



CITY OF  
**FALCON HEIGHTS**

---

2077 W. LARPEUR AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

---

March 28, 1990

FOR 3/28/90 COUNCIL AGENDA  
ITEM #F-3

TO: Mayor Baldwin and Councilmembers  
FROM: Jan Wiessner *JW*  
RE: Community Park Building Contract Recommendation

Attached is a recommendation from Buetow and Associates to award the bid for construction of the Community Park building to Jefferson Construction. Jefferson was the low bidder at \$290,463 which includes deleting alternates #3, 4, 5 and adding alternates #6 and 8. Sixteen bids were received.

City staff as well as the Park Building Advisory Committee have reviewed the bids, discussed the alternates, and concur with the recommendations of Buetow and Associates.

The City Council may want to discuss a bond issue to finance the project rather than using Capital Improvement funds due to the favorable interest rates. We are checking levy referendum, debt service ratios and bond rating issues.

JW:pp  
attachment





**BUETOW AND ASSOCIATES, INC.**  
**ARCHITECTS AND ENGINEERS**  
**2345 RICE STREET SUITE 210**  
**ST. PAUL, MINNESOTA 55113**  
**TEL. 612/483-6701**

March 26, 1990

City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, Mn. 55113

Attn: Jan Wiessner  
City Administrator

Re: Recommendation for Award of Contract for Community Park Building  
BA #8927

Dear Jan:

We have reviewed the bids and have the following observations:

1. The base bid process does not include all wish list items such as alarms and sprinkler systems.
2. In talking with contractors during the bidding, they were receiving ample sub-bid prices and there was no one item of work that stood out as being extraordinarily expensive.

We recommend the following:

Alternates:

- Alternate #1 -** Do not accept the deletion of all crushed stone trails and all seeding and sodding indicated on drawings.
- Alternate #2 -** Do not accept the deletion of the roof dormer above the multi-purpose room (Room 101).
- Alternate #3 -** Accept the deduction of all kitchen millwork (cabinetry). The Building Committee is looking into getting donations for the cabinetry. The contract should allow the City of Falcon Heights to reinstate this alternate until the contractors' specified date.
- Alternate #4 -** Accept the deduction of all painting and staining. This work would be done by the City of Falcon Heights.
- Alternate #5 -** Accept the deduction of footing, foundation, and ductwork for future expansion. This work can be done with little additional disturbance at the time of the expansion.
- Alternate #6 -** Accept the Add for a security system to inhibit breakins and vandalism.
- Alternate #7 -** Do not accept the Add for an air conditioning system.

**Alternate #8 -** Accept the Add for a complete wet sprinkler system.

**Alternate #9 -** Do not accept the Add for a smoke and fire alarm system, fire alarm functions would be accomplished by the sprinkler system (Alternate #8).

A bid analysis is included with all contractors submitted and sorted per our recommended Alternates (column L) as attachment 'A'.

If the above alternates are compiled, the low contractor would be Jefferson Construction with a price of \$290,463.00.

This figure corresponds with our last probable construction cost estimate discussed with the committee prior to our August 21, 1989 meeting. At this meeting additional amenities were included such as: additional windows, dormer, masonry walls, sprinkler system, security system, additional site work, additional doors, etc. Also, the existing building demolition costs were not included in the initial cost estimate.

We received bids from sixteen contractors of which the lowest four were within 2 percent. This indicates that the contractors understood the bidding documents and got good competitive bids.

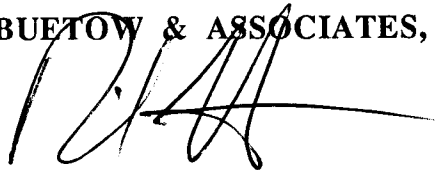
We have reviewed two buildings by Jefferson Construction in conjunction with the Building Committee. These buildings looked very good. Discussions with Owners, or their representatives, indicated only good comments regarding Jefferson Construction, and these included the Public Housing Agency and the Architectural Firm of Morrison/Walijarvi

Buetow and Associates is very excited about the building and we are committed to following through with this addition to the Community of Falcon Heights, because of the merits of this project.

Please advise us as how to proceed.

Sincerely,

**BUETOW & ASSOCIATES, INC.**



Dick Freimuth, CSI  
Project Architect

1	A	B	C		D		E		F		G		H		I		J		K	L
			DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT	DEDUCT	ALT		
1	BID TABULATION FORM		FALCON	HEIGHTS	8927															8927
2																				
3			DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	DEDUCT	ADD	RECOMMENDED
4	GENERAL		ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALT	ALTERNATES
5	CONTRACTOR	BASE BID	1	2	3	4	5	6	7	8										9 A,3,4,5,6&8
6																				
7	Jefferson	\$298,112	-5500	-2010	-8820	-6885	-3476	2607	3902	8925	3828	290463								
8	Parkos	\$304,800	-6300	-2100	-5800	-4400	-7300	3800	4900	8400	3700	299500								
9	Mikkelsen-Wuiff	\$304,320	-3520	-1533	-6924	-7259	-4000	3000	4000	12000	4000	301137								
10	Nordling	\$303,747	-2320	-2334	-6280	-4519	-1930	2102	4181	8425	2524	301545								
11	Dailey	\$309,900	-4100	-1300	-7000	-7000	-5700	3600	4000	11000	3000	304800								
12	Spraungel	\$311,000	-6223	-2543	-7375	-6100	-2773	3740	3489	8320	3630	306812								
13	Karlen	\$314,465	-3100	-2034	-6100	-6500	-3300	2380	3900	10250	3470	311195								
14	Lund Martin	\$317,400	-3800	-2400	-5000	-4500	-3400	3500	4700	8300	3400	316300								
15	Palani Assoc	\$309,000	-4000	-2200	-5000	-4800	-6000	3500	4800	21000	3300	317700								
16	Berg & Assoc	\$324,980	-7500	-1500	-5000	-4800	-6500	3000	4800	10130	4200	321810								
17	J.R.Anderson	\$335,828	-4000	-2500	-9000	-4500	-5600	2800	4100	9920	2900	329448								
18	Merimac	\$318,940	-800	-930	-5000	-4100	-3400	3780	5030	23300	3670	333520								
19	Frerichs	\$328,000	-3500	-1500	-6500	-4500	-2200	3400	4000	22000	3500	340200								
20	Hank Weidema	\$343,305	-4200	-2250	-1000	-4800	-7500	3685	3500	14080	3535	347770								
21	Morcon	\$339,850	-3800	-3100	-6900	-4700	-4400	3700	4500	20700	3600	348250								
22	Gladstone	\$367,439	-4180	-9105	-4984	-6692	-4061	2725	4146	12592	4005	367019								

ADDENDUM  
City Council Meeting  
March 28, 1990

Addition to Item E(7) Licenses

Business

\* TC Styles & Company      #523  
1662 North Snelling  
(Beauty Salon)

\*NEW

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

OATH OF OFFICE

ITEM DESCRIPTION:

7:00 P.M. OATH OF OFFICE  
SAM JACOBS, 1489 W. HOYT

SUBMITTED BY:

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

ACTION REQUESTED:

State of Minnesota, }  
County of RAMSEY } ss.

### OATH OF OFFICE

I, Sam Jacobs

do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and that I will faithfully and impartially discharge the duties of the office of

Councilmember of the County of Ramsey, to which appointed I have been elected, to the best of my knowledge and ability, so help me God.

Subscribed and sworn to before me this 28th day of March A. D. 19 90

(Seal)

My commission expires A. D. 19

REGULAR CITY COUNCIL MEETING

CITY OF FALCON HEIGHTS

AGENDA

MARCH 28, 1990

A. CALL TO ORDER: 7:00 P.M.

A-1. OATH OF OFFICE, SAM JACOBS

B. ROLL CALL: GEHRZ \_\_\_\_\_ WALLIN \_\_\_\_\_ CIERNIA \_\_\_\_\_ JACOBS \_\_\_\_\_  
BALDWIN \_\_\_\_\_ WIESSNER \_\_\_\_\_ S. CHENOWETH \_\_\_\_\_  
ATTORNEY \_\_\_\_\_ ENGINEER \_\_\_\_\_

C. APPROVAL OF MINUTES OF MARCH 14, 1990

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA

1. Disbursements
  - a. Disbursements through 3/28/90, \$83,226.66
  - b. Payroll 3/1/90-3/15/90, \$10,539.64
2. Cancellation of Check #23221
3. Commission Resignations/Appointments
  - a. Resignation of Jan Gibson Talbot from Human Rights Commission
  - b. Appointment of Jan Gibson Talbot to Planning Commission  
Appointment of Steve Schugel to Park & Rec Commission
4. Commission Minutes
  - a. Solid Waste Commission Minutes of 3/1/90
  - b. Human Rights Commission Minutes of 3/15/90
  - c. Park and Rec Commission Minutes of 3/12/90
5. Refund of \$7,000 Application Fee to Professional Ventures, Inc.
6. 4M Fund Investment
7. Licenses

ACTION: \_\_\_\_\_

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Amendment to University Lease No. U-117 for City Use of Community Park Property

ACTION: \_\_\_\_\_

2. Termination of University Lease No. U-127 for City Use of "Garden Park"

ACTION: \_\_\_\_\_

(over)



3. Awarding of Bid for Park Building Construction

ACTION: \_\_\_\_\_

4. Consideration of Proposed Resolution R-90-14 Approving Classification and Requesting Acquisition of Tax Forfeited Land

ACTION: \_\_\_\_\_

5. Presentation Regarding Ramsey County Charter Commission and Proposed Resolution R-90-13

ACTION: \_\_\_\_\_

6. Annual Update on Tax Increment Projects

ACTION: \_\_\_\_\_

7. Consideration of Ethics Policy for Falcon Heights Public Officials

ACTION: \_\_\_\_\_

8. Cigarette Sale Restrictions/Illegal Smoking Enforcement

ACTION: \_\_\_\_\_

9. Tentative Schedule for City Council Meetings/Workshops

ACTION: \_\_\_\_\_

10. A Planning Report on the Land Use Controls Governing the University Grove Neighborhood

ACTION: \_\_\_\_\_

G. ANNOUNCEMENTS AND UPDATES

H. ADJOURNMENT

ACTION: \_\_\_\_\_

MINUTES  
REGULAR CITY COUNCIL MEETING  
MARCH 14, 1990

Baldwin convened the meeting at 7:00 P.M.

PRESENT

Baldwin, Ciernia and Gehrz. Also present were Gedde, Wiessner and Chenoweth.

ABSENT

Wallin.

APPROVAL OF MINUTES OF 2/28/90

Council unanimously approved the Minutes of February 14, 1990.

CONSENT AGENDA APPROVED

Gehrz requested that the Cigarette Vending Machine License for Consumer Vending be removed from the Consent Agenda and placed on the Policy Agenda for discussion. Council agreed.

The following Consent Agenda was approved by unanimous consent:

1. Disbursements through 3/14/90, \$17,365.51
2. Off Sale Retail Liquor License, 1559 W. Larpenteur, James Kettner
3. Awarding the Tree Removal/Trimming Contract to Thommes and Thomas for the 1990 Season
4. Awarding the Lawn Care Contract to Ever-Green Lawns for the 1990 Season
5. Transfer of Fund Balances to the Capital Improvement Funds
- 6 Licenses

SAM JACOBS, 1489 W. HOYT, APPOINTED TO FILL COUNCIL VACANCY CREATED BY RESIGNATION OF PAT BUSH

Baldwin reviewed the process which had been followed for choosing the seven finalists and the interview procedure for those finalists, after which he asked for nominations from the Councilmembers. Ciernia moved the nomination of Sam Jacobs, 1489 W. Hoyt, and explained the rationale behind his decision. Wallin who was out of town and communicating by telephone, seconded the nomination and explained the criteria he followed in making a decision. Gehrz and Baldwin also indicated their support of Jacobs and the reasons for their support. All Members commented on the high quality of the applicants and the difficulty in making a choice. Upon a vote being taken, the following voted in favor of Resolution R-90-11: Baldwin, Ciernia, Gehrz and Wallin, and the following voted against the same: None. Motion carried unanimously.

RESOLUTION R-90-11

A RESOLUTION DECLARING THE EXISTENCE OF A VACANCY ON  
THE CITY COUNCIL AND APPOINTING A SUCCESSOR

Baldwin presented for Council consideration a proposal that the Council's scheduling be changed to hold one Council Meeting per month instead of two, and that the other meeting be used as a workshop, as workshops have proven to be very productive. Council agreed with the concept. A discussion ensued regarding the need to have designated topics for discussion, the fact that the public might be more comfortable in an informal workshop setting, the possible need for a brief second Council Meeting on occasion, and the scheduling of workshop meetings for dialogue with City Departments and Commissions. Wiessner was directed to draft a workshop pattern for presentation at the next meeting.

DISCUSSION - LICENSING OF CIGARETTE VENDING MACHINE

Gehrz inquired if it would be appropriate to take action to prohibit granting a vending machine license to Consumer Vending for a machine at the Embers in view of the fact that other such licenses have been issued for 1990. Gedde was of the opinion that it would create a problem if the license meets the present code requirements and recommended addressing a code change at a future meeting if such a change is desired. Council concurred.

CIGARETTE VENDING MACHINE LICENSE #511 APPROVED

Ciernia moved approval of a Cigarette Vending Machine License to Consumer Vending for a machine at the Embers Restaurant, which carried unanimously.

8:00 P. M. - HEARING ON ASSESSMENT OF UNPAID FALSE ALARM FEES

Baldwin opened the Public Hearing at 8:00 P.M. to consider assessment of unpaid false alarm fees against Bullseye Video/Tan Line, Bullseye Golf, Centers, Inc. There being no one in attendance wishing to be heard, Baldwin closed the hearing at 8:01 P.M. Gehrz then moved adoption of Resolution R-90-12 which carried unanimously.

RESOLUTION R-90-12

A RESOLUTION RELATING TO LEVYING SPECIAL ASSESSMENTS  
FOR DELINQUENT FALSE ALARM FEES

ADJOURNMENT

The meeting was adjourned at 8:02 P. M.

\_\_\_\_\_  
Tom Baldwin, Mayor

ATTEST:

\_\_\_\_\_  
Shirley Chenoweth, City Clerk

Consent   X  

Agenda Item:   E-1  


Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/28/90  

**REQUEST FOR COUNCIL CONSIDERATION**

<b><u>ITEM DESCRIPTION:</u></b>	DISBURSEMENTS
<b><u>SUBMITTED BY:</u></b>	Tom Kelly
<b><u>REVIEWED BY:</u></b>	
<b><u>EXPLANATION/SUMMARY</u> (attach additional sheets as necessary):</b>	<p>(a) Disbursements through 3/28/90, \$83,226.66</p> <p>(b) Payroll 3/1/90-3/15/90, \$10,539.64</p>
<b><u>ACTION REQUESTED:</u></b>	

  
\_\_\_\_\_

GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
23399	PERA	Retirement contributions	900.71
23400	Hennepin Technical College	Advanced DOS class	39.00
23401	AT&T Credit Corp.	Base lease	22.43
23402	AT&T	Phone service	22.23
23403	AT&T	Long Distance	21.94
23404	Bernard Broderick	RSVP Mileage	3.99
23405	Brighton Veterinary Hospital	Administration fee for Feb., '90	25.00
23406	Barbara Campion	Non resident reimbursement	8.00
23407	C&G Office Products	Office supplies	206.19
23408	Champion Auto	Repair of truck, floor mats, etc.	161.50
23409	LMCIT	Insurance Balance	115.00
23410	Facility Systems	Four office chairs	1,832.64
23411	General Communications	Ambulance set-up	52.19
23412	Gopher State One Call	Feb. locates	40.00
23413	Sue Gehrz	Mileage, meetings, MCAD supplies	57.18
23414	Herman Miller	Office partition supplies	1,033.62
23415	ICMA	Managing Local Government	31.90
23416	Terry Iverson	Mileage and car insurance reimbursement	375.00
23417	Kathleen Janke	Mileage and car insurance reimbursement	100.00
23418	Jensen, Hicken, Gedde, et al	March fire station cleaning	3,739.05
23419	Metro Waste Control	February legal services	39,616.35
23420	NSP	April service charges	1,458.65
23421	Packaging Store	Gas and electric	57.43
23422	Road Rescue	Mail HeartAid	250.01
23423	City of Roseville	Battery chargers	19,326.83
23424	SuperCycle, Inc.	April police service	1,247.60
23425	Susan Hoyt Taff	Feb. service	4.80
23426	John Turner	Mileage	3.99
23427	Toll Company	Photos for City Newsletter	33.32
23428	Target	Compressed air	116.76
23429	United Laboratories	Misc. supplies for F.D. and City Hall	320.59
23430	U.S. West Communications	Shop and building chemicals	312.66
23431	U.S. West Cellular	Phone service	72.97
23432	Witt Financial	Cellular phone calls & accessories	89.38
		Investment service charge	

CHECK NO.	ISSUED TO	REASON	AMOUNT
23433	Gerald Wallin	Expenses at Nat'l League of Citities Conf.	534.36
23434	Janet Wiessner	Expenses at " " and mileage	251.36
23435	David Zuehl	Solid Waste Newsletter delivery	100.00
23436	Katherine Zimmerman	Mileage	5.28
23437	Dick Larson	March fees and plan check fees	500.23
23438	Gene Pakoy	75% of heating fee	1,316.63
23439	State Treasurer	Surcharge for 1st Quarter	78.96
23440	Bill Walsh	Plumbing fees for 1st Quarter	60.75
23441	American National	Issuance fee	733.00
23442	Harris Communications	Firex smoke detectors (Lions will reimburse)	63.90
23443	ICMA	Public works service approaches	41.95
23444	Maintenance Engineering	24 Light Bulbs	409.27
23445	Maier Stewart	Feb. service - engineering	1,404.88
23446	MAMA	March 15 meeting	12.00
23447	Nat'l Fire Protection	Membership for 1990	75.00
23448	NE Metro School Dist. #916	Tuition for 1st Responder -Nate Herold	115.00
23449	Ramsey County	Health benefits, Feb. sanding & plowing	4,967.00
23450	U.S. West Communications	Phone service at park	48.90
23451	Tom Baldwin	Expenses at Nat'l League conference	740.40
TOTAL:			\$83,226.66

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Group Description	Check Amount	Check Date	Status
018215			0			0.00	15-Mar-90	VOID
018216			0			0.00	15-Mar-90	VOID
018217	000000002	Wiessner, Janet R.	5	01	semi-monthly	1,158.73	15-Mar-90	Outstanding
018218	000000004	Kriegler, Carol J.	5	01	semi-monthly	363.22	15-Mar-90	Outstanding
018219	000000011	Chenoweth, Shirley G.	5	01	semi-monthly	754.70	15-Mar-90	Outstanding
018220	000000020	Iverson, Terry D.	5	01	semi-monthly	778.76	15-Mar-90	Outstanding
018221	000000027	Morgan, Jay M.	5	01	semi-monthly	717.98	15-Mar-90	Outstanding
018222	000000035	Zimmerman, Katherine	5	01	semi-monthly	459.21	15-Mar-90	Outstanding
018223	000000038	Wright, Vincent D.	5	01	semi-monthly	762.31	15-Mar-90	Outstanding
018224	000000063	Phillips, Patricia A.	5	01	semi-monthly	658.49	15-Mar-90	Outstanding
018225	000000065	Kelly, Thomas R.	5	01	semi-monthly	822.54	15-Mar-90	Outstanding
018226	000000066	Bogenholm, Garin W.	5	01	semi-monthly	178.34	15-Mar-90	Outstanding
018227	000000068	Suppes, Jean	5	01	semi-monthly	58.48	15-Mar-90	Outstanding
018228	000000070	Sell, Matthew W.	5	01	semi-monthly	41.39	15-Mar-90	Outstanding
018229	000000072	Carlson, Carol	5	01	semi-monthly	294.67	15-Mar-90	Outstanding
018230	000000077	Posel, Amy E	5	01	semi-monthly	43.16	15-Mar-90	Outstanding
018231	000000079	Hoyt Taff, Susan L.	5	01	semi-monthly	278.49	15-Mar-90	Outstanding
018232	000000086	Baumann, Nick	5	01	semi-monthly	20.70	15-Mar-90	Outstanding
018233	000000003	Baumann, Nicholas B.	3	02	monthly 1	210.32	15-Mar-90	Outstanding
018234	000000005	Berndt, Ross	3	02	monthly 1	123.13	15-Mar-90	Outstanding
018235	000000006	Bianchi, David P.	3	02	monthly 1	70.63	15-Mar-90	Outstanding
018236	000000008	Brown, Raymond F.	3	02	monthly 1	217.63	15-Mar-90	Outstanding
018237	000000013	Clarkin, Michael D.	3	02	monthly 1	112.63	15-Mar-90	Outstanding
018238	000000014	Dow, Michael J.	3	02	monthly 1	178.26	15-Mar-90	Outstanding
018239	000000015	Dowdell, Ralph L.	3	02	monthly 1	64.38	15-Mar-90	Outstanding
018240	000000016	Fuller, James D.	3	02	monthly 1	142.26	15-Mar-90	Outstanding
018241	000000018	Holmgren, John M. Sr.	3	02	monthly 1	95.01	15-Mar-90	Outstanding
018242	000000021	Kurhajetz, Clewnt M.	3	02	monthly 1	108.13	15-Mar-90	Outstanding
018243	000000022	LeMay, Dennis G.	3	02	monthly 1	19.38	15-Mar-90	Outstanding
018244	000000023	LeMay, Douglas	3	02	monthly 1	93.61	15-Mar-90	Outstanding
018245	000000024	Lindig, Leo	3	02	monthly 1	96.55	15-Mar-90	Outstanding
018246	000000025	McDermond, Cindy K.	3	02	monthly 1	53.76	15-Mar-90	Outstanding
018247	000000026	McNabb, Gerald	3	02	monthly 1	18.75	15-Mar-90	Outstanding
018248	000000029	Olson, Joseph E.	3	02	monthly 1	112.51	15-Mar-90	Outstanding
018249	000000032	Schaefer, Richard A.	3	02	monthly 1	30.00	15-Mar-90	Outstanding
018250	000000033	Schauffert, Craig F.	3	02	monthly 1	55.63	15-Mar-90	Outstanding
018251	000000034	Smida, Gail	3	02	monthly 1	132.88	15-Mar-90	Outstanding
018252	000000039	Morgan, Jay	3	02	monthly 1	64.13	15-Mar-90	Outstanding
018253	000000040	Kayser, Douglas	3	02	monthly 1	56.25	15-Mar-90	Outstanding
018254	000000042	Stolz, Steven P.	3	02	monthly 1	82.50	15-Mar-90	Outstanding
018255	000000045	Gilbert, Jerome J.	3	02	monthly 1	106.65	15-Mar-90	Outstanding
018256	000000046	Holmgren, John H. Jr.	3	02	monthly 1	245.88	15-Mar-90	Outstanding
018257	000000047	McNabb, Kevin	3	02	monthly 1	58.13	15-Mar-90	Outstanding
018258	000000049	Anderson, Kevin L.	3	02	monthly 1	274.63	15-Mar-90	Outstanding
018259	000000064	PETERSON, GREGORY S.	3	02	monthly 1	137.35	15-Mar-90	Outstanding
018260	000000069	Martinez, Joseph L.	3	02	monthly 1	78.75	15-Mar-90	Outstanding
018261	000000084	Hassel, Richard	3	02	monthly 1	18.75	15-Mar-90	Outstanding
018262	000000085	Herold, Nathaniel	3	02	monthly 1	36.25	15-Mar-90	Outstanding
018263	000000087	Iverson, Terry D.	3	02	monthly 1	53.75	15-Mar-90	Outstanding

Grand Total

10,539.64

Consent   X  

Agenda Item:   E-2  

Policy \_\_\_\_\_

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/28/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

CANCELLATION OF CHECK #23221

**SUBMITTED BY:**

Tom Kelly

**REVIEWED BY:**

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Check #23221 in the amount of \$16.00 was issued January 24, 1990 to Ramsey County Conciliation Court. The City has been promised payment by the person involved so the Court procedure was not implemented.

