

CITY OF FALCON HEIGHTS

AGENDA

JULY 12, 1989

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

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

C. APPROVAL OF MINUTES OF JUNE 28, 1989 *Approved*

D. PUBLIC HEARINGS: NONE

E. CONSENT AGENDA:

- 1. Disbursements:
 - a. General Disbursements through July 12, 1989, \$64,072.31
 - b. Payroll, 6/26/89-6/30/89, \$11,007.97
- 2. Cancellation of Check No. 22419
- 3. Appointment of J. McNeery, 1918 Autumn, to Solid Waste Commission
- 4. Request for Permitted Accessory Use-Utility Bldg. - H. Leonard Boche
- 5. Licenses:
 - a. Mechanical Contractors:
 - Blaine Heating, Air Conditioning and Electric
 - Boehm Heating
 - b. General Contractors:
 - Bojek Construction
 - Bocker Construction, Inc.

Approved

F. REPORTS, REQUESTS AND RECOMMENDATIONS:

1. Review Revised Assessment Policy

ACTION: _____

2. Proposed Amendment to Municipal Regulations and Licensing 5-2.01 Regulation of Dogs (5-2.07 and 5-2.09)

ACTION: _____

3. Request to Consider Waiving the Tax Delinquency Provision of City Liquor License Requirements

ACTION: _____

4. Donation to Ramsey County Sheriff's Department
Lakes and Trails Reserve Unit

ACTION: _____

5. PERA Contributions Increase

ACTION: _____

6. Ambulance Bid Award

ACTION: _____

7. Contract for Cleaning Service for City
Hall

ACTION: _____

8. Amendment to Administrator's Employment
Agreement

ACTION: _____

G. ANNOUNCEMENTS AND UPDATE:

H. ADJOURNMENT:

ACTION: _____

MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 28, 1989

Baldwin called the meeting to order at 7:05 P.M.

PRESENT

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

ABSENT

Wallin and P. Chenoweth. (Chenoweth arrived later.)

MINUTES OF JUNE 14, 1989 APPROVED

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

CONSENT AGENDA APPROVED

Council approved the following Consent Agenda:

1. Disbursements:
 - a. General Disbursements through 6/28/89, \$48,768.84
 - b. Payroll, 6/1/89 -6/15/89, \$11,194.93
2. Appointment of Joseph Martinez to Fire Department
3. Cancellation of Checks Numbered 22370 and 22411
4. Resolution R-89-15 Requesting Metro Council ~~of~~ HRA to Apply for and Implement a Deferred Loan Program Within Falcon Heights
5. Licenses:
 - a. Classic R and R, General Contractor #344
 - b. Minnegasco, Mechanical Contractor #349
6. Permanent Appointment of Tom Kelly as City Accountant

P. CHENOWETH ARRIVES

Chenoweth arrived at 7:10 P.M.

CITY TO REQUEST REDUCTION OF SPEED LIMIT ON FAIRVIEW AVE,
LARPENTEUR AVE. TO ROSELAWN

Council briefly discussed a letter from John Shelander, 1761 N. Fairview, requesting that Council consider reducing the speed limit on Fairview from Larpenteur to Roselawn, and commented on the fact that the speed limit north of Roselawn is 35 miles per hour and 40 miles per hour south of Roselawn. Staff was directed to request that Ramsey County consider reducing the speed limit on Fairview south of Roselawn to 35 miles per hour.

STATE FAIR "NO PARKING" SIGNS DELETED FROM AGENDA

Item F (2) relating to posting of "No Parking" signs during the State Fair was deleted from the agenda.

CITY TO NEGOTIATE RECYCLING CONTRACT WITH SUPERCYCLE, INC.

S. Chenoweth reviewed the proposals for recycling services

MINUTES
JUNE 28, 1989
PAGE 2

submitted by Waste Management Blaine, Ramsey Recycling, Inc., and SuperCycle, Inc., and presented the Solid Waste Commission's recommendation that a contract be negotiated with SuperCycle. Following a discussion, P. Chenoweth moved such a contract be negotiated with service to begin July 7, 1989 and to continue through December 31, 1990. Motion carried unanimously.

CONFLICTS IN CODE RELATING TO OFF-STREET PARKING WITHIN 10 FEET OF ANY STREET RIGHT-OF-WAY REFERRED TO PLANNING COMMISSION AD HOC PARKING COMMITTEE

Council briefly discussed problems created by the City Code requirement prohibiting parking within ten feet of any right-of-way, and whether or not the code should be strictly enforced. Council concurred that this item should be referred to the Planning Commission Parking Committee for study and recommendations.

