

CITY OF FALCON HEIGHTS

AGENDA

AUGUST 9, 1989

WORKSHOP: 6:00 P.M. Presentation by Professional Ventures,
Inc. re: Redevelopment Plans for SE Corner
of Snelling and Larpenteur

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

B. ROLL CALL: WALLIN _____ BUSH _____ CIERNIA _____ P. CHENOWETH _____
BALDWIN _____ WIESSNER _____ S. CHENOWETH _____
ATTORNEY _____ ENGINEER _____

C. APPROVAL OF MINUTES OF JULY 26, 1989

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA:

1. Disbursements
 - a. General Disbursements through 8/2/89, \$26,137.34
 - b. Payroll, 7/15/89-7/31/89, \$11,226.78
2. Cancellation of Check #22507
3. Commission Minutes
 - a. Planning Commission Minutes of 7/10/89
 - b. Solid Waste Commission Minutes of 7/13/89
4. MNDOT Agreement
5. Final Payment to Bituminous Roadways for Sealcoating
6. Licenses:
 - Schreiber, Mullaney Construction #359
 - Superior Roofing #358
 - Dependable Heating & Air Conditioning #357
 - Furniture Plus #360

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Code Amendment Relating to Alarm Systems
(Chapter 3, Part 5.01)

ACTION: _____

2. Sheriff's Department Budget/Cost Sharing Formula

ACTION: _____

3. Conditional Use Permit Amendment:(JJ's Indoor Amusement Center)

ACTION: _____

4. City Ethics Policies

ACTION: _____

5. Ordinance Publication

ACTION: _____

G. ANNOUNCEMENTS AND UPDATE:

H. ADJOURNMENT:

ACTION: _____

WORKSHOP: Immediately Following Council Meeting
City Assessment Policy

Consent _____

COUNCIL WORKSHOP

Agenda Item: _____

Policy _____

6:00 P.M.

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

Workshop X

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Presentation by Professional Ventures, Inc. re:
Redevelopment Plans for SE Corner of Snelling and
Larpenteur

SUBMITTED BY:

Professional Ventures, Inc.

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

PVI representatives have requested to appear before
the City Council, Planning Commission and neighbors
to present preliminary plans for redevelopment of the
SE corner.

ACTION REQUESTED:

Information/Discussion Only

JW

MINUTES
REGULAR CITY COUNCIL MEETING
JULY 26, 1989

Baldwin called the meeting to order at 7:00 P.M.

ALL MEMBERS PRESENT

Baldwin, Bush, P. Chenoweth, Ciernia, and Wallin. Also present were Maurer, Wiessner and S. Chenoweth.

MINUTES OF JULY 12, 1989 APPROVED

Council approved the Minutes of July 14, 1989 as presented.

CONSENT AGENDA APPROVED

The following Consent Agenda was approved:

1. Disbursements:
 - a. General Disbursements Through 7/26/89, \$95,742.78
 - b. Payroll, 7/1/89 - 7/15/89, \$13,106.23
2. Ratification of Increase in 1989 Sealcoating Cost
3. Designation of Streets to be Posted "No Parking" During State Fair
4. Memo Dated 7/17/89 Regarding North Suburban Cable Commission's Move from City Hall
5. Planning Commission Minutes of July 10, 1989
Licenses:
Ken's Roofing, #353, John Beissel, Inc., #356, Concept Designs Builders, Inc., #346, and R.A.O. Construction #355

DISCUSSION PROPOSED ORDINANCE O-89-12 RELATING TO RESIDENTIAL SET BACKS

Planner Tim Malloy and Planning Commission Chair David Black, explained the rationale for the changes recommended by the Planning Commission following their Public Hearing on July 10, 1989. Council thoroughly discussed the matter and after making some changes, P. Chenoweth moved adoption of Ordinance O-89-12. Upon a vote being taken, the following voted in favor thereof, Bush, P. Chenoweth, Wallin and Baldwin, and the following against the same, Ciernia. Motion carried.

ORDINANCE O-89-12

AN ORDINANCE AMENDING SECTION 9-4.01, SUBDIVISION 4 (LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS) AND SECTION 9-2.04, SUBDIVISIONS 1(c) (GENERAL), 2(b) (AREA), AND 2(d) (THROUGH LOTS) OF THE MUNICIPAL CODE

AUGUST 23, 1989 COUNCIL MEETING CANCELLED

Council unanimously agreed to cancel the regular meeting scheduled for August 23, 1989.

APPROVAL OF LOCAL FEASIBILITY STUDY ON PROPOSED HAMLIN AVENUE IMPROVEMENTS, LARPEN TEUR TO ROSELAWN

Maurer presented and briefly reviewed the Local Feasibility

Study on the proposed Hamline Avenue Improvements, after which P. Chenoweth moved adoption of Resolution R-89-17, accepting the study and setting the improvement hearing for 7:15 P.M., August 13, 1989. Motion carried unanimously.

RESOLUTION R-89-17

A RESOLUTION ACCEPTING THE ENGINEER'S FEASIBILITY STUDY ON THE PROPOSED HAMLINE AVENUE IMPROVEMENTS, LARPENTEUR TO ROSELAWN AVENUES, AND SETTING THE LOCAL IMPROVEMENT HEARING FOR THE PROJECT

COUNCIL WORKSHOP ON ASSESSMENT POLICY SCHEDULED FOR 8/9/87 FOLLOWING COUNCIL MEETING

Council scheduled a workshop to discuss the latest draft of the proposed assessment policy for August 9, 1989 immediately following the regular Council Meeting.

ESTABLISHMENT OF REIMBURSEMENT POLICY FOR TATUM SOD REPLACEMENT

Baldwin explained that replacement of the bad sod on Tatum Street has been completed. Council discussed the fact that several residents had replaced the sod on the boulevards in front of their residences prior to the City project and are now requesting reimbursement. Following a brief discussion, Wallin moved that these residents be reimbursed in the amount of either the average cost to the City, or the resident's cost, whichever is less. Motion carried unanimously.

APPROVAL OF UNITED WAY CAMPAIGN INCENTIVE FOR CITY EMPLOYEES

Wiessner explained that all cities in the St. Paul Area United Way are participating in the Pacesetter Campaign and requested that Council authorize one paid vacation day for a drawing as an incentive for City employees. Ciernia moved approval of the request which carried unanimously.

WORKSHOP ON PROPOSED DEVELOPMENT OF SE CORNER OF LARPENTEUR AND SNELLING SCHEDULED FOR 8/9/89.

Baldwin explained that a developer has expressed interest in redeveloping the southeast corner of Larpenteur and Snelling and had requested a workshop with the City Council, Planning Commission and affected property owners. Council agreed to scheduling the workshop for August 9, 1989 from 6:00 to 7:00 P.M.

ADJOURNMENT

The meeting was adjourned at 8:20 P.M.

Tom Baldwin, Mayor

ATTEST:

Shirley Chenoweth, City Clerk

Consent X

Agenda Item: E-1

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Disbursements

SUBMITTED BY:

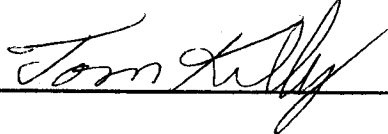
Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- a. General Disbursements through 8/2/89, \$26,137.34
- b. Payroll, 7/15/89-7/31/89, \$11,226.78

ACTION REQUESTED:



GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
22540	U.S. Postmaster	Stamps	250.00
22541	Wholesale Club	Misc. supplies, ice cream social, etc.	120.17
22542	Kemp's Ice Cream	Ice Cream Social	112.50
22543	Dee Traudt	Ducktails band for I.C. Social	200.00
22544	City of Falcon Hts.	Petty Cash for I.C. Social	50.00
22545	Geraldine Anderson	Tatum Sod reimbursement	160.00
22546	Edna Cowles	Tatum Sod reimbursement	80.00
22547	American LaFrance	Seal Kit/Ball	\$350.41
22548	AT&T	Long Distance calls	1.95
22549	BSN Sports	Softball, Tennis Balls	86.02
22550	Battery Products	Batteries	22.20
22551	Blomberg Pharmacy	Film and development	19.66
22552	Brotex	Paper products	65.88
22553	Garin Bogenholm	Newsletter delivery	100.00
22554	Colonial Insurance	Insurance	48.00
22555	Fuller's Radio Sales	Radio repair, parts	137.04
22556	Harmon Glass	Repair of Bobcat	78.86
22557	Dennis Hunt	Refund, cond't'l use permit	20.00
22558	In-Towne Industries	Summer Newsletter	238.00
22559	Kathleen Janke	July cleaning, fire hall	80.00
22560	Jamieson & Assoc.	Sound system review	405.00
22561	Terry Iverson	Mileage	56.00
22562	Jensen, Hicken, Gedde et al	June legal fees	2,300.35
22563	ICMA	Deferred compensation	526.17
22564	Knutson Rubbish	Hazardous material collection	281.80
22565	Dick Larson	July Inspection fees	350.00
22566	Douglas Geist	Tatum and St. Mary's Sod Project	6,971.16
22567	MN Benefits Assoc.	Cancer insurance	5.85
22568	Metro Area Managers	June meeting	10.00
22569	NSP	Street lights-July	1,739.78
22570	OxygenService Company	Cylinder refills, tool repair	180.78
22571	One Hour Martinizing	Clean Blankets	7.42
22572	Pittman & Son	Hydro-Flush	375.00
22573	Road Rescue Inc.	Supplies, strobe flash tube	154.59
22574	Ramsey Co. Personnel	Admin. Fees, July and Aug.	93.50
22575	Scharber & Sons	Bucket for Tractor	812.10
22576	St. Paul Ramsey Medical	Joe Olson, Health exam	57.96
22577	Toll Company	Nonflammable gas	56.06
22578	T.A. Schifsky & Sons	Limerock	53.13
22579	Video-Midwest	Repair Audio System	740.00

GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
22580	U.S. West	July Phone	33.87
22581	Dahlgren, Shardlow, Uban	June fees	759.39
22582	United Way	Donation	14.00
22583	Comm. of Revenue	State withholding taxes	899.38
22584	North Star State Bank	Federal withholding taxes	4,730.70
22585	PERA	Retirement fund	1,538.16
22586	Insty Prints	Newsletter, letterhead paper	339.43
22587	SuperAmerica	Fuel	302.07
22588	League of MN Cities	Clerk's Orientation	85.00
22589	State of Minnesota	'89 Laws	38.00

TOTAL DISBURSEMENTS: \$26,137.34

Employee Number	Employee Name	Pay Period	Pay Group	Pay Description	Check Amount	Check Date	Status
017654		0			0.00	31-Jul-89	VOID
017655		0			0.00	31-Jul-89	VOID
017656		0			0.00	31-Jul-89	VOID
017657	000000003 Wiessner, Janet R.	14	01	semi-monthly	1,245.49	31-Jul-89	Outstanding
017658	000000004 Kniegler, Carol J.	14	01	semi-monthly	307.50	31-Jul-89	Outstanding
017659	000000011 Chenoweth, Stanley B.	14	01	semi-monthly	750.88	31-Jul-89	Outstanding
017660	000000020 Iverson, Terry D.	14	01	semi-monthly	820.53	31-Jul-89	Outstanding
017661	000000027 Morgan, Jay M.	14	01	semi-monthly	708.30	31-Jul-89	Outstanding
017662	000000038 Wright, Vincent D.	14	01	semi-monthly	905.53	31-Jul-89	Outstanding
017663	000000041 Neumann, Kristine L.	14	01	semi-monthly	550.55	31-Jul-89	Outstanding
017664	000000045 Marshall, Timothy	14	01	semi-monthly	361.55	31-Jul-89	Outstanding
017665	000000050 Kubas, Jon E.	14	01	semi-monthly	348.18	31-Jul-89	Outstanding
017666	000000063 Phillips, Patricia R.	14	01	semi-monthly	644.55	31-Jul-89	Outstanding
017667	000000065 Kelly, Thomas R.	14	01	semi-monthly	810.15	31-Jul-89	Outstanding
017668	000000066 Bogerholm, Bartn W.	14	01	semi-monthly	455.47	31-Jul-89	Outstanding
017669	000000069 Success, Jean	14	01	semi-monthly	554.38	31-Jul-89	Outstanding
017670	000000072 Carlson, Carol	14	01	semi-monthly	213.24	31-Jul-89	Outstanding
017671	000000076 Olson, Rob L.	14	01	semi-monthly	124.17	31-Jul-89	Outstanding
017672	000000077 Posei, Amy E	14	01	semi-monthly	107.91	31-Jul-89	Outstanding
017673	000000078 Nickelsen, Tony J.	14	01	semi-monthly	321.61	31-Jul-89	Outstanding
017674	000000079 Hoyt Taff, Susan L.	14	01	semi-monthly	380.94	31-Jul-89	Outstanding
017675	000000001 Baldwin, Thomas A.	7	03	monthly 2	345.84	31-Jul-89	Outstanding
017676	000000003 Baumann, Nicholas B.	7	03	monthly 2	50.71	31-Jul-89	Outstanding
017677	000000005 Berndt, Ross	7	03	monthly 2	41.50	31-Jul-89	Outstanding
017678	000000007 Bianchi, Joseph D.	7	03	monthly 2	58.00	31-Jul-89	Outstanding
017679	000000008 Brown, Raymond F.	7	03	monthly 2	53.00	31-Jul-89	Outstanding
017680	000000009 Bush, Patti J.	7	03	monthly 2	228.65	31-Jul-89	Outstanding
017681	000000010 Chenoweth, Philip E.	7	03	monthly 2	293.00	31-Jul-89	Outstanding
017682	000000012 Dienna, Paul C.	7	03	monthly 2	250.00	31-Jul-89	Outstanding
017683	000000018 Holmgren, John M. Sr.	7	03	monthly 2	125.00	31-Jul-89	Outstanding
017684	000000022 Lemay, Dennis E.	7	03	monthly 2	55.00	31-Jul-89	Outstanding
017685	000000024 Lirdig, Leo	7	03	monthly 2	303.34	31-Jul-89	Outstanding
017686	000000033 Schaufert, Dreig F.	7	03	monthly 2	135.00	31-Jul-89	Outstanding
017687	000000034 Sunda, Basil	7	03	monthly 2	53.00	31-Jul-89	Outstanding
017688	000000037 Wallin, Gerald E.	7	02	monthly 2	200.00	31-Jul-89	Outstanding
017689	000000039 Morgan, Jay	7	02	monthly 2	41.50	31-Jul-89	Outstanding

Grand Total

11,286.78

Consent X

Agenda Item: E-2

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Cancellation of Check #22507

SUBMITTED BY:

Tom Kelly

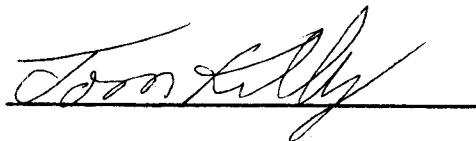
REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Check #22507, issued July 27, 1989 to Dahlgren, Shardlow & Uban in the amount of \$759.39 was improperly typed. This check will be replaced by Check #22581.

ACTION REQUESTED:

Approval



Consent X

Agenda Item: E-3

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Commission Minutes

SUBMITTED BY: (1) Kitty Zimmerman
(2) S. Chenoweth

REVIEWED BY: (1) Susan Hoyt-Taff

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (1) Planning Commission Minutes of 7/10/89
- (2) Solid Waste Commission Minutes of 7/13/89

ACTION REQUESTED: Approval

ju

MINUTES
REGULAR PLANNING COMMISSION MEETING
JULY 10, 1989

Chairman Black called the meeting to order at 7:30 P.M.

Barry, Black, Boche, Carroll, Daykin, Duncan and Grittner. Also present were Planners Susan Hoyt Taff and Tim Malloy, and Administrator Wiessner.

PRESENT

Nestingen and Finegan.

ABSENT

Duncan moved, seconded by Daykin, to approve the June 5, 1989 Minutes as presented. Motion carried unanimously.