**ACTION REQUESTED:**

  
\_\_\_\_\_





March 16, 1990

The Honorable Tom Baldwin, Mayor  
City of Falcon Heights  
2077 West Larpenteur Avenue  
Falcon Heights, Minnesota 55113

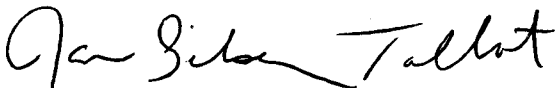
Dear Mayor Baldwin:

I wish to express my interest in serving on the Falcon Heights Planning Commission. I have been privileged to serve as a Human Rights Commissioner for the City since 1987 and would appreciate the opportunity to serve in a new capacity.

I have not included an application or resume with my letter of interest as you recently received this information with my application for the City Council vacancy. If additional information is needed, please contact me.

Thank you for your consideration of my request. I look forward to hearing from you.

Sincerely,



Jan Gibson Talbot  
1531 West Idaho Avenue  
Falcon Heights, Minnesota 55108  
646-6624

FALCON HEIGHTS COMMISSION/COUNCIL APPLICATION

NAME: Steve Schugel

ADDRESS: 1795 Simpson St. St. Paul, MN 55113 PHONE: 646-7306

HOW LONG AT ABOVE ADDRESS? 3 YEARS. ARE YOU AGE 21 OR OLDER? YES  NO

IN WHAT CAPACITY DO YOU WISH TO SERVE? Parks and Recreation Commission

REASON(S) YOU WISH TO SERVE: My interest in helping provide Falcon Heights residents with a quality parks and recreation program.

PRIOR PUBLIC (OR RELATED) SERVICE: \_\_\_\_\_

OTHER RELEVANT BACKGROUND (OR COMMENTS): \_\_\_\_\_

PLEASE ATTACH RESUME' AND/OR ADDITIONAL SHEETS IF NECESSARY.

Consent   X  

Agenda Item:   E-4  

Policy           

CITY OF FALCON HEIGHTS

Meeting Date:   3/28/90  

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

COMMISSION MINUTES

SUBMITTED BY:

Various Commissions

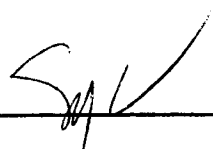
REVIEWED BY:

Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) Solid Waste Commission Minutes of 3/1/90
- (b) Human Rights Commission Minutes of 3/15/90
- (c) Park and Rec Commission Minutes of 3/12/90

ACTION REQUESTED:

  
\_\_\_\_\_

MINUTES  
Solid Waste Commission Meeting  
1 March 1990

**DRAFT**

The meeting was called to order by Chairperson Thompson at 7:05pm.

COMMISSION MEMBERS PRESENT: Michael Haglund, John Hustad, Terry Iverson, Laura Kuettel, John Thompson, and Shirley Chenoweth, Staff Representative.

COMMISSION MEMBERS NOT PRESENT: Leo Klisch, Nancy Misra, Marty McCleery and Lyle Wray.

APPROVAL OF MINUTES: The minutes of the last meeting and the January meeting will be on the April agenda.

APPROVAL OF AGENDA: The agenda for the meeting was approved by consensus.

Shirley Chenoweth made a change on the February minutes under SIZE OF SOLID WASTE COMMISSION to read: The commission voted unanimously, to recommend to the city council, to maintain the present size.

"Facts and Myths, Open Hauling vs. Organized Hauling," is a seminar scheduled for March 23. Shirley Chenoweth may attend.

Terry Iverson would like to discuss the size and possible enlargement of the Solid Waste Commission. Related to this subject, Terry Iverson commented that there may be a present member unable to continue on the commission and there is a past member interested in becoming active again.

III. ORGANIZE RECYCLING COORDINATORS PARTY: The annual recognition for the volunteers is scheduled for Thursday, April 19, from 7:00-8:00pm. Last year 30 participated out of a possible 95. The city newsletter will inform residents of the gathering along with an invitation for additional neighborhood coordinators. The city will also send out a letter to each coordinator two weeks prior to the party. Shirley Chenoweth has washable coffee mugs. Michael Haglund will bring the other items. Shirley Chenoweth will ask the mayor to speak and see if a technician is available to tape the program. The agenda is as follows:

6:15	Commission members set up
7:00 - 7:05	Mayor, Welcome
7:05 - 7:10	John Thompson, Introduction and new projects
7:10 - 7:30	Phil Allen, U or M Turf Specialist
7:30 - 7:40	refreshments
7:40 - 7:50	Lyle Wray, Organized Collection
7:50 - 8:00	Questions

Shirley Chenoweth would like to invite the commission members to attend the May 9 meeting of the Ramsey County League of Local Governments; the topic will be Organized Collection. The Falcon Heights staff will be unable to attend because of scheduling conflicts. The meeting begins at 7:30pm and is at White Bear City Hall.

IV. NEWSLETTER: Members present thanked Shirley Chenoweth and appreciated the efforts she and the city staff made to compile and produce the newsletter. The total cost was \$750.

**DRAFT**

MINUTES

HUMAN RIGHTS COMMISSION

MARCH 15, 1990

MEMBERS PRESENT: Jan Gibson Talbot, Marie Forton, Sue Gehrz, Jim Olsen, Manley Olson, Wayne Groff, Rick Talbot and Carol Carlson, Administrative Intern

APPROVAL OF MINUTES

Olsen moved approval, second, motion passed.

SMOKING POLICY

Olsen presented a report on the issue of the new Falcon Heights smoking policy. Olsen suggested that the policy might be overly restrictive and insensitive to the rights of smokers. Olsen cited the City of St. Paul policy as less restrictive.

Considerable discussion followed regarding:

- The rights of smokers,
- The rights of non-smokers,
- The role of Government in dictating personal behavior.

Gehrtz noted that the City would be considering its' posture on smoking and cigarette sales at an April 26th Town Meeting.

Olsen moved that the Falcon Heights City Council consider the adoption of a smoking policy similar to that of the City of St. Paul (File #86-200, sections I-III, attached) which is more sensitive to the concerns of smokers.

Second,  
Motion Failed

CIGARETTE SALE ISSUE

Gehrtz appraised Commission members of City Council deliberations regarding cigarette sales:

- The option of prohibiting vending machine sales,
- The option of prohibiting cigarette sales in general.

Discussion again ensued regarding the delicate balance between government restrictions and individual freedoms. R. Talbot expressed special concern that laws not infer that smokers are second class citizens.

**DRAFT**

Minutes of the Parks and Recreation Commission Meeting  
7:00 P.M., Monday, March 12, 1990

Members present: Jeff Johnson, Connie Lasser, Linda McLoon, Jyneen Thatcher, Jean Suppes, Lloyd Jacobson, Carol Kriegler, Park Director

1. UPDATE

1. Carol gave an update on what happened to the rinks after last meeting. Vince and Jay tried to reflood the rink at Idaho and Snelling. There was no snow to bank, so flooding the pleasure rink was impossible. The hockey rink was so bad it was no possible to bring back.

2. Carol also brought up the commission's vacancy. We have one vacancy, even with the freeze of position number in effect. Connie strongly objected to the city council number limitation. With the number of activities that Park Commission members are directly involved in, 7 members would be insufficient for the job. If one or two members didn't show up, which is often the case, there would not be enough people at the meeting to do anything. Linda indicated that she would write a recommendation to the city council that the Parks and Rec Commission feel strongly that they need a 9 member commission to function effectly.

3. Linda again stated the need to elect a chair and secretary. Jeff Johnson agreed to fill the position currently occupied by Linda. Everyone agreed he would do a great job. He will officially start as chair at the April meeting. Linda said she would act as secretary, since no one else volunteered.

4. Linda asked if the bluebird houses were installed. Carol assumed it was done, since she had given the Audobon group the "go ahead" to move and install them.

2. CITY CODE

The commission once again looked at the city code. The only changes were: language update, complete prohibition of alcohol in the park (Yes. A total prohibition.), and a change in the tennis time limit with others waiting to 60 minutes.

3. PARK BUILDING

The park building went to bid. It was advertised in the Roseville Focus and in construction bulletins, as suggested by the architect. Carol said she has had a few

5. ICE RINKS

Carol said she was looking into alternative means for maintaining ice rinks: contracting with Roseville to use their ice machine, having Vince and Jay do all the flooding etc. She would report back with the most cost effective means for maintaining good ice.

6. OTHER SPECIAL ACTIVITIES

The bike rodeo is tentatively set for May 5. Since we try to coordinate with Brimhall and Falcon Heights schools, we agreed the date could be somewhat flexible. Carol also reminded us that BunnyFest was March 31, with the Ducktales band, donuts and juice to eat and of course, the egg hunt. The children would go out in age related groups, find 1 - 3 plastic eggs and then exchange them for candy. Carol asked for help in hiding eggs, exchanging them for candy, etc. She asked those who could help to be at Falcon Heights school by 9:30 a.m. Carol asked Jean if she would be willing to don a bunny costume and be (you know who). Jean said she would certainly think about it.

7. As there was no other business, the meeting was adjourned at 8:45 p.m.

*Irde M. Loan*



Consent   X  

Agenda Item:   E-5  

Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/28/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

REFUND \$7,000, REFUNDABLE PORTION OF THE \$10,000 PRELIMINARY DEVELOPMENT AGREEMENT APPLICATION FEE TO PROFESSIONAL VENTURES, INC.

**SUBMITTED BY:**

Paul Gamst, Professional Ventures, Inc.

**REVIEWED BY:**

Jan Wiessner  
Tom Kelly

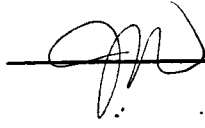
**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

PVI has requested that the refundable portion of the Preliminary Development Agreement application fee be refunded. Mr. Gamst indicated that they do intend to continue working on the project, however, they've run into complications and delays at this time.

City expenses to date have not exceeded the \$3,000 non-refundable portion.

**ACTION REQUESTED:**

Approve refund of \$7,000

  
\_\_\_\_\_

Copy TK  
Susan

MAR 16 1990



PROFESSIONAL VENTURES, INCORPORATED

Development, Hospitality, Brokerage and Retail/Commercial Real Estate Services

March 13, 1990

Ms. Janet Wiessner  
City Manager  
City of Falcon Heights  
2077 West Larpentour  
Falcon Heights, Minnesota 55113

Dear Jan:

Thank you for taking the time to discuss our retail development in Falcon Heights. As I mentioned in our conversation we have run in to resistance in several key areas that will have to be resolved before we can move forward. Because of this we are requesting that you return the balance of our development fee. As I indicated we have not abandoned the project but do feel it will take quite a bit longer than originally anticipated.

Sincerely,

PROFESSIONAL VENTURES CONSTRUCTION SERVICES, INC.

A handwritten signature in cursive script that reads 'Paul Gamst'.

Paul Gamst  
Manger, Construction Services

PG/skh

cc: John Grossman  
Bill Beard  
Rick Plessner



Consent X

Agenda Item: E-6

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

4M FUND INVESTMENT

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

At a previous council meeting, council members expressed a desire to invest into the 4M Fund. To do so, council needs to adopt a Resolution authorizing entry into a joint powers agreement for participation in the 4M Fund. (See attached).

ACTION REQUESTED:

Adopt a Resolution authorizing investing in the 4M Fund.



**FORM A**  
**MINNESOTA MUNICIPAL MONEY MARKET FUND ("THE 4M FUND")**  
**MODEL RESOLUTION**

**A RESOLUTION AUTHORIZING ENTRY INTO A JOINT POWERS AGREEMENT IN THE FORM OF A DECLARATION OF TRUST ESTABLISHING AN ENTITY KNOWN AS "MINNESOTA MUNICIPAL MONEY MARKET FUND" AND AUTHORIZING PARTICIPATION IN CERTAIN INVESTMENT PROGRAMS IN CONNECTION THEREWITH**

**WHEREAS, Minnesota Statutes Section 471.59 (the Joint Powers Act") provides among other things that governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties; and**

**WHEREAS, the Minnesota Municipal Money Market Fund was formed in January 1987 pursuant to the Joint Powers Act by the adoption of a joint powers agreement in the form of a Declaration of Trust by a group of Minnesota Municipalities acting as the Initial Participants thereof; and**

**WHEREAS, the Declaration of Trust has been presented to this council (or board) and**

**WHEREAS, the Declaration of Trust authorizes municipalities of the State of Minnesota to adopt and enter into the Declaration of Trust and become Participants of the Fund. Municipality shall mean city, county, town, public authority, public corporation, public commission, special district, and any "instrumentality" (as that term is defined in the Joint Powers Act) of a municipality and**

**WHEREAS, this council (or board) deems it to be advisable for this municipality to adopt and enter into the Declaration of Trust and become a Participant of the Fund for the purpose of the joint investment of this municipality's monies with those of other municipalities so as to enhance the investment earnings accruing to each, and**

**WHEREAS, this council (or board) deems it to be advisable for this municipality to make use from time to time, in the discretion of the officials of the municipality identified in Section 2 of the following Resolution, of the Fixed-Rate Investment Program available to Participants of the Fund.**

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

**Section 1.** This municipality shall join with other municipalities (as such term is defined in the Declaration of Trust) in accordance with the Joint Powers Act by becoming a Participant of the Fund and adopting and entering into the Declaration of Trust, which is adopted by reference herein with the same effect as if it had been set out verbatim in this resolution, and a copy of the Declaration of Trust shall be filed in the minutes of the meeting at which this Resolution was adopted. The President (or Chair) and the Clerk/Treasurer of this Council (or Board) are hereby authorized to take such actions and execute any and all such documents as they may deem necessary and appropriate to effectuate the entry of this municipality into the Declaration of Trust and the adoption thereof by this municipality.

**Section 2.** This municipality is hereby authorized to invest its available 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 and officials of the municipality and their respective successors in office each hereby are designated as "Authorized Officials" with full powers and authority to effectuate the investment and withdrawal of monies of this municipality from time to time in accordance with the Declaration of Trust and pursuant to the Fixed-Rate Investment Service available to Participants of the Fund: (List the

name(s) and title(s) of the officer(s) and official(s) who will be authorized to invest and withdraw municipal monies in and from the Fund and pursuant to the Fixed-Rate Investment Service. You may have any number of Authorized Officials; attach an additional list if necessary)

\_\_\_\_\_  
Printed Name Title

\_\_\_\_\_  
Printed Name Title

\_\_\_\_\_  
Printed Name Title

\_\_\_\_\_  
Printed Name Title

The Clerk shall advise the Fund of any changes in Authorized Officials in accordance with procedures established by the Fund.

**Section 3.** The Trustees of the Fund are hereby designated as having official custody of this municipality's monies which are invested in accordance with the Declaration of Trust.

**Section 4.** Authorization is hereby given for members of the Board of Directors of the League of Minnesota Cities to serve as Trustees of the Fund pursuant to the provisions of the Declaration of Trust.

**Section 5.** State banks, national banks, and thrift institutions located either within or without the State of Minnesota which qualify as depositories under Minnesota law and are included on a list approved and maintained for such purpose by the Investment Advisor of the Fund are hereby designated as depositories of this municipality pursuant to Minnesota Statutes Section 118.005 and monies of this municipality may be deposited therein, from time to time in the discretion of the Authorized Officials, pursuant to the Fixed-Rate Investment Service available to Participants of the fund.

It is hereby certified that (insert name of the municipality) \_\_\_\_\_duly adopted the Model Resolution at a duly convened meeting of the council (or board) held on the \_\_\_\_\_day of \_\_\_\_\_, 198\_\_, 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.

\_\_\_\_\_  
Signature of Clerk Date  
(or Treasurer) of Municipality

Note: A copy of this Model Resolution should be completed, attached to the Registration Form (FORM B), and mailed to the fund's Sub-Administrator, Cadre Consulting Services Inc., 905 Marconi Avenue, Ronkonkoma, New York 11779. It is only necessary to adopt this Model Resolution for the first account opened by the municipality.

This form may be photocopied.



Consent \_\_\_\_\_

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

**ITEM DESCRIPTION:**

AMENDMENT TO UNIVERSITY LEASE NO. U-117 FOR CITY  
USE OF COMMUNITY PARK PROPERTY

**SUBMITTED BY:**

Susan Carlson Weinberg,  
Real Estate Coordinator, U of M

**REVIEWED BY:**

Jan Wiessner  
Tom Gedde  
Carol Kriegler

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

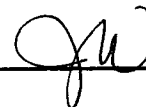
The attached amendment extends the existing lease which expires  
December 31, 1993 for an additional fifteen years.

**ATTACHMENTS**

- A. Amendment Agreement to Extend Lease
- B. Existing Lease Agreement

**ACTION REQUESTED:**

Approve Agreement extending Lease.

  
\_\_\_\_\_

University Lease No. U-117  
Amendment No. 1

AGREEMENT EXTENDING LEASE

This Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, is by and between the REGENTS OF THE UNIVERSITY OF MINNESOTA, a Minnesota constitutional educational corporation, hereinafter referred to as the "Regents" or the "University", and the CITY OF FALCON HEIGHTS, Ramsey County, Minnesota, a municipal corporation, hereinafter referred to as the "City".

WHEREAS, a relationship has existed for a number of years whereby the City has leased property owned by the Regents for a nominal consideration, said property being used for playground and recreational purposes; and

WHEREAS, about 35% of the City residents are either students or employees of the University, thus making such a lease arrangement beneficial to both parties herein; and

WHEREAS, the relationship began in December, 1958, when the Village leased 2 1/2 acres of land; the acreage has expanded over the years and the current leased premises consist of 14.5 acres; and

WHEREAS, the present lease agreement will expire on December 31, 1993; and

WHEREAS, the City has requested a Twenty (20) year extension of the Lease to amortize the cost of a building (approximately \$300,000) to replace a structure lost due to fire recently, said building to include a warming house, indoor/outdoor picnic shelter, meeting rooms and restrooms; and

WHEREAS, the University has agreed to a Fifteen (15) year extension of said Lease, allowing a Nineteen (19) year amortization period for said building cost;

NOW, THEREFORE, the Regents and the City agree as follows:

1. The Lease dated December 31, 1973, covering the City's use of the premises located at the southeast quadrant of the intersection at Roselawn Avenue and Cleveland Avenue in the City of Falcon Heights, Ramsey County, Minnesota, more particularly described as follows:

The North 925 feet of that part of the SW 1/4 Section 16, Township 29, Range 23, lying West of the westerly line of Block 2, Falcon Woods, the westerly line of Block 5, Falcon Woods No. 2, and said westerly line extended in a southerly direction, according to the plats thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota, subject to the rights of the public over any portion thereof for highways, consisting of about 14.5 acres, more or less,

hereinafter referred to as the "Leased Premises", is hereby extended Fifteen (15) years, January 1, 1994 through December 31, 2008, unless earlier terminated as hereinafter provided.

2. The University acknowledges the City's intent to construct on the Leased Premises a building to include a warming house, indoor/outdoor picnic shelter, meeting rooms and restrooms, the cost thereof estimated at \$300,000, said building to replace a structure lost due to fire recently. The City will provide the University plans and specifications for said building for review and approval. The City shall own and insure said building during the term hereof, and provide all needed maintenance. The City will provide the University in writing upon completion of said project a statement of project cost, along with appropriate support documentation reasonably requested by the University, to establish the sum to be amortized over a 19-year period (1990 through 2008).

This lease may be terminated by the University upon a written notice of at least One (1) year. Upon such termination, the University will reimburse the City for the unamortized portion of the Actual project cost (\$15,789.47 per year based upon the estimated project cost of \$300,000, 1990 through 2008).



3. Official notices required under any provision hereof shall be directed in writing to the following addresses:

University: c/o University Attorney  
330 Morrill Hall  
100 Church Street SE  
Minneapolis, MN 55455

City: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. All other terms and conditions of said Lease dated December 31, 1973 shall remain of full force and effect.

IN WITNESS WHEREOF, the Regents and the City executed this Agreement on the day and year first above written.

RECOMMENDED:

REGENTS OF THE  
UNIVERSITY OF MINNESOTA

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
Susan Carlson Weinberg  
Real Estate Coordinator

CITY OF FALCON HEIGHTS

APPROVED AS TO FORM AND EXECUTION:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
R. Joel Tierney  
University Attorney

By \_\_\_\_\_  
City Administrator

AGREEMENT

This Agreement, made this 31 day of December 1973, between the REGENTS OF THE UNIVERSITY OF MINNESOTA, a Minnesota education corporation, hereinafter referred to as the "Regents", and the VILLAGE OF FALCON HEIGHTS, Ramsey County, Minnesota, hereinafter called the "Village".