BUETOW AND ASSOCIATES CHOSEN AS ARCHITECT FOR THE COMMUNITY PARK BUILDING

Bush informed Council that the Parks and Recreation Commission interviewed four architectural firms, Kodet Architectural Group, Hills Gilbertson Architects, Inc., Buetow and Associates, and Runyan Vogel Group Architects, and recommended the hiring of Buetow and Associates to prepare plans for the Community Park Building. Linda McLoon, Commission Chair, explained that the Buetow firm was preferred by the Commission as they had more experience with local park projects and seemed more willing to work within the City budget than the other firms. Ciernia then moved the hiring of Buetow and Associates which carried unanimously. Bush asked if Council wanted to limit the scope of the project to \$100,000 (the amount of funds presently available) or if they were open to expending additional funds. Following a discussion Council concurred that the architect be requested to submit proposals in the \$150,000 to \$200,000 range and requested a workshop be planned with the Parks and Recreation Commission to review the architect's plan for the park building.

DISCUSSION OF ST. PAUL WATER UTILITY CONTRACTS

Tom Kelly informed Council that he had attended a meeting with other communities who have contracts with the St. Paul Water Department, to discuss the 20% mark up over the St. Paul rate which is charged to suburban communities. Options discussed were 1) to keep the contracts as presently in force, 2) create a Water District with each city having representation, or 3) pursue special legislation that would require an outside source such as the Public Utility Commission to establish rates for the contracts. Council expressed a preference for Option 3 as being the least costly, however would be interested in more details on Option 2. Staff will continue to work with the other cities on the matter.

MINUTES
JUNE 28, 1989
PAGE 3

PROPOSED 1990 BUDGET TIMELINE PRESENTED - WORKSHOP SCHEDULED FOR
9-16-89, 8:00A.M.

Wiessner presented a proposed schedule for the 1990 Budget process and asked that Council set a Budget Workshop. Following a brief discussion, Ciernia moved that a budget workshop be scheduled for September 16, 1989 at 8:00 A.M. which carried unanimously.

ADDITIONAL "LIVING IN FALCON HEIGHTS" BOOKLETS TO BE ORDERED

Council approved the ordering of 500 copies of the booklet "Living in Falcon Heights" to be funded from Account 401-20, Mayor and Council-Communications Budget.

ADOPTION OF RESOLUTION R-89-17 RELATING TO FUNDING OF UNIVERSITY GROVE STREET LIGHT INSTALLATION PROJECT

Kelly requested approval fo Check No. 22419 issued to Northern States Power in the amount of \$20,294.70 for the University Grove Street Lighting Project, and the Adoption of Resolution R-89-17 indicating the intention of financing the project through the sale of debt. P. Chenoweth moved adoption of the Resolution which carried unanimously.

RESOLUTION R-89-17

A RESOLUTION APPROVING CHECK NO. 22419 IN THE AMOUNT OF \$20,294.70, TO NORTHEN STATES POWER FOR INSTALLATION OF EIGHT STREET LIGHTS IN UNIVERSITY GROVE AREA

AMENDMENT OF CITY COMPENSATION PLAN TO INCLUDE CITY PLANNER POSITION

Council approved amendment of the Compensation Plan to include the new part-time planner position.

SUSAN HOYT-TAFF APPOINTED PART-TIME PLANNER

Wiessner informed Council that the Interview Committee had interviewed four excellent candidates for the planner position and that Susan Hoyt-Taff has been selected for the appointment. Ciernia then moved the appointment of Susan Hoyt-Taff as part-time Planner, Range 2, Step 1, (\$1,980/month), pro-rated on an hourly rate of \$11,42/hour. Motion carried unanimously. Ms. Hoyt-Taff was in attendance and gave a brief resume of her background.

MINUTES
JUNE 28, 1989
PAGE 4

CITY ADMINISTRATOR PERFORMANCE EVALUATION

Baldwin explained that each Councilmember had completed an evaluation and that Wiessner's performance was found to be well beyond satisfactory. Baldwin will contact each Councilmember soon to discuss the matter.

ADJOURNMENT

The meeting was adjourned at 8:30 P.M.