6/5/89
MINUTES
APPROVED

H. Leonard Boche, 1776 Fry Street, requested a Permitted Accessory Use for a Utility Shed to be located in the southeast corner of his lot five feet from his property line. Construction will be as indicated in the diagram he attached to his application and indicated the structure will be painted green to blend with its surroundings.

LEONARD
BOCHE
PERMITTED
ACCESSORY
USE
APPROVED

Carroll moved, seconded by Daykin, to approve the Permitted Accessory Use as requested. Motion carried unanimously.

Barry arrived at 7:44 P.M.

Chairman Black opened the Public Hearing at 7:45 P.M. on the Request for a Conditional Use Permit to allow a parking lot in R-1 Single Family District as requested by Dennis Hunt on a lot owned by George Peck, 1546 Crawford Avenue. Such Public Hearing Notice was published in the Focus Newspapers at June 28, 1989.

PUBLIC
HEARING
REQUESTED
BY DENNIS
HUNT
CONTINUED

Barry questioned whether the conditional use request should be considered based upon the fact that Mr. Hunt does owe back property taxes. Also, the future use of the shopping center should be considered before acting on the request.

After further discussion, Carroll moved, seconded by Barry, to continue the Public Hearing to August 7, 1989 if, and only if, Mr. Hunt has provided the necessary requested information. Motion carried unanimously.

Dave Black and Planner Malloy reviewed the background of the Code Amendments as chronologically listed in the agenda attachments. Planner Malloy stated that the Planning Commission may want to reconsider its action taken at its June 5th meeting in its motion for a code amendment change on page two, paragraph three, to use the conditional use permit process. The use of the conditional use permit in this instance may be awkward because it requires every accessory structure on a corner lot to be put through the conditional use process which means requiring a public hearing and fees associated with the request. At the last meeting some Commission members had also expressed concern about the criteria and felt there was a better way to handle such situations.

CODE
AMENDMENTS

Minutes
Regular Planning Commission Meeting
July 10, 1989
Page 2

PUBLIC
HEARING
ON CODE
AMENDMENTS
9-4.01,
SUBD. 4,
9-2.04,
SUBD. 1(c)
AND
9-2.04, 2(b)
SUBD. 2(d)
APPROVED

Chairman Black then opened the Public Hearing at 8:30 P.M. on Code Amendments to Section 9-4.01, Subdivision 4, and Section 9-2.04, Subdivision 1(c). Such Public Hearing Notice was published in the Focus Newspapers on June 28, 1989.

Council Liaison Wallin arrived at 8:39 P.M.

Planner Tim Malloy reviewed the Code Amendment changes made on June 5, 1989 and made suggestions for other options that might be considered instead of using the conditional use process.

There being no one wishing to be heard, Chairman Black closed the Public Hearing at 8:50 P.M.

Carroll moved, seconded by Duncan, that the third paragraph of Page 2 (Accessory buildings, including garages, on a corner lot in a residential district, may be located within the corner side yard subject to a conditional use permit. The issuance of such permits shall comply with the provision in Section 9-15.04 of this Code (conditional uses). Design and placement of such structures must be consistent with the surrounding residential district, and shall be evaluated based on the following criteria: visibility, height, safety and potential distraction to passing motorists.) be stricken and the following language substituted: Garages on a corner lot in a residential district shall have the same corner side yard setback as the principal structure. If required setback allows garage to be placed less than 15 feet from the corner side lot line, this is permissible only if vehicular access door faces either the alley or interior lot line.

After a discussion, the motion was approved subject to editing by Planner Malloy that would create no substantive change.

Boche moved, seconded by Carroll, an amendment to Section 9-2.04, Subdivision 2 (d) as follows: d. Through Lot: The minimum setback from the rear street, or alley lot line of a through lot shall be thirty (30) feet. Motion carried unanimously.

Daykin requested an illustration be used in Section 9-2.04 of our Code similar to the one used by the City of Minnetonka as was presented to the Planning Commission by Planner Malloy.

Carroll moved, seconded by Boche, approval of Code Amendments to Section 9-4.01, Subdivision 4, Section 9-2.04, Subdivision 1(c) and Section 9-2.04, Subdivision 2(d) to be considered by the City Council as a block of changes. Motion carried unanimously.

← add 2(b) here

Minutes
Regular Planning Commission Meeting
July 10, 1989

Boche moved, seconded by Carroll, to adjourn the meeting at 9:17
P.M. Motion carried unanimously.

ADJOURNMENT

Submitted by:

Katherine J. Zimmerman

Approved: _____

Edgar Finegan, Secretary

MINUTES
Solid Waste Commission Meeting
July 13, 1989

The meeting was called to order at 7:10 pm.

Commission Members Present: John Thompson, Michael Haglund, Leo Klisch, Laura Kuettel, Lyle Wray, and Shirley Chenoweth.

Commission Members Not Present: Terry Iverson, John Hustad, Diane Klisch, Marty McCleary, Nancy Misra.

APPROVAL OF AGENDA

The agenda for the meeting was approved by consensus.

APPROVAL OF MINUTES

The minutes of the June 1 meeting were approved with a motion by Lyle Wray, seconded by Mike Haglund. The minutes of the special June 27 meeting were approved with a motion by Mike Haglund, seconded by Lyle Wray.

HOUSEHOLD HAZARDOUS WASTE PROGRAM UPDATE

The Household Hazardous Waste Program update will be discussed at the next scheduled meeting by Terry Iverson.

RECYCLING BINS STATUS

The bins have arrived at City Hall. The Falcon Heights newsletter will be out soon to re-announce the availability of the bins for purchase. Shirley Chenoweth will schedule a photo of John Thompson presenting the winner of the first drawing with her free bin.

NEWSLETTER, SPRING ISSUE UPDATE

The commission members gave positive responses to the newsletter. It was described as very professional looking. The total cost was \$500.

A Falcon Heights resident sent a letter to the city regarding the disposal of grass clippings. The letter writer expressed concerns about the lack of a northern suburban composting site and wondered whether Falcon Heights could provide one if Ramsey county can't.

RECYCLING HAULER RFP

The contract should be signed soon with SuperCycle (RECOMP) Coffman is negotiating with RECOMP. They will need 12 containers for recycling.

MINUTES

Solid Waste Commission

13 July 1989

page two

-additional
Ramsey County is committed for \$3,000 for the rest of the year. Two county commissioners are still in favor of providing money for bins.

Goodwill gives Falcon Heights tonnage credit for the recycling and appliance collection.

BUDGET

RECOMP estimates that it will take 15-20 minutes to service a 100 unit building. In regard to the smaller units; the city would have to provide 90 gallon bins. A six month average shows collection at 19 tons.

The city would need to budget \$1,215 to purchase 18 bins or allocate an annual budget amount of \$702 for rental.

18 bins x \$3.25 = \$58.50 \$58.50 x 12 months = \$702.00

This is based upon six bins per 100 units. There are 300 units.

The bins have a life expectancy of five to seven years.

Figures were calculated and given to Shirley Chenoweth who will present the Solid Waste Commission budget to the Falcon Heights City Council.

Subjects for the next meeting will be the Budget, Hazardous Waste, The tonnage amounts for our first pickup since the reinstatement of recycling.

Lyle Wray motioned and Mike Haglund seconded adjournment of the meeting at 9:00pm.

Respectfully submitted,

Laura Kuettel, Secretary

Consent X

Agenda Item: E-4

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

MNDOT Agreement

SUBMITTED BY:

Terry Maurer

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

MNDOT has requested that the City execute a new agency agreement.

ACTION REQUESTED:

Approve MNDOT Agreement.



MINNESOTA DEPARTMENT OF TRANSPORTATION

FEDERAL AID FORM NO. III

Be it resolved that pursuant to section 161.36, Subdivision 1 through 6, Minnesota Statutes, the Commissioner of Transportation be appointed as agent of the City of Falcon Heights to let as its agent, contracts for the construction of local roads and bridge, and the Mayor and the City ckerk are hereby authorized and directed for and on behalf of the City to execute and enter into a contract with the Commissioner of Transportation prescribing the terms and conditions of such contracts in the form as set forth and contained in "Minnesota Department of Transportation Agency Agreement" a copy of which said agreement was before the City Council, assuming on behalf of the City all of the obligations therein contained.

(SEAL) (Submit in duplicate)

Note: Attach certification by City Clerk with each copy of resolution.

Revised 12/1988

Office of State Aid

MINNESOTA DEPARTMENT OF TRANSPORTATION

AGENCY AGREEMENT

This Agreement made and entered into by and between the City of Falcon Heights herein after referred to as the "City" and the Commissioner of Transportation of the State of Minnesota hereinafter referred to as the "Commissioner",

WITNESSETH:

WHEREAS, pursuant to M.S. 161.36 the City desires the Commissioner to act as its agent in accepting federal aid on the City's behalf, for road and bridge construction and in contracting for the construction, improvement or maintenance of roads or bridges financed either in whole or part with federal moneys; and

WHEREAS, M.S. 161.36, Subdivision 2, requires that the terms and conditions of the agency be set forth in an agreement;

NOW, THEN, IT IS AGREED:

-I-

That pursuant to M.S. 161.36, the City does hereby appoint the Commissioner its agent with respect to all federally funded projects, to accept and receive all federal funds made available for said projects and to let contracts pursuant to law for the construction and improvement of local roads and bridges.

Each contract will be in accordance with plans and special provisions for said projects on file in the Department of Transportation, State Transportation Building, St. Paul, Minnesota 55155, and the latest edition of "Standard Specifications for Construction" and all amendments thereof, which said plans, special provisions and specifications are made a part of this agreement by reference as though fully set forth herein.

In the letting of said contract, it is hereby agreed that the following procedures shall be followed, to-wit:

A. The Commissioner shall cause the advertisements calling for bids on said work to be published in the "Construction Bulletin". He shall also cause advertisements for bids to be published in the officially designated newspaper of the City. Said advertisement or call for bids shall specify that sealed proposals or bids will be received by the City Purchasing Agent of _____ on behalf of the Commissioner as agent of said City. Proposals, plans and specifications shall be available for the inspection of prospective bidders at the office of the Department of Transportation, St. Paul, Minnesota 55155, and at the office of said City Purchasing Agent and the advertisement shall so state. The bids received in response to said advertisement for bids shall be opened for and on behalf of the Commissioner by a District Engineer of the Department of Transportation or such other engineer of the Department of Transportation as may be from time to time selected by the Commissioner. After said bids shall have been opened, the City council shall first consider the same and thereupon

transmit to the Commissioner all bids received together with its recommendation that the lowest bid submitted by a responsible bidder be accepted or that all bids be rejected.

Upon receipt of all said bids, the Commissioner shall duly cause all of said bids to be tabulated and shall thereupon determine who is the lowest responsible bidder and shall award the contract to the lowest responsible bidder or shall reject all bids.

B. The Commissioner shall supervise and have charge of the construction of said projects after the same has been let. The City agrees to furnish its City Engineer or other registered engineer and assign him to the active supervision and direction of the work to be performed under any contract let for the aforesaid projects. Said engineer so assigned shall act under the supervision and direction of the Commissioner.

The City further agrees to furnish such other personnel, services, supplies and equipment as shall be necessary in order to properly supervise and carry on said work.

C. The Commissioner may make changes in the plans or the character of the work as shall be recommended by the engineer in charge of the work. If he concurs in such recommendations, the Commissioner may enter into, for and on behalf of the City, supplemental agreements with the contractor for the performance of any extra work or work occasioned by any necessary, advantageous, or desirable change in plans or construction.

It is understood by the City that the Commissioner cannot personally investigate and pass judgement on the various items of extra work and plan changes necessary and desirable during the construction of

the projects but that he must delegate such duties to engineers under his supervision and control that are employed by the Minnesota Department of Transportation. The City does hereby authorize these engineers, so delegated by the Commissioner, to enter into, for and on behalf of the City, the supplemental agreements specified in the preceding paragraph hereof.

D. The City hereby authorizes its City Engineer, for and on behalf of the City, from time to time, during the progress of the work on said projects, to request the Commissioner to furnish for use on said projects specific engineering services to be performed by skilled employees of the Minnesota Department of Transportation. The Commissioner may but is not obligated to furnish the services so requested. If the Commissioner in compliance with such request shall furnish for the use of the City on said projects the services of any Minnesota Department of Transportation employee, then and in that event, the City agrees to reimburse the Trunk Highway Fund for the full cost and expense of the furnishing of such services including all costs and expenses of any kind or nature whatsoever arising out of, connected with, or incidental to the furnishing of such services.

E. The Commissioner shall receive the funds to be paid by the City and the funds to be paid by the United States as federal aid funds for said projects and to pay therefrom when due any and all sums that may become due the contractor to whom the contract is awarded, and upon final completion and acceptance of the work, to pay from said funds the final estimate to said contractor for said work.

F. The Commissioner shall perform on behalf of the City all other acts and things necessary to cause said projects to be completed in a satisfactory manner.

G. The Commissioner may enter into any agreement for and on behalf of the City with the United States or any officer or agent thereof that may be required or necessary for the purpose of procuring and actually causing to be paid the federal aid funds available for said projects and to that end to bind and commit the City in such agreement to the performance of any and all things required by any law of the United States or of any rule and regulation issued by federal authority pertaining thereto necessary for the purpose of procuring and having paid the federal aid available for said projects.

H. It is the policy of the United States Department of Transportation and the Minnesota Department of Transportation that Disadvantaged Business Enterprises as defined in 49 CFR, Part 23, and the Surface Transportation and Uniform Relocation Assistance Act for 1987, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Consequently, the requirements of 49 CFR, Part 23, apply to this agreement. In this regard, the Commissioner and the City shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23, to insure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform on contracts and subcontracts. The Commissioner and the City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally funded contracts.

Failure to carry out the above requirements shall constitute a breach of this agreement and may result in termination of the agreement or other such remedy that the Commissioner deems appropriate.

I. The Commissioner may perform on behalf of the City any other and further acts as may be necessary or required under any law of the United States or of any rule or regulation issued by proper federal authority in order to cause said projects to be completed and to obtain and receive the federal aid made available therefor.

-II-

The City agrees that it will from time to time, after the execution of this agreement, make such reports, keep such records and perform such work in such manner and time as the Commissioner shall from time to time request and direct so as to enable the Commissioner as its agent to collect for it the federal aid sought. Said records and reports shall be retained by the City in accordance with the Commissioner's record retention schedule for federal aid projects.

-III-

It is anticipated that the United States will pay to the Commissioner as the agent of the City, the federal aid funds available to said City toward the construction of said projects. It is further anticipated that the contracts to be let by the Commissioner as the agent of the City, for the construction of said projects shall provide that the contractor, as the work progresses, shall, from time to time, be paid partial payments designated in said contract as partial estimates and on the completion and

acceptance of said work to be paid a final payment designated in said contract as a final estimate for all work performed.

The City further agrees that any City funds and/or Municipal State Aid Funds to be applied to any contract covered by this agreement shall be deposited with the Commissioner in accordance with Minnesota Rules Chapter 8820.1500 Subp. 3.

At regular monthly intervals after contractors shall have started work under contracts let by the Commissioner as agent for the City for the construction of said projects, the engineer assigned to and in charge of said work shall prepare partial estimates in accordance with the terms of said contracts let for said projects and the procedures established by the Office of Construction and Contract Administration Minnesota Department of Transportation. The said engineer in charge of said work shall immediately after preparing each partial estimate, transmit the same to the Commissioner in duplicate. Each partial estimate shall be certified by the engineer in charge and by the contractor performing such work. The said engineer assigned to and in charge of said work shall also prepare and submit to the Commissioner the final estimate data, together with the required project records in accordance with the terms of said contracts let for said projects. Quantities listed on said partial and final estimates shall be documented in accordance with the guidelines set forth in the applicable documentation manual. After the approved final estimate has been submitted to the Commissioner, the City will pay to the

Commissioner any additional amount which together with the federal funds received for that project will be sufficient to pay all the contract costs of the project.