WHEREAS, a relationship has existed for a number of years whereby the Village has leased property owned by the Regents for a nominal consideration, said property being used for playground and recreational purposes; and

WHEREAS, about 35% of the Village residents are either students or employees of the University, thus making such a lease arrangement beneficial to both parties herein; and

WHEREAS, the relationship began in December, 1958, when the Village leased 2 1/2 acres of land; the acreage was expanded in December, 1966, and again in March, 1972; and

WHEREAS, the present lease agreement is dated October 4, 1972, and by its terms will expire on September 1, 1978, but can be terminated by 60 days' notice by the Regents; and

WHEREAS, the Village for some time has been desirous of erecting more permanent improvements upon the leased premises, such as tennis courts, a picnic area and other permanent recreational facilities, together with accompanying shrubbery and landscaping; and

WHEREAS, the Village could not reasonably make such permanent improvements without the protection of a longer lease period than that contained in the lease of October 4, 1972; and

WHEREAS, the Village will place before the voters at the next regular election the question of authorizing issuance of general obligation bonds to finance such permanent improvements described above; and

WHEREAS, the Regents and the Village are desirous of renegotiating the current lease and entering into a long-term lease to allow the construction of such permanent improvements, the period of such lease being largely determined by the time necessary to amortize the bonds.

NOW, THEREFORE, the Regents, for and in consideration of the sum of One Dollar (\$1.00) paid by the Village on the execution and delivery thereof, the receipt of which is hereby acknowledged, and the covenants and promises herein contained, made and to be observed and performed by the Village and the Regents, do hereby license and permit the Village to improve and maintain a Village playground and recreational area and to construct a hockey rink, tennis courts and other permanent recreational facilities and parking facilities in the Village in the vicinity of the intersection at Roselawn Avenue and Cleveland Avenue on land of the Regents more particularly described as follows:

The North 925 feet of that part of the SW 1/4 Section 16, Township 29, Range 23, lying West of the westerly line of Block 2, Falcon Woods, the westerly line of Block 5, Falcon Woods No. 2, and said westerly line extended in a southerly direction, according to the plats thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota, subject to the rights of the public over any portion thereof for highways, consisting of about 14.5 acres, more or less.

The Village and the Regents, in consideration of the granting of the license and permit aforesaid and the mutual covenants herein contained, agree as follows:

1. Prior to construction of the hockey rink, tennis courts or any other recreational facilities or improvements to the Regents' property, the Village shall submit the final plans and specifications for such work to the Regents and shall undertake no construction work until such final plans and specifications are approved by the planning office for the Regents.

2. The Village shall construct said hockey rink, tennis courts, recreational facilities and such other improvements in strict accordance with approved final plans and specifications or any changes thereto proposed and from time to time submitted to the Regents for approval by its Planning Office.

3. All work herein provided to be done by the Village shall be carried out in a manner satisfactory to the Regents. The Regents shall be reimbursed by the Village for all expense the Regents may incur for the protection, removal, reconstruction or relocation of any fences, power lines or other facilities necessitated by Village operation during the construction and operation of said recreational area and facilities.

4. The Village shall obtain and keep in full force and effect, during the continuance of this agreement, at

the sole cost and expense of the Village, a public liability policy and a policy of property damage which shall indemnify and save harmless the Regents, from any and all claims, suits, losses, damages or expense arising out of the construction, maintenance and use of said recreational area and facilities as follows:

(a) On account of injuries to, or death of any and all persons whatsoever, including the employees of the Village and of the Regents at a limit of not less than \$100,000 for all damages arising out of bodily injuries to, or death of one person, and at a total limit of not less than \$300,000 for all damages arising out of bodily injuries to, or death of two or more persons in any one accident;

(b) Also on account of damage to property of any and all persons whatsoever, including property owned by the Village and property owned by the Regents, at a total limit of not less than \$5,000 for all damage to, or destruction of property during the policy period.

Which injuries to, or death of, a person or persons, or damage to property may arise or grow out of or in any manner be caused by the construction, maintenance and use of said recreational area and facilities.

All of such policies shall be approved by the Regents as to the insurance company writing the same, the amount,

and the form.

The Village shall deposit with the Regents the public liability and property damage insurance policy required hereunder or in lieu thereof shall furnish the Regents a certified copy of said policy.

5. The Village shall be responsible for and charged with duty of the maintenance and supervision and control of the Regents' property as a recreational area at its sole cost and expense. All necessary culverts or drains to provide adequate and proper drainage shall be constructed and maintained by the Village at its own expense.

6. This Agreement shall remain in full force and effect for a period of twenty (20) years namely, to December 31, 1993, without any unilateral power or right of cancellation by either the Regents or the Village. The Agreement may, however, be modified or terminated by mutual agreement of the parties.

7. At the expiration of the twenty (20) year period described in paragraph six, title to all improvements, structures, buildings, shrubbery, trees, or other permanent accretions to the land on the described premises, shall vest absolutely and without reservation in the Regents.

8. At the expiration of the twenty (20) years described in paragraph six, and the vesting of the improvements described in paragraph seven, the Regents and the Village may enter into a new lease for a set period of time, or the Village may continue to occupy the premises as a tenant

at will, subject to the right of the Regents to terminate such tenancy under the law.

9. Those certain agreements between the Village and the Regents dated December 12, 1958, March 27, 1972, and October 4, 1972 pertaining to the use of certain land of the Regents by the Village for recreational purposes are hereby cancelled and terminated.

10. All the covenants and promises hereof shall inure to the benefit of and be binding upon the respective successors and assigns of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the date and year first herein written.

In the Presence of:

Marilyn Ward  
Joan Lamare

REGENTS OF THE  
UNIVERSITY OF MINNESOTA

By Marilyn Ward  
Its  
By Joan Lamare  
Its

In the Presence of:

June E. Tenn  
Deborah J. Melton

VILLAGE OF FALCON HEIGHTS

By Willis C. A. Warkentien  
Willis C. A. Warkentien  
Mayor  
Dewan B. Barnes  
Dewan B. Barnes  
Clerk-Administrator

Consent \_\_\_\_\_

Agenda Item: F-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

TERMINATION OF UNIVERSITY LEASE NO. U-127 FOR  
CITY USE OF "GARDEN PARK"

SUBMITTED BY:

Susan Carlson Weinberg,  
Real Estate Coordinator, U of M

REVIEWED BY:

Jan Wiessner  
Carol Kriegler  
Tom Gedde

EXPLANATION/SUMMARY (attach additional sheets as necessary):

ATTACHMENTS:

- A. Termination Agreement
- B. Existing Lease Agreement

ACTION REQUESTED: Approve Lease Termination Agreement.



UNIVERSITY LEASE NO. U-127

TERMINATION AGREEMENT

THIS AGREEMENT, dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, is by and between REGENTS OF THE UNIVERSITY OF MINNESOTA (hereinafter "Lessor") and the CITY OF FALCON HEIGHTS (hereinafter "Lessee").

WHEREAS, the Lessee, pursuant to an Agreement between the parties hereto dated March 27, 1972, has leased the following-described premises in the vicinity of Garden Avenue west of Snelling Avenue and north of Larpenteur Avenue, Falcon Heights, Ramsey County, Minnesota, to-wit:

The Southerly 330' of Lot 1 of Annie L. Hendrickson's Acre Lots, according to the plat thereof on file in the office of the Register of Deeds, Ramsey County, Minnesota, subject to the right of Lessor to use the Easterly 15' of said property for ingress and egress,

(hereinafter the "Leased Premises"), until termination by the University upon a written notice of at least Sixty (60) days, for a playground and recreational purposes, and

WHEREAS, the Lessee has never developed said land for the intended purposes;

NOW, THEREFORE, the Lessor and the Lessee agree as follows:

The Agreement dated March 27, 1972 between the Lessor and the Lessee covering the Leased Premises shall terminate as of the date of execution of this Termination Agreement.

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this Agreement on the day and year first above written.

RECOMMENDED:

REGENTS OF THE UNIVERSITY OF MINNESOTA

\_\_\_\_\_  
Susan Carlson Weinberg  
Real Estate Coordinator

By \_\_\_\_\_  
Title \_\_\_\_\_

CITY OF FALCON HEIGHTS

By \_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

U-127

A G R E E M E N T

THIS AGREEMENT, made this 27<sup>th</sup> day of March, 1972, between the REGENTS OF THE UNIVERSITY OF MINNESOTA, a Minnesota educational corporation, hereinafter referred to as the "Regents", and VILLAGE OF FALCON HEIGHTS, Ramsey County, Minnesota, hereinafter called the "Village".

## WITNESSETH:

The Regents, for and in consideration of the sum of One Dollar (\$1.00) paid by the Village on the execution and delivery thereof, the receipt of which is hereby acknowledged, and the covenants and promises herein contained, made and to be observed and performed by the Village and the Regents, do hereby license and permit the Village to improve and maintain a Village playground and recreational area and to construct a hockey rink, tennis courts and other recreational facilities and parking facilities in the Village in the vicinity of Garden Avenue west of Snelling Avenue and north of Larpenteur Avenue on land of the Regents more particularly described as follows:

2.5A. The Southerly 330' of Lot 1 of Annie L. Hendrickson's Acre Lots, according to the plat thereof on file in the office of the Register of Deeds, Ramsey County, Minnesota, subject to the right of Regents to use the Easterly 15' of the afore described parcel for purposes of ingress and egress.

Said property is hereinafter referred to as the "Regents' property".

The Village and the Regents in consideration of the granting of the license and permit aforesaid and the mutual covenants herein contained, agree as follows:

1. Prior to construction of the hockey rink, tennis courts or any other recreational facilities or improvements to the Regents' property the Village shall submit the final plans and specifications for such work to the Regents and shall undertake no construction work until such final plans and specifications are approved by the supervising engineer for the Regents.

2. The Village shall construct said hockey rink, tennis courts, recreational facilities and such other improvements in strict accordance with approved final plans and specifications or any changes thereto proposed and from time to time submitted to the Regents for approval by its supervising engineer.

3. All work herein provided to be done by the Village shall be carried out in a manner satisfactory to the Regents. The Regents shall be reimbursed by the Village for all expense the Regents may incur for the protection, removal, reconstruction or relocation of any fences, power lines or other facilities necessitated by Village operation during the construction and operation of said recreational area and facilities.

4. The Village shall obtain and keep in full force and effect, during the continuance of this agreement, at the sole cost and expense of the Village, a public liability policy and a policy of property damage which shall indemnify and save harmless the Regents, from any and all claims, suits, losses, damages or expense arising out of the construction, maintenance and use of said recreation area and facilities as follows:

(a) On account of injuries to, or death of any and all persons whatsoever, including the employees of the Village and of the Regents at a limit of not less than \$100,000 for all damages arising out of bodily injuries to, or death of one person, and at a total limit of not less than \$300,000 for all damages arising out of bodily injuries to, or death of two or more persons in any one accident;

(b) Also on account of damage to property of any and all persons whatsoever, including property owned by the Village and property owned by the Regents, at a total limit of not less than \$5,000 for all damage to, or destruction of property during the policy period.

Which injuries to, or death of, a person or persons, or damage to property may arise or grow out of or in any manner be

caused by the construction, maintenance and use of said recreational area and facilities.

All of such policies shall be approved by the Regents as to the insurance company writing the same, the amount, and the form.

The Village shall deposit with the Regents the public liability and property damage insurance policy required hereunder or in lieu thereof shall furnish the Regents a certified copy of said policy.

5. The Village shall be responsible for and charged with duty of the maintenance and supervision and control of the Regents' property as a recreational area at its sole cost and expense. All necessary culverts or drains to provide adequate and proper drainage shall be constructed and maintained by the Village at its own expense.

6. The Regents shall have the right to terminate this license and permission at any time after May 1, 1977 upon giving the Village sixty days written notice. Within said sixty days the Village shall have the right to remove all fixtures, structures and equipment hereafter located by the Village on the Regents' property and the right to retain the salvage. Said removal shall be at the sole cost and expense of the Village.

7. All the covenants and promises hereof shall inure to the benefit of and be binding upon the respective successors and assigns of the parties.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed the date and year first herein written.

In presence of:

*[Signature]*  
*[Signature]*

THE REGENTS OF THE UNIVERSITY  
OF MINNESOTA

By *[Signature]*  
Assistant Vice President,  
Business Administration

*[Signature]*  
*[Signature]*

VILLAGE OF FALCON HEIGHTS  
By *[Signature]*  
Mayor  
*[Signature]*  
Clerk Administrator

Consent \_\_\_\_\_

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

AWARDING OF BID FOR PARK BUILDING CONSTRUCTION

SUBMITTED BY:

Carol Kriegler

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

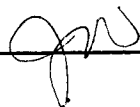
On Wednesday, March 22nd, 16 general contractors submitted bids for construction of the park building. Bids will be reviewed by City staff and Buetow and Associates, Inc. during the coming week. A recommendation to award the bid will be made at the March 28th Council meeting.

ATTACHMENT

A. Weinberg correspondence from March 20, 1990

ACTION REQUESTED:

Award bid for park building construction. Some decisions will need to be made about additions/deletions to bid.

  
\_\_\_\_\_



UNIVERSITY OF MINNESOTA  
TWIN CITIES

Office of the Associate Vice President

Physical Planning  
340 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455  
(612) 625-7355

MAR 27 1990

March 20, 1990

Ms. Janet R. Wiessner  
City Administrator  
City of Falcon Heights  
2077 W. Larpenteur Ave.  
Falcon Heights, MN 55113

Re: U-117: 14.5 A., SE Quadrant, Roselawn and Cleveland

Dear Ms. Wiessner:

We have reviewed the plans and specifications for the building the City of Falcon Heights plans to construct on the subject 14.5-acre leased premises, which building will include a warming house, indoor/outdoor picnic shelter, meeting rooms and restrooms, and will replace a building lost as the result of a fire. We understand the estimated cost of this project is approximately \$300,000.

The University hereby approves this project, subject to the following terms and conditions:

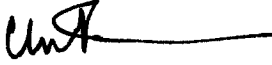
1. The City of Falcon Heights agrees to hold the University harmless and indemnify it from and against any and all liability, cost and expense arising from its construction and use of said building. The City of Falcon Heights will require the contractor it hires to construct said building, and any sub-contractors, to carry comprehensive general liability insurance in an amount not less than \$1 million combined single limit (CSL), bodily (and personal) injury and property damage liability, which insurance shall name REGENTS OF THE UNIVERSITY OF MINNESOTA as additional insured.
2. The City of Falcon Heights will keep the premises free from all liens for labor or materials provided the premises in conjunction with this project, and provide the University appropriate lien waivers at project completion.
3. The City of Falcon Heights will obtain all necessary approvals and permits for this project.
4. The City of Falcon Heights will own and insure said building, and keep said building in good condition and repair, during the entire term of the subject lease.
5. The City of Falcon Heights will provide the University at completion of the project a statement of actual project cost, along with appropriate support documentation reasonably requested by the University.



Ms. Janet R. Wiessner  
March 20, 1990  
Page Two

Please call if you have any questions regarding the above.

Sincerely,



Clinton N. Hewitt  
Associate Vice President  
for Physical Planning

cc: Susan Carlson Weinberg

Consent \_\_\_\_\_

Agenda Item: F-4

Policy X

**CITY OF FALCON HEIGHTS**

Meeting Date: 3/28/90

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

CONSIDERATION OF PROPOSED RESOLUTION R-90-14  
APPROVING CLASSIFICATION AND REQUESTING ACQUISITION  
OF TAX FORFEITED LAND

**SUBMITTED BY:**

Shirley Chenoweth

**REVIEWED BY:**

Ed Bock

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

When the Lindig Addition was developed in 1963, the Lindigs financed the street and utilities as the owners of the undeveloped land abutting the street objected to any assessments. In order for the Lindigs to receive compensation at the time those lots might be developed, Council agreed that a one foot buffer strip would remain in Lindig's possession until such lots were developed, at which time the Lindigs would be compensated. The one foot strip of land would then be deeded to the City for street right of way.

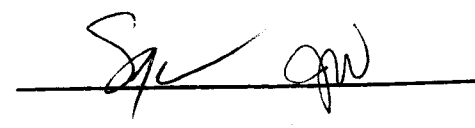
For some reason, when the parcel--which is now 1788 Lindig--was sold and developed, the one foot strip became the property of the former owner on Fairview Ave. and he was unaware of it until he began receiving tax statements on the strip. He chose not to pay the taxes and the strip became tax forfeited land.

The City now has the opportunity to obtain the land and City Attorney, Ed Bock, has prepared the necessary Resolution to accomplish conveyance to the City. Georgia Buchtel, Ramsey Co. Real Estate appraiser, has quoted a total cost of \$139.65 for the conveyance. This amount includes a nominal appraised value of \$100.00 plus all deed, recording and other applicable fees.

**ATTACHMENTS**

- (a) Ramsey County Resolution 90-171
- (b) Proposed Resolution R-90-14

**ACTION REQUESTED:**



# Resolution

Board of  
*Ramsey County Commissioners*

Presented By Commissioner Schaber Date February 20, 1990 No. 90-171  
Attention:

Budget & Accounting  
Lou McKenna, Director, Taxation & Records  
Tax Forfeited Land Division

2/28/90 SH

WHEREAS, MSA Section 282 provides that forfeited lands be classified as conservation or non-conservation and that the classification be submitted to the governing body of the governmental subdivision in which the parcels lie for approval of the classification and sale thereof; and

WHEREAS, The Director of the Department of Taxation and Records Administration has prepared a list dated February 6, 1990, of parcels which forfeited for non-payment of taxes on August 31, 1989, and recommends that said parcels be classified as non-conservation lands; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby recommends that the 57 parcels of forfeited land, as shown on said list on file with the Chief Clerk, be and hereby are classified as non-conservation lands; and Be It Further

RESOLVED, That the classification be submitted to the governing body of the subdivision wherein the parcels lie for approval of the classification and sale of the lands involved.

Hal Norgard, Chairman

By Donnie Ackelen  
Chief Clerk - County Board

CITY OF FALCON HEIGHTS

PIN/LOCATION

Lindig Addition

That part of the East 1-1/100 feet of Lot 1, Block 2, Lindig Addition, bounded on the North and on the South by the Westerly extensions of the North and South lines of the South 94-76/100 feet of the North 1439-9/10 feet of the East 30 acres of the Southwest quarter of Section 16, Township 29 North, Range 23 West, Ramsey County, Minnesota

16-29-23-34-0003  
Lindig St. between  
W. Roselawn Ave. &  
W. Larpenteur Ave.

NOTICE NO.	CODE NO.	SUBDIVISION	LOT	BLOCK
		<u>CITY OF ST PAUL</u>		
89130	29-29-22-33-0034	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 15 BLK 1 ATTRIBUTABLE TO &	8	1
89131	29-29-22-33-0035 00	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 15 BLK 1 ATTRIBUTABLE TO &	9	1
89132	29-29-22-33-0036	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 16 BLK 1 ATTRIBUTABLE TO &	10	1
89133	29-29-22-33-0037	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 16 BLK 1 ATTRIBUTABLE TO &	11	1
89134	29-29-22-33-0038	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 16 BLK 1 ATTRIBUTABLE TO &	12	1
89135	29-29-22-33-0039	RIVOLI HEIGHTS COMMON AREA INTEREST IN LOT 16 BLK 1 ATTRIBUTABLE TO &	13	1
89145	32-29-22-22-0018	SWANSTROMS RE-ARRANGEMENT OF LOTS 10 & 11, BLOCK 8 OF WARREN & WINSLOW'S ADDITION TO ST. PAUL	5	
89149	33-29-22-23-0096	ADAM GOTZIAN'S SUB. OF BLK. 84, LYMAN DAYTONS ADDITION TO ST PAULE 1/2 OF	5	
89160	35-29-22-23-0042	ROBERT L. WARE'S EASTERN HEIGHTS S 1/2 OF	11	6
89161	35-29-22-23-0043	ROBERT L. WARE'S EASTERN HEIGHTS S 1/2 OF	10	6
89165	35-29-23-34-0002	DONNELLY'S ADDITION	4	2
		* <u>CITY OF FALCON HEIGHTS</u>		
89175	16-29-23-34-0003	LINDIG ADDITION SUBJ TO ST PART E OF AND BET EXTENDED N AND S LINES OF LOT 2 BLK 3 LINDIG 2ND ADD OF	1	2
		<u>CITY OF LITTLE CANADA</u>		
89178	07-29-22-22-0032	NORTH HEIGHTS	4	7
89179	07-29-22-22-0033	NORTH HEIGHTS	3	7
89180	07-29-22-	NORTH HEIGHTS	2	7

RESOLUTION NO.R 90- 14RESOLUTION APPROVING CLASSIFICATION  
AND  
REQUESTING ACQUISITION OF TAX FORFEITED LAND

WHEREAS, the Board of County Commissioners of Ramsey County by Resolution No. 90-171, dated February 20, 1990, classified as non-conservation land lying within the limits of the City of Falcon Heights; and

WHEREAS, a copy of the Classification Resolution together with a list of the land classified has been submitted for approval of the classification in accordance with Minnesota Statutes § 281.01, subd. 1; and

WHEREAS, the City of Falcon Heights has determined that the land identified by Parcel Identification No. 16-29-23-34-0003 is required for public street purposes;

NOW, THEREFORE BE IT RESOLVED, that said classification of the land identified by Parcel Identification No. 16-29-23-34-0003 and shown on said list as non-conservation land is hereby approved; and

BE IT FURTHER RESOLVED, that the proper City officials be and hereby are authorized to make an application for conveyance of said tax forfeited land identified by Parcel Identification No. 16-29-23-34-0003 for public street purposes; and

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is authorized to file a certified copy of this Resolution and



Consent \_\_\_\_\_

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PRESENTATION REGARDING RAMSEY COUNTY CHARTER COMMISSION AND PROPOSED RESOLUTION R-90-13.

SUBMITTED BY:

Judy Grant

REVIEWED BY:

Jan Wiessner  
Shirley Chenoweth

EXPLANATION/SUMMARY (attach additional sheets as necessary):

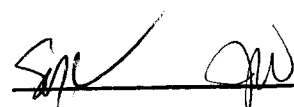
There will be an 8-10 minute slide presentation followed by a question/answer period. (Presentation by Ann Copeland)

ATTACHMENTS

- (a) Letter from Judy Grant dated 2/28/90
- (b) Informational sheet
- (c) Proposed Resolution
- (d) Booklet, Home Rule Charter for Ramsey County

ACTION REQUESTED:

The Charter Commission has requested the City to pass the proposed Resolution (Attachment c).

Handwritten signatures of Jan Wiessner and Shirley Chenoweth.