Tom Baldwin, Mayor

ATTEST:

Shirley Chenoweth, City Clerk

Consent X

Agenda Item: E-1

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Disbursements

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (a) General Disbursements through July 12, 1989, \$64,072.31
- (b) Payroll, 6/16/89-6/30/89, \$11,007.97

ACTION REQUESTED:

Approval

TK

GENERAL DISBURSEMENTS

CHECK NO.	ISSUED TO	REASON	AMOUNT
22439	Knickerbocker Partition Corp.	Hinges for bathroom doors	\$30.00
22440	Roseville/F.H. Chamber	June meeting	8.00
22441	NSP (Grove Street Lights)	Replacement for Check #22419	20,294.70
22442	United Way	Pledges	14.00
22443	ICMA	Retirement Trust	617.03
22444	Commissioner of Revenue	MN Income Tax	823.65
22445	PERA	Retirement fund	1,569.72
22446	North Star State Bank	Federal Taxes	4,567.36
22447	Kevin Anderson	MN Fire School and mileage	194.60
22448	BSN Corp.	Recreation equipment	463.98
22449	Brotex	Hand towels	24.01
22450	Barton-Aschman Assoc., Inc.	Prof. services May 6 through May 19	4,832.35
22451	David Bianchi	MN Fire School	135.00
22452	Joseph Barrett	Non resident reimbursement	12.00
22453	Custom Property Servicew	2 June cleanings and towels	137.25
22454	Marjorie Drach	Non-resident reimbursement	12.00
22455	Doug LeMay	MN Fire School	90.00
22456	Ehlers & Assoc.	Professional services	2,431.74
22457	Jerry Gilbert	MN Fire School (3 days)	135.00
22458	Maria Huber	Non-resident reimbursement	24.00
22459	In-Towne Industries	June Solid Waste Newsletter	497.00
22460	Kathleen Janke	June cleaning, Fire Hall	80.00
22461	Mark Janke	Non-resident reimbursement	48.00
22462	Terry Iverson	MN Fire School, mileage, sewing patches	209.60
22463	Konica	Copier repair	66.96
22464	Clement Kurhajetz	MN Fire School, mileage	155.00
22465	Doug Kayser	Mileage to Hazardous Materials Class	44.00
22466	Carol Kriegler	Rec program supplies	27.50
22467	Erik Lovdahl	Delivery of Newsletter	100.00
22468	Judy Misener	Non-resident reimbursement	12.00
22469	Jay Morgan	MN Fire School, mileage	106.00
22470	Kevin McNabb	MN Fire School	135.00
22471	Tony Nickelsen	Rec supplies	13.73
22472	NSP	Electricity	1,761.67
22473	Barbara O'Neill	Non-resident reimbursement	12.00
22474	Proper Maintenance	Snow Removal	237.50

GENERAL DISBURSEMENTS (Continued)

CHECK NO.	ISSUED TO	REASON	AMOUNT
22475	Prime Learning International	Secretarial Seminar	\$69.00
22476	Roseville Rotary Club	Dues, meals, name clip, auction	253.31
22477	Ramsey County	July service, remove load limit signs	19,859.92
22478	League of Minnesota Cities	LMC Conference	150.00
22479	St. Croix Screen Printing	T-Shirts	643.10
22480	State Chemical Manufacturing	Soap	83.16
22481	Riesook Shin	Refund - Discovery Rec Program	16.00
22482	Jean Snowden	Non-resident reimbursement	60.00
22483	Janet Wiessner	Expenses	60.61
22484	Board of Water Commissioners	Water	144.02
22485	Ramsey County Personnel	Insurance Adm. Fee	297.00
22486	Maier Stewart & Assoc.	Eng. Services, May 21 thru June 17	2,236.40
22487	American Linen	Linen supply - Fire Dept.	58.74
22488	SuperAmerica	Fuel	218.70
		TOTAL:	\$64,072.31

29 Jun 1989
9:16 AM

Paid Register
City of Falcon Heights

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Pay Group Description	Check Amount	Check Date	Status
017568			0			0.00	30-Jun-89	VOID
017569			0			0.00	30-Jun-89	VOID
017570	000000002	Wiessner, Janet R.	12	01	semi-monthly	1,155.95	30-Jun-89	Outstanding
017571	000000004	Kriegler, Carol J.	12	01	semi-monthly	569.80	30-Jun-89	Outstanding
017572	000000011	Chenoweth, Shirley G.	12	01	semi-monthly	752.77	30-Jun-89	Outstanding
017573	000000020	Iverson, Terry D.	12	01	semi-monthly	820.53	30-Jun-89	Outstanding
017574	000000027	Morgan, Jay M.	12	01	semi-monthly	709.92	30-Jun-89	Outstanding
017575	000000038	Wright, Vincent D.	12	01	semi-monthly	807.81	30-Jun