-IV-

When the contractor shall have completed the work on said projects, the City agrees to inspect the same and forthwith upon the completion of said inspection advise the Commissioner whether or not the work performed should be, by the Commissioner as its agent, accepted as being performed in a satisfactory manner. In the event the City should, after said inspection, recommend to the Commissioner that he should not accept said work, then the City shall at the time such recommendation is made specify in particularity the defects in said work and the reasons why the work should not be accepted. It is further agreed that any recommendations made by the City are not binding on the Commissioner but that he shall have the right to determine whether or not the work has been acceptably performed and to accept or reject the work performed under any said contract.

-V-

It is further agreed that the decision of the Commissioner on the several matters herein set forth shall be final, binding and conclusive on the parties hereto.

-VI-

It is anticipated that the entire cost of said projects is to be paid from funds made available by the United States, by way of federal aid, and by the City. If for any reason the United States fails to pay any part of the cost or expense of said projects, then

and in that event the City agrees to pay the same. The City further agrees to pay any and all claims or demands of any kind or nature whatsoever arising out of or incidental to the performance of the work under any contract let for said projects in the event that the United States does not pay the same, and in all events, agrees to save the State of Minnesota and the Commissioner from said claims and from any claims arising out of this agreement and to pay any and all expenses and costs connected with said projects or the construction thereof which the United States does not pay.

-VII-

The City further agrees that:

A. All right-of-way acquisition and relocation will be conducted in accordance with 49 CFR Part 25. Procedures implementing this regulation are contained in Mn/DOT State Aid Manual Chapter 5-892.310.

(Additional guidance may be obtained by referring to the FHWA's Real Estate Acquisition Guide for Local Public Agencies).

B. If the City receives total direct and indirect federal assistance of:

1. \$100,000 or more per year, the City agrees to obtain a financial and compliance audit made in accordance with the Single Audit Act of 1984 (P.L. 98-502) and Office of Management and Budget (OMB) Circular A-128. The law and circular provide that the audit shall cover the entire operations of the City government or, at the option of the City government, it may cover departments, agencies or establishments that received, expended, or otherwise administered federal financial assistance during the year. However,

if the City government receives \$25,000 or more in General Revenue Sharing Funds in a fiscal year, it shall have an audit of its entire operations.

2. Between \$25,000 and \$100,000 per year, the City agrees to obtain either -

a. a financial and compliance audit made in accordance with the Single Audit Act of 1984 and OMB Circular A-128, or

b. a financial and compliance audit of all federal funds. The audit must determine whether the subrecipient spent federal assistance funds in accordance with applicable laws and regulations and the audit must be made in accordance with any federal laws and regulations governing the federal programs the subrecipient participates in.

Audits shall be made annually unless the state or local government has, by January 1, 1987 a constitutional or statutory requirement for less frequent audits. For those governments, the cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by governments that have an administrative policy calling for audits less frequent than annual, but only for fiscal years beginning before January 1, 1987.

The audit shall be made by an independent auditor. An independent auditor is a state or local government auditor or a public accountant who meets the independent standards specified in the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.

The audit report shall state that the audit was performed in accordance with the provisions of OMB Circular A-128 (or A-110 as applicable).

The audit report shall include:

1) The auditor's report on financial statements and on a schedule of federal assistance; the financial statements; and a schedule of federal assistance, showing the total expenditures for each federal assistance program as identified in the Catalog of Federal Domestic Assistance. Federal programs or grants that have not been assigned a catalog number shall be identified under the caption "other federal assistance".

2) The auditor's report on the study and evaluation of internal control systems must identify the organization's significant internal accounting controls, and those controls designed to provide reasonable assurance that federal programs are being managed in compliance with laws and regulations.

It must also identify the controls that were evaluated, the controls that were not evaluated, and the material weaknesses identified as a result of the evaluation.

3) The auditor's report on compliance containing:

a) A statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements;

b) Negative assurance on those items not tested;

c) A summary of all instances of noncompliance;

d) An identification of total amounts questioned, if any, for each federal assistance awarded, as a result of noncompliance;

e) A statement on the status of corrective action taken on prior findings; and

f) Refer to the use of the standards required by the Minnesota Legal Compliance Audit Guide for Local Governments, prepared by the Office of the State Auditor. The purpose of this guide is to establish compliance guidelines for verification by auditors auditing political subdivisions of the state.

In addition to the audit report, the recipient shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, a statement describing the reason it is not should accompany the audit report.

The City agrees that the grantor, the Legislative Auditor, and any independent auditor designated by the grantor shall have such access to grantee's records and financial statements as may be necessary for the grantor to comply with the Single Audit Act and OMB Circular A-128. Required audit reports must be filed with the Office of the State Auditor, Single Audit Division and state agencies providing federal assistance, within six months of the City's fiscal year end.

If a federal cognizant audit agency has been assigned for the City, copies of required audit reports will be filed with that agency also.

Recipients of more than \$100,000 in federal assistance must also submit one copy of the audit report within 30 days after issuance to the central clearinghouse. Audit reports should be sent to:

Bureau of Census
Data Preparation Division
1201 East 10th Street
Jeffersonville, Indiana 47132
Attn: Single Audit Clearinghouse

C. The City will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with the attached "A Policy for the Accommodation of Utilities on Highway Rights of Way" as approved on April 5, 1988 by the United States Department of Transportation, Federal Highway Administration, Minnesota Division.

-VIII-

All references to statutes and rules shall be construed to refer to the statutes and rules as they may be amended from year to year.

-IX-

The Commissioner accepts this said appointment as agent of the City and agrees to act in accordance herewith.

Revised 12/1988

Office of State Aid

MINNESOTA DEPARTMENT OF TRANSPORTATION
AGENCY AGREEMENT

This Agreement made and entered into by and between the City of Falcon Heights herein after referred to as the "City" and the Commissioner of Transportation of the State of Minnesota hereinafter referred to as the "Commissioner",

WITNESSETH:

WHEREAS, pursuant to M.S. 161.36 the City desires the Commissioner to act as its agent in accepting federal aid on the City's behalf, for road and bridge construction and in contracting for the construction, improvement or maintenance of roads or bridges financed either in whole or part with federal moneys; and

WHEREAS, M.S. 161.36, Subdivision 2, requires that the terms and conditions of the agency be set forth in an agreement;

NOW, THEN, IT IS AGREED:

-I-

That pursuant to M.S. 161.36, the City does hereby appoint the Commissioner its agent with respect to all federally funded projects, to accept and receive all federal funds made available for said projects and to let contracts pursuant to law for the construction and improvement of local roads and bridges.

Each contract will be in accordance with plans and special provisions for said projects on file in the Department of Transportation, State Transportation Building, St. Paul, Minnesota 55155, and the latest edition of "Standard Specifications for Construction" and all amendments thereof, which said plans, special provisions and specifications are made a part of this agreement by reference as though fully set forth herein.

In the letting of said contract, it is hereby agreed that the following procedures shall be followed, to-wit:

A. The Commissioner shall cause the advertisements calling for bids on said work to be published in the "Construction Bulletin". He shall also cause advertisements for bids to be published in the officially designated newspaper of the City. Said advertisement or call for bids shall specify that sealed proposals or bids will be received by the City Purchasing Agent of _____ on behalf of the Commissioner as agent of said City. Proposals, plans and specifications shall be available for the inspection of prospective bidders at the office of the Department of Transportation, St. Paul, Minnesota 55155, and at the office of said City Purchasing Agent and the advertisement shall so state. The bids received in response to said advertisement for bids shall be opened for and on behalf of the Commissioner by a District Engineer of the Department of Transportation or such other engineer of the Department of Transportation as may be from time to time selected by the Commissioner. After said bids shall have been opened, the City council shall first consider the same and thereupon

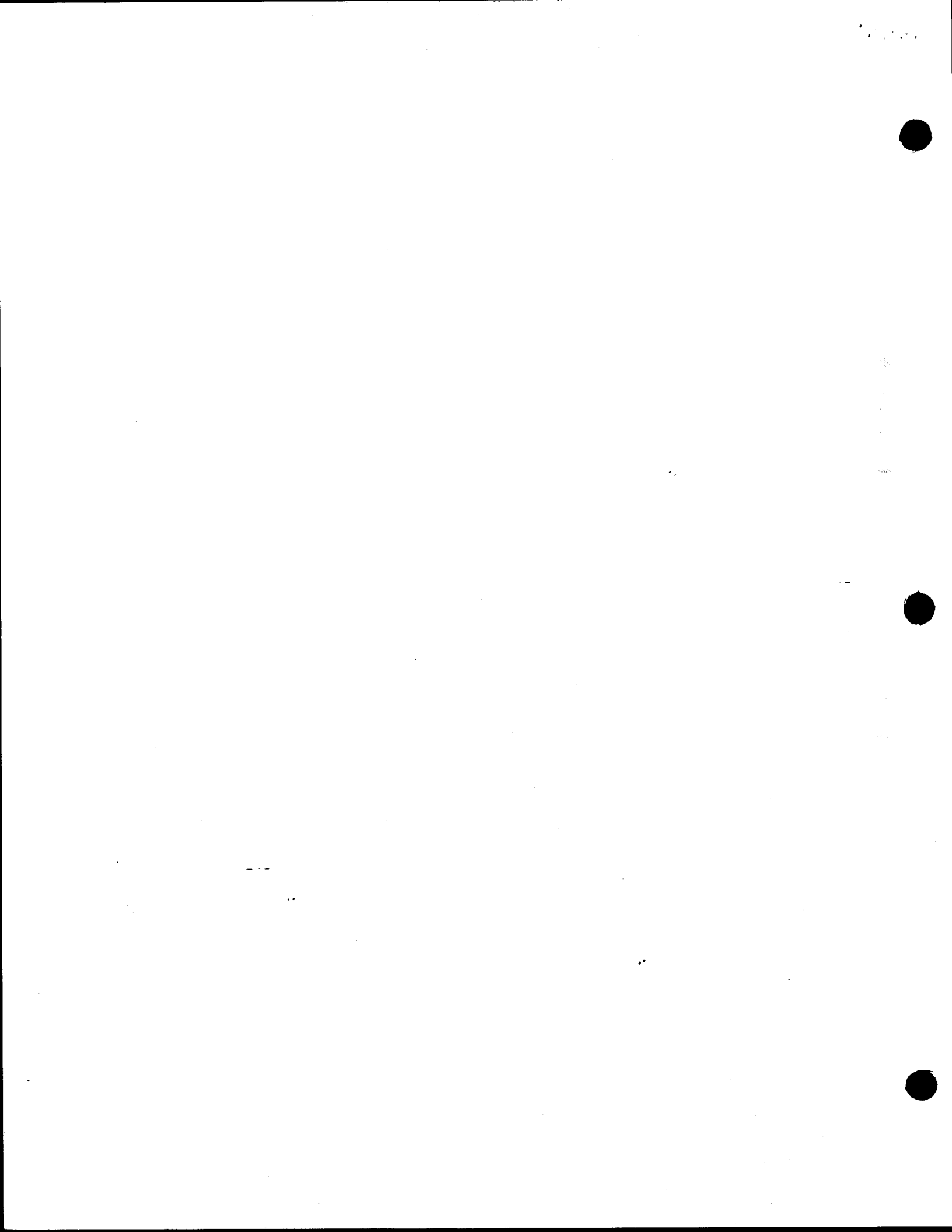
MINNESOTA DEPARTMENT OF TRANSPORTATION

FEDERAL AID FORM NO. III

Be it resolved that pursuant to section 161.36, Subdivision 1 through 6, Minnesota Statutes, the Commissioner of Transportation be appointed as agent of the City of Falcon Heights to let as its agent, contracts for the construction of local roads and bridge, and the Mayor and the City clerk are hereby authorized and directed for and on behalf of the City to execute and enter into a contract with the Commissioner of Transportation prescribing the terms and conditions of such contracts in the form as set forth and contained in "Minnesota Department of Transportation Agency Agreement" a copy of which said agreement was before the City Council, assuming on behalf of the City all of the obligations therein contained.

(SEAL) (Submit in duplicate)

Note: Attach certification by City Clerk with each copy of resolution.



transmit to the Commissioner all bids received together with its recommendation that the lowest bid submitted by a responsible bidder be accepted or that all bids be rejected.

Upon receipt of all said bids, the Commissioner shall duly cause all of said bids to be tabulated and shall thereupon determine who is the lowest responsible bidder and shall award the contract to the lowest responsible bidder or shall reject all bids.

B. The Commissioner shall supervise and have charge of the construction of said projects after the same has been let. The City agrees to furnish its City Engineer or other registered engineer and assign him to the active supervision and direction of the work to be performed under any contract let for the aforesaid projects. Said engineer so assigned shall act under the supervision and direction of the Commissioner.

The City further agrees to furnish such other personnel, services, supplies and equipment as shall be necessary in order to properly supervise and carry on said work.

C. The Commissioner may make changes in the plans or the character of the work as shall be recommended by the engineer in charge of the work. If he concurs in such recommendations, the Commissioner may enter into, for and on behalf of the City, supplemental agreements with the contractor for the performance of any extra work or work occasioned by any necessary, advantageous, or desirable change in plans or construction.

It is understood by the City that the Commissioner cannot personally investigate and pass judgement on the various items of extra work and plan changes necessary and desirable during the construction of

the projects but that he must delegate such duties to engineers under his supervision and control that are employed by the Minnesota Department of Transportation. The City does hereby authorize these engineers, so delegated by the Commissioner, to enter into, for and on behalf of the City, the supplemental agreements specified in the preceding paragraph hereof.

D. The City hereby authorizes its City Engineer, for and on behalf of the City, from time to time, during the progress of the work on said projects, to request the Commissioner to furnish for use on said projects specific engineering services to be performed by skilled employees of the Minnesota Department of Transportation. The Commissioner may but is not obligated to furnish the services so requested. If the Commissioner in compliance with such request shall furnish for the use of the City on said projects the services of any Minnesota Department of Transportation employee, then and in that event, the City agrees to reimburse the Trunk Highway Fund for the full cost and expense of the furnishing of such services including all costs and expenses of any kind or nature whatsoever arising out of, connected with, or incidental to the furnishing of such services.

E. The Commissioner shall receive the funds to be paid by the City and the funds to be paid by the United States as federal aid funds for said projects and to pay therefrom when due any and all sums that may become due the contractor to whom the contract is awarded, and upon final completion and acceptance of the work, to pay from said funds the final estimate to said contractor for said work.

F. The Commissioner shall perform on behalf of the City all other acts and things necessary to cause said projects to be completed in a satisfactory manner.

G. The Commissioner may enter into any agreement for and on behalf of the City with the United States or any officer or agent thereof that may be required or necessary for the purpose of procuring and actually causing to be paid the federal aid funds available for said projects and to that end to bind and commit the City in such agreement to the performance of any and all things required by any law of the United States or of any rule and regulation issued by federal authority pertaining thereto necessary for the purpose of procuring and having paid the federal aid available for said projects.

H. It is the policy of the United States Department of Transportation and the Minnesota Department of Transportation that Disadvantaged Business Enterprises as defined in 49 CFR, Part 23, and the Surface Transportation and Uniform Relocation Assistance Act for 1987, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Consequently, the requirements of 49 CFR, Part 23, apply to this agreement. In this regard, the Commissioner and the City shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23, to insure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform on contracts and subcontracts. The Commissioner and the City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally funded contracts.

Failure to carry out the above requirements shall constitute a breach of this agreement and may result in termination of the agreement or other such remedy that the Commissioner deems appropriate.

I. The Commissioner may perform on behalf of the City any other and further acts as may be necessary or required under any law of the United States or of any rule or regulation issued by proper federal authority in order to cause said projects to be completed and to obtain and receive the federal aid made available therefor.