# RAMSEY COUNTY CHARTER COMMISSION

356 COURT HOUSE  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MINNESOTA 55102  
298-4111

February 28, 1990

Jan Wiessner, City Administrator  
2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113

Dear Jan,

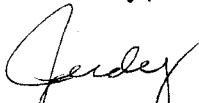
Thank you for allowing the Ramsey County Charter Commission to appear before the Falcon Heights City Council at their regular Council meeting on March 28, 1990. Enclosed are fifteen copies of the proposed Charter, fact sheets, and Council Resolution of support of our educational efforts for distribution to the Council and staff prior to the meeting.

We will have a short slide presentation (8-10 minutes) and a Charter Commission member will be present to answer any questions the Council or audience may have. We would then ask that the Council pass a Resolution urging city residents to become informed and vote on the Charter question in the November election. The Charter Commission would welcome a resolution of support for the Charter, but as a non-partisan Commission whose role is to educate the public, we cannot advocate for support. This Resolution would then be sent to the local newspaper to begin the public educational campaign.

We will also ask for an in-kind contribution to be worked out with staff. This would take the form of distribution of our fact sheet through a City newsletter or making information available to the public at a licensing desk or similar outlet.

The volunteers of the Ramsey County Charter Commission have spent over two years creating this document for the people of Ramsey County and appreciate your assistance in bringing this important issue to them for their consideration on the November 6, 1990 ballot. Thank you becoming a part of this historic event.

Sincerely,



Judy S. Grant  
Charter Coordinator

# RAMSEY COUNTY CHARTER COMMISSION

356 COURT HOUSE  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MINNESOTA 55102  
298-4111

This is the first home rule charter ever written for a county in the history of Minnesota. Some cities have home rule charters; they serve as a constitutional blueprint and allow more decisions to be made at the local level by elected officials. This is the first time the State Legislature has allowed a county to draft a charter, and the voters will decide on adopting this county constitution at the November 6, 1990 general election.

## What will the Charter change?

1. It will give the people the power to pass ordinances by Initiative, to vote on existing ordinances by Referendum, and to Recall irresponsible elected officials. A valid petition for these actions requires a specified percentage of the voters to sign the petition; currently this number in Ramsey County would be 23,500;
2. It provides for professional management which will lead to greater efficiency and effective use of county resources. Currently, the professional form of management can be changed by a vote of four county board members;
3. It gives limited bonding authority with increased citizen participation through public hearings;
4. It provides for more direct citizen participation in decisions regarding park land transfers;
5. It requires coordination of county activities with local units of government but does not change any powers local governments currently have; and
6. It allows the voters to change and amend the Charter to reflect changing needs in our society.

The Charter recognizes that many things are working well in the county and has included these in the charter framework. In addition, some things will not change.

## What will not change?

1. County Commissioners will be elected by districts for staggered terms;
2. The Sheriff and County Attorney will continue to be elected positions;

3. The powers of cities or other local governments will not be affected; and
4. Personnel policies will continue to be governed by state law.

This historic Charter is the result of two years of research, public input, and drafting and re-drafting by a group of civic volunteers who serve on the Ramsey County Charter Commission. The Commission was created by the state legislature and the members were selected by district court judges. They represent all areas of the county and have had considerable experience in service to their communities. This is a document written for the people of Ramsey County by the people of Ramsey County.

Adoption of the Charter will be on the November 6, 1990 ballot. If you would like more information or would like a speaker with a short slide presentation to explain the Charter to your group, call the Ramsey County Charter Commission office at 298-4111.

**REMEMBER TO VOTE ON THE CHARTER NOVEMBER 6, 1990**

Raymond W. Faricy, Jr., Chair

Robert Beutel  
Secretary  
Dana Marie Brandt  
Ann Copeland  
Steve E. Dress  
Dean Fenner  
Beverley Oliver Hawkins  
Thomas J. Kelley

Milton L. Knoll, Jr.  
Vice Chair  
William J. Langlois  
Lou McKenna  
Beverly K. McKinnell  
James D. Schmitz  
Emily F. Seesel  
Virginia Sykes  
S. Mark Vaught

RESOLUTION  
BY  
THE CITY OF  
FALCON HEIGHTS

WHEREAS, the Ramsey County Charter Commission was created by the Legislature and its members appointed by the Judiciary for the purpose of writing the first Home Rule Charter in the State of Minnesota, and

WHEREAS, after extensive research, hearings and drafting, the Ramsey County Charter Commission has completed this historic constitutional document for the people of Ramsey County, and

WHEREAS, representatives of the City of Falcon Heights have worked with the Ramsey County Charter Commission during the past two years in developing this Charter, and

WHEREAS, this constitutional document seeks to enhance the visibility, accessibility, flexibility, efficiency, and responsiveness of county government, therefore

BE IT RESOLVED that the Falcon Heights City Council urges all Citizens of Ramsey County to become informed about the proposed Ramsey County Home Rule Charter,

BE IT FURTHER RESOLVED that the members of the Falcon Heights City Council urge Citizens of Falcon Heights to go to the polls and exercise their constitutional right to be a part of their governing process by voting on this issue in the November 6, 1990 general election.

Consent \_\_\_\_\_

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

ANNUAL UPDATE ON TAX INCREMENT PROJECTS

SUBMITTED BY:

Steve Apfelbacher,  
Ehlers and Associates

REVIEWED BY:

Tom Kelly  
Jan Wiessner

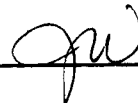
EXPLANATION/SUMMARY (attach additional sheets as necessary):

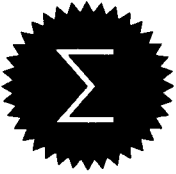
The City's financial consultant, Steve Apfelbacher of Ehlers and Associates has prepared an annual status report on the City's tax increment projects.

Attachment

A. Ehlers & Associates Report

ACTION REQUESTED: Information Only.





**Ehlers and Associates, Inc.**  
LEADERS IN PUBLIC FINANCE

MEMORANDUM

**TO:** Janet Weissner - Falcon Heights  
**FROM:** Steve Apfelbacher  
**DATE:** March 22, 1990  
**RE:** Update of cash Flow Projections for Tax Increment Districts

We have prepared an updated cash flow projection for each tax increment district in the City based on valuations certified for collection in 1990. These are still preliminary numbers from the Ramsey County and subject to change. I have attached the breakdown of values provided by the county and have used a tax capacity rate of 1.08479%.

Based on the cash flow exhibits 1 through 4. I have the following comments:

- Exhibit 1 (TID 1-1)** This District appears to be on sound financial footing. A review should be made to see if any additional special assessments are available.
- Exhibit 2 (TID 1-2)** This District was the most directly affected by the loss of the Homestead Credit. A shortfall is projected in 1994 through 1998. A review should be made to confirm the projected special assessments.
- Exhibit 3 (TID 1-3)** The County has adjusted the value of this district to comply with the minimum assessment agreements executed by the developer. This shortfall may appear earlier if the bank does not make the property tax payments. A deficit is projected beginning in 1993 through 1995.
- Exhibit 4 (TID 2-1)** If the property owners would make the property tax payments due sufficient revenues would be available to retire this debt. The City has a deficit of \$60,286.31 as of March 1, 1990.

The City should review what, if any, surplus monies are available in this District's construction account that could be applied to make up this shortfall. If additional revenues are needed, monies from the other TID's could be used to cover the shortfall. We also should examine the special state law to determine if a supplemental payment would be due.

The valuations and tax increment revenues to be collected have been provided by Ramsey County and are as follows:

Project County No. TID No.	Hewlett/Packard 32 1-1	Coffman 51 1-2	Stratford 59 1-3	Bullseye 42 2-1
Full Tax Capacity Base	\$229,386	\$134,473	\$187,314	\$109,885
Capacity	16,463	- 14,935	42,163	20,849
Tax Increment Tax Capacity Rate	\$212,923 x 1.08479	\$119,538 x 1.08479	\$145,151 x 1.08479	\$ 89,036 x 1.08479
Projected 1989/90 Tax Increment Revs. to be received	\$230,976	\$129,673	\$157,458	\$ 96,585
Original Projection	\$244,532	\$182,866	\$131,139	\$ 72,510
1988/89 Collected	\$270,076.65	\$194,939.44	\$ 58,946.81	\$ 80,415.41
1987/88 Collected	\$268,977	\$168,377	\$ 26,122	\$ 910
<u>Purpose</u>	Finance storm drainage system to make unbuildable property buildable	Provide public water & sewer for project that previously was tax exempt	Provide sewer & developer incentives to construct office office park	Provide finances incentives for developer to build bigger & updated project
Bond Issue Issue date Term	\$525,000 9/1/83 3/1/92	\$1,300,000 6/1/85 3/1/98	\$745,000 12/1/85 3/1/95	\$600,000 11/1/84 2/1/05
Bond Issues Issue date Term Principal Outstanding Coupon Rates	\$1,075,000 4/25/84 3/1/94 \$175,000 7.4%-7.8%	\$1,200,000 6.75%-8.20%	\$725,000 6.4%-7.15%	\$570,000 8.0%-9.9%
Principal Outstanding Coupon Rates	\$675,000 7.8%-8.6%			
Projected Termination	3/1/92	3/1/98	3/1/95	8/1/01

FALCONH6

1989 PAYABLE 1990 FINAL CAPTURED TAX CAPACITIES & SHARING FACTORS Date Run: 15-Mar-90

D R A F T

CITY CODE	COUNTY CODE	Payable 1990 BASE TAX CAPACITY (A)	Payable 1990 CURRENT TAX CAPACITY (B)	PRELIMINARY		FINAL	
				CAPTURED TAX INCREMENT TAX CAPACITY (C) = (B) - (A)	SHARING FACTOR (D) = (C) / (B)	CAPTURED TAX INCREMENT TAX CAPACITY	SHARING FACTOR
=====							
FALCON HEIGHTS							
HP/	32	\$16,463	\$229,386	\$212,923	0.928230	\$212,923	
Bullseye	42	20,849	109,885	89,036	0.810265	89,036	
Coffman	51	14,935	134,473	119,538	0.888937	119,538	
Stratford	59	42,163	187,314 <sup>MASS.</sup> <sub>APR.</sub>	145,151	0.774907	145,151	
ECONOMIC #1-3		Adj. (Assess. Agreement)	92,798 <sup>ADJ.</sup>	50,635			
			+ 94,516	94,516			
TOTAL ECONOMIC #1-3		42,163	187,314 <sup>MASS.</sup> <sub>APR.</sub>	145,151	0.774907	145,151	
TOTAL FALCON HEIGHTS		\$94,410	\$661,058	\$566,648		\$566,648	
=====							



Ex. 1.00

Gortner Hewlett/Packard

03/22/1990

Falcon Hts. Minn  
District Nos. 1-1

File-- FHHPGORT.MKT  
Cash Flow Tax Increment Financing

R E V E N U E S		E X P E N S E S								
Year	Tax Increment Revenue	Capitalized Interest	Other Revenue	Interest Earnings @ 7.50%	Total Revenues	Existing Debt Ser	Debt	Other Costs	Revenue Less Exp	Cumulative Balance
12/89	\$0	\$0	\$865,661	\$0	\$865,661	\$0	\$0	\$0	\$0	\$0
3/90	\$0	\$0	\$0	\$32,462	\$32,462	\$0	\$0	\$0	\$865,661	\$865,661
9/90	\$115,488	\$0	\$0	\$24,675	\$140,163	\$0	\$240,113	\$0	(\$207,650)	\$658,011
3/91	\$115,488	\$0	\$0	\$28,708	\$144,196	\$0	\$32,638	\$0	\$107,526	\$765,537
9/91	\$115,488	\$0	\$0	\$25,391	\$140,879	\$0	\$232,638	\$0	(\$88,442)	\$677,095
3/92	\$115,488	\$0	\$0	\$29,741	\$145,229	\$0	\$24,888	\$0	\$115,992	\$793,086
9/92	\$115,488	\$0	\$0	\$24,879	\$140,367	\$0	\$14,875	\$0	(\$129,659)	\$663,428
3/93	\$115,488	\$0	\$0	\$29,584	\$145,072	\$0	\$189,875	\$0	(\$44,803)	\$788,919
9/93	\$0	\$0	\$0	\$27,904	\$27,904	\$0	\$7,525	\$0	\$20,379	\$744,117
3/94	\$0	\$0	\$0	\$28,669	\$28,669	\$0	\$182,525	\$0	(\$153,856)	\$610,640

Ex. 2.00  
 Coffman (1666 Coffman)  
 03/22/1990  
 Falcon Hts, Minn  
 District Nos. 1-2  
 File-- FRIDOFFMAN  
 Cash Flow Tax Increment Financing  
 ----- R E V E N U E S ----- E X P E N S E S -----

Year	Tax Increment	Capitalized Interest	Other Revenue	Interest Earnings @ 7.50%	Total Revenues	Existing Debt Ser	New Debt	Other Costs	Revenue Less Exp	Cumulative Balance
12/89	\$0	\$0	\$236,228	\$0	\$236,228	\$0	\$0	\$0	\$236,228	\$236,228
3/90	\$0	\$0	\$0	\$8,859	\$8,859	\$0	\$98,475	\$0	(\$89,616)	\$146,612
9/90	\$64,837	\$0	\$1,401	\$5,498	\$71,736	\$0	\$46,788	\$0	\$24,948	\$171,560
3/91	\$64,837	\$0	\$1,401	\$6,633	\$72,671	\$0	\$146,788	\$0	(\$74,116)	\$97,444
9/91	\$64,837	\$0	\$1,319	\$3,654	\$69,810	\$0	\$43,288	\$0	\$26,523	\$123,967
3/92	\$64,837	\$0	\$1,319	\$4,649	\$70,805	\$0	\$143,288	\$0	(\$72,483)	\$51,484
9/92	\$64,837	\$0	\$1,237	\$1,931	\$68,005	\$0	\$39,688	\$0	\$28,317	\$79,801
3/93	\$64,837	\$0	\$1,237	\$2,993	\$69,067	\$0	\$139,688	\$0	(\$70,621)	\$9,180
9/93	\$64,837	\$0	\$1,155	\$344	\$66,336	\$0	\$35,988	\$0	\$30,349	\$39,529
3/94	\$64,837	\$0	\$1,155	\$1,482	\$67,474	\$0	\$160,988	\$0	(\$93,513)	(\$53,984)
9/94	\$64,837	\$0	\$1,073	\$0	\$65,910	\$0	\$31,238	\$0	\$34,673	(\$19,312)
3/95	\$64,837	\$0	\$1,073	\$0	\$65,910	\$0	\$181,238	\$0	(\$115,328)	(\$134,639)
9/95	\$64,837	\$0	\$991	\$0	\$65,828	\$0	\$25,388	\$0	\$40,441	(\$94,199)
3/96	\$64,837	\$0	\$991	\$0	\$65,828	\$0	\$175,388	\$0	(\$109,560)	(\$203,758)
9/96	\$64,837	\$0	\$0	\$0	\$64,837	\$0	\$19,388	\$0	\$45,450	(\$158,309)
3/97	\$64,837	\$0	\$0	\$0	\$64,837	\$0	\$194,388	\$0	(\$129,551)	(\$287,859)
9/97	\$64,837	\$0	\$0	\$0	\$64,837	\$0	\$12,300	\$0	\$52,537	(\$235,322)
3/98	\$0	\$0	\$0	\$0	\$0	\$0	\$312,300	\$0	(\$312,300)	(\$547,622)

Ex. 3.00 05/22/1990 File-- FHSTRAT  
 Stratford Office Park Falcon Hts, Minn Cash Flow Tax Increment Financing  
 District Nos. 1-3

----- R E V E N U E S ----- E X P E N S E S -----

Year	Tax Increment Revenue	Capitalized Interest	Other Revenue	Interest Earnings @ 7.50%	Total Revenues	Existing Debt Ser	New Debt	Other Costs	Revenue Less Exp	Cumulative Balance
12/89	\$0	\$0	\$30,341	\$0	\$30,341	\$0	\$0	\$0	\$0	\$0
3/90	\$0	\$0	\$0	\$1,138	\$1,138	\$0	\$45,784	\$0	(\$44,646)	\$30,341
9/90	\$78,729	\$0	\$0	\$0	\$78,729	\$0	\$25,144	\$0	\$53,585	(\$14,305)
3/91	\$78,729	\$0	\$0	\$1,473	\$80,202	\$0	\$100,144	\$0	(\$19,942)	\$39,280
9/91	\$78,729	\$0	\$0	\$725	\$79,454	\$0	\$22,669	\$0	\$56,785	\$19,339
3/92	\$78,729	\$0	\$0	\$2,855	\$81,584	\$0	\$147,669	\$0	(\$66,085)	\$76,124
9/92	\$78,729	\$0	\$0	\$376	\$79,105	\$0	\$18,450	\$0	\$60,655	\$10,039
3/93	\$78,729	\$0	\$0	\$2,651	\$81,380	\$0	\$168,450	\$0	(\$87,070)	(\$16,375)
9/93	\$78,729	\$0	\$0	\$0	\$78,729	\$0	\$13,275	\$0	\$65,454	\$49,079
3/94	\$78,729	\$0	\$0	\$1,840	\$80,569	\$0	\$188,275	\$0	(\$107,706)	(\$58,627)
9/94	\$78,729	\$0	\$0	\$0	\$78,729	\$0	\$7,150	\$0	\$71,579	\$12,952
3/95	\$78,729	\$0	\$0	\$486	\$79,215	\$0	\$207,150	\$0	(\$127,935)	(\$114,983)

Ex. 4.00 03/22/1990 File-- FHBULLSEYE  
 Bullseye Plaza Falcon Hts, Minn Cash Flow Tax Increment Financing  
 District Mos. 2-1

Year	R E V E N U E S				E X P E N S E S				Cumulative Balance	
	Tax Increment	Capitalized Interest	Other Revenue	Interest Earnings @ 7.50%	Total Revenues	Existing Debt Ser	New Debt	Other Costs		Revenue Less Exp
12/89	\$0		(\$16,942)	\$0	(\$16,942)	\$0	\$0	\$0	\$0	(\$16,942)
2/90	\$0		\$0	\$0	\$0	\$0	\$42,660	\$0	(\$42,660)	(\$59,602)
8/90	\$48,293		\$0	\$0	\$48,293	\$0	\$27,060	\$0	\$21,233	(\$38,369)
2/91	\$48,293		\$0	\$0	\$48,293	\$0	\$52,060	\$0	(\$3,767)	(\$42,136)
8/91	\$48,293		\$0	\$0	\$48,293	\$0	\$26,035	\$0	\$22,258	(\$19,878)
2/92	\$48,293		\$0	\$0	\$48,293	\$0	\$51,035	\$0	(\$2,742)	(\$22,620)
8/92	\$48,293		\$0	\$0	\$48,293	\$0	\$24,985	\$0	\$23,308	\$688
2/93	\$48,293		\$0	\$26	\$48,319	\$0	\$49,985	\$0	(\$1,666)	(\$978)
8/93	\$48,293		\$0	\$0	\$48,293	\$0	\$23,910	\$0	\$24,383	\$23,405
2/94	\$48,293		\$0	\$878	\$49,171	\$0	\$48,910	\$0	\$261	\$23,665
8/94	\$48,293		\$0	\$887	\$49,180	\$0	\$22,810	\$0	\$26,370	\$50,036
2/95	\$48,293		\$0	\$1,876	\$50,169	\$0	\$47,810	\$0	\$2,359	\$52,395
8/95	\$48,293		\$0	\$1,965	\$50,258	\$0	\$21,685	\$0	\$28,573	\$80,968
2/96	\$48,293		\$0	\$3,036	\$51,329	\$0	\$56,685	\$0	(\$5,356)	\$75,612
8/96	\$48,293		\$0	\$2,835	\$51,128	\$0	\$20,075	\$0	\$31,053	\$106,666
2/97	\$48,293		\$0	\$4,000	\$52,293	\$0	\$60,075	\$0	(\$7,782)	\$98,884
8/97	\$48,293		\$0	\$3,708	\$52,001	\$0	\$18,195	\$0	\$33,806	\$132,690
2/98	\$48,293		\$0	\$4,976	\$53,269	\$0	\$58,195	\$0	(\$4,926)	\$127,764
8/98	\$48,293		\$0	\$4,791	\$53,084	\$0	\$16,275	\$0	\$36,809	\$164,573
2/99	\$48,293		\$0	\$6,171	\$54,464	\$0	\$56,275	\$0	(\$1,811)	\$162,762
8/99	\$48,293		\$0	\$6,104	\$54,397	\$0	\$14,335	\$0	\$40,062	\$202,824
2/00	\$48,293		\$0	\$7,606	\$55,899	\$0	\$54,335	\$0	\$1,564	\$204,388
8/00	\$48,293		\$0	\$7,665	\$55,958	\$0	\$12,375	\$0	\$43,583	\$247,971
2/01	\$48,293		\$0	\$9,299	\$57,592	\$0	\$62,375	\$0	(\$4,783)	\$243,187
8/01	\$48,293		\$0	\$9,120	\$57,413	\$0	\$9,900	\$0	\$47,513	\$290,700
2/02	\$48,293		\$0	\$10,901	\$59,194	\$0	\$59,900	\$0	(\$706)	\$289,994
8/02	\$48,293		\$0	\$10,875	\$59,168	\$0	\$7,425	\$0	\$51,743	\$341,737
2/03	\$48,293		\$0	\$12,815	\$61,108	\$0	\$57,425	\$0	\$3,683	\$345,420
8/03	\$48,293		\$0	\$12,953	\$61,246	\$0	\$4,950	\$0	\$56,296	\$401,716
2/04	\$48,293		\$0	\$15,064	\$63,357	\$0	\$54,950	\$0	\$8,407	\$410,124
8/04	\$48,293		\$0	\$15,380	\$63,673	\$0	\$2,475	\$0	\$61,198	\$471,321
2/05	\$48,293		\$0	\$17,675	\$65,968	\$0	\$52,475	\$0	\$13,493	\$484,814

Consent \_\_\_\_\_

Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CONSIDERATION OF ETHICS POLICY FOR FALCON HEIGHTS  
PUBLIC OFFICIALS

SUBMITTED BY:

Carol Carlson

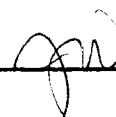
REVIEWED BY:

Jan Wiessner  
Tom Gedde

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The proposed Ethics Policy has been revised based on Council review of the last draft. Additions are underlined and deletions are lined through. The major change from Draft #3 is deletion of information requested in "Exhibit A" as it is a duplication. The other changes were for clarification.

