: Suburban Housing & Community Services
Corporation
Its: Sole Member

By: _____
Name: Tim C. Eppler
Its: Manager

[Signature Page – First Supplemental Indenture]

CONSENTED AND AGREED TO:

**GREENWICH INVESTMENT
MANAGEMENT, INC.**

By: _____
Name: Drew J. Collins
Its: Managing Director

[Signature Page – First Supplemental Indenture]

Extract of Minutes of a Meeting of the
City Council of the
City of Falcon Heights, Minnesota

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Falcon Heights, Minnesota, was duly held at the City Hall in such City, or by electronic means as permitted by law, on Wednesday, the 9th day of June, 2021 at 7:00 o'clock p.m.

The following Council members were present:

and the following Council members were absent:

Member _____ introduced the following resolution and moved its adoption:

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

June 9, 2021

No. 21-29

**A RESOLUTION AUTHORIZING THE SUPPLEMENT AND AMENDMENT OF
A TRUST INDENTURE BETWEEN
THE CITY OF FALCON HEIGHTS, MINNESOTA AND
WILMINGTON TRUST, NATIONAL ASSOCIATION,
AND OTHER MATTERS RELATING THERETO**

WHEREAS, pursuant to Resolution No. 20-25, adopted on June 10, 2020 (the "Original Resolution"), by the City Council of the City of Falcon Heights, Minnesota (the "Issuer"), the Issuer issued its Senior Housing Revenue Bonds (Suite Living Senior Care of Ramsey Project) Series 2020A in the original aggregate principal amount of \$7,680,000 and its Taxable Senior Housing Revenue Bonds (Suite Living Senior Care of Ramsey Project) Series 2020B in the aggregate principal amount of \$335,000 (collectively, the "Bonds") pursuant to a Trust Indenture dated as of June 1, 2020 (the "Indenture") between the Issuer and Wilmington Trust, National Association (the "Trustee") and loaned proceeds of the Bonds to Hampton Properties of Ramsey, LLC, a Minnesota limited liability company (the "Borrower"), pursuant to a Loan Agreement dated as of June 1, 2020 between the Issuer and the Borrower; and

WHEREAS, under the Indenture, Greenwich Investment Management, Inc. (the "Bondholder Representative") is the bondholder representative with respect to the Bonds;

WHEREAS, the Borrower and the Bondholder Representative have agreed to certain modifications to the Indenture and, to give effect thereto, have requested that the Issuer enter into a First Supplemental Trust Indenture (the “Supplement”) between the Issuer and the Trustee;

WHEREAS, under the Indenture, the Bondholder Representative has the right to consent to and approve of supplements to the Indenture, it is anticipated that the Bondholder Representative will duly consent to and approve of the Supplement, and such consent and approval is expected to be evidenced by the Bondholder Representative’s execution of the Supplement;

WHEREAS, the City Council of the Issuer (the “Council”) has been informed by Taft Stettinius & Hollister LLP, as bond counsel, that the Supplement is permitted by and complies with the terms of the Indenture and that it is anticipated that the consents required for the execution of the Supplement by the Issuer will be obtained;

WHEREAS, the proposed form of the Supplement has been made available to the Council; and

WHEREAS, based on the request of the Borrower and the aforementioned anticipated consent and approval of the Bondholder Representative, the Council has determined that the Supplement is in the best interest of the Borrower and the Bondholder Representative and is in furtherance of the Issuer’s public purpose as set forth in the Original Resolution;

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

Section 1. The proposed form of Supplement, as presented to this meeting, is hereby approved. Any Authorized Signatory (hereinafter defined) is hereby authorized and directed, for and on behalf of the Issuer, to execute and deliver the Supplement in substantially said form, with such changes and insertions therein as such Authorized Signatory, with the advice of counsel to the Issuer, may approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. The Supplement shall be executed on behalf of the Issuer by the Mayor and the City Administrator or any member of the Council (such officials being referred to herein individually as an “Authorized Signatory” and collectively as the “Authorized Signatories”). The facsimile, electronic or digital signature of any Authorized Signatory shall be deemed to be the legal equivalent of a manual signature on specified documents or on all documents and valid and binding for all purposes. If any Authorized Signatory whose signature, countersignature or attestation appears on the Supplement or any Bond-related document ceases to be an official before the execution and delivery of the Supplement, his or her signature, countersignature or attestation appearing on the Supplement and any Bond-related document (regardless of whether any such Bond-related document is specifically identified in this Resolution) is valid and sufficient for all purposes to the same extent as if he or she had remained in the office until the execution and delivery of the Supplement.

Section 3. The appropriate officials and agents of the Issuer, including each Authorized Signatory, are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Issuer, to execute and deliver any and all documents, including, without limitation,

any and all documents and certificates as may be required under the Internal Revenue Code, and to do any and all things and take any and all actions which may be necessary or advisable, in their discretion, to effectuate the actions which the Issuer has approved in this Resolution and to consummate by the Issuer the transactions contemplated by the documents approved hereby, including any subsequent amendments, waivers or consents entered into or given in accordance with such documents. It is not necessary that the Bonds and the various documents authorized hereby or otherwise relating to the Bonds all be signed by the same Authorized Signatory.

Section 4. Except to the extent modified by the Supplement, all provisions of the Indenture are hereby confirmed in full force and effect.

Section 5. This Resolution shall take effect from and after its adoption.

Adopted by the City Council of the City of Falcon Heights, Minnesota, this 9th day of June, 2021.

Randall C. Gustafson
Mayor

ATTEST:

Sack Thongvanh
City Administrator

After full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF FALCON HEIGHTS

I, the undersigned, being the duly qualified and acting City Administrator 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 of said City duly called and held on the date therein indicated, insofar as such minutes relate to authorizing a supplemental indenture for the Suite Living Senior Care of Ramsey Project.

WITNESS my hand and the seal of said City this ____ day of _____, 2021.

Sack Thongvanh
City Administrator