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acceptance of said work to be paid a final payment designated in said contract as a final estimate for all work performed.

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-IV-

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It is further agreed that the decision of the Commissioner on the several matters herein set forth shall be final, binding and conclusive on the parties hereto.

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-VII-

The City further agrees that:

A. All right-of-way acquisition and relocation will be conducted in accordance with 49 CFR Part 25. Procedures implementing this regulation are contained in Mn/DOT State Aid Manual Chapter 5-892.310.

(Additional guidance may be obtained by referring to the FHWA's Real Estate Acquisition Guide for Local Public Agencies).

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1. \$100,000 or more per year, the City agrees to obtain a financial and compliance audit made in accordance with the Single Audit Act of 1984 (P.L. 98-502) and Office of Management and Budget (OMB) Circular A-128. The law and circular provide that the audit shall cover the entire operations of the City government or, at the option of the City government, it may cover departments, agencies or establishments that received, expended, or otherwise administered federal financial assistance during the year. However,

if the City government receives \$25,000 or more in General Revenue Sharing Funds in a fiscal year, it shall have an audit of its entire operations.

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It must also identify the controls that were evaluated, the controls that were not evaluated, and the material weaknesses identified as a result of the evaluation.

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a) A statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements;

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d) An identification of total amounts questioned, if any, for each federal assistance awarded, as a result of noncompliance;

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Data Preparation Division
1201 East 10th Street
Jeffersonville, Indiana 47132
Attn: Single Audit Clearinghouse

C. The City will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with the attached "A Policy for the Accommodation of Utilities on Highway Rights of Way" as approved on April 5, 1988 by the United States Department of Transportation, Federal Highway Administration, Minnesota Division.

-VIII-

All references to statutes and rules shall be construed to refer to the statutes and rules as they may be amended from year to year.

-IX-

The Commissioner accepts this said appointment as agent of the City and agrees to act in accordance herewith.

City of Falcon Heights

Recommended for Approval

By

Tom Baldwin

Director, Office of State Aid

Mayor

Date _____

Date _____

Attest:

Approved as to Form and Execution

Jan Wiessner
City Clerk

Special Assistant Attorney General

Date _____

Date _____

State of Minnesota

Commissioner of Transportation

Date

(Seal)



CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

July 28, 1989

File No: 330-000-00

Ms. Jan Wiessner
Administrator
City of Falcon Heights
2077 Larpenteur Avenue West
Falcon Heights, MN 55113

RE: MNDOT AGENCY AGREEMENT

Dear Ms. Wiessner:

The Minnesota Department of Transportation, Office of State Aid, is requesting the City execute a new Agency Agreement. I have enclosed two copies of the agreement. This agreement has been previously executed by the City, but some minor revisions have been made to it. Therefore, MnDOT is asking for a new copy to be executed.

All this agreement does is allow MnDOT to act as the lead agency for any project in the City which involves Federal funding. I know of no such project on the horizon, but it is MnDOT's policy to keep executed Agency Agreements on file.

If you would put this on a future City Council agenda and then return an executed copy to me I will forward it to MnDOT. If you have any questions, please call.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

Terry J. Maurer, P.E.

TJM/km
enc.

Consent X

Agenda Item: E-5

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Final Payment to Bituminous Roadways for Sealcoating

SUBMITTED BY:

Terry Maurer

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

See attached.

ACTION REQUESTED:

Approve final payment of \$19,077.11 to Bituminous Roadways.

JW



CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

August 3, 1989

File No: 330-014-20

Ms. Jan Wiessner
Administrator
City of Falcon Heights
2077 Larpenteur Avenue West
Falcon Heights, MN 55113

RE: 1989 SEAL COATING IMPROVEMENTS

Dear Ms. Wiessner:

Enclosed are three copies of partial pay estimate #1 for the seal coating improvement. The total amount of the work performed was \$19,077.11. This is slightly higher than the contract amount due to an increase in bituminous patching.

The pay estimate shows an amount due the Contractor of \$18,263.71 with \$813.40 retained until the paperwork has been submitted. However, the Contractor submitted the paperwork with the signed pay estimate. If the City Council will authorize full payment, we will have the Contractor sign an additional pay estimate showing the release of the retainage.

If you have any questions, please call.

Sincerely,

MAIER STEWART AND ASSOCIATES, INC.

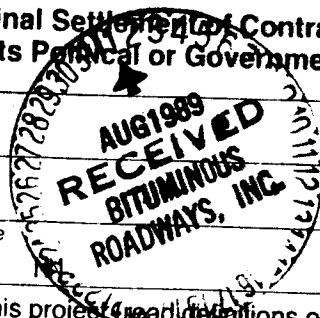
Terry J. Maurer, P.E.

TJM/km
enc.

Affidavit for Obtaining Final Settlement of Contract with the State of Minnesota and any of its Political or Governmental Subdivisions

Business Trust Tax

JUL 28 1989



Name of contractor Bituminous Roadways		Minnesota identification number (if none, read instructions) 8225235
Business address 2825 Cedar Ave. S.		Area code and telephone number (612) 721-2451
City, town or post office Mpls.	State	Zip code 55407

Check the box which describes your involvement in this project (read definitions on other side)

- Prime contractor Contractor Subcontractor

Project location City of Falcon Heights	Project or contract number 330-014	Period of contract (Month/Year) From 6/30/89 to 7/27/89
Name of Minnesota governmental unit for which work was performed City of Falcon Heights	Total amount of contract 19,077.11	Amount still due 19,077.11
Address of Minnesota governmental unit 2077 Larpenner Ave. W.	City, town or post office Falcon Heights MN.	Zip code 55113

Did you pay or supervise the payment of persons employed on this contract? Yes No

If yes, did you withhold Minnesota income tax from the wages of each employee as required by Minnesota Statute 290.92? Yes No

Have you filed all required withholding returns and deposited Minnesota tax withheld with the Department of Revenue as required by Minnesota Statutes 290.92 and 290.97? Yes No

Do you authorize the Department to inform the prime contractor upon it's request whether your form IC-134 has been certified? Yes No

If you are a subcontractor, list your prime contractor's business name and address.

Name: _____
If you are a contractor or subcontractor, skip the next section of this form and sign below.

If you are a prime contractor, fill in the names and addresses of all your subcontractors. If you need more space to list your subcontractors, attach a separate sheet. Also you must attach certified affidavits of your subcontractors and sign below.

Name and address	Name and address
Name and address	Name and address
Name and address	Name and address

I declare under the penalties of criminal liability for willfully making a false statement, that the above statements are true and correct to the best of my knowledge and belief.

Sign Here Edward J. Ostrom Treasurer 7-27-89
Your signature Title Date

Certificate of Compliance with Minnesota Statutes 290.92 and 290.97

Based on the facts stated in the above affidavit and the facts in the files and records of the Department of Revenue, the above contractor/subcontractor has properly complied with all of the provisions of Minnesota Statute 290.92 relating to the withholding of income tax on wages paid to employees and Minnesota Statute 290.97 relating to contract services with the State of Minnesota or any of its governmental or political subdivisions.

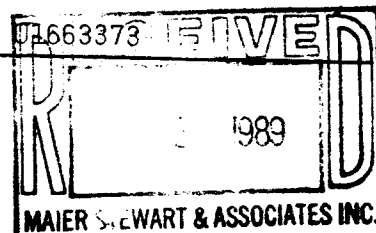
Paul S. Callinan **JUL 28 1989**
Signature of authorized Department of Revenue representative Date

CONSENT OF SURETY COMPANY TO FINAL PAYMENT

AIA DOCUMENT G707

OWNER ARCHITECT CONTRACTOR SURETY OTHER

BOND NO.



PROJECT: City of Falcon Heights 1989 Street Seal Coating Program

TO (Owner)

CITY OF FALCON HEIGHTS CITY HALL, 2077 LARPENIEUR AVENUE WEST FALCON HEIGHTS, MN 55113

ARCHITECT'S PROJECT NO: CONTRACT FOR: 1989 Street Seal Coating Program CONTRACT DATE: May 25, 1989

CONTRACTOR: BITUMINOUS ROADWAYS, INC. 2825 CEDAR AVENUE SOUTH MINNEAPOLIS, MN 55407

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the (here insert name and address of Surety Company)

UNITED PACIFIC INSURANCE COMPANY 4 PENN CENTER PLAZA, PHILADELPHIA, PA 19103

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

BITUMINOUS ROADWAYS, INC. 2825 CEDAR AVENUE SOUTH MINNEAPOLIS, MN 55407

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety Company of any of its obligations to (here insert name and address of Owner)

CITY OF FALCON HEIGHTS CITY HALL, 2077 LARPENIEUR AVENUE WEST FALCON HEIGHTS, MN 55113

, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF, the Surety Company has hereunto set its hand this 26th day of July 19 89

UNITED PACIFIC INSURANCE COMPANY Surety Company

BY: Meredith F. Shian Signature of Authorized Representative Meredith F. Shian, Attorney-in-Fact Title

Attest: Janet K. Nelson (Seal)

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition

UNITED PACIFIC INSURANCE COMPANY

HOME OFFICE, FEDERAL WAY, WASHINGTON

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That the UNITED PACIFIC INSURANCE COMPANY, a corporation duly organized under the laws of the State of Washington, does hereby make, constitute and appoint Earl R. Larson, Dennis Loots, Meredith F. Shian and Janet K. Nelson, individually, of Minneapolis, Minnesota

its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed any and all bonds and undertakings of Suretyship, _____

and to bind the UNITED PACIFIC INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the UNITED PACIFIC INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by authority of Article VII of the By-Laws of UNITED PACIFIC INSURANCE COMPANY which became effective September 7, 1978, which provisions are now in full force and effect, reading as follows:

ARTICLE VII - EXECUTION OF BONDS AND UNDERTAKINGS

1. The Board of Directors, the President, the Chairman of the Board, any Senior Vice President, any Vice President or Assistant Vice President or other officer designated by the Board of Directors shall have power and authority to (a) appoint Attorneys-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney-in-Fact at any time and revoke the power and authority given to him.

2. Attorneys-in-Fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

3. Attorneys-in-Fact shall have power and authority to execute affidavits required to be attached to bonds, recognizances, contracts of indemnity or other conditional or obligatory undertakings and they shall also have power and authority to certify the financial statement of the Company and to copies of the By-Laws of the Company or any article or section thereof.

This power of attorney is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of UNITED PACIFIC INSURANCE COMPANY at a meeting held on the 5th day of June, 1979, at which a quorum was present, and said Resolution has not been amended or repealed:

"Resolved, that the signatures of such directors and officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the UNITED PACIFIC INSURANCE COMPANY has caused these presents to be signed by its Vice President, and its corporate seal to be hereto affixed, this 20th day of November 1985.



UNITED PACIFIC INSURANCE COMPANY

[Signature]
Vice President

STATE OF Pennsylvania }
COUNTY OF Philadelphia } ss.

On this 20th day of November, 1985, personally appeared Raymond MacNeil

to me known to be the Vice-President of the UNITED PACIFIC INSURANCE COMPANY, and acknowledged that he executed and attested the foregoing instrument and affixed the seal of said corporation thereto, and that Article VII, Section 1, 2, and 3 of the By-laws of said Company, and the Resolution, set forth therein, are still in full force.

My Commission Expires:

September 28, 1987



[Signature]
Notary Public in and for State of Pennsylvania

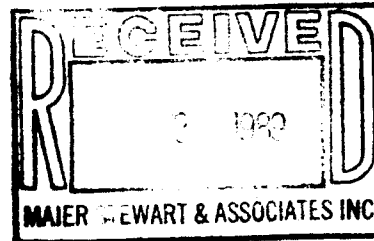
Residing at Philadelphia

I, James F. Marckstein, Assistant Secretary of the UNITED PACIFIC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said UNITED PACIFIC INSURANCE COMPANY, which is still in full force and effect.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 26th day of July, 1989.

[Signature]
Assistant Secretary



PARTIAL PAYMENT ESTIMATE

1

FROM: JUNE 30, 1989
 TO: AUGUST 15, 1989

CONTRACTOR: BITUMINOUS ROADWAYS, INC.
 OWNER: CITY OF FALCON HEIGHTS
 PROJECT: SEAL COATING (330-014)

COMPLETION DATE
 ORIGINAL: AUGUST 15, 1989
 REVISED:

AMOUNT OF CONTRACT
 ORIGINAL: \$15,046.00
 REVISED: \$16,268.00

ITEM NO.	DESCRIPTION	CONTRACT ITEMS			THIS PERIOD			TOTAL TO DATE			
		UNIT	QUANTITY	UNIT PRICE	QUANTITY	AMOUNT	TOTAL/PERIOD	QUANTITY	AMOUNT	TOTAL/TO DATE	
SCHEDULE 1.0 SEAL COATING											
1	BITUMINOUS MATERIAL CRS-2	GAL	9400	0.59	9404	5548.36		9404	5548.36		
2	SEAL COAT AGGREGATE FA-2	TON	450	17.00	474.69	8069.73		474.69	8069.73		
3	BITUMINOUS PATCHING	SY	100	18.50	229	4236.50		229	4236.50		
T	SCHEDULE 1.0 SEAL COATING—Total									\$17,854.59	\$17,854.59
SCHEDULE 2.0 CHANGE ORDERS											
4	BITUMINOUS MATERIAL CRS-2	GAL	9400	0.13	9404	1222.52		9404	1222.52		
T	SCHEDULE 2.0 CHANGE ORDERS—Total									\$1,222.52	\$1,222.52
										\$19,077.11	\$19,077.11

SUMMARY

DESCRIPTION	TOTAL/PERIOD	TOTAL/TODATE
SCHEDULE 1.0 SEAL COATING--Tot	\$17,854.59	\$17,854.59
SCHEDULE 2.0 CHANGE ORDERS--To	\$1,222.52	\$1,222.52

	THIS PERIOD	TOTAL TO DATE
AMOUNT EARNED	\$19,077.11	\$19,077.11
AMOUNT RETAINED	\$813.40	\$813.40
MATERIAL ON SITE	\$0.00	\$0.00
MATERIAL DEDUCT.	\$0.00	\$0.00
PREVIOUS PAYMENTS	*****	\$0.00
AMOUNT DUE	\$18,263.71	\$18,263.71

=====

I hereby certify that I have carefully inspected the work and as a result of my inspection and to the best of my knowledge and belief, the quantities shown in this estimate are correct and have not been shown in previous estimates and the work has been performed in accordance with the contract documents.

Architect/Engineer: MAIER STEWART & ASSOCIATES, INC.

By: Erny J. Marra
Proj Eng
(Title)

Approved by Association/Borrower/Owner Representative:

By: _____

(Title)

=====

I hereby certify that all items and amounts shown are correct for the work completed to date.

Contractor: BITUMINOUS ROADWAYS, INC.

By: Paul D. Bury
Vice President
(Title)

Consent X

Agenda Item: E-6

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Licenses

SUBMITTED BY:

S. Chenoweth

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

General Contractors:

Schreiber, Mullaney Construction #359
2365 S. Century Ave.
Woodbury, MN 55125

Superior Roofing #358 (New)
2717 E. 32nd
Mpls., MN 55406

Mechanical:

Dependable Heating & Air Conditioning #357 (New)
2619 Coon Rapids Blvd.
Coon Rapids, Mn 55433

Corporate:

Furniture Plus - #360
1544½ W. Larpenteur
Falcon Heights, MN 55113

ACTION REQUESTED:

Approval



Consent _____

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

(Chapter 3, Part 5.01)- Code Amendment Relating to Alarm Systems

SUBMITTED BY:

Shirley Chenoweth and Tom Gedde

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

We had been told by our previous legal consultant that we could not assess for unpaid False Alarms. Tom Gedde has drafted new language for the City Code which would allow us to do this.