ACTION REQUESTED:

  
\_\_\_\_\_

Consent \_\_\_\_\_

Agenda Item: F-8

Policy X

**CITY OF FALCON HEIGHTS**

Meeting Date: 3/28/90

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:** CIGARETTE SALE RESTRICTIONS/ILLEGAL SMOKING ENFORCEMENT

**SUBMITTED BY:** Tom Gedde, City Attorney

**REVIEWED BY:** Jan Wiessner

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

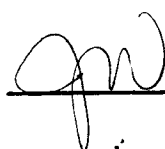
The City Council has requested information on options the City Council can consider to restrict the sale of cigarettes and/or increase efforts to enforce existing laws regulating the sale of cigarettes and smoking in the City of Falcon Heights.

**ATTACHMENT**

- A. LMC Summary: Adoption of Local Regulations Regarding Tobacco
- B. Correspondence from Tom Gedde
- C. Current Cigarette Licenses

NOTE: A supplemental packet of resource material received from the LMC is being circulated among council members. Please read and pass on as quickly as you are able.

**ACTION REQUESTED:** Discussion, direction to staff.



345  
Miscellaneous  
12/89 \*

## ADOPTION OF LOCAL REGULATIONS REGARDING TOBACCO

General Rule

- . Cities as political subdivisions of the state may exercise any powers which state statutes or city charters expressly grant to them or which directly relate to such grant of authority provided the city action is not pre-empted by the state, is constitutional, and is accomplished in accordance with required procedures.

City Authority

- . Minnesota Statute 461.12 authorizes the governing body of each statutory or home rule charter city to "license and regulate the sale at retail of cigarettes . . . and fix the license fee for sales." Different classes of sellers are contemplated by the statute. "It may provide for the punishment of any violation of the regulations, and make other provisions for the sale of cigarettes within its jurisdiction as are permitted by law." (emphasis added)
- . Even absent the express authority in § 461.12, a city's police power to promote the general health, safety, and welfare would likely be sufficient to support any regulation or licensing provision.
- . Ordinances are presumptively valid and within the authority of the city, and the person attacking the ordinance or regulation has the burden of proof.

Pre-Emption

- . In some situations, the state has so "intruded" into an issue as to prevent any local role. Examples of express pre-emptions are sales and income taxes as well as plumber, doctor, lawyer, and engineer licensing.
- . Pre-emption is most often found in the area of licensing, rather than regulation.
- . Regarding cigarettes and vending machines, both § 461.12 as well as more recent legislation indicate no effort or intent to pre-empt. M.S. 609.685, modified by the 1989 legislature to provide for a gross misdemeanor penalty for illegal tobacco sales to minors, states in subdivision 4 that nothing in 609.685 shall supersede or preclude the continuation or adoption of any local ordinance which provides for more stringent regulation of tobacco and tobacco related products.

545  
ORDINANCE  
SHOREVIEW  
11-22-89

CITY OF SHOREVIEW  
ORDINANCE NO. 523

AN ORDINANCE ADDING SECTION 904.070 TO THE SHOREVIEW MUNICIPAL CODE RELATING TO THE SALE OF CIGARETTES

THE CITY COUNCIL ORDAINS A<sup>c</sup> ADDITION TO THE SHOREVIEW MUNICIPAL CODE:

Section 904.070 of the Municipal Code of the City of Shoreview

904.070. Vending machines shall not be used to sell or other cigarettes, the vending machine shall not be used in an area that permits unrestricted access to vending machines by a person who is under the age of 18 years. A violation of this provision shall be cause for immediate revocation of the license to sell cigarettes.

*NOTE  
this  
page*

This ordinance shall become effective on the first day of January, 1990.

PASSED by the City Council of the City of Shoreview this 6th day of November, 1989.

*Richard A. Wedell*  
Richard Wedell, Mayor

ATTEST:

*Dwight W. Johnson*  
Dwight Johnson, City Manager

PUBLISHED on this 22nd day of November, 1989.

Users: Carol-L  
8695ORD.006  
10/27/89



\*

Constitutionality

- . All local actions must be reasonable, clear, nondiscriminatory, and rationally related to a public purpose. In some cases the standard may be higher but this is not likely with regard to tobacco sales.
- . The reasonableness of an action is often determined by applying a negative test in which a court will analyze whether the unreasonableness must be so palpable and extreme as to amount to an abuse of discretion or a mere arbitrary exercise of the power granted to the council. It is not necessary to select the least burdensome means of achieving an end, although the level of burden imposed by an act is relevant to whether an act is reasonable.
- . Courts in Minnesota will often defer to the wisdom of the legislature and its political subdivisions but recently have focused on the record indicting why the legislature or council acted in a particular manner. Lesson: Build a record (minutes, reference to documents, formal findings).
- . The clarity or vagueness of an act is tested by analyzing whether a person of common intelligence must necessarily guess at its meaning and differ as to its application.
- . The act must be nondiscriminatory in its effect or any differences must be based on some classification which is reasonable, natural, and proper in relation to the danger sought to be controlled. The short test is whether it is reasonable to make the distinctions, and again a good record of the local decision-making is essential to minimizing the likelihood of a successful challenge.
- . The regulation must be rationally (sometimes substantially) related to a legitimate public purpose. Does the restriction or regulation contribute to solving the problem identified? Again, as in other constitutional issues, there is no absolute safe harbor; the best test is to employ common sense and to act only after a full analysis of the issue.

\* Suggestions for Adopting an Ordinance

- \* 1) Observe statutory or charter procedural requirements such as number of votes and publication. Be wary of special charter provisions for notice, "readings," etc.
- 2) Build a record of what the council sees as the issue, alternatives studied, and reasons for final choice, using the constitutional criteria of reasonableness, clarity, nondiscrimination, and rational purpose.
- 3) Don't allow fear of challenge or court review to dissuade you from doing what is in the public interest.

\*

Cases for Licensed (and Unlicensed) Attorneys

Minnesota Though no recent court decisions have been rendered, the following cases are "tops" for supporting a local ordinance dealing with cigarette vending machines:

- . City of Duluth v. Cerveney, 218 Minn. 511, 16 N.W.2d 779 (1944)
- . State v. Crabtree, 218 Minn. 36, 15 N.W.2d 98.

Other States

- . Vending Specialists v. Bangerter, USDC Utah Civil No. 89-C-593W, (July 21, 1989). Involved Utah statute similar to White Bear Lake ordinance. Statute upheld.
- . Ill. Cigarette Service v. Chicago, 89 F.2d 610 (1937). An ordinance prohibiting the sale of cigarettes to minors, and prohibiting their sale through vending or coin operated machines, will not be held invalid by reason of a contention that the desired end of the enactment might be reached by a less burdensome ordinance.
- . Pressley v. Chicago, 26 Ill. Ap. 2d 283, 168 N.E.2d 41 (1960). Where customers hand money to storekeeper who deposits it in slot and activates machine which dispenses cigarettes the device is not a "cigarette vending machine." The storekeeper has as much control as if he handed the cigarettes to the buyer and can avoid the prohibited sale to persons under 18.
- . Detroit Retail Druggist Assn. v. Detroit, 267 Mich. 405, 255 N.W. 217 (1934). The vending of cigarettes is a proper subject of police regulation, particularly because of injury to the health and welfare of minors from smoking.
- . Brennan v. Seattle, 151 Wash. 665, 276 P. 886 (1929). An ordinance prohibiting the vending or sale of cigarettes, cigars, or tobacco by the use of any automatic vending machine is a reasonable exercise of the police power, in the interest of keeping tobacco products out of the reach of children.

**JENSEN, HICKEN, GEDDE & SCOTT, P. A.**

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.  
 GEDDE, THOMAS A.  
 HICKEN, JEFFREY P.  
 HOWARD, ROBERT A.  
 JENSEN, DAVID L.  
 MATTKE, PAUL E.  
 SCOTT, MICHAEL J.

300 ANOKA OFFICE CENTER  
 2150 THIRD AVENUE  
 ANOKA, MINNESOTA 55303-2296

TELEPHONE (612) 421-4110  
 TELECOPIER (612) 421-1040

OF COUNSEL  
 HADLEY, CHARLES S.  
 LUTHER, RICHARD L.

**MEMORANDUM**

TO: Falcon Heights City Council

FROM: Paul E. Mattke, Assistant Falcon Heights  
 City Attorney

DATE: March 23, 1990

RE: Local Legislation Restricting Sale or Use of Tobacco

You have asked for more information concerning the lengths to which the City might go in restricting sales or use of tobacco within the Falcon Heights city limits. Ultimately, the answer depends on whether a Court would decide that the City is preempted by state statute from going beyond regulating and licensing sales of cigarettes to a ban on sales of cigarettes and possibly other tobacco products.

Minnesota Statutes §461.12 permits statutory cities to license and regulate the retail sale of cigarettes, cigarette paper or cigarette wrappers and to fix license fees for such sales. Opponents of a ban on sales altogether would argue that the statute implicitly precludes a total ban on sales; i.e., if the legislature had intended to permit a ban it would have said so. However, Minnesota Statutes §412.221, Subd. 32 grants to the City Council the power to promote health, safety and general welfare "by such ordinances not inconsistent with the Constitution and laws of the United States and of the state as it shall deem expedient." Preemption generally is found only where it is expressed in a statute, the local ordinance would clearly contradict a statute, the nature of the activity regulated is effectively susceptible only to state or federal regulation, or on all of the facts and circumstances there is evident a clear intent to preempt. Only the latter case arguably applies to this issue.

If the City is found not to be preempted from going beyond mere regulation and licensing of cigarette sales, the ordi-

Memorandum to Falcon Heights City Council  
Page 2  
March 23, 1990

nance must have a rational basis; that is, it must be reasonably related to a legitimate public purpose. Public purposes to be served by a total ban on the sale of tobacco products might include reducing the harm caused by the use of tobacco products by reducing their availability. The harm would include the addiction, disease and death of users as well as reduction of cigarette butts and related litter. While the Courts give considerate weight to a legislative body's determination of the rational basis for an enactment, the mere ability to state something plausible does not guarantee the ordinance's survival.

A Federal District Court in New Jersey overturned a local ordinance aimed at drug paraphernalia as overly broad when it prohibited the sale of cigarette papers, syringes, needles, eye droppers, spoons, and pipes. Bambu Sales, Inc. v. Gibson, 474 F. Supp. 1297 (D.N.J.). The Court pointed out that most of the uses of these objects were lawful, so banning their sale was not reasonably related to the goal of prohibiting illicit drug use. Similarly, the Minnesota Attorney General opined that the Village of Cass Lake could not prohibit the sale of canned heat simply because it was allegedly consumed as a beverage by some persons who then became intoxicated and disruptive in the community. Op. At. Gen. 218-J-9 (November 29, 1951). According to the Attorney General a total prohibition of sale was arbitrary and unreasonable when there were legitimate uses for the product, but the Village could regulate the sale and use of the product.

The field of regulation, as opposed to prohibition, of the sale of cigarettes in general and other tobacco products (if the regulation is aimed at keeping them out of hands of minors), is pretty wide open. In addition to Section 461.12, Minnesota Statutes §609.685, Subd. 4, specifically permits more stringent local regulation of tobacco and its sale to or use by minors than provided in Section 609.685 itself. The same rational basis test as is discussed above, would apply to any ordinance regulating the sale and use of tobacco products. There is a high likelihood that any regulation which would tend to keep tobacco out of the hands of minors would be upheld. The City need not choose the least burdensome means of attaining that objective; however, the degree of the burden would be considered along with the effectiveness of the technique in determining whether or not the enactment has a rational basis. For example, prohibiting the sale of tobacco products by minors might be quite burdensome either to minors who otherwise might be employable in part-time cashier positions or to proprietors who otherwise would be free to sell cigarettes but for their minor employees, in comparison to the

Memorandum to Falcon Heights City Council

Page 3

March 23, 1990

relatively minor impact such a provision might have on minors obtaining tobacco. On the other hand, a provision holding proprietors of public establishments responsible to "card" smoking minors and to eject them from their business establishment if they are illegally smoking, probably would be a reasonable condition of maintaining a business license. Vending machines quite clearly can be regulated, licensed, or eliminated altogether. Special taxes on tobacco sales go beyond the license fees authorized by statute and are not authorized by any other statute; therefore, such a local tax probably would be struck down if challenged.

License fees for cigarette sales may be set at the Council's discretion, but should be related to the cost of regulating the activity. If the license fees are used to increase enforcement of the statute which outlaws sale to or use by minors, substantial fees would be supportable. Any change in cigarette licensing probably should be effective January 1, 1991, since you already have licensed this activity for the current year and merchants are acting in reliance upon those licenses.

PEM/abg



## CITY OF FALCON HEIGHTS

## CIGARETTE LICENSES

1990

Vending Machines - \$25

Clark's Submarine  
Ciatti's (American Amusement)  
Embers (Consumer Vending)  
Hewlett/Packard (Thiesen Vending)  
Falcon Lanes (License in process)

Over the Counter - \$25

Blomberg Pharmacy  
Tom Thumb  
SuperAmerica  
Amoco  
Pizza Hut (license applied for)

Consent \_\_\_\_\_

Agenda Item: F-9

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/28/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

TENTATIVE SCHEDULE FOR CITY COUNCIL MEETINGS/WORKSHOPS

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

At the last Council meeting, I was directed to recommend a workshop/meeting schedule. It is possible that a brief meeting will need to be held the 2nd Wednesday to expedite City business; however, we can try to shift as much business as possible to the meeting on the 4th Wednesday. I suggest we try the following schedule for two months to see how it goes.

April 11 - Brief Council meeting, 7:00 P.M.  
Workshop, 7:15 P.M.

- (A) Presentation by Fire Marshal
- (B) Continue review of City Code, Ch. 1-3  
City Emergency Plan  
Fire Dept. Rules & Regulations  
Fire Dept. Relief Assoc.
- (C) Initial review of City Code, Ch. 4-6

April 25 - Regular Council Meeting, 7:00 P.M.

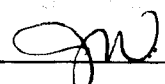
May 9 - Brief Council meeting if necessary, 7:00 P.M.  
Workshop, 7:15 P.M.

- (A) Continue review of City Code, Ch. 4-8
- (B) Presentation by Parks and Recreation Director

May 23 - Regular Council meeting

It is expected that the Code revision will consume considerable workshop time during these meetings. I would suggest another workshop be scheduled during the next month also to review and continue the strategic planning discussions started during the last few years. The purpose would be to orient the new council members about progress to date and discuss future initiatives.

ACTION REQUESTED: Schedule Workshops,  
Discuss Cable Coverage



## CITY OF FALCON HEIGHTS

## REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

A Planning Report on the Land Use Controls Governing the University Grove Neighborhood

SUBMITTED BY: Susan Hoyt Taff, City Planner

REVIEWED BY: Jan Wiessner, City Administrator

EXPLANATION/SUMMARY (attach additional sheets as necessary):

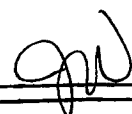
The University of Minnesota has proposed to change the land tenure of the University Grove Neighborhood from entirely leasehold to a mixture of leasehold and individual property ownership. Currently both the University of Minnesota and the City of Falcon Heights regulate the land use in the neighborhood. Residents in the neighborhood requested the City staff to prepare information on the two sets of land use controls so residents can determine what regulations may cease to exist, if the University of Minnesota is no longer the lessor of all the property.

ATTACHMENT 1 - Memo dated 3/19/90 to Jan Wiessner from Susan Hoyt Taff

ATTACHMENT 2 - A Planning Report on the Land Use Controls Governing the University Grove Neighborhood

This report is being distributed to the Planning Commission and the City Council for information due to the amount of public interest expressed in this issue.

ACTION REQUESTED: Information Only.







CITY OF  
**FALCON HEIGHTS**

---

2077 W. LARPELLE AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

---

19 March 1990

TO: . Jan Wiessner, City Administrator

FROM: Susan Hoyt Taff, City Planner

RE: A Planning Report on the Land Use Controls Governing the  
University Grove Neighborhood

The Planning Report on the Land Use Controls Governing the University Grove Neighborhood is attached for your review.

The University Grove Neighborhood is subject to two layers of land use controls, those administered by the University of Minnesota and those administered by the City of Falcon Heights. Grove residents are interested in determining how these restrictions might change if the University sells the land to homeowners. This report is an effort to provide the necessary information to residents as you requested.

As you know, I am a resident of the University Grove Neighborhood, and am fully aware of the controversy surrounding the University proposal to sell land to Grove homeowners. I've attempted to provide objective information about the City's role in the issue as well as outlining the requirements of both institutions governing the University Grove Neighborhood.

Please distribute it as you see fit.



19 March 1990

A PLANNING REPORT ON THE LAND USE CONTROLS  
GOVERNING THE UNIVERSITY GROVE NEIGHBORHOOD

INTRODUCTION

The University of Minnesota has proposed a change in the land tenure system of the University Grove Neighborhood from entirely leasehold with University ownership to a mixture of leasehold with University ownership and private property. As lessor, the University maintains a policy of approving all major property improvements and restricting some land uses. Therefore, the absence of the University's ownership of some property may remove these land use controls. This report provides information on the role of the City in this issue. And it details the existing land use controls placed upon the neighborhood by the University of Minnesota and the City of Falcon Heights zoning code.

THE CITY'S ROLE

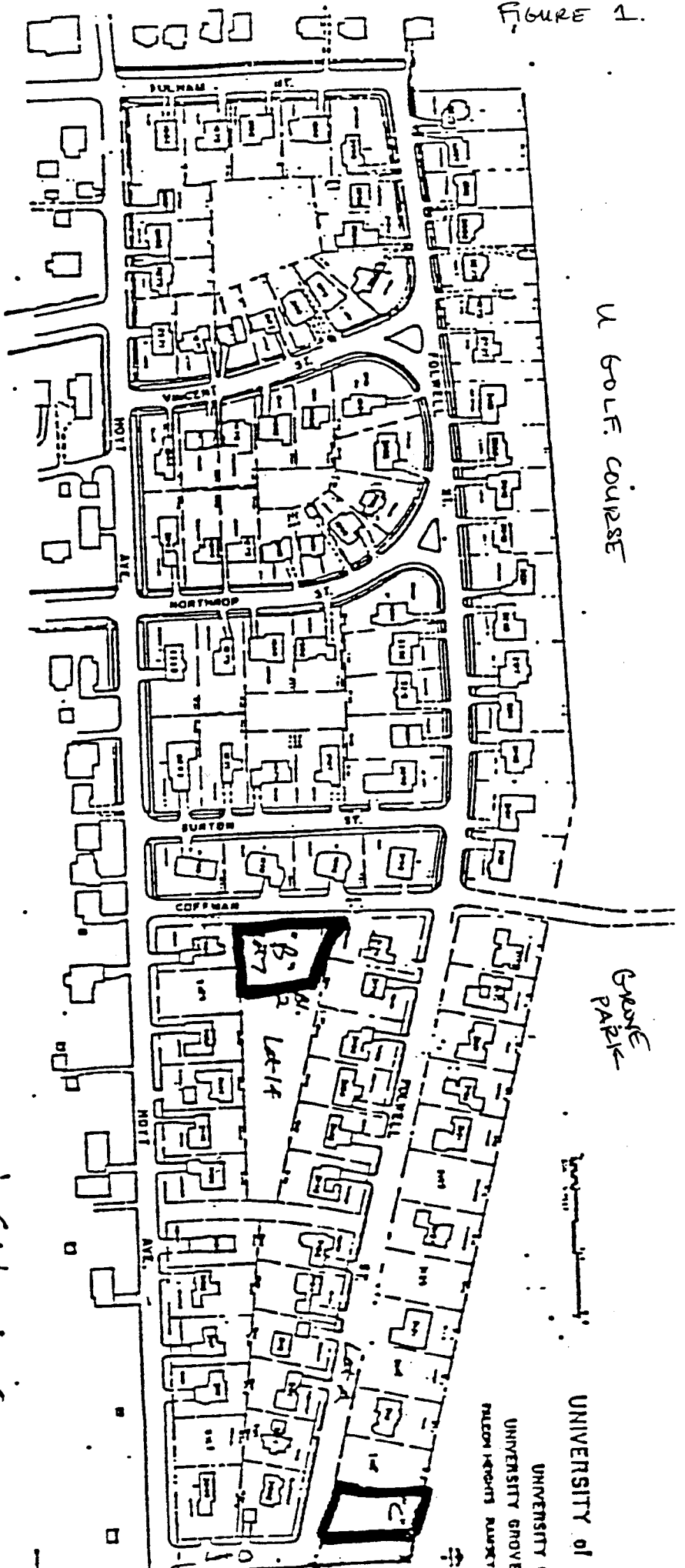
Commons Areas and Vacant Lots

Any issue affecting a City neighborhood is important to the City as a whole. Nevertheless, the University proposal to sell the land to Grove residents is primarily a neighborhood issue with the residents and the University being the key players. The University did approach the City on two questions related to the land sale issue. In a letter dated September 19, 1989, the University inquired about the City's interest in 1) releasing an easement on the property at the northeast end of Folwell Avenue to expand the area of the vacant lot "Lot C" (see Figure 1) so the University could sell it for the construction of a residential home; and 2) the City's interest in purchasing the commons areas and "Lot B", a vacant lot on the eastern edge of Coffman Street (see Figure 1). A copy of this letter was sent to the President of the Grove Homeowners Association. After review by the Planning Commission and a public hearing, the City Council approved the release of a portion of the easement adjacent to "Lot C". The City Council also declined the opportunity to purchase the commons areas and/or "Lot B". The City Council based its decision on the fact that the commons areas serve the adjacent property owners and do not function as a neighborhood park. The City has made an on-going commitment to the Grove Park. Therefore, it was decided that limited City funds should not be spent on the purchase and maintenance of these areas.

The Zoning Code

The City administers the zoning code that covers the University Grove Neighborhood. The University Grove is zoned R-1, single family residential. It is possible to amend the zoning code to

FIGURE 1.



U GOLF COURSE

GREAVE PARK



UNIVERSITY of  
 UNIVERSITY of  
 UNIVERSITY GROVE  
 FALCON HEIGHTS BLVD

Auditors Subdivision 71  
 University Grove

Auditors Subdivision 70  
 Grove Dist

UNIVERSITY OF MINNESOTA  
 UNIVERSITY GROVE  
 UNIVERSITY GROVE EAST  
 FALCON HEIGHTS MN.

create a new residential zone, and/or an architectural and historic district residential zone for the University Grove Neighborhood.