ACTION REQUESTED:

Approval of Ordinance O-89-13



CITY OF FALCON HEIGHTS
O R D I N A N C E

Date August 9, 1989

AN ORDINANCE ESTABLISHING SPECIAL ASSESSMENTS FOR FALSE FIRE AND SECURITY ALARMS.

THE COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. The Code of the City of Falcon Heights, Section 3-5.01, Subdivision 4.b. shall be amended to read as follows:

b. Special Assessments. One or more times annually, all unpaid special charges for false alarms, along with any penalties which have attached, may be cumulated by the City Clerk and thereupon the Clerk shall publish notice in accordance with Minnesota Stat. Sec. 429.061 that the Council will meet to consider the adoption of a special assessment roll including all such unpaid special charges. The assessment procedure of Section 429.061 shall be followed and any assessment roll adopted by the Council hereunder shall be certified by the Clerk to the Ramsey County Department of Property Taxation for collection with taxes due against the property on which the alarm system is installed. The certification process shall take place on a yearly basis by October 10 of each year or by such earlier date as is necessary to have delinquent charges collectable with taxes due and payable against the property in the next calendar year.

Moved by _____

Approved by _____
Mayor

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

Date

Attested by _____
City Administrator

Date

Adopted by Council _____

d. Loitering. No person over the age of 6 shall enter any comfort station or restroom, washroom or toilet facility set apart or designated for the opposite sex. No person shall lurk or loiter in or around any toilet or other park structure except to use such facility for the purpose for which it is intended.

e. Alcoholic and Intoxicating Beverages. No person shall transport, possess, offer for sale, consume or be under the influence of any beer, wine, liquor or other alcoholic or intoxicating beverage in any park site except with a special permit or in such areas and at such times as may be designated by the council or clerk.

f. Unlawful Sales. No person shall sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise except those concessions authorized by the council.

g. Law Enforcement Officers and Employees. No person shall willfully resist, refuse or fail to comply with any order, direction or request lawfully given by any law enforcement officer or city employee acting under the authority of the council and in accordance with this section.

Subdivision 5. Penalties for Violation. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

~~ART 5. - BUSINESS ALARM SERVICES~~

3-5.01 Regulation

Subdivision 1. Scope and Purpose.

- a. Scope. This ordinance provides regulation for the use of fire, burglary, and safety alarms, establishes users fees, and establishes a system of administration.
- b. Purposes. The purpose of this Ordinance is to protect the public safety services of the City from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

Subdivision 2. Definitions.

- a. Alarm Systems. An alarm installation designed to be used for the prevention or detection of burglary, robbery or fire and located in a building, structure or facility.
- b. Alarm User. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.


c. Security False Alarm. An alarm eliciting a response by personnel of the Ramsey County Sherrif's Department when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, per movement, inadequate cleaning or maintenance, alarm malfunction, improper installation or the inadvertence of the owner or lessee of an alarm system or his/her employees/agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

d. Fire False Alarm. An alarm eliciting a response by personnel of the Falcon Heights Fire Department when a situation requiring a response does not, in fact, exist, and when is caused by the activation of the alarm system through mechanical failure, pet movement, inadequate cleaning or maintenance, alarm malfunction, improper installation or the inadvertence of the owner/lessee of an alarm system or his/her employees/agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

Subdivision 3. False Alarm Fee Required. The responding Police or Fire Department shall file a written report of each false alarm with the Clerk Administrator. Upon receipt of the first false alarm report, the Clerk Administrator shall notify the alarm user of the provisions of the Code. Upon receipt of a third and all subsequent false alarms at an address within one calendar year, the Clerk Administrator shall, by mail, notify the alarm user of the fee enforced for said false alarm, such fees to be established and revised by Resolution.

Subdivision 4. Payment of Fees.

a. When and Where Due. Payment of user fees provided for under Subdivision 3 must be made to the City Treasurer within thirty days (30) of the date of notice by the City to the alarm user. Failure to pay within said 30 day period will cause the alarm user to be considered delinquent and subject to a penalty of a full ten percent (10%) of the fee in addition to the fee due.

 b. ~~Delinquencies. All delinquent charges for user fees shall be certified by the Clerk Administrator to the Ramsey County Department of Property Taxation for collection with taxes due against the property on which the alarm system is installed. This certification process shall take place on a yearly basis by October 10 of each year or by such earlier date as is necessary to have delinquent charges collectible with taxes due and payable against the property in the next calendar year.~~

b. Special Assessments. One or more times annually, all unpaid special charges for false alarms, along with any penalties which have attached, may be cumulated by the City Clerk and thereupon the Clerk shall publish notice in accordance with Minnesota Stat. Sec. 429.061 that the Council will meet to consider the adoption of a special assessment roll including all such unpaid special charges. The assessment procedure of Section 429.061 shall be followed and any assessment roll adopted by the Council hereunder shall be certified by the Clerk to the Ramsey County Department of Property Taxation for collection with taxes due against the property on which the alarm system is installed. The certification process shall take place on a yearly basis by October 10 of each year or by such earlier date as is necessary to have delinquent charges collectable with taxes due and payable against the property in the next calendar year.

Subdivision 5. Enforcement. Failure or omission to comply with any Section of this Ordinance shall be deemed a misdemeanor and may be so prosecuted, subject to the penalties hereinafter provided.

Consent _____

Agenda Item: F-2

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Sheriff's Department Budget/Cost Sharing Formula

SUBMITTED BY: Commander Bergeron, Ramsey County Sheriff's Dept.

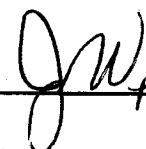
REVIEWED BY: Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The City of North Oaks is proposing that the cost sharing agreement be changed from 1/3-1/3-1/3 (population, events, acreage) to 1/3-1/3-16.67%-16.67% (population, events, acreage and mileage.)

This would result in a slightly higher cost for the City of Falcon Heights (\$2,000). Also, White Bear Township is interested in joining the 5 City Contract. This would result in a similar reduction in cost to Falcon Heights. The current cost sharing agreement between Lauderdale and Falcon Heights is based on 1/3-1/3-1/3. At this time, that has not been discussed to be changed.

ACTION REQUESTED: Discuss North Oaks' and White Bear Township's proposals.



Office of the Sheriff



Sheriff

CHARLES L. ZACHARIAS
COUNTY of RAMSEY

George W. Katseres, Chief Deputy

14 W. KELLOGG BLVD. • ST. PAUL, MINN. 55102

TO: Jan Weissener
Falcon Heights City Administrator

FROM: Commander J. Bergeron *[Signature]*

DATE: July 21, 1989

SUBJ: Meeting of July 20, 1989

* As you all know, several topics were discussed at this meeting. I was directed by everyone in attendance to condense what transpired and bring this to the attention, in written form, to the City Mayors and councils.

The items of discussion were as follows:

1. A presentation was given by Gary Kollman, Director of the Ramsey County Sheriff's Dispatch Center. Gary discussed the recent consultants study of the Sheriff's Dispatch service and relayed the consultants findings and his concerns for maintaining the level of service we all currently are receiving. In a nutshell, the Dispatch Center reached maximum work load in February of 1989. As of July 1989 the Dispatcher's are working at 38% over capacity. This trend is going to continue for the foreseeable future at a rate of 5.5% compounded annually. By June of 2000 the Dispatch Center will have an increase of 80% more work load then they have as of now.

Ways to fix this problem were discussed. One way would be to hire more Dispatcher's. A starting Dispatcher earns approximately \$24,000 per year with periodic wage increases. At a minimum it would cost \$144,000 per year for six new Dispatcher's without a wage increase. Six Dispatcher's is what is needed to staff one position 24 hours a day seven days a week. This would be a temporary short lived fix with an increasing annual cost.

The other option discussed was the possibility of installing mobile data terminals in all squads. This would enable Deputies and other Dispatch user officers to run their own data checks, thereby freeing up the current number of Dispatcher's to perform other duties

of a more emergency type nature. Attached is an estimated cost breakdown prepared by Gary Kollman.

2. Lt. Dick Dornbusch presented an overhead display of current squad district patrol areas and the proposed squad district patrol areas for a new 6 City contract. Questions were raised as to what the Sheriff's Departments responsibility would be to the Cities without any contracts. Attached you will find a report prepared by Lt. Dornbusch outlining the Sheriff's Department role without contract policing. Also attached you will find 3 maps indicating patrol coverage as per current contracts.

3. The discussion again turned to the formula for distribution of expenses for the Contract City Police service. Various formulas were discussed among them being different weight values for each factor. It was requested that Dan Swanson, from the Sheriff's Department Budget and Accounting prepare a comparison between these formulas. That comparison is attached.

X I request that you, as a representative of your City, show this report to your City Councils for review. The end result will be all of the Contract Cities agreeing on a particular formula for distribution and billing. I and any of my staff will make ourselves available for any assistance we may provide

Proposed Combined Index:

26.15
F H

33.85
Land

25.90 Miles
F H

7.77
Land

Office of the Sheriff

Handwritten signature



Sheriff

CHARLES L. ZACHARIAS
COUNTY of RAMSEY

George W. Katseres, Chief Deputy
14 W. KELLOGG BLVD. • ST. PAUL, MINN. 55102

TO: Jan Wiesener
FROM: J. Bergeron
DATE: July 27, 1989
SUBJ: Meeting of July 20, 1989 (supplement)

It was brought to my attention by Police Commissioner Bill Ecklund from North Oaks that I failed to relay pertinent information to you in my last correspondence.

Specifically, Commissioner Ecklund points out that the City of North Oaks maintains that the formula is not equitable. City representatives agreed that to make changes in the formula, an indepth study should be made by the contracting cities. Generally it was accepted that this could not be accomplished for the budget year 1990, but revisions if any, could be implemented by 1991.

Commissioner Ecklund suggested that in the mean time, the contract cities, consider and accept a formula based on 1/3 population, 1/3 events, 16.67% acreage and 16.67% mileage. Those figures were enclosed in the last correspondence

* Some of the city's representatives had to leave before the meeting was concluded. The representatives who remained agreed to take this proposal to their City Councils for explanation and acceptance. This would then become the formula for the distribution of costs for policing for the 1990 budget estimate.

I hope that this has cleared up any confusion that there may have been concerning this matter, and I apologize for any inconvenience that I have caused.

Please get back to me when your City has reached a decision so that we can proceed with the budget process.

Rec'd
7/7/89

1990 BUDGET ESTIMATE FOR LAW ENFORCEMENT SERVICES
PROVIDED THE NINE (9) CONTRACT CITIES

COST BREAKDOWN BY CITY

Arden Hills :

\$402,948

Falcon Heights/Lauderdale:

\$384,825

Gen Lake:

5 Cities - Deputy Index - 2.16% : \$22,153
6 Cities - Deputy Index - 1.80% : 8,683
Deputy/Sergeant Index - 1.45% : 2,853
Radio Charge: 1,460

\$35,149

Little Canada:

5 Cities - Deputy Index - 20.61% : 211,375
6 Cities - Deputy Index - 17.59% : 84,851
Deputy/Sergeant Index - 13.67% : 26,895
Radio Charge: 18,899

\$342,020

North Oaks:

5 Cities - Deputy Index - 13.08% : \$134,148
6 Cities - Deputy Index - 10.73% : 51,760
Deputy/Sergeant Index - 8.80% : 17,313
Direct Charge: 86,044
Radio Charge: 4,708

\$293,973

Shoreview:

5 Cities - Deputy Index - 42.50% : \$435,877
6 Cities - Deputy Index - 35.78% : 172,596
Deputy/Sergeant Index - 28.24% : 55,561
Radio Charge: 24,284

\$688,318

Vadnais Heights:

5 Cities - Deputy Index - 21.65% : \$222,041
6 Cities - Deputy Index - 18.18% : 87,697
Deputy/Sergeant Index - 14.43% : 28,390
Radio Charge: 12,861

\$350,989

* White Bear Township:

Direct Charge: 298,604
6 Cities - Deputy Index - 15.92% : 76,795

\$375,399

\$2,873,621

07-07-89

* currently have 2 FT + 3 PT officers (N3FTE's)
proposal add 4 deputies
shan 2-10 AM shift
-1-

Rec'd
7/7/89

1990 BUDGET ESTIMATE FOR LAW ENFORCEMENT SERVICES
PROVIDED THE EIGHT (8) CONTRACT CITIES
=====

COST BREAKDOWN BY CITY

Arden Hills - includes Deputy/Sergeant index (15.47%) & Radio Service):		\$410,007	
Falcon Heights/Lauderdale (includes Deputy/Sergeant Index (7.98%) & Radio Service):		\$389,619	
<u>5 - Contract Cities</u>			
Gem Lake			
Deputy Index - 2.16%	\$32,834		
Deputy/Sergeant Index - 1.68%	3,332		
Radio Charge:	<u>1,460</u>		
		\$37,626	
Little Canada			
Deputy Index - 20.61%	313,297		
Deputy/Sergeant Index - 15.48%	30,704		
Radio Charge:	<u>18,899</u>		
		\$362,900	
North Oaks			
Deputy Index 13.08%	\$198,832		
Deputy/Sergeant Index - 10.37	20,569		
Direct Charge:	87,112		
Radio Charge:	<u>4,708</u>		
		\$311,221	
Shoreview			
Deputy Index 42.50%	\$646,051		
Deputy/Sergeant Index - 32.39%	64,244		
Radio Charge:	<u>24,284</u>		
		\$734,579	
Vadnais Heights			
Deputy Index 21.65%	\$329,106		
Deputy/Sergeant Index - 16.63%	32,985		
Radio Charge:	<u>12,861</u>		
		\$374,952	
			\$2,620,904

The original estimate by the consultant for the purchase of the MDT Backbone system was predicated upon using CAD software for the interfaces with State and County data bases. Since it appears as though we will not implement a CAD system in conjunction with MDT's we must increase the estimated cost of the backbone system from \$129,000 to \$170,000.

The only common denominator between the 15 cities which might share the cost of the backbone system is population. Population figures were obtained from the Metro Council. Cost of the backbone system was divided by the total population of the cities to arrive at a per capita cost.

<u>City</u>	<u>Population</u>		<u>Cost</u>
Arden Hills	10,700	x .794	\$8,496
Falcon Heights	5,300	x .794	4,208
Gem Lake	420	x .794	333
Lauderdale	2,200	x .794	1,747
Little Canada	8,500	x .794	6,749
Maplewood	31,000	x .794	24,614
Moundsvew	13,700	x .794	10,878
New Brighton	24,000	x .794	19,056
North Oaks	3,200	x .794	2,541
No. St. Paul	12,700	x .794	10,084
Roseville	35,000	x .794	27,790
Shoreview	25,000	x .794	19,850
Vadnais Heights	9,600	x .794	7,622
White Bear Lake	24,000	x .794	19,056
White Bear Twntship	8,700	x .794	6,908
Total	214,020		\$169,932

Cost of the MDT's are approximately \$4,000.00 each.

The cities of Shoreview, North Oaks, Vadnais Heights, Little Canada and Gem Lake will need to equip 4 primary squads, 4 back up squads and 2 spare MDT's for exchange when in need of repair. The cost of these is \$40,000.00 and is divided by population.

We recommend that Arden Hills equip 1 primary squad, 1 back up squad and purchase 1 spare MDT. We recommend that Falcon Heights and Lauderdale do the same with the cost shared by population.

Percapita cost for the five contract cities is .86
Percapita cost for Falcon Heights and Lauderdale is 2.0

<u>City</u>	<u>Backbone Cost</u>	<u>MDT cost</u>	<u>Total</u>
Arden Hills	\$8,496	\$15,000	\$23,496
Falcon Heights	4,208	10,600	14,808
Gem Lake	333	361	694
Lauderdale	1,747	4,400	6,147
Little Canada	6,749	7,310	14,059
North Oaks	2,541	2,752	5,293
Shoreview	19,850	21,500	41,350
Vadnais Heights	7,622	8,256	15,878
White Bear Twnship	6,908	15,000	21,908

CONTRACT POLICING SQUAD ASSIGNMENTS

The three maps attached are simply designed to show our current squad districts for the Contract Cities. These areas are for routine patrol coverage when not on calls. Routine patrol includes traffic enforcement, neighborhood patrols, business checks, etc.

As backup cars are needed on calls the primary squad for that area is sent as well as the nearest backup squad.

These maps do not include squad 2446 which is the County patrol squad and the 4 K-9 squads which are responsible for Parks and Open Spaces as well as backup of city squads as needed on calls where a K-9 unit is necessary (i.e., crowd control, searching buildings, tracking, lost articles, lost persons, etc.)

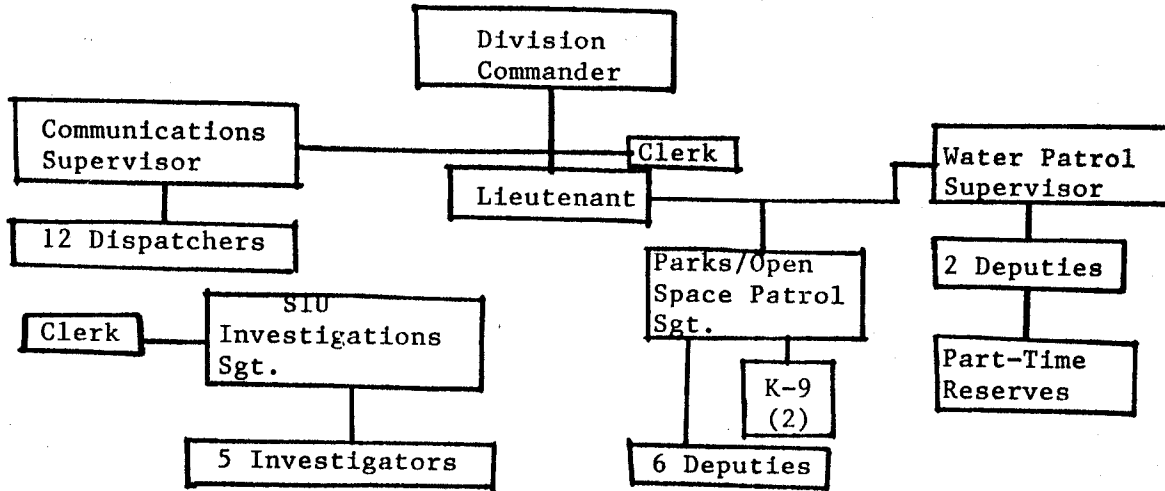
Questions were raised as to what the Sheriff's Office would provide to the cities if no contract were in place. The answer to this question is both simple and complex. Simple if we go by Statutory requirements, difficult if you take into account personal responsibility of the Sheriff.

By Statute the Sheriff would provide patrol to all County Parks and Open Spaces, some form of investigations for major crimes to assist other agencies, and Water Patrol for all surface water acres in the County. Beyond these there is no Statutory requirements.

What this means in terms of the Patrol Division is we would have one 24 hour squad requiring 6 Deputies and one supervisor (2446) whose primary responsibility would be Parks and Open Spaces. We would probably maintain some K-9 units for assistance to other agencies. We would have 3 Deputies working Water Patrol and continue to use part time volunteers to supplement the 3 regular Deputies. We would need to maintain 12 Dispatchers to continue to provide dispatch services to Roseville, Moundsvew and New Brighton as well as our squads. We would no longer be required to maintain the 911 system for non contract cities. We would no longer provide street maintenance notifications of problems in cities not contracting. No police records would be kept or required for non contract cities, no fire dispatching would be required. Our Patrol Division would continue to have 5 Investigators and 1 Supervisor working Special Investigations (i.e., narcotics and assist other agencies).

Our organizational chart would look as follows:

cont



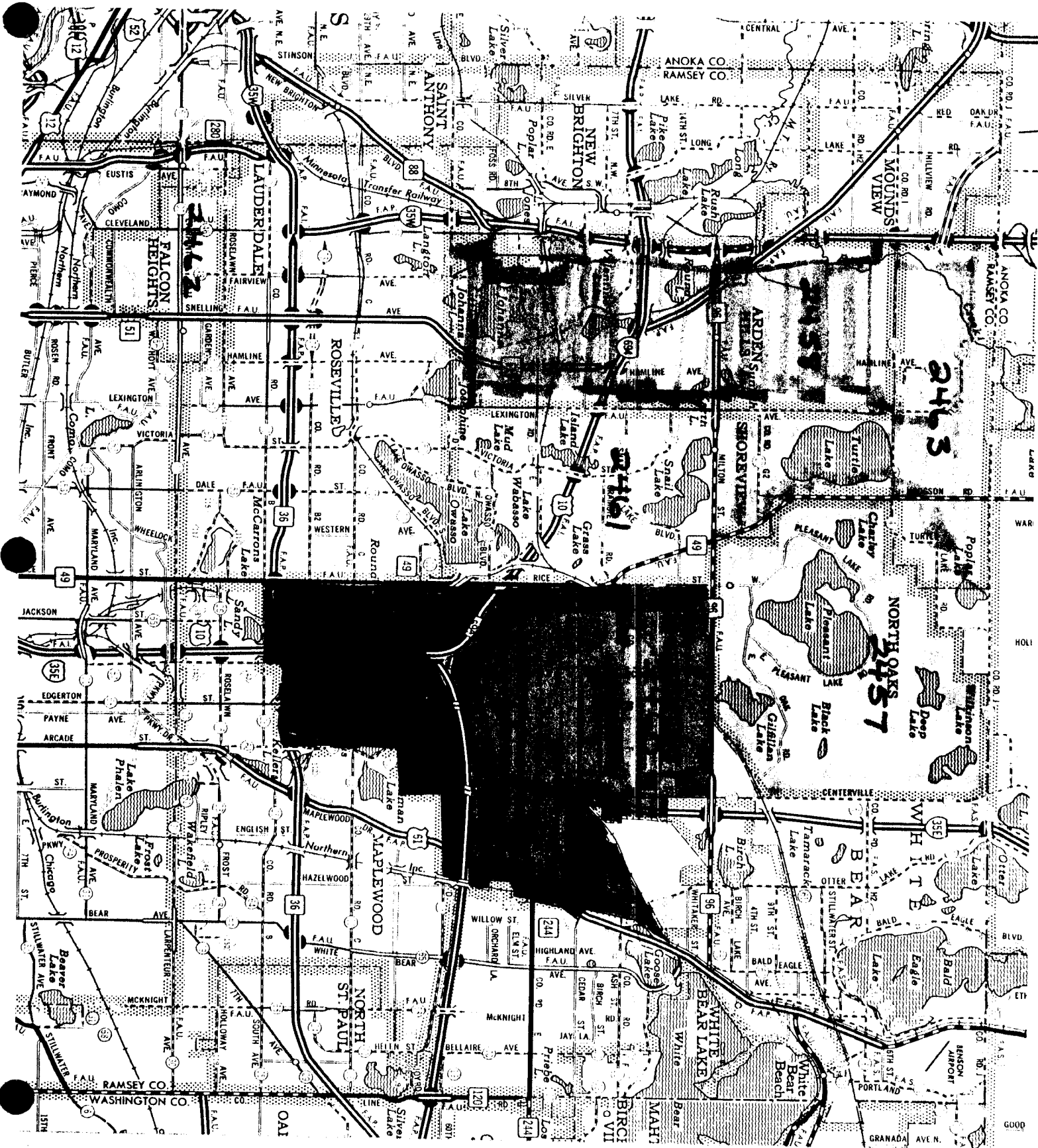
Total Patrol compliment 35 Personnel

- 1 Division Commander
- 1 Lieutenant
- 1 Communications Center Supervisor
- 3 Sergeant's
- 12 Dispatcher's
- 15 Deputies
- 2 Clerks

I hope this answers questions that were raised during the meeting. Our County patrol squad would answer emergency calls in all cities not covered by their own police agency as best it could.

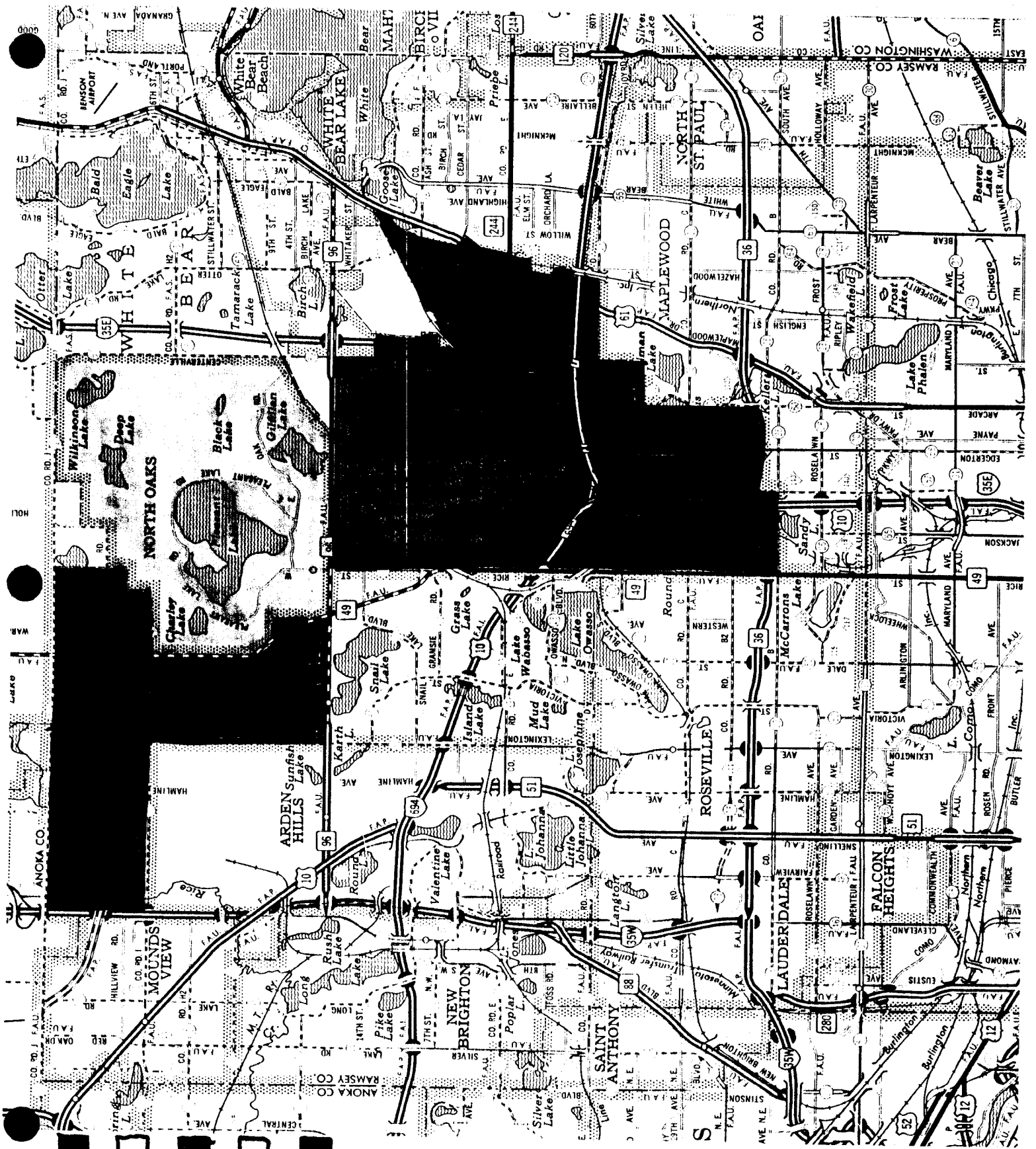
CURRENT CONTRACT PATROL DISTRICTS

3-11 SHIFT



CURRENT 5 CITY CONTRACT SQUAD DISTRICTS

3-11 SHIFT



2463

2461

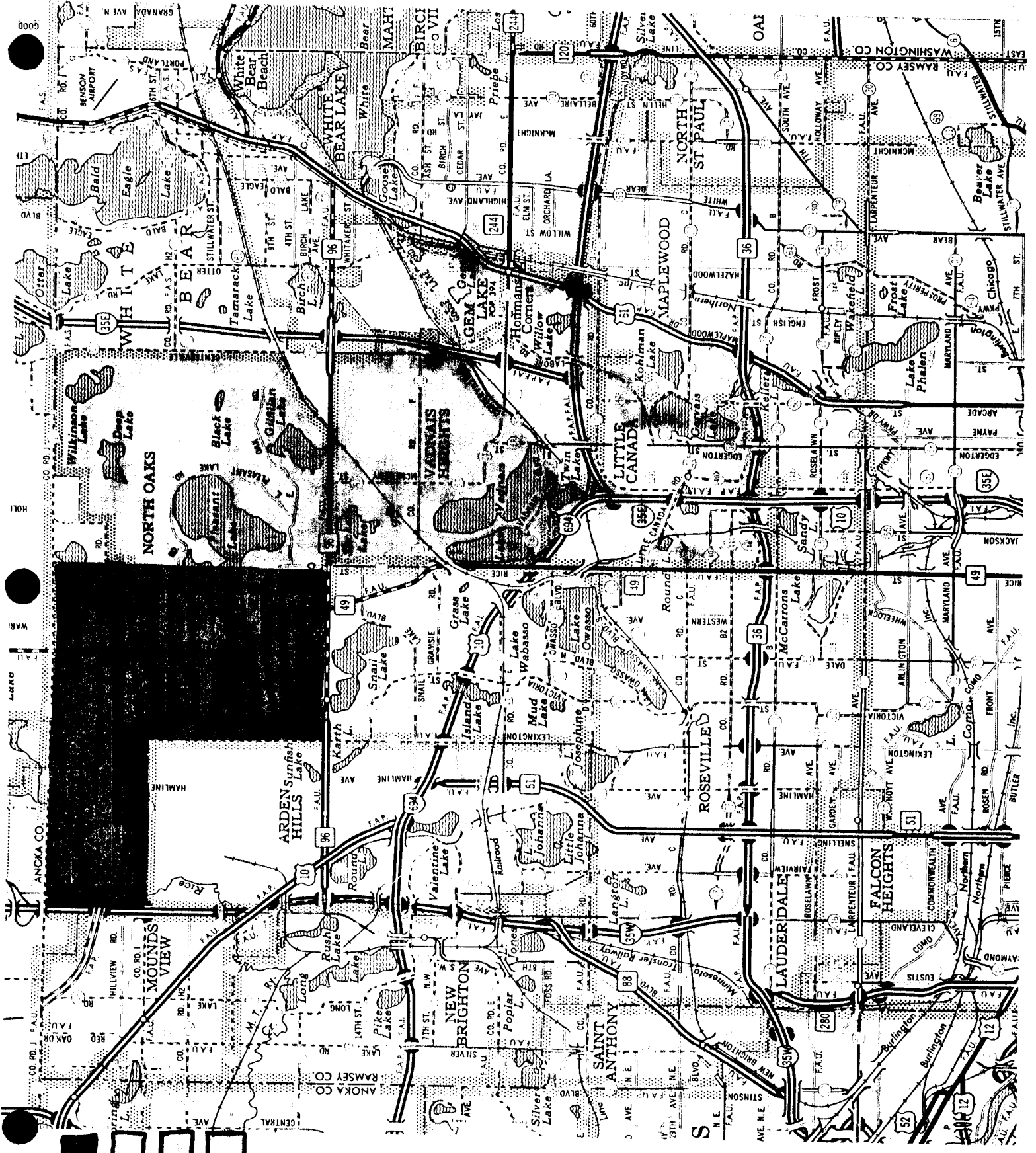
2460

2457

2464

CURRENT 5 CITY CONTRACT SQUAD DISTRICTS

7-3 SHIFT AND 11-7 SHIFT



- 2463
- 2461
- 2460
- 2464

SERGEANT/DEPUTY SHERIFF-INVESTIGATION
BUDGET INDEX FOR 8 CONTRACT CITIES

33.33/33.33/33.34 Formula

Area = 33.33%
Population = 33.33%
Events Investigated = 33.34%

16.67/16.67/33.33/33.33 Formula

Acreege = 16.67%
Mileage = 16.67%
Population = 33.33%
Events Investigated = 33.33%