Designating the University Grove as an architectural and historic district zone may be possible because the neighborhood is architecturally and historically significant. However, the level of that significance remains to be assessed. It may be eligible for the National Register of Historic Places. It certainly has some local and statewide significance. The significant criteria are:

1. The unique neighborhood plan done in 1928 including the academic residences and being built around common areas
2. The architecturally significant homes
3. The homes of famous people

The process of designating the University Grove Neighborhood as a new residential zone and/or an architectural/historic residential district requires a zoning change. A zoning change may be initiated by 1) a petition from the property owners, 2) a recommendation from the Planning Commission or 3) an action by the City Council. Once a zoning change is underway all property owners and abutting property owners are invited to a public hearing on the proposed zoning change. The Planning Commission makes a recommendation on the proposed change to the City Council. A four-fifths vote of the City Council is required to amend the zoning code.

#### A COMPARISON OF LAND USE CONTROLS

The following table compares the University Grove restrictions imposed by the University of Minnesota (based upon documents and observation) and the City of Falcon Heights zoning restrictions in an R-1 zone. The University Grove Neighborhood is subject to both sets of restrictions.

UNIVERSITY OF MINNESOTA  
GROVE RESTRICTIONS

CITY OF FALCON HEIGHTS R-1  
(includes University Grove)

1. Requires architect to design dwelling and addition. Design review and approval by University of Minnesota.
  2. No fences or permanent landscape walls without design review/approval by University of Minnesota.
  3. A real or perceived restriction on accessory structures such as tennis courts, swimming pools, utility sheds, clotheslines etc. All improvements subject to University of Minnesota approval.
  4. Storage of boats, trailers not observable.
  5. Thirty-five foot front yard setback.
  6. Existing trees except those within the foundation line must be preserved.
  7. Single family with owner occupancy.
  8. Not applicable.
1. All plans reviewed by building inspector and appropriate permits required. All construction must meet City codes.
  2. Three foot high fence limit in front yard; six foot high limit in side yard and rear yard. Constructed of permanent material, if 30% open to air. Permit required.
  3. Accessory uses are allowed in side and rear yards if setback and height restrictions are met. Building permits required in most cases. One utility shed per lot, approved if color, size and setback meet code.
  4. Storage of boats less than 25 ft. long and unoccupied trailers allowed in rear yard if 10 ft. from property line.
  5. Thirty foot front yard setback.
  6. No removal of public trees without City permission.
  7. Same, however, absentee ownership allowed.
  8. Conditional use\* allows rooming and/or boarding houses for up to four persons.

\*Conditional use permits must be approved by the City Council. They are issued if all zoning code requirements are met. Neighbors' objections are taken into account when determining the conditions.

## CONCLUSION

The University Grove Neighborhood is subject to two layers of land use controls, those of the University of Minnesota and the City of Falcon Heights zoning code. It is the City's role to enforce the current provisions of the City Code. A change in the neighborhood's land tenure system may affect the types of land use restrictions governing the neighborhood. The information in this report is intended to assist residents in making that determination.

APPENDIX

1. Letter dated September 19, 1989 to the City of Falcon Heights from the University of Minnesota
2. Relevant sections of the minutes of the City Council of Falcon Heights, November 8, 1989
3. Relevant portions of the City of Falcon Heights zoning code covering property in an R-1 zone and accessory structures
4. Relevant portions of the University Grove Procedure for Improvements, June 13, 1970
5. Map of the University Grove Subdivision, 1954
6. "St. Paul's Architectural Time Capsule", The New York Times, January 8, 1989
7. National Register Criteria for Evaluation



UNIVERSITY OF MINNESOTA

Real Estate Office  
335 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455  
(612) 625-5345

APPENDIX 1  
Copy to  
SH-T  
U. Grov

SEP 21 1989

September 19, 1989

Ms. Janet R. Wiessner  
City of Falcon Heights  
2077 W. Larpenteur Avenue  
St. Paul, MN 55113

Re: University Grove and Grove East

Dear Ms. Wiessner:

Pursuant to our recent telephone conference, I enclose a map of University Grove and Grove East. The University would like to sell the highlighted lot identified as "C" along with the portion of Lot D adjacent thereto, and north of Folwell Street as currently constructed, for development of a single-family home. To sell the portion of Lot D north of Folwell Street (as currently constructed), the University's easement to the City of Falcon Heights covering the streets in the Grove and Grove East would have to be amended. Would that portion of the street also need to be vacated by the City Council? What would be the City's position with respect to this sale transaction?

The second item we discussed is identified as "B" on the attached map (Lot 7, Block 2, Auditor's Subdivision 90). I have been advised that when Auditor's Subdivision 90 was platted, the University and the City of Falcon Heights agreed that Lot 7 would not be developed. I assume the City wanted to ensure the larger common area in Block 2 (Lot 14) would remain accessible to the public. If this is the case, would the City want to purchase Lots 7 and 14?

As I explained over the phone, we are considering sale of all of the lots in University Grove and Grove East in order to allow us to discontinue the program whereby the University provides the mortgage financing for the occupying faculty. To do so, we believe we would be required to remove the restriction that these properties be sold only to University faculty. A resulting consequence would be discontinuing the maintenance we now provide to the common areas, etc.

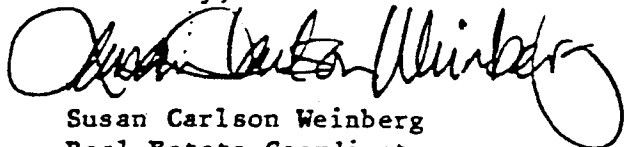
You indicated during our phone conversation you had some concerns with the common areas in the middle of the 3 blocks in University Grove along Hoyt Avenue should the University sell the surrounding lots (and, presumably, therewith an undivided percentage of the common area). All too often, you advised, subsequent owners forget their maintenance responsibilities or plant a garden on land intended to remain as a park. You suggested that perhaps these blocks should be re-platted to enlarge the sizes of the surrounding lots and eliminate the common areas. Please give me your thoughts with respect to this matter as well.



Janet R. Wiessner  
September 19, 1989  
Page Two

Please feel free to contact me at 625-4539 should you have any questions regarding the above or if you'd like further information. Thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Carlson Weinberg". The signature is written in dark ink and is positioned above the typed name.

Susan Carlson Weinberg  
Real Estate Coordinator

Enclosure

LIONS CLUB REQUEST TO USE CITY PARK FOR SALE OF CHRISTMAS TREES,  
CHRISTMAS TREE LICENSE #387 AND TEMPORARY SIGN PERMITS TO BE  
ISSUED UPON RECEIPT OF APPLICATIONS AND FEES

Sam Jacobs, representing the Falcon Heights/Lauderdale Lions Club, requested that Council consider allowing the Club to install 50 steel posts and 500 feet of snow fence at the City Park as an enclosure for their annual Christmas Tree sales lot. He also requested permission to place a temporary warming shelter and satellite at the site. Following a brief discussion Wallin moved approval of the requests contingent upon receipt of the necessary license and signage documents. Motion carried unanimously.

DISCUSSION OF UNIVERSITY'S INTENT TO SELL LEASE RIGHTS IN  
UNIVERSITY GROVE

Baldwin explained that the University of Minnesota is considering the sale of the lease rights of the University Grove property to the homeowners in the neighborhood, and has inquired as to whether or not the City would be interested in purchasing the common areas. Wallin explained that the Planning Commission at their November 6th meeting, recommended the City not purchase the common areas. Council concurred and will not pursue purchase.

CITY TO VACATE A PORTION OF EASEMENT ON EXTENSION OF FOLWELL  
AVE. PUBLIC HEARING SCHEDULED FOR 11/13/89, 7:30 P.M.

Wiessner explained that the University has requested the City to vacate its easement on the extension of Folwell so the University may sell the additional land as a part of Lot C for a dwelling unit. Wallin explained that the Planning Commission felt the City should not give up more than 25 feet of the easement as it may be used for pedestrian access to the proposed walkway included in the City's Park Plan. Following the discussion, Council agreed to vacate the west 25 feet of the easement as long as there is no cost to the City. Council then scheduled a public hearing on the proposed vacation for 7:30 P.M., December 13, 1989.

REQUEST FROM GARY AFFOLETER, 1892 HOLTON, FOR A PERMITTED  
ACCESSORY USE PERMIT TO CONSTRUCT A STORAGE BUILDING DEEMED  
UNNECESSARY

Wallin explained that Mr. Affoleter had begun to construct a temporary lean-to on the side of his garage for boat storage, but has now decided to make it a permanent structure. The Planning Commission had a lengthy discussion as to whether or not an Permitted Accessory Use Permit was necessary and by a 6 to 1 vote did recommend approval of the permit. Council also questioned whether an Accessory Use Permit was appropriate or if the structure was an addition to the garage which would only require a building permit. Mr. Affoleter informed Council he

## PLANNING AND DEVELOPMENT 9-4.01

## PART 4. ONE FAMILY RESIDENTIAL DISTRICT

9-4.01 One Family "R-1"

Subdivision 1. Permitted Uses. Within any "R-1" One-Family Residential District, no structure or land shall be used except for one or more of the following uses:

- a. One family detached dwellings.
- b. Agricultural (farm, suburban) land use not involving an open retail sales lot of products on the premises.

*see for structure*

Subdivision 2. Conditional Uses. Within any "R-1" One Family Residential District, no structure or land shall be used for the following uses except by conditional use permit:

- a. Public parks and playgrounds.
- b. Public and parochial schools provided no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in an "R" use district. Any fence erected around a play area shall be not less than fifteen (15) feet from a street line when said fence would be across the street from an "R" use district.
- c. Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site provided no more than ten (10) persons shall reside on the site and no building shall be located within thirty (30) feet of any lot line of an abutting lot in an "R" use district.
- d. Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1 1/2 tons, stock piling of aggregate and open storage of material, but including fire fighting apparatus, provided these shall not be located within thirty (30) feet of any lot line of an abutting lot in an "R" use district.
- e. Farming operations not involving the construction of new buildings or the keeping of farm animals.

- f. Essential service structures, provided no building shall be located within fifty (50) feet from any lot line of an abutting lot in an "R" use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.
- g. Golf courses, country clubs, tennis clubs, public swimming pools serving more than one (1) family.
- h. Off-street parking--when the proposed site of the offstreet parking abuts on a lot which is in a "B" district and subject to those conditions set forth in Section 9-13.04 and such other conditions as found necessary by the council to carry out the intent of this Code. However, such off-street parking shall be permitted as a conditional use in any "R-1" One Family Use District for church parking purposes.
- i. Room and/or Board for up to 4 persons.
- j. Home occupations not meeting the definitions and requirements of Falcon Heights Or. 9-14.01, Subd. 25.

Subdivision 3. Permitted Accessory Uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

- a. Home occupations meeting the definitions and requirements of Falcon Heights Or. 9-14.01, Subd. 25.
- b. Private tennis court, provided no portion of the paved or fenced area is within a required front yard or less than 10 feet from a property line.
- c. Private garages, carport and parking space as regulated in 9-2.04.
- d. Private automobile repair or reconditioning as regulated in 9-13.07.
- e. Gardening and other horticultural uses where no retail sale of products is conducted on the premises.
- f. Keeping of domestic pets as required in the Code.
- g. Signs as provided in Subdivision 6 of this Section.
- h. Decorative landscape features and fences as regulated herein.

i. Accessory buildings other than detached private garages as regulated herein. The design and placement of the accessory buildings must be approved by the City Council as being in harmony with the surrounding residential neighborhood after review and recommendation by the Planning Commission.

j. Buildings temporarily located for purposes of constructing on the premises for a period not to exceed the time necessary for such construction (approved by zoning administrator).

Subdivision 4. Lot Area, Height, Lot Width and Yard Requirements.

a. No structure or building shall exceed two (2) stories or twenty-five (25) feet in height above ground level, whichever is lesser in height, except as provided in section 9-2.07 of this Chapter.

b. A side yard abutting a street shall be at least 20 percent of the width of the lot.

c. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section and section 9-2.03.

<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
10,000 sq. ft.	75' interior lot 90' corner	30'	5'	30'

Flexibility may be provided by allowing the side yard to be decreased to a minimum of three feet if a maintenance easement is recorded on the deeds of all affected properties. (No fences or significant landscaping could be installed in the easement areas.)  
(Amended by Ordinance 0-89-12, 7/26/89)

Subdivision 5. Off-Street Parking and Loading.

a. Regulation of off-street parking and loading spaces in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures.

b. Permits prior to effective date - structures or uses for which a building permit has been issued prior to the effective date of this Code, but for which work has not been completed shall be exempt from the hereinafter stated parking requirements if the structure is completed within six (6) months after the effective date of this Code.

c. Surfacing and drainage. Off-street parking areas shall be improved with a durable and dustless paved surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area.

d. Parking shall be permitted on hard surfaced areas designed for that purpose and for providing access to garage, carport or open parking area and provided that no driveway or off-street open parking area shall be located closer than five (5) feet from the property line on that side. The five (5) feet of property known as the side yard shall be landscaped as shall the remainder of the front yard applying to the residential portion of the house and continuing to the far lot line removed from the access and/or parking driveway. Parking shall not be permitted in front or side landscaped yards, boulevards, grass portion of street right-of-way or other such areas. And provided further that from November 15 to April 1, the unsurfaced portion of the front yard of any property in a residential district may be used for parking one passenger vehicle registered in the name of a resident, if there is a single driveway, and the vehicle is parked parallel to the driveway and on one uniform side of the driveway, and the width of the parking area does not exceed eight feet. For purposes of this Code a "passenger vehicle" shall mean a two or four-door sedan or van used primarily for transporting passengers, and shall not include pickups, trucks, campers, recreational vehicles or buses.

e. Number of off-street parking spaces. At least two (2) and not more than four (4) parking spaces permitted for each dwelling unit. At least one of the parking spaces must be enclosed. No person in any district shall convert a garage or carport to another use unless other acceptable provisions are made to provide the required parking space.

f. Truck parking in residential areas. No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering service. No campers, boats, trailers, or snowmobiles shall be parked or stored in any front yard or in side yards of a corner lot.

g. One (1) family homes may utilize the public street for the loading and unloading of furniture, moving trucks and other common and customary activities associated with residential use, excluding service and repair of vehicles except for the changing of tires, provided such activities do not block street traffic, cause traffic congestion or hazards, or otherwise constitute a public nuisance.

Subdivision 6. Signs. Signs are permitted only as follows:

- a. For the purpose of selling, renting or leasing property, a sign not in excess of ten (10) square feet in gross surface area may be placed within the front yard, not less than fifteen (15) feet from a property line.
- b. Temporary poster signs for political advertising may be posted but must be removed by those responsible for their being posted within ten (10) days following the election for which the sign was posted.
- c. One (1) name plate sign for each dwelling unit which shall not exceed two (2) square feet in area per surface, and no sign shall have more than two (2) display surfaces.
- d. No sign shall be located within three (3) feet of the property line.
- e. Churches, schools and other institutional users, allowed by virtue of pre-existing or conditional use, may have an illuminated sign not exceeding fifty (50) square feet in gross surface area. Temporary signs advertising a special event may be posted after receiving a permit from the Zoning Administrator, and such sign shall not be greater than seventy (70) square feet in gross surface area, not less than thirty (30) feet from a property line and shall not be displayed longer than thirty (30) days.
- f. Address numbers four inches (4") on the house and alley side of garage as required by 5-9.01 of this Code.
- g. Signs other than those listed above shall require a conditional use permit.

Subdivision 7. Swimming Pools. As permitted in 9-14.01 Subd. 16.

Part 5. "R-2" ONE & TWO FAMILY RESIDENTIAL DISTRICTS

PLANNING AND DEVELOPMENT 9-2.02 to 2.04

Subdivision 11. Environmental. The City Council may, from time to time, adopt by resolution and reference various performance standards pertaining to the environment of Falcon Heights. These may include, but are not necessarily limited to, various standards and regulations contained in the Metropolitan Development Guide or as proposed by the Metropolitan Council pertaining to on-site sewage disposal and treatment, protection of air space navigation, wetlands, solar access protection and others.

The City Council may require that existing uses on the date of adoption of this Chapter shall, within a reasonable length of time, comply with all performance standards, including visual, following a public hearing on the matter.

9-2.03 Lot Provisions

Subdivision 1. Restrictions. A lot of record existing upon the effective date of this Chapter which does not meet the requirements of this Chapter as to area or width may be utilized for single family detached dwelling purposes provided it is zoned residential and the measurements of such area or width are within sixty six and two thirds ( $66 \frac{2}{3}\%$ ) percent of the requirements of this Chapter, but said lot of record shall not be more intensively developed unless combined with one (1) or more abutting lots or portions thereof so as to create a lot meeting the requirements of this Chapter.

Subdivision 2. P.U.D. Except in the case of Planned Unit Developments as provided for hereinafter, not more than one principal building shall be located on a lot.

9-2.04 Accessory Buildings and Structures

Subdivision 1. General

a. No accessory building shall be constructed on a lot prior to the time of construction of the principal building or land use to which it is accessory.

b. An accessory building shall be considered as an integral part of the principal building if it is located less than twelve (12) feet from the principal building with respect to firewall and other requirements of the building code, and this Code.



c. Accessory buildings, other than garages, in a residential district may be located not less than five feet from an interior side or rear lot line unless the accessory structure is located in the rear twenty percent of the lot, in which case they can be located not less than one foot from the interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

Garages in a residential district may be located not less than five feet from an interior side or rear lot line unless they are (1) located in the rear twenty percent of the lot, (2) adjacent to an alley, and (3) oriented such that the vehicular access door does not face the alley in which case they can be located not less than one foot from an interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in Section 9-4.01, Subd. 4(b) (20% 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 less than 15 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. (Amended by Ordinance 0-39-12, 7/26/89) See Figure 1.

d. No accessory building in a residential district shall exceed the height of the principal building.

e. Accessory buildings in the business and industry districts shall be located any place to the rear of the principal building, subject to the Building Code, and the fire zone regulations.

f. No detached garages or other accessory building shall be located nearer the front lot line than the principal building on that lot.

g. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.

h. An accessory building in the business or industrial districts may be located within the rear yard setback, provided that the lot is not a through lot and said accessory building does not occupy more than 25% of the required rear yard. An accessory building shall be a part of the principal building if it is located less than twelve (12) feet from the principal building. No accessory building shall be located less than ten feet from a rear lot line.

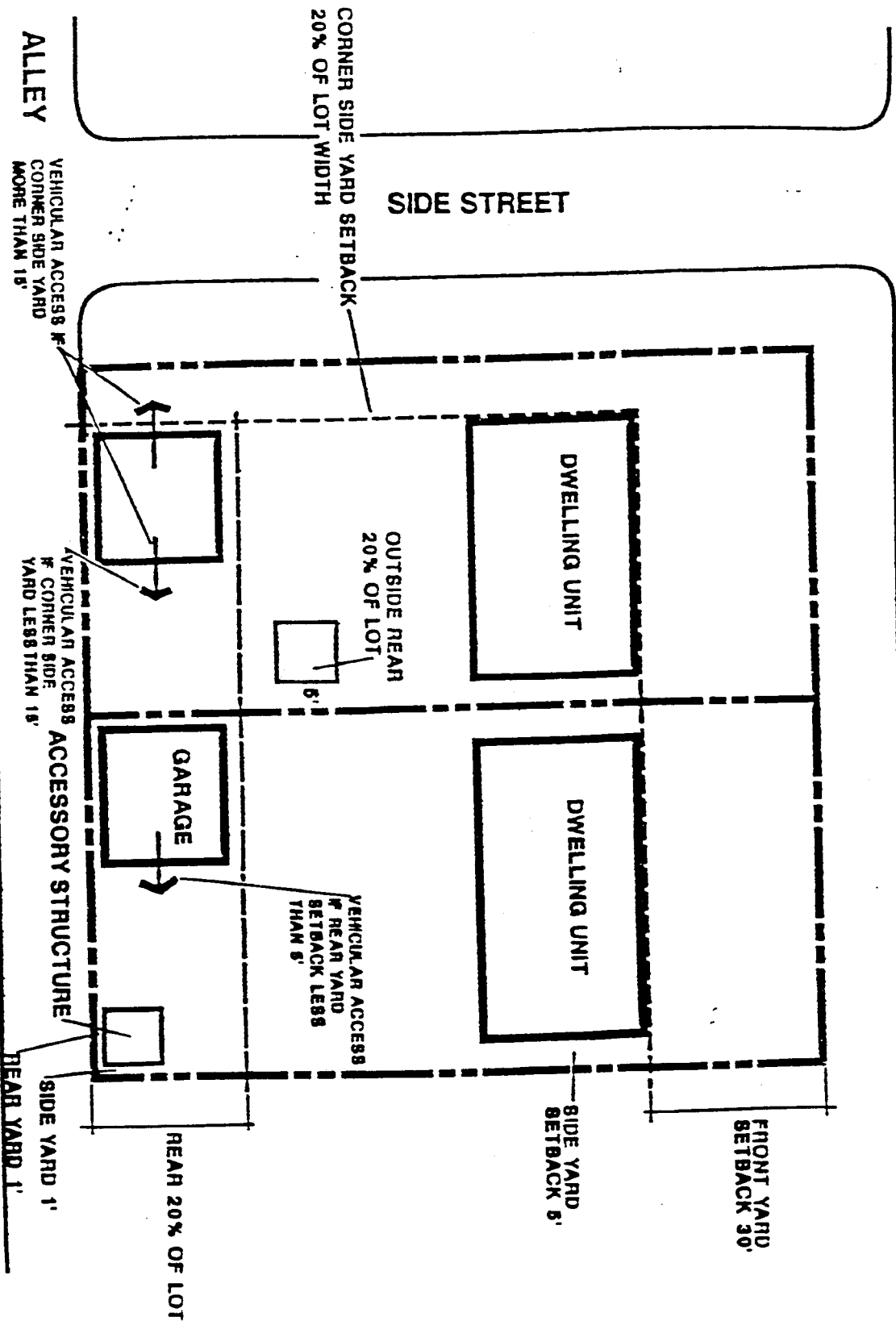
DIAGRAM OF RESIDENTIAL SETBACKS  
(Described in Section 9-2.04, Sub. 1(c))

TYPICAL LOT LAYOUT

FRONT STREET

SIDE STREET

ALLEY



i. Utility structures and other similar buildings for the storage of domestic supplies; such structures shall conform to the following standards in Residential Districts:

1. Structures larger than 90 square feet shall require a building permit. Roof loads and wind loads shall conform to requirements for a private garage as contained in the city building code.
2. All such structures shall be secure from wind displacement.
3. The area of such buildings shall not be less than thirty-five (35) square feet. Only one such building shall be permitted per lot and permitted only within the single family districts.
4. The height of detached building shall not exceed twelve (12) feet. If attached, the structure shall not exceed the height of the principal building.
5. Exterior colors or materials matching the principal structure or earthen tones shall be utilized. No door or other access opening in a utility structure shall exceed twenty-eight (28) square feet in area.

Subdivision 2. Specific.

- a. Dwelling Unit: No accessory building or structure shall be used for living purposes or as a dwelling unit.
- b. Area: Detached accessory buildings shall occupy more than thirty five percent (35%) of the area of a required rear yard. (Amended by Ordinance 0-89-12, 7/26/89)
- c. Minimum Clearance: The minimum distance between the principal building and an unattached accessory building shall be five feet.
- d. Through Lot: The minimum setback from the rear lot line of a through lot shall be thirty (30) feet. (Amended by Ordinance 0-89-12, 7/26/89)
- e. Corner Lots: The required setbacks shall apply to all types of corner lots as well and such accessory buildings shall also adhere to any front or side yard setbacks as may be applicable to any principle building on such lots from both streets.
- f. Tents: A tent is not an approved accessory building and may not be used as a dwelling unit on any lot.

8. Possession

Possession will be granted on furnishing the above insurance and written approval of the Grove Committee.

B. SALE AND PURCHASE OF EXISTING STRUCTURES

Existing residences in University Grove may be sold to eligible Academic and Administrative Staff members of the University. The sale of existing residences is primarily the responsibility of the present lessee although final approval of any sale must be made by the University.

Notification of residences for sale shall be listed in the Office of the Director of University Housing in addition to other listings at the discretion of the lessee.

II. PLANNING

A. UNIVERSITY GROVE REQUIREMENTS

1. Costs

The upper limit of building costs is \$46,500 for a complete and finished house of a two-bedroom minimum or the equivalent, including garage, architect's fees, retaining walls, driveways, sidewalks, utilities, rough grading, but not including landscaping costs and interest on University funds advanced during construction.

2. Setback Lines

The setback from the front boundary line shall be approximately, and not less than, thirty-five feet. Side yards shall be a minimum width of not less than six inches for each foot of height of the building above the average finished grade, and shall in no case be less than six feet from the lot line perpendicular to the outer edge of the eave. The height of the wall for gable ends shall be subject to the approval of the Grove Committee. On the corner lots the side setback shall bear a relationship to the setback of other residences on adjacent lots facing the side street, but shall in no case be less than twenty-two feet.

3. Drainage

Roof water shall not be discharged into the sanitary sewer lines, but shall be discharged into dry wells or on the ground surface. Lawns shall be so graded that rain will, in general, not run off to neighboring lots but will run to the front and/or the back of the lot. Driveways into the garages shall not slope in toward the house.

4. Landscaping, Fences and Retaining Walls

Existing trees (except those within foundation limits) must be preserved. Regrading or construction work shall not be done in such a manner as to damage or expose tree roots or impair tree life.

No lawn slope shall be greater than three feet horizontal to one foot vertical and low retaining walls shall be constructed along lot lines if necessary to obtain suitable adjustment of finished grades.

Fences and landscaping features such as heavily planted areas and garden walls will not be permitted without the approval of the Grove Committee. (This does not refer to the usual foundation planting.)

5. Driveways

The lessee shall furnish a suitable concrete driveway and curbing between the extended curb line and the sidewalk. This driveway shall be at least five inches thick and all sidewalk and curbings affected shall be suitably replaced.

6. Improvements to Existing Structures

Improvements to the physical structure of existing residences on which the original new construction contracts have been completed are permitted and will be considered and programmed as new construction. Such improvements will not be approved unless a minimum of eighteen months have elapsed since the original construction was declared completed by the Grove Committee and unless the proposed improvements, when completed, will not cause the total valuation to exceed the \$46,500 maximum limit (see Section III-B-1 for valuation procedures.)

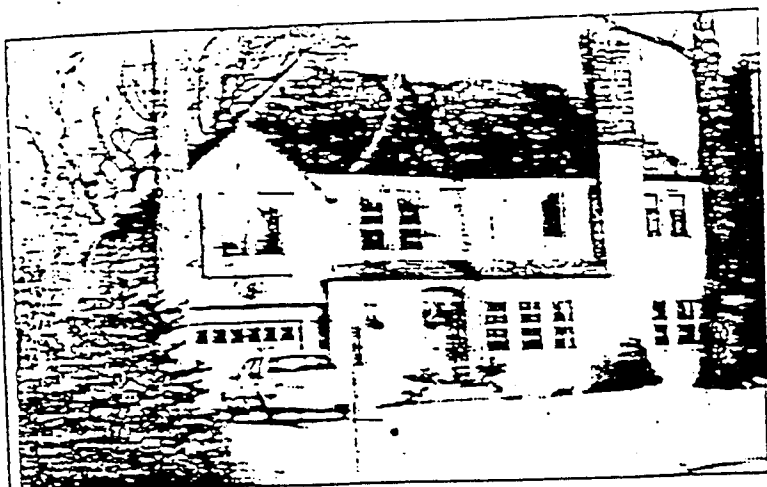
B. SERVICE AND MAINTENANCE

The University will provide the initial installation of the sidewalk and curbing around each block and the initial grading and oiling of streets. Generally, however, sidewalks and curbing will not be installed in a block until at least one-half of the houses have been built.

Other normal services, such as street maintenance, lighting, garbage and refuse collection are provided by the University and/or the Village of Falcon Heights, both reserving the right to claim reimbursement. Fire protection is provided by the St. Paul and Falcon Heights Fire Departments, Police protection is provided by the Sheriff's office, Ramsey County.



THE NEW YORK TIMES, THURSDAY, JANUARY 3, 1967



The oldest house in University Grove, Minn., built in 1929, is one of about 30 traditional designs.



The flat roof and casement windows of the Grove's first modern house seemed shocking in 1935.

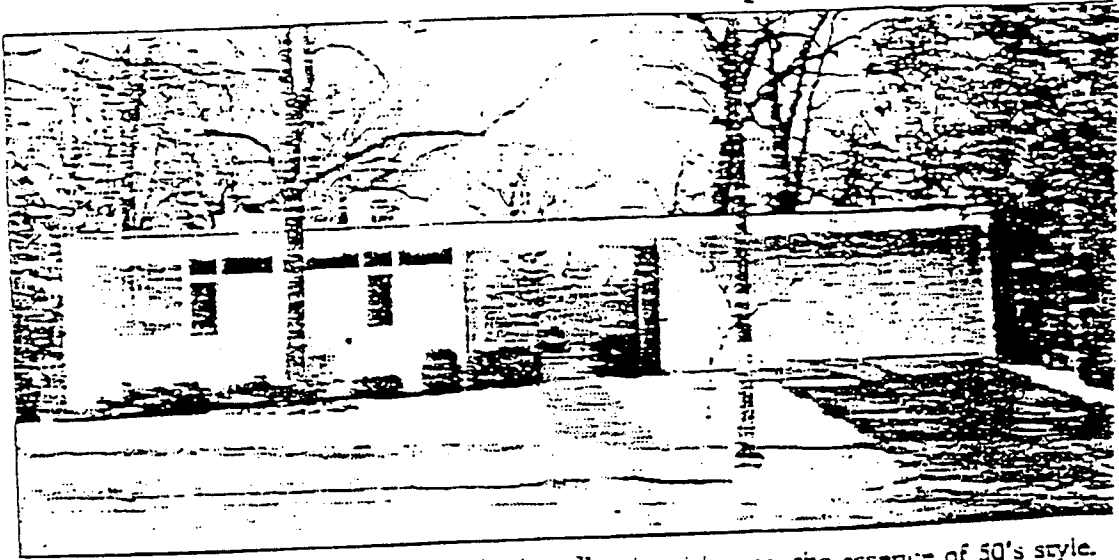
# St. Paul's Architectural Time Capsule

By LINDA LEE

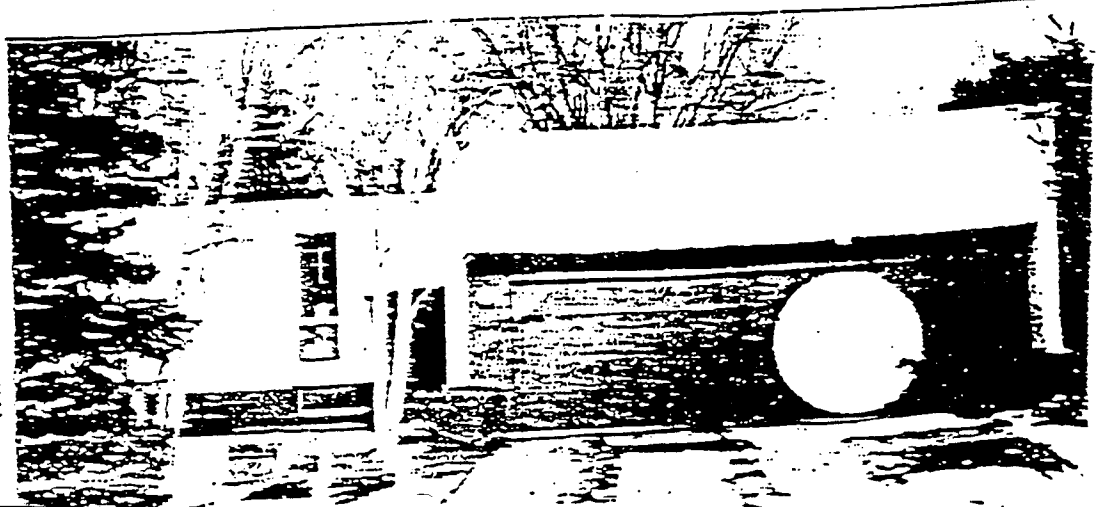
**Y**OU have traditional homes and Brave New World things, a fondness for Gropius and a Breueresque look," said Tom Martinson, referring to the conglomeration of styles in University Grove, a neighborhood of 102 homes built on the northwestern edge of St. Paul by University of Minnesota faculty members and administrators. "To have these babies lined up and down the street is really something. After a while, it gets so screwy, it's pure Minnesota."

"As soon as the avant-garde was accepted, it was seen here," added Mr. Martinson, a co-author with David Gehard of "A Guide to the Architecture of Minnesota." "It's not a gracious neighborhood or a tract neighborhood. In University Grove, you have a case study of unrestrained regional modernism."

Land was first set aside for University Grove in 1928 by the regents at the university, who were convinced that affordable housing close to the St. Paul campus would attract faculty members. Tenured professors and university administrators were offered mortgages starting at 1 percent, but had to abide by a ceiling on costs, including architects' fees, of \$10,000 in the 20's and 30's, \$18,000 in the 40's, and \$27,000 in the 50's, and \$40,000 in the 60's and 70's. The university retains title to the individual lots and leases them to homeowners at rates that now range from 3 1/2 to \$200 a year. What distinguished University Grove was the requirement that each



Colored panels decorate the award-winning Shepherd house, the essence of 50's style.



Sixty years of

DIUCAS.

hülle be designed by an architect and not picked out of a builder's catalogue of ranch houses and split levels. As a result, every new architectural style of the past 50 years is represented in these eight blocks of St. Paul.

Neil Bakkenist, the assistant provost of the university, said modern homes in the Grove sold for \$125,000 to \$150,000. Some of the traditional homes sell for slightly more. "I only know of one house to be frank, that ever sold for below \$100,000," he said.

A house from the 30's.  
From 1925 to 1935, the western end of the Grove was developed with substantial two- and three-story Colonial and English Tudor homes, finally numbering about 20. Sue Genz, the president of the University Grove Homeowners' Association, moved to the neighborhood three years ago with her husband, Robert, a professor in the astronomy department. They bought the oldest house in the Grove, a four-bedroom, 2,500-square-foot English Tudor, built in 1929.

"We had never owned an older home before," Ms. Genz said. "It's a sturdy house. Nothing could blow it down. My husband broke four drill bits trying to drill a hole in the basement wall."

The Genz home — with its handsome molded plaster ceiling — is just down the street from a quintessential 1956 orange, white and yellow house. "I think the landscaping and the mature trees tie it all together," Ms. Genz said.

In 1935, the dignified but ordinary neighborhood was shaken up when the first modern home was built by the architectural firm of Jones and Robertson. The house, which was built for Richard M. Elliott, a psychology professor, was influenced by the modest scale of the worker houses designed by Bauhaus architects. Today the house is no longer snobbing. It seems an anachronism, the sort 30's vernacular name, built of beige brick with a flat roof, casement windows that poke through the walls at unexpected places, two horizontal bands of gray brick, and Moderne wrought-iron house numbers.

"Faculty members were ready for something other than Colonial: quite ready," said Winston Close, an architect who with his wife, Elizabeth, designed 14 modern houses in the Grove, the first in 1939. Within those modern houses, the professors wanted the comforts of Minnesota life — easy access to nature and a view of the birds — as well as cozy studies and places in which to entertain.

"Everyone loves a fireplace," Mr. Close said, "but professors love them more. I don't think we built one house that didn't have a fireplace in it. Some had two."



The new York Times

The natural California style inspired Tom Van Housen's design for a 1972 house.

In the 1950's, when additional land was made available for University Grove, the architectural styles took off in two directions: aggressively modern, white-painted homes built in the International Style, with blank faces to the street, and horizontal homes with the natural wood siding and furrowed brow of the Prairie School.

Almost all of the new homes were between 1,200 and 2,000 square feet. And although midwinter temperatures in Minnesota hover around zero, the open floor plan was ubiquitous. Kitchen zones were separated from dining zones by counters, and dining zones flowed into living zones.

Some of the houses had the look of television sets gone blank. Others looked like branch offices of banks. One was a Minnesota takeoff on Frank Lloyd Wright's Jacobs II House in Madison, Wis., with a wooden sill, a concrete-block sill and a wooden lid holding the whole together.

Carl Jessen, the associate dean of the College of Veterinary Medicine at the University of Minnesota, was not thrilled with the idea of moving into one of these modern houses four years ago. "When I first saw it I said, 'Marge, I don't know, flat roof, one-story. . .,'" he said. "My wife and I are classic, two-story Colonial types. Early American, that's what we love. I just close my eyes when I walk up the driveway."

After four years, the Jessens have made peace with their white stucco, one-story house, built in 1960. "If you walk up to our house, I don't think you'd expect to see this on the inside," Mr. Jessen said, showing the way to an early American dining

## Shaking up a dignified but ordinary area.

room. Mrs. Jessen added that the interior wooden beams were the perfect place to display their collection of duck decoys, wooden cats, wreaths, plates and old ice skates. "The beams made the house for us," she said.

Pauline Boss, a professor of family social sciences at the university, and her husband, Dudley Riggs, the producer and director of Minneapolis's Brave New Works, bought a house in the Grove two years ago: a two-bedroom, stucco-and-wood house, designed by Winston and Elizabeth Close in 1959, with a 20-foot-square, two-story-high atrium.

"We use the atrium for juggling balls," Ms. Boss said. At the moment, the atrium holds a pair of Eames chairs, a 95-pound bronze and stainless steel sculpture by E. Floyd Naisbitt and a moon by Mr. Riggs. Its single window is hung with the original faded orange cotton and rayon curtain.

"You can't put just any piece of furniture in this house and have it

look right," Mr. Riggs said. "A lot of much thought has gone into it. You don't want to muck it up."

In 1956, William G. Sheppers was then head of the department of electrical engineering, asked architect Ralph Rapson to design a home for him. The result, with distinctive tongue-and-groove white square front panels, won an Honor Award from the Minnesota Society of Architects in 1958. A school in 50's will recognize the exterior, originally sided with masonry, was re-sided with redwood when the masonry cracked and warped, but the remains as it was when the house built.

Mr. Rapson designed several homes in the Grove, including Pat Senna. It was built in 1967 with bold yellow circles painted on the door, the local version of supergraphics. "I wanted to red, but Pat thought that would be violent," Mr. Rapson said. "I thought yellow was more energetic."

One of the last houses erected in the Grove was built in 1972 by architect Tom Van Housen. Mr. Van Housen described the house as vernacular. "It's California regionalized, warm and wood-textured. But in the aggregate, the house suggests a time capsule of vernacular architecture in America."

Warm and woody or baffling, the houses of University Grove were followers of none established a new pattern. But in the aggregate, the house suggests a time capsule of vernacular architecture in America.



## NATIONAL REGISTER CRITERIA FOR EVALUATION

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history or
- (b) that are associated with the lives of persons significant in our past or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or distinguishable entity whose components may lack individual distinction or
- (d) that have yielded, or may be likely to yield, information important in prehistory or history.

CRITERIA CONSIDERATIONS. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance or
- (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event or
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events or
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived or
- (f) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own exceptional significance or
- (g) A property achieving significance within the past 50 years if it is of exceptional importance.

Minnesota SHPO  
January 1982

Consent   X  

Agenda Item:   E-3  

Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/14/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

AWARDING THE TREE REMOVAL/TRIMMING CONTRACT  
FOR THE 1990 SEASON

**SUBMITTED BY:**

LINDA TREEFUL  
SHIRLEY CHENOWETH

**REVIEWED BY:**

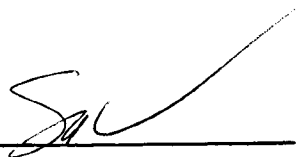
**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Five tree removal firms responded to our RFP and a tally of the quotes is attached.

We are recommending that Thommes and Thomas be awarded the bid based on price and past experience working in the City.

**ACTION REQUESTED:**

Award the contract to Thommes and Thomas.

  
\_\_\_\_\_

CITY OF FALCON HEIGHTS  
Tree Removal Bids for 1990

1. Precision Landscape & Tree

5. A. 0-9.9" \$ 4.50  
B. 10-19.9" 9.00  
C. 20-29.9" 13.00  
D. 30.0"+ 20.00  
6. pruning - \$95.00 hour  
7. emergency-Add 15% to prices for  
emergency work

2. S & S Tree Specialists, Inc.

5. A. 0-9.9" \$ 3.50  
B. 10.0-19.9" 7.00  
C. 20.0-29.9" 9.00  
D. 30.0"+ 10.99  
pruning - \$185 per hour  
emergency-Add 40% to prices for pruning & removal

3. A-1 Walsh, Inc.

5. A. 0-9.9" \$ 5.00  
B. 10.0-19.9" 7.50  
C. 20.0-29.9" 10.00  
D. 30.0"+ 12.50  
pruning - \$90.00 per hour  
emergency-Trimming & pruning - \$90.00 per hour  
Removal - \$90.00 per hour

4. Ceres

5. A. 0-9.9" \$ 4.00  
B. 10.0-19.9" 6.00  
C. 20.0-29.9" 10.50  
D. 30"+ 12.50  
pruning - \$35.00 per hour per man with equipment  
emergency - \$50.00 per hour per man with equipment

5. Thommes & Thomas

5. A. 0-9.9" \$ 2.00  
B. 10.0-19.9" 6.00  
C. 20.9-29.9" 10.00  
D. 30"+ 11.00  
pruning - \$37.50 per hour/man  
emergency \$60.00 per hour/man

Consent   X  

Agenda Item:   E-4  

Policy \_\_\_\_\_

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/14/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

LAWN CARE CONTRACT

**SUBMITTED BY:**

Tom Kelly

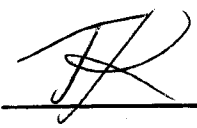
**REVIEWED BY:**

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Last year the City received bids from Ever-Green, BareFoot, Green Stuff and Chemlawn for fertilizer and weed control for 1 acre each at City Hall and the Community Park. Ever-green was given the contract based on price. Since the service was considered good, I would like to extend the contract to Ever-Green again this year for the one acre at City Hall. The price for this would be \$310.00. I also recommend that we do not include the Community Park since there will be construction going on. Then in 1991 the City will take bids for the Park and City Hall again.

**ACTION REQUESTED:**

Approve Ever-Green Lawns as our lawn care company for 1990





# Ever-Green Lawns

## COMMERCIAL DIVISION SERVICE AGREEMENT

**PARTIES** This agreement is made between Ever-Green Lawns, Inc. with its principal offices located at 1390 Charlestown Ind. Dr., St. Charles, MO 63303 and a branch office (hereafter referred to as Ever-Green Lawns)

EVER-GREEN LAWNS, INC.  
STREET ADDRESS 11583 Rupp Dr  
CITY/STATE/ZIP Burnsville, MN 55337

DATE 3-6-90  
REPRESENTATIVE Michael Peterson  
PHONE 875-3400

**AND CUSTOMER AS FOLLOWS:**

PROPERTY NAME City of Falcon Heights  
STREET/CITY/STATE/ZIP 2077 W Carpenter Ave Falcon Hts, MN 55113  
CONTACT Tom Kelly PHONE 644-5050

COMPANY \_\_\_\_\_  
STREET/CITY/STATE/ZIP \_\_\_\_\_  
CONTACT \_\_\_\_\_ PHONE \_\_\_\_\_

COMMENTS: City Hall only  
Acct # 2001931

**Ever-Green Lawns Commercial Lawn Care**

**EARLY SPRING TREATMENT**

Custom blends of pre-emergent crabgrass control, fertilizer, and broadleaf weed control as weather permits. \$ 110<sup>00</sup>

**LATE SPRING TREATMENT**

Custom blends of fertilizer, broadleaf weed control, and pre-emergent crabgrass control & insecticides as weather permits. \$ ~~110<sup>00</sup>~~

**SUMMER TREATMENT**

Custom blends of fertilizer, broadleaf weed control and insecticides, as needed. \$ 100<sup>00</sup>

**LATE SUMMER TREATMENT**

Custom blends of fertilizer, broadleaf weed control, and insecticides, as needed. \$ ~~100<sup>00</sup>~~

**EARLY FALL TREATMENT**

Custom blends of fertilizer, broadleaf weed control, and micronutrients, as needed. \$ 100<sup>00</sup>

**FALL TREATMENT**

Custom blends of fertilizers and broadleaf weed control as weather permits. \$ \_\_\_\_\_

**ADDITIONAL SERVICES**

\_\_\_\_\_ \$ \_\_\_\_\_

**Ever-Green Lawns Commercial Tree & Shrub Care**

**SPRING TREATMENT**

Custom blended fertilizer which promotes healthy new growth, quicker green-up and denser leaf cover. \$ \_\_\_\_\_

**LATE SPRING TREATMENT**

Insect and disease control which helps control and/or prevent diseases from getting started. \$ \_\_\_\_\_

**SUMMER TREATMENT**

Insect and disease control which helps control and/or prevent diseases from getting started. \$ \_\_\_\_\_

**LATE SUMMER TREATMENT**

Insect and disease control which helps control and/or prevent diseases from getting started. \$ \_\_\_\_\_

**FALL TREATMENT**

Heavy rates of balanced fertilizer which promotes thick and healthy root systems. \$ \_\_\_\_\_

**OPTIONAL PRUNING**

An important addition to your regular tree & shrub care program — you can choose to have one of Ever-Green's pruning specialists selectively prune your trees and shrubs. \$ \_\_\_\_\_

**SCHEDULE OF SERVICE**

19 90 3 10<sup>00</sup> Tax exempt  
 Lawn Care \$ 520<sup>00</sup> + 125  
 Tree Shrub \$ \_\_\_\_\_  
 Total Landscape \$ \_\_\_\_\_  
41-6007644

19 \_\_\_\_\_  
 Lawn Care \$ \_\_\_\_\_  
 Tree Shrub \$ \_\_\_\_\_  
 Total Landscape \$ \_\_\_\_\_

**Customer Acceptance**

**INSURANCE** Ever-Green Lawns will maintain throughout the term of this Agreement adequate general liability insurance, broad form contractual liability insurance, and worker's compensation insurance to meet statutory requirements.