CITY	33.33/33.33/33.34 Formula		16.67/16.67/33.33/33.33 Formula		DEVIATION	
	INDEX	COST	INDEX	COST	INDEX	COST
Arden Hills	15.47%	\$ 30,684	15.65%	\$ 31,041	.18	\$ 357
Falcon Heights/ Lauderdale	7.98%	15,828	9.35%	18,545	1.37	2,717
Gem Lake	1.68%	3,332	1.50%	2,975	(.18)	(357)
Little Canada	15.48%	30,704	15.66%	31,061	.18	357
North Oaks	10.37%	20,569	9.41%	18,665	(.96)	(1,904)
Shoreview	32.39%	64,244	32.61%	64,681	.22	437
Vadnais Heights	<u>16.63%</u>	<u>32,985</u>	<u>15.82%</u>	<u>31,378</u>	<u>(.81)</u>	<u>(1,607)</u>
TOTALS:	100.00%	\$198,346	100.00%	\$198,346	0	0

63.52% FH

SERGEANT/DEPUTY SHERIFF-INVESTIGATION
BUDGET INDEX - 33.33/33.33/33.34 FORMULA

AREA

<u>Cities</u>	<u>Acres</u>	<u>Index</u>	<u>33.33%</u>
Arden Hills	3,944	14.52	4.84
Falcon Heights/ Lauderdale	745	2.74	.91
Gem Lake	723	2.66	.89
Little Canada	2,843	10.47	3.49
North Oaks	5,548	20.43	6.81
Shoreview	8,162	30.06	10.02
Vadnais Heights	5,192	19.12	6.37
TOTALS:	27,157	100.00	33.33%

POPULATION

<u>Cities</u>	<u>Population</u>	<u>Index</u>	<u>33.33%</u>
Arden Hills	9,737	15.89	5.30
Falcon Heights/ Lauderdale	5,693	9.29	3.10
Gem Lake	410	.67	.22
Little Canada	8,623	14.07	4.69
North Oaks	3,205	5.23	1.74
Shoreview	23,898	38.99	12.99
Vadnais Heights	9,720	15.86	5.29
TOTALS:	61,286	100.00	33.33%

EVENTS INVESTIGATED (1988)

<u>Cities</u>	<u>Events Inv.</u>	<u>Index</u>	<u>33.34%</u>
Arden Hills	3,437	15.99	5.33
Falcon Heights/Lauderdale	2,559	11.90	3.97
Gem Lake	366	1.70	.57
Little Canada	4,708	21.90	7.30
North Oaks	1,173	5.46	1.82
Shoreview	6,053	28.15	9.38
Vadnais Heights	3,203	14.90	4.97
TOTALS:	21,499	100.00	33.34%

COMBINED INDEX

<u>Cities</u>	<u>100.00%</u>
Arden Hills	15.47
Falcon Heights/Lauderdale	7.98
Gem Lake	1.68
Little Canada	15.48
North Oaks	10.37
Shoreview	32.39
Vadnais Heights	16.63
TOTALS:	100.00%

SERGEANT/DEPUTY SHERIFF - INVESTIGATION
BUDGET INDEX - 16.67/16.67/33.33/33.33 FORMULA

ACREAGE

<u>City</u>	<u>Acres</u>	<u>Index</u>	<u>16.67%</u>
Arden Hills	3,944	14.52	2.42
Falcon Heights/Lauderdale	745	2.74	.46
Gem Lake	723	2.66	.44
Little Canada	2,843	10.47	1.74
North Oaks	5,548	20.43	3.41
Shoreview	8,162	30.06	5.01
Vadnais Heights	5,192	19.12	3.19
TOTALS:	27,157	100.00	16.67%

MILEGE

<u>City</u>	<u>Miles</u>	<u>Index</u>	<u>16.67%</u>
Arden Hills	48.956	15.62	2.60
Falcon Heights/Lauderdale	34.233	10.92	1.82
Gem Lake	5.084	1.62	.27
Little Canada	36.269	11.57	1.93
North Oaks	45.893	14.64	2.44
Shoreview	98.300	31.36	5.23
Vadnais Heights	44.736	14.27	2.38
TOTALS:	313.471	100.00	16.67%

POPULATION

<u>City</u>	<u>Population</u>	<u>Index</u>	<u>33.33%</u>
Arden Hills	9,737	15.89	5.30
Falcon Heights/Lauderdale	5,693	9.29	3.10
Gem Lake	410	.67	.22
Little Canada	8,623	14.07	4.69
North Oaks	3,205	5.23	1.74
Shoreview	23,898	38.99	12.99
Vadnais Heights	9,720	15.86	5.29
TOTALS:	61,286	100.00	33.33%

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Vadnais Heights	3,203	14.90	4.96
TOTALS:	21,499	100.00	33.33%

Continued....

SERGEANT/DEPUTY SHERIFF - INVESTIGATION
BUDGET INDEX - 16.67/16.67/33.33/33.33 FORMULA

COMBINED INDEX

<u>Cities</u>	<u>100%</u>
Arden Hills	15.65
Falcon Heights/Lauderdale	9.35
Gem Lake	1.50
Little Canada	15.66
North Oaks	9.41
Shoreview	32.61
Vadnais Heights	15.82
TOTAL:	<u>100.00</u>

Rationale for Revising Sheriff's Formula

Historically no one seems to be able to explain the who, how and why of the present 33 1/3 - 33 1/3 - 33 1/3 Sheriff's formula for area - population - events. With four cars patrolling 24 hours the area covered is not as important factor.

The area covered is constant from city to city while the population and events covered are constantly changing - almost always upward. The variable costs of servicing the cities are measured best by number of events - which is also correlated to population growth - not area size.

To correct this imbalance we have a choice of options:

1. Eliminate area from the formula. This could mean a 50/50 formula between population and events.
2. Revise the formula by reducing the percentage for area from 33 1/3% to 25%, 20%, or 15%. Perhaps this formula should be:

20 - 40 - 40 or
25 - 35 - 40 or
20 - 30 - 40 or
0 - 50 - 50

It depends upon what emphasis should be placed on each of the three factors - area, population and events.

3. Another option is to make "area" a more significant and accurate factor by switching to road mileage rather than acres of area. For instance nearly 25% of North Oaks has one long driveway and no roads. It is made up of the Louis Hill farm, with two houses and two families on the entire property.

Each of these options has different effects on the Sheriff's budget for various cities.

It is believed that a formula change at this time would be a more equitable and fair method of paying for our police protection.

City of North Oaks

RWF:npr

*Rec'd
June '88*

1989

MILES OF ROAD IN FALCON HEIGHTS

- 9.35 miles - Local
- 2.54 miles - Mn. State Aid
- .88 miles - County
- 4.97 miles - County State Aid
- .75 miles - T. H. (State Highway)

18.49

SHERIFF'S BUDGET REQUESTS

	1987-1990			AVERAGE INCREASE % 87-90
	1987	1988	1989	
TOTAL 8 CITY BUDGET	\$2,134,949	\$2,269,510	\$2,429,504	7.9%
SALARIES	\$734,147	\$803,120	\$849,561	5.2%
OVERTIME PAY	\$32,000	\$15,591	\$16,625	109.5%
MILEAGE	\$91,980	\$106,750	\$124,000	11.6%
WORKMEN'S COMP	\$44,950	\$56,875	\$62,904	16.1%
POLICE LIABILITY INS	\$20,661	\$23,868	\$16,608	17.1%
HEALTH, LIFE, DENTAL	\$47,775	\$47,775	\$51,870	22.1%
UNIFORM ALLOWANCE	\$7,963	\$8,190	\$10,238	4.4%
CLERK TYPIST III'S	\$39,615	\$39,132	\$43,064	6.2%
SERGEANTS	\$112,349	\$120,043	\$123,741	10.7%
OVERHEAD				
SUPERVISORY SUPPORT	\$146,991	\$150,937	\$158,888	3.4%
TRAINING	\$12,111	\$12,346	\$12,919	5.1%
OTHER SERVICES	\$9,326	\$11,297	\$75,339	3.7%
BLDG. LEASE/DEPR.	\$25,794	\$82,222	\$9,892	2.5%
INDIRECT COSTS	\$4,301	\$26,310	\$27,100	0.6%
SERVICES SUPPORT		\$4,391	\$4,418	
RADIO COSTS	\$465,297	\$464,673	\$482,766	5.4%
5 CITY TOTAL EVENTS	13,778	14,634	14,832	4.5%
5 CITY POPULATION	40,310	42,408	44,728	2.5%

Distributed
By City
& Shoreview

Consent _____

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Conditional Use Permit Amendment:
1544 Larpenteur Avenue (JJ's Indoor Amusement Center)

SUBMITTED BY: Joseph A. Sacco

REVIEWED BY: Planning Commission (8/7/89)
Susan Hoyt-Taff
Larry Janke, Ramsey County Sheriff's Dept.
Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The Planning Commission will be holding a Public Hearing on this item on Monday, August 7, at 7:45 P.M. Their recommendations will be available by the Council meeting 8/9/89.

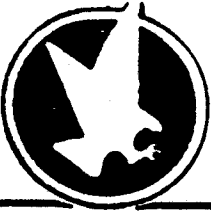
Mr. Sacco is requesting two amendments to the Conditional Use Permit, granted under 9-10.01, Subdivision 2(p) on February 8, 1989, for an indoor amusement center at 1544 Larpenteur Avenue. If approved, the amendments would:

1. allow the owners to employ one person rather than two persons after 7:00 p.m., if business warrants it (condition R-89-5, #1)
2. allow the business to stay open until 1:00 a.m. rather than midnight seven days a week (condition R-89-5, #10a). Please note that under 8-3.06 of the Code, minors 16 & 17 cannot be in a place of entertainment or amusement after midnight.

The original Conditional Use Permit calls for a review of the permit within the first 3 months. Therefore, consider this an opportunity to assess the amusement center.

~~ACTION REQUESTED:~~ Attachments: 3-A - Application
 3-B - Description of Business
 3-C - Floor Plan
 3-D - Conditional Use Permit (R-89-5)
 3-E - 8-3.06 Curfew and Parental Duties
 3-F - Memo to Mayor Regarding Hours of Operation

ACTION REQUESTED: 1. Consider request from J. Sacco and recommendation from Planning Commission.
 2. Consider amendment to Conditional Use Permit



CITY OF
FALCON HEIGHTS

2077 W. LARPEUR AVENUE FALCON HEIGHTS, MN 55113-5504 PHONE 612-644-5050

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

Commission Action/Date _____
Council Action/Date _____

Date of Application 7/14/89
Fee Paid _____

Applicant

Name: SACCO
Joseph Joseph A 483-1200/735-5312
Last First Init Phone

Address: 1798 HiLo MN 55119
Street City State Zip Code

Owner

Name: Chevey Steven / Chevey Properties
Last First Init Phone

Address: 14025 23rd Ave Plymouth Mn 55441
Street City State Zip Code

Street Location of Property in Question:

1544 LARPEUR AVE

Legal Description of Property:

Type of Request:

- _____ Rezoning
- _____ Variance
- \$ 20.00 ✓ Conditional Use Permit **AMENDMENT**
- _____ Subdivision Approval
- _____ Plan Approval
- _____ Other (specify)

Applicable Zoning Code Number: Chapter 9-10.01 Section 2(p)

Present Zoning of Property: B-2

Present Use of Property: INDOOR RECREATION CENTER

I hereby declare that all statements made on this request and on the additional material are true.

Steven Chevey
for Chevey Properties Joseph J. Sacco
Signature of Applicant

7-17-89
Date

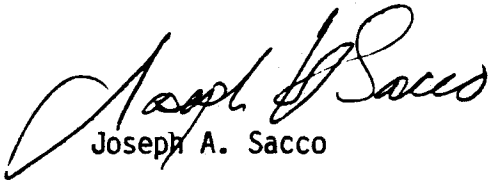
Jim Huff Tall
Received by (name/title)

We would like to amend these two conditions; (1) & (10A)

Current statistics regarding the number of people in our store at one time since we've been open show that having 2 adults working is a 1-7 ratio: that's on real busy days. We have more of a constant flow of traffic rather than a lot of people at one time. We are paying someone to be there when 90% of the time only 5-10 people are in the store. We suggest you leave it to our discretion as to how many people we need to handle the store at any given time.

Due to the flow of traffic (trickle in) we would like the option of staying open until 1:00 am.

We don't think we're asking a lot to amend these rules so please note our current record (immaculate) and how we have cooperated in everything else.


Joseph A. Sacco

November 22, 1988

APPLICANTS: Joseph A. Sacco
46 Gladstone Street
Circle Pines, MN 55014

and

James G. Sacco
8394 Spring Lake Road
Moundsvew, MN 55432

TYPE OF BUSINESS: Indoor Amusement Center

DESCRIPTION OF REQUEST: Zoned B-2
Conditional Use Permit

DESCRIPTION OF BUSINESS:

- * Two Family - Owner Operator
- * Video Arcade Games (5 video games to 1 pool table ratio)
- * Coin Operated Pool Tables
- * Pinball Machines
- * Snack & Beverage Vending Machines

STAFF: At least one responsible adult at all times. We will increase staff as head count increases. Number of people in building will comply with Fire Marshall ordinance.

HOURS: Hours to comply with city ordinance.

REASON FOR REQUEST:

As parents, we feel it is important to provide a controlled environment for young adults to go to in their free time.

Our goal is to create a drug and alcohol free atmosphere for young people to have a good time without peer-pressure. We will cooperate with the parents and law enforcement agencies to deter all substance abuse (drugs/alcohol) in or near our establishment. Rules and regulations will be posted and strictly enforced.

We appreciate your time in considering our request.

Sincerely,

Joseph A. Sacco
Joseph A. Sacco

James G. Sacco
James G. Sacco

REAR

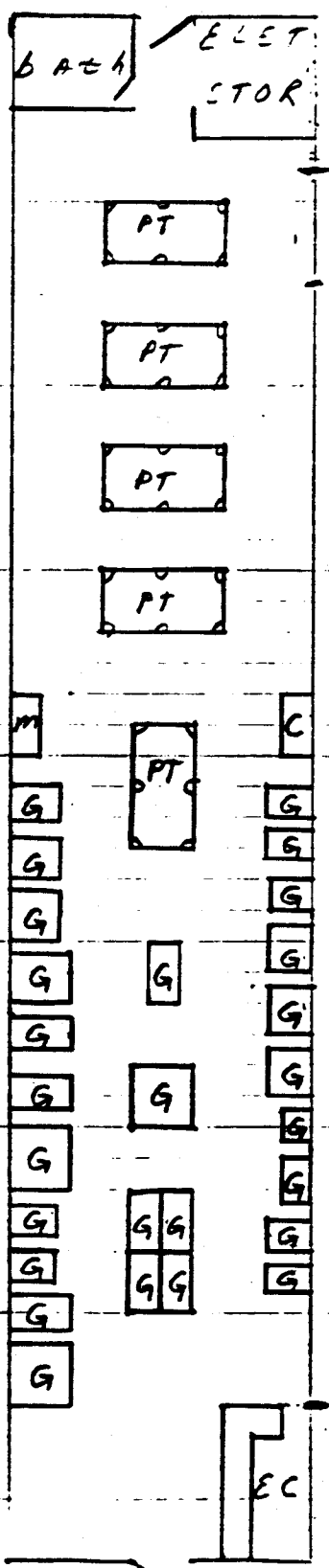


Burnet

JOSEPH A. SACCO
REALTOR
EXECUTIVE SALES ASSOCIATE
MILLION DOLLAR CLUB

COUNTRY VILLAGE OFFICE
4001 RICE STREET
SHOREVIEW MN 55126

483-1200
RES 784-8157



STORE FRT
EXT

PT = POOL TABLE
 M = MUSIC
 C = CHANGE MACHINE
 EC = EMPLOYE COUNTER
 G = GAMES

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date February 8, 1989

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT
FOR OPERATION OF A GAME ARCADE AT 1544 WEST
LARPENTEUR (NORTHOME SHOPPING CENTER)

WHEREAS, the City of Falcon Heights received an application dated December 21, 1988 for the issuance of a conditional use permit to establish a game arcade in Northome Shopping Center, 1544 West Larpenteur; and

WHEREAS, the City Council did carefully consider the request as well as the recommendations made by the City's Planning Commission after holding the required Public Hearing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights that a conditional use permit for the establishment of a game arcade at 1544 West Larpenteur Avenue be granted subject to the following conditions:

- * (1) Maximum hours of operation will be 10:00 A.M. to 12 Midnight seven days a week. All existing applicable curfews will be enforced on the premises.
- (2) Restrictions on use of back parking lot after 9:00 P.M. will be adequately posted by property owner:
 - (a) Game Room parking will be restricted to front and side parking lots after 9:00 P.M. Property owner will install appropriate signage.
 - (b) All Arona exits from parking lot shall be posted "left turn only after 9:00 P.M."
- (3) The back door will be an exit only, conforming to Fire Code.

Moved by Councilmember Wallin

Approved by Tom Baldwin
Mayor

February 8, 1989
Date

YEAS	Mays	
BALDWIN		
CIZANIA	<u>5</u>	in Favor
CHENOWETH		
WALLIN	<u>0</u>	Against
BUSH		

Attested by Janet Williams
City Administrator

February 8, 1989
Date

Adopted by Council February 8, 1989

- (4) No less than present level of illumination in the rear parking lot will be provided.
- (5) No alcoholic beverages (including 3.2 beer or wine) or controlled substances without a prescription shall be sold, possessed, or consumed on the premises of the game room, the common areas within the building, or the parking areas.
- (6) The property owner will post on the exterior of the premises "No Loitering" and will prevent any loitering in common areas within the building or in the parking areas and sidewalks adjacent to the building.
- (7) Any person who has been convicted of a felony, controlled substance abuse, or gambling law violation within the past five years is prohibited from working as an attendant at the game room.
- (8) The interior of the game room will be free of obstructions to visual supervision by attendants and will be adequately lighted.
- (9) Game room management will take all reasonable action to expel intoxicated persons and will allow no disorderly conduct on the premises, parking areas and adjacent sidewalks.
- (10) Adequate adult supervision will be provided until one-half hour after closing to ensure that the health, safety and welfare and existing community standards of peace and quiet are maintained.
 - * (a) A minimum of two adult attendants will be on duty after 7:00 P.M.
 - (b) At Council's discretion, additional supervisory and/or security personnel may be required.
- (11) First review period of this conditional use will be within three months after opening with annual reviews to follow on anniversary date of opening. Review will also be required upon a change in proprietorship or focus of the business. The purpose of reviews will be for addition of conditions to address any concerns created by the business.
- (12) All advertising, signage or promotion of the business will focus on attracting family oriented business.
- (13) At least fifty (50) percent of the interior space will be designated as a "No Smoking" area.

8-3.06 Curfew and Parental Duties

Subdivision 1. Restrictions on Minors. It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City between the hours of 10:00 P.M. and 5:00 A.M. the following date. It shall be unlawful for any minor who is 16 or 17 years of age to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City between the hours of 12:00 midnight and 5:00 A.M. the following morning. Provided, however, that the provisions of the section do not apply to a minor accompanied by his/her parent, guardian, or other adult person having the care and custody of the minor, or a minor who is upon an emergency errand, or other legitimate business directed by his/her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business directed by his/her parent, guardian, or other adult person having the care and custody of the minor, where the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession, or occupation in which said minor is permitted by law to be engaged.



CITY OF
FALCON HEIGHTS

2077 W. LARPELLE AVENUE

FALCON HEIGHTS, MN 55113-5594

PHONE 612-644-5050

February 8, 1989

TO: Tom Baldwin
FROM: Shirley Chenoweth
RE: GAME ARCADE

Mark K^Sorsanke, 1471 California, has attended all of the meetings on this subject. He cannot attend the Council meeting tonight (nor any others from his neighborhood) and wanted me to relay his concerns to you. He feels very strongly that there be no back door entrance to the establishment and would prefer an earlier closing hour--perhaps 11:00 P.M. He did say he understands why the proprietors would prefer staying open until midnight.

SC:kjz

Consent _____

Agenda Item: F-4

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

City Ethics Policies

SUBMITTED BY:

Carol Carlson

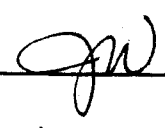
REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Carol Carlson has researched other cities' ethics policies and has prepared drafts for discussion purposes. (See attached).

ACTION REQUESTED: Discuss draft Ethics Policies



ORDINANCE NO. 89-
AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR
PUBLIC OFFICIALS OF THE CITY OF FALCON HEIGHTS

The City Council of the City of Falcon Heights does hereby ordain:

Section 1. Title. This ordinance shall be known as the: "Code of Ethics for Public Officials of the City of Falcon Heights" or "Code of Ethics."

Section 2. Policy.

Subdivision 1. General Declaration of Policy. It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public as well as to the persons acting in public service. The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To achieve these goals there is hereby established a Code of Ethics for public officials. The purpose of this Code is to establish ethical standards of conduct for such officials by directing public disclosure by such officials of their interest in property in the City of Falcon Heights.

Subdivision 2. Responsibilities of Public Office. Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state and municipality and to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office.

Subdivision 3. Dedicated Service. All officials of the City shall be dedicated to fulfilling their responsibilities of office described herein. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest.

Public officials shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

Section 2. Scope of Persons Covered. The provisions of this Code of Ethics shall be applicable to all public officials which shall include the Mayor, members of the Council, advisory commissions, committees and boards and staff (City Administrator, City Clerk, City Treasurer) of the City, as well as candidates for the offices of Mayor and City Council.

Section 3. Fair and Equal Treatment

Subdivision 1. Financial or Personal Interest. Subject to the provisions of Subdivision 3 below, no council member, commission member or committee member, while acting as such, shall participate in the discussion of, or vote on, any issue in which he or she has any direct financial interest or personal interest which arises from blood or marriage relationships. "Direct financial interest" is hereby deemed to mean such an interest as would involve a reasonable likelihood of gain having a monetary value of substance. "Blood relationships" and "Marriage relationships" shall be deemed for the purposes hereof to include only immediate family relationships of the first degree: spouse, children, mother, father, father-in-law, mother-in-law, stepfather, stepmother, brother, sister, sister-in-law, and brother-in-law.

Notwithstanding anything to the contrary above stated or implied whenever two or more members shall declare an interest in the matter as set forth then every member of the City Council shall be required to vote on a zoning ordinance or other form of amendment to the City Zoning Code which requires a four-fifths favorable vote for approval and/or enactment (as prescribed by pertinent provisions of the state statutes for the State of Minnesota); provided that all of such required votes by members of the City Council shall only be cast and tallied following a full public discussion of the item being voted upon during the course of which discussion every council member having either a direct financial interest or personal interest as above described in this section shall make a full disclosure of the same. (All such disclosures shall also be made a matter of the public record along with the recording of the votes relating to the subject matter).

Subdivision 2. Voting. Subject to the provisions of Subdivision 3 below, if a council member, commission member or committee member has a financial interest in a business, investment, or transaction, which has a matter pending before the Council, commission or committee of which he or she is a member he or she shall not participate in the discussion as such public official or vote on the matter.

Notwithstanding anything to the contrary above stated or implied whenever two or more members shall declare an interest in the matter as set forth then every member of the City Council shall be required to vote on a zoning ordinance or other form of amendment to the City Zoning Code which requires a four-fifths favorable vote for approval and /or enactment (as prescribed by pertinent provisions of the state statutes for the State of Minnesota); provided that all of such required votes by members of the City Council shall only be cast and tallied following a full public discussion of the item being voted upon during the course of which discussion every council member having either a direct financial interest or personal interest as above described in this section shall make a full disclosure of the same. (All such disclosures shall also be made a matter of the public record along with the recording of the votes relating to the subject matter).

Subdivision 3. Disclosure prior to Discussion. No person covered by this Code of Ethics shall take any official action with respect to a matter in which he or she has a direct financial interest or personal interest which arises from blood or marriage relationships; provided that participation in the decision-making process on his or her own behalf as a private citizen shall not be prescribed by this Code of Ethics, and provided further that he or she may participate in matters leading up to or preliminary to official action to the extent that he or she disclosed any such direct financial or personal interest as he or she may have in the same and to the extent that he or she has no discretion to make a final controlling judgment or vote on the same. Disclosure of any such financial or personal interest shall be made to the council, board, commission or committee of which the person is a member when the item appears on the agenda. Such disclosure shall be recorded in the minutes and become a matter of public record.

Notwithstanding anything to the contrary above stated or implied whenever two or more members shall declare an interest in the matter as set forth then every member of the City Council shall be required to vote on a zoning ordinance or other form of amendment to the City Zoning Code which requires a four-fifths favorable vote for approval and/or enactment (as prescribed by pertinent provisions of the state statutes for the State of Minnesota); provided that all of such required votes by members of the City Council shall only be cast and tallied following a full public discussion of the item being voted upon during the course of which discussion every member having either a direct financial interest or personal interest as above described in this section shall make a full disclosure of the same. (All such disclosures shall also be a matter of public record along with the recording of the votes relating to the subject matter).

Subdivision 4. Disclosure of Confidential Information. No person covered by this Code of Ethics shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall he or she use such information to advance the financial or other private interest of any person.

Subdivision 5. Acceptance of Gifts, etc. No person covered by this Code of Ethics shall directly or indirectly solicit any gift or accept or receive any gift of substances whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

Subdivision 6. Representing Other's Interests. No council member shall appear on behalf of another's private interest before council, any committee, commission or agency of the City, nor shall he or she represent another's private interests in any action or proceeding against the interests of the City in which the City is a party.

Subdivision 7. Financial Gain from Sale, Lease or Contract. Except as specifically authorized by Section 471.88 of the Minnesota Statutes, no person covered by this Code of Ethics who is authorized to take part in any manner in making any sale, lease or contract in his official capacity shall have a direct financial interest in that sale, lease or contract or personally benefit financially therefrom.

Section 4. Public Disclosure by City Council. Within 30 days after the effective date of this Code of Ethics each member of the City Council shall file, as a public record in the office of the City Clerk, a signed statement disclosing the following:

(1) A list of the names of all business corporations, government agencies, companies, firms or partnerships or other business enterprises doing business with the City of Falcon Heights or at some location within the City of Falcon Heights (a) with which he or she is connected as an employee, officer, owner, director, trustee, partner, advisor, consultant, fiduciary (other than as a nominee) or (b) in which he or she has any continuing financial interest, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association, or (c) in which he or she has any financial interest through the ownership of stocks, bonds, or other securities.

(2) A list of his or her interests in real property or rights in the same located within the City of Falcon Heights.

Subdivision 2. Each person who files as a candidate to become a member of the City Council, at the time of said filing as a candidate, shall also file the disclosure statement required by this section.

Subdivision 3. Within 30 days after each anniversary date of an initial filing, each persons required to make such a filing under this section shall file a new disclosure statement setting forth the information required hereby as of the time of the new statement.

Subdivision 4. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within 30 days after such interest is obtained or such change position occurs.

Subdivision 5. This Code of Ethics shall not be construed to require the filing of any information relating to any person's affiliation with, or interest in, any professional society, charitable, religious, social, fraternal, educational, recreational, public service, civic or political organization, or similar organization not conducted as a business enterprise or governmental agency and which is not engaged in the ownership or conduct of such a business enterprise or governmental agency. Nor shall disclosure be required where prohibited by professional or business association ethics promulgated by any state agency.

Section 5. Penalty. A willful violation of this ordinance by any person described in hereof shall constitute a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$500.00, or both. A willful violation shall include any of the provisions of this Ordinance by any person covered hereunder, except the failure to file a disclosure statement within the times provided in Subdivision 5.

Section 6. Effective Date. The effective date of this Code of Ethics shall be .

ATTEST:

EXHIBIT "A" TO ORDINANCE NO. _____
OF THE CITY OF FALCON HEIGHTS, MN

STATE OF MINNESOTA)

COUNTY OF RAMSEY)

The undersigned, a public official as defined in Ordinance No. _____ of the City of Falcon Heights, Minnesota, being first duly sworn upon oath, deposes and states:

1. That the following constitutes the address and/or legal description of each parcel of real estate, situated in the City of Falcon Heights, Ramsey County, Minnesota (other than real estate occupied by the undersigned as a personal residence), in which the undersigned, directly or indirectly, holds any interest including the right to occupy said property:

2. That the following constitutes the names of all businesses, corporations, companies firms, partnerships, or other business enterprises, doing business with or in the City of Falcon Heights, in which the undersigned is connected, as an employee, owner, director, officer, adviser or consultant, or in which the undersigned has a continuing financial interest through ownership of stock or as a beneficiary of any pension or retirement plan:

3. That the interests set forth in 1 and 2 above, include any interest therein of the undersigned's spouse, minor child or other member of the undersigned's household.

4. That the undersigned has read and is familiar with the provisions of the Code of Ethics enacted by the Council of the City of Falcon Heights as Ordinance No. _____; the requirements of said ordinance with respect to the making and filing of this Disclosure Statement; and the penalties set forth in said Ordinance for violation of any provision thereof.

subscribed and sworn to
before me this _____
day of _____, 19____.

Notary Public

Consent _____

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Ordinance Publication

SUBMITTED BY:

Jan Wiessner

REVIEWED BY:

Paul Mattke
Shirley Chenoweth
Carol Carlson

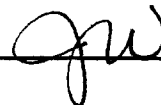
EXPLANATION/SUMMARY (attach additional sheets as necessary):

We have recently identified a serious procedural error in the adoption of ordinances. Since recodification in 1984, we have operated with the understanding that ordinance publication was only necessary for the Zoning Code (Chapter 9). We have now learned that any changes to the Code are not effective until they are published. There have been 45-50 code amendments since 1984. (All amendments to the zoning code were handled properly).

Paul Mattke has advised us of 3 options to remedy this situation: Publication of amendments in full, publication of summaries or recodification. (See attached memo). We have recently discussed the need for recodification to eliminate some of the repetitive or unnecessary parts of the code.

ACTION REQUESTED:

Recommendation: Authorize staff to proceed with recodification using up to \$10,000 in Contingency Account funds.



TO: Jan Wiessner
FROM: Carol Carlson/Shirley Chenoweth
DATE: July 19, 1989
SUBJECT: Ordinances

The question of ordinance publication came up again when the final draft of the dog ordinance amendment was adopted.

In order to be absolutely sure that the current policy (recommended by Briggs and Morgan) of only publishing the Chapter 9 Amendments was in fact okay, I checked the Handbook for Minnesota Cities - ordinances must be published and the affidavit filed with the ordinance in an ordinance book.

I also called Ann Houle of the League and she confirmed that all ordinances must be published. She is sending us information on this.

The question is what to do about ordinances adopted over the last 5 years but not published.

According to State Statutes 599.13 the city will have to publish all ordinances adopted after the codification in 1984-85.

Consent _____

COUNCIL WORKSHOP
IMMEDIATELY FOLLOWING COUNCIL MEETING

Agenda Item: _____

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 8/9/89

Workshop X

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

City Assessment Policy

SUBMITTED BY:

Terry Maurer

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

ACTION REQUESTED:

Discussion Only