At Customer's request, Ever-Green Lawns shall furnish a Certificate of Insurance describing coverage in effect.

**INDEMNIFICATION** Ever-Green Lawns shall indemnify Customer for any damages, claims or causes of action arising solely from any negligent acts or omissions on the part of Ever-Green Lawns, its employees or agents.

**SERVICES OFFERED** A complete list of services and recommended programs for one, or two years are attached for your documentation.

**PAYMENT TERMS** Net 30 days. Delinquent accounts carry interest at 1.5% per month. Services will not continue unless the previous application has been paid in full.

**TERM; CANCELLATION** This agreement will be in effect for an initial period of one year but the customer has the option to contract for a period of up to two years. Either party may cancel the agreement with just cause during such term upon (30) days written notice to either party. Just cause is defined as either parties failure to comply with the terms and conditions of this Service Agreement.

Ever-Green Lawns Commercial Services  
By Michael Peterson  
Name \_\_\_\_\_ Date \_\_\_\_\_

**EVER-GREEN  
GUARANTEES  
RESULTS**

Customer Authorized Signature  
By Tom Kelly  
Name City Acceptant Date 3-7-90  
Falcon Heights

Consent   X  

Agenda Item:   E-5  

Policy \_\_\_\_\_

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/14/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

FUND BALANCE TRANSFERS

**SUBMITTED BY:**

Tom Kelly

**REVIEWED BY:**

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

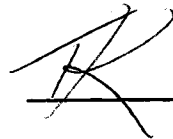
In the 1990 Budget was a schedule to transfer Fund Balances to the Capital Improvement Funds (see attached). One state budget balancing proposal is for the state to receive excess City fund balances (unreserved fund balances). To avoid this possibility, the City Council can authorize these fund balances transferred effective 12/31/89. These transfers would reserve the funds for future capital improvements. Therefore they would not be eligible for the state budget proposals.

**ATTACHMENTS:**

- A. Fund balance as of July 31, 1989
- B. Fund balance as of Dec. 31, 1989.

**ACTION REQUESTED:**

Transfer funds as of 12/31/89



FUND BALANCES			
FUND	JULY 31, 1989 FUND BALANCES	PROPOSED CHANGE	PROPOSED FUND BALANCES
GENERAL FUND	1443190	-893190	550000
CAPITAL IMPROVEMENT FUNDS:			
GENERAL	138150	7072	145222
FIRE & RESCUE	250823	33136	283959
PUBLIC WORKS	36720	17982	54702
PARK & RECREATION	150957	643859	794816
ENTERPRISE FUNDS:			
SANITARY SEWER	527180		527180
STORM SEWER	51707		51707
WATER	18619		18619
TIF CONSTRUCTION FUNDS:			
COFFMAN TATUM	44792		44792
STRATFORD	231284		231284
LARP/GORT./PRIOR	46791		46791
FALCON WOODS #3	22768		22768
ROAD CONSTRUCTION FUNDS:			
ALBERT/PASCAL	36567	-36567	0
ROSELAWN	24540		24540
SNELLING AVE.	50280		50280
HAMLINE AVE	-8237		-8237
ST. MARY'S PARKING	-19247	19247	0
FUTURE IMPROVEMENT FUND		250000	250000
DEBT RETIREMENT FUNDS:			
74 PARK IMPR. BONDS (RETIRED)	28636	-28636	0
78 FIRE EQUIP. BONDS (RETIRED)	12903	-12903	0
82 IMPROVEMENT BONDS	134068		134068
83 TIF BONDS (FALCON WOODS)	106757		106757
84 TIF BONDS	605296		605296
84B TIF BONDS (BULLSEYE)	-16196		-16196
85 TIF BONDS (COFFMAN)	135094		135094
85B TIF BONDS (STRATFORD)	1073		1073
	4054515	0	4054515

ph1

## FUND BALANCES

FUND	DEC 31, 1989 FUND BALANCES	PROPOSED CHANGE	PROPOSED FUND BALANCES
GENERAL FUND	1281039	-731039	550000
CAPITAL IMPROVEMENT FUNDS:			
GENERAL	155638	7072	162710
FIRE & RESCUE	400225	33136	433361
PUBLIC WORKS	55193	17982	73175
PARK & RECREATION	138023	643859	781882
ENTERPRISE FUNDS:			
SANITARY SEWER	547736		547736
STORM SEWER	57460		57460
WATER	23169		23169
TIF CONSTRUCTION FUNDS:			
COFFMAN TATUM	46112		46112
STRATFORD	240231		240231
LARP/GORT./PRIOR	48601		48601
FALCON WOODS #3	23649		23649
ROAD CONSTRUCTION FUNDS:			
ALBERT/PASCAL	37981	-37981	0
ROSELAWN	25490		25490
SNELLING AVE.	51915		51915
HAMLINE AVE	-15711		-15711
ST. MARY'S PARKING	-19987	19987	0
FUTURE IMPROVEMENT FUND		90151	90151
DEBT RETIREMENT FUNDS:			
74 PARK IMPR. BONDS (RETIRED)	29765	-29765	0
78 FIRE EQUIP. BONDS (RETIRED)	13402	-13402	0
82 IMPROVEMENT BONDS	142140		142140
83 TIF BONDS (FALCON WOODS)	111004		111004
84 TIF BONDS	754628		754628
84B TIF BONDS (BULLSEYE)	-16942		-16942
85 TIF BONDS (COFFMAN)	236229		236229
85B TIF BONDS (STRATFORD)	30341		30341
S.E. CORNER SNELLING/LARP	9911		9911
	4407242	0	4407242



Consent   x  


Agenda Item:   E-6  

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date:   3/28/90  

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	
	LICENSES
<u>SUBMITTED BY:</u>	Kitty Zimmerman
<u>REVIEWED BY:</u>	Shirley Chenoweth
<u>EXPLANATION/SUMMARY</u> (attach additional sheets as necessary):	
See attached list.	
<u>ACTION REQUESTED:</u>	
Approval.	
	 _____

CONSENT AGENDA  
March 14, 1990

Licenses

Mechanical Contractor

- \* Vollhaber Heating and Air Conditioning, Inc. #509
- Voss Plumbing and Heating of MN, Inc. #515

Vending

- Consumer Vending #511  
(cigarette sales at Embers Restaurant)

Business

- Do It Yourself Upholstery #510

General Contractors

- \* North Suburban Contractors, Inc. #512
- \* Hal Construction #514
- \* R. Miller Construction, Inc. #513

\*NEW

Consent \_\_\_\_\_

Agenda Item: E-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/14/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

CITY COUNCIL APPOINTMENT

SUBMITTED BY:

Jan Wiessner

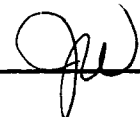
REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City Council has reviewed applicants interested in the vacant council position.

ACTION REQUESTED:

Appoint individual to vacant council position by attached Resolution or schedule additional interviews.

  
\_\_\_\_\_

CITY OF FALCON HEIGHTS

RESOLUTION NO. 90+\_\_\_\_\_

A RESOLUTION DECLARING THE  
EXISTENCE OF A VACANCY ON THE CITY COUNCIL  
AND APPOINTING A SUCCESSOR

WHEREAS, Pat Bush was elected to the Falcon Heights City Council on \_\_\_\_\_ to serve a term from January 2, 1988 through January 1, 1992, and

WHEREAS, Pat Bush has resigned her Councilmember position effective January 10, 1990, and

WHEREAS, said resignation was accepted by the Falcon Heights City Council on January 10, 1990, and

WHEREAS, the vacancy for the Councilmember position held by Pat Bush occurred with less than two years remaining in her term.

NOW THEREFORE, the Council of the City of Falcon Heights hereby appoints \_\_\_\_\_ to serve the remainder of the Councilmember term to which Pat Bush was elected. The appointment of \_\_\_\_\_ shall commence upon the qualification of \_\_\_\_\_ by filing a bond and oath.

ADOPTED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Consent \_\_\_\_\_

Agenda Item: E-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 3/14/90

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

SCHEDULING OF CITY COUNCIL MEETINGS/WORKSHOPS

SUBMITTED BY:

Tom Baldwin

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

ACTION REQUESTED:

Discussion about changing the current City Council meeting schedule.

\_\_\_\_\_  
*JBW*

CITY OF FALCON HEIGHTS

MARCH 14, 1990

COUNCIL WORKSHOP  
IMMEDIATELY FOLLOWING CITY COUNCIL MEETING

1. Ethics Policy - Discussion of Draft #3
2. City Code - Discussion of Draft #1, Chapters 1-3

The proposed revision refers to the following policy documents outside the Code:

- A. Ch. 2-2.02 Personnel Policies. (These have recently been adopted by the City Council. Let us know if you'd like another copy for review).
- B. Ch. 2-3.07 Fire Dept. Relief Assoc. By-Laws  
This was approved by the City Council Sept. 23, 1981, amended Dec. 19, 1985.
- C. Ch. 2-3.02 Fire Dept. Rules and Regulations  
This has not yet been approved by the City Council.
- D. Ch. 2-Section 5 City Emergency Plan A major revision (draft) is proposed as many changes have been made in state and federal laws. The old plan would be deleted from Code. The new plan has not been reviewed or approved by the City Council yet.

REGULAR CITY COUNCIL MEETING

CITY OF FALCON HEIGHTS

AGENDA

MARCH 14, 1990

A. CALL TO ORDER: 7:00 P.M.

B. ROLL CALL: GEHRZ \_\_\_\_\_ WALLIN \_\_\_\_\_ CIERNIA \_\_\_\_\_  
BALDWIN \_\_\_\_\_ WIESSNER \_\_\_\_\_ S. CHENOWETH \_\_\_\_\_  
ATTORNEY \_\_\_\_\_ ENGINEER \_\_\_\_\_

C. APPROVAL OF MINUTES OF FEBRUARY 28, 1990

D. PUBLIC HEARING: 8:00 P.M.

1. Assessment of Unpaid False Alarm Fees

E. CONSENT AGENDA

1. Disbursements
  - a. Disbursements through 3/14/90, \$17,365.51
2. Off Sale Retail Liquor License, 1559 W. Larpenteur Ave.
3. Awarding the Tree Removal/Trimming Contract for the 1990 Season
4. Lawn Care Contract
5. Fund Balance Transfers
6. Licenses

ACTION: \_\_\_\_\_

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. City Council Appointment

ACTION: \_\_\_\_\_

2. Scheduling of City Council Meetings/Workshops

ACTION: \_\_\_\_\_

WORKSHOP IMMEDIATELY FOLLOWING COUNCIL MEETING

MINUTES  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 28, 1990

Baldwin convened the meeting at 7:00 P.M.

ALL MEMBERS PRESENT

Baldwin, Ciernia, Gehrz and Wallin. Also present were Wiessner and Chenoweth.

APPROVAL OF MINUTES OF 2/14/90

Council unanimously approved the Minutes as corrected.

ADDENDUM TO POLICY AGENDA

Council unanimously approved the addition of Item F(5), Payroll Vouchers, to the Policy Agenda.

CONSENT AGENDA APPROVED

Council approved the following Consent Agenda by unanimous consent:

1. Disbursements:
  - a. General Disbursements through 2/28/90, \$512,405.12
  - b. Payroll 2/1/90 -2/15/90, \$10,982.66
2. Authorization to Advertise for Bids for a Sewer Jetter, and Scheduling the Bid Opening for 10:30 A. M., April 4, 1990
3. Licenses

ACQUISITION OF EASEMENT FOR NON-MOTORIZED PATHWAY ON HAMLINE AVENUE

Baldwin explained that in order to construct the proposed non-motorized pathway in conjunction with the Hamline Avenue improvements, it will be necessary to obtain easements from seven property owners. Council discussed possible options as outlined by Terry Maurer in his letter dated February 16, 1990, after which Staff was directed to obtain the estimated value of the land from the County Assessor's Office and arrange a meeting with the property owners to discuss the pros and cons of donating the land to the City, purchase by the City, or condemnation.

"NO U-TURN" SIGNS TO BE REMOVED FROM LARPENTEUR AVENUE AT ARONA

Wiessner explained that the "No U-Turn" signs at Larpenteur and Arona are frequently violated and the police feel the problem is the placement of the signs. The Engineers have reviewed the matter and have determined that the signs could be removed unless there is an overriding reason why the signs must remain. Council authorized requesting Ramsey County to remove the signs at this time and if a problem should arise in the future, the signs could be re-installed.

WORKSHOP ON CODE REVISIONS SCHEDULED FOR MARCH 14, 1990 FOLLOWING COUNCIL MEETING

Council scheduled a Workshop for March 14th immediately



DRAFT

following the Council Meeting to review proposed changes in Chapters 1, 2 and 3 of the City Code.

ADMINISTRATOR AUTHORIZED TO APPROVE PAYROLL RELATED EXPENDITURES ABOVE THE \$1,000 LIMIT

Wiessner explained that since payroll cycles do not always coincide with Council meetings and at times there are payroll related expenditures exceeding the \$1,000 which could result in penalties for late payments, that Council consider amending the \$1,000 limit regulation. Wallin moved that the Administrator be authorized to approve all payroll related expenditures above the \$1,000 limit which carried unanimously.

FEBRUARY 28, 1990 PAYROLL AND PAYROLL RELATED CHECKS APPROVED

Council approved the February 28th payroll checks and the following payroll related checks: #23336, ICMA Retirement, \$1,044.53; #23337, Commissioner of Revenue, \$772.56; #23339, PERA, \$853.55; #23339, North Star State Bank, \$4,513.44; #23340, United Way, \$67.00; and #23341, Ramsey County, \$2,516.47.

7:30 P.M. - MEETING RECESSED TO HEAR PRESENTATIONS BY APPLICANTS FOR COUNCIL VACANCY

8:55 - MEETING RESUMED

SCHEDULING OF INTERVIEWS WITH FINALISTS FOR COUNCIL VACANCY

Baldwin suggested each Councilmember choose 3 finalists from the eighteen applicants whose presentations were heard previously, with the option to add other finalists if so desired. Upon a tally of the names the following seven persons were named as finalists: David Black, Len Boche, Marie Furton, Carol Ryan Huso, Jan Talbot, Sam Jacobs and John Hustad. Council made no additions to the list. Interviews are to be scheduled as following: March 7, 1990, 3 applicants for 15 minute interviews beginning at 7:45 P.M. and on March 12, 4 applicants for 15 minute interviews beginning at 7:00 P.M.

ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

---

Tom Baldwin, Mayor

ATTEST:

---

Shirley Chenoweth, City Clerk

Consent \_\_\_\_\_

Agenda Item: D-1

Policy \_\_\_\_\_

CITY OF FALCON HEIGHTS

Meeting Date: 3/14/90

PUBLIC HEARING

8:00 P.M.

ITEM DESCRIPTION:

PUBLIC HEARING ON ASSESSMENT OF UNPAID  
FALSE ALARM FEES

SUBMITTED BY:

Shirley Chenoweth

REVIEWED BY:

Jan Wiessner  
Tom Gedde

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The proposed assessment is for unpaid false alarm fees  
spanning a period from November, 1988 to the present.  
Proposed Resolution R-90- is attached.

ACTION REQUESTED:

Adoption of Resolution R-90-

SGL

CITY OF FALCON HEIGHTS  
C O U N C I L   R E S O L U T I O N

Date March 14, 1990

A RESOLUTION RELATING TO LEVYING SPECIAL ASSESSMENTS  
FOR DELINQUENT FALSE ALARM FEES

Resolved, that,

1. It is hereby determined that there are delinquent false alarm fees against the property hereinafter set forth, in the amount set forth opposite the description of such property;
2. A special assessment in the amount hereinafter set forth is hereby levied against such tract, with an interest rate of eight percent annually, respectively;
3. A total amount of such special assessment, shall be payable with the 1990 real estate taxes due and payable during 1991;
4. The Clerk shall transmit a certified copy of the assessment to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid in the same manner as other municipal taxes;
5. Tracts of land and the amount to be assessed is as follows:

Property # 15-29-23-33-0136-0    The total assessment is \$475.00  
 Bullseye Video/Tan Line  
 Bullseye Golf Centers

Moved by \_\_\_\_\_

Approved by \_\_\_\_\_  
Mayor

March 14, 1990  
Date

YEAS	Nays	
BALDWIN		
CIERNIA		_____ in Favor
CHENOWETH		
WALLIN		_____ Against
BUSH		

Attested by \_\_\_\_\_  
City Clerk

March 14, 1990  
Date

Adopted by Council March 14, 1990

Consent   X  

Agenda Item:   E-1  

Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/14/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

GENERAL DISBURSEMENTS

**SUBMITTED BY:**


Tom Kelly

**REVIEWED BY:**

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**

Disbursements through 3/14/90, \$17,365.51.

**ACTION REQUESTED:**

  
\_\_\_\_\_

GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
23342	Jan Wiessner	Travel advance	\$270.00
23343	Gerald Wallin	Travel advance	200.00
23344	Acres of Corn	Popcorn and Oil	10.00
23345	American Linen Supply	Linen cleaning	64.93
23346	Bemidji Fire Dept.	MN State Fire Convention	300.00
23347	Blomberg Pharmacy	Film developed	7.57
23348	C&G Office Products	Binder machine, office supplies	420.15
23349	Colonial Insurance	Insurance premiums	48.00
23350	Franklin Int'l Institute	Calendar replacement	22.90
23351	First Trust	Bond Fees for TI Bonds 85	695.25
23352	Irene Gengler	Non-resident reimbursement	8.00
23353	Terry Iverson	Mileage, Gavel Meeting	74.74
23354	In-Towne Industries	Spring Solid Waste Newsletter	734.00
23355	Kehoe Office Furnishings	2 Sec. chairs and bookshelf	854.53
23356	Konica	2 PM Kits	111.20
23357	Diane Kretch	Refund-Basketball Skills	24.00
23358	L.M.C.I.T.	Remainder of Insurance	951.00
23359	M-75 Building Maintenance	Feb. cleaning	145.00
23360	Moody's Investor Service	Prof. services for new bond sale	3,000.00
23361	MN Benefit Assoc.	Cancer insurance	5.85
23362	MAMA	Feb. meeting	22.00
23363	NSP	Street lights, electric lights	2,006.94
23364	PERA	Life Insurance	9.00
23365	Ramsey County	Recording Fees	10.00
23366	Mary Riley	Refund - Pillow Polo	12.00
23367	SuperAmerica	Fuel	197.14
23368	Board of Water Commissioners	Water for 1/11 to 2/12, 1990	32.82
23369	U.S. Postmaster	Postage for March sewer billing	200.00
23370	U.S. Postmaster	Stamps	500.00
23371	United Way	Annual Meeting-Shirley C.	14.00
23372	Valley Window Service	Refund - License fees	35.00
23373	Wear Guard	Insulated overalls	57.98
23374	AT&T Credit Corp.	Merlin lease	127.73
23375	AT&T	Maintenance of phones	49.00

CHECK NO. ISSUED TO REASON AMOUNT

23376	Glenwood Inglewood	Spring Water	3.30
23377	No. Suburban Cable Commission	'90 contribution for Cable	3,951.91
23378	American National Bank	Bond Fees	110.00
23379	BFI	March Rubbish pickup	88.38
23380	Battery Products Inc.	Item #EN95	22.20
23381	Brotex, Inc.	Bleach	46.48
23382	Ray Brown	Supplies, postage	21.86
23383	Emergency Medical Products	Rescue supplies	32.33
23384	Fuller's Radio Sales & Service	Pager Batteries	86.40
23385	Fleet Tech Service	Replace batteries, new radio	637.00
23386	General Communications	Antenna and Connectors	88.04
23387	Harvest States	Fuel	33.50
23388	John Holmgren, Jr.	Lodging for St. Cloud conference	68.82
23389	Healey Ruff	Battery for Civil Defense Siren	55.00
23390	Life Sign Design	Printed Hats	40.00
23391	MN Conway Fire & Safety	Repair of Misc. Equipment	38.50
23392	Oxygen Service Comp.	Oxygen cylinders	63.37
23393	Road Rescue	Patient restraints and red dome	130.48
23394	St. Paul Ramsey Medical Center	Hepatitis B shots	24.00
23395	Suburban Hardware	Screws, wire, misc. supplies	35.36
23396	Gov't Training Service	MCMA/MACA Conference (Jan)	135.00
23397	Cragun's	MCMA/MACA Conference (room reservation)	141.50
23398	Gene Pakoy	Repair of Heating system in C.Chambers	291.35

TOTAL: \$17,365.51

Consent   X  

Agenda Item:   E-2  

Policy           

**CITY OF FALCON HEIGHTS**

Meeting Date:   3/14/90  

**REQUEST FOR COUNCIL CONSIDERATION**

**ITEM DESCRIPTION:**

OFF SALE RETAIL LIQUOR LICENSE  
1559 W. LARPEN TEUR AVE.

**SUBMITTED BY:**

JAMES G. KETTNER

**REVIEWED BY:**

Shirley Chenoweth

**EXPLANATION/SUMMARY (attach additional sheets as necessary):**


Mr. Kettner previously applied for a Conditional Use to establish an off sale liquor store at 1559 W. Larpenteur in Bullseye Plaza. Council approved the Conditional Use on February 24, 1990 (Resolution R-90-10).

Mr. Kettner has now completed the necessary license application items and is requesting Council approval of the license.

Following any Council approval, the licenses will be forwarded to the Liquor Control Commission for their inspection of the premises and final approval.

**ACTION REQUESTED:**

Approval of license.

  
\_\_\_\_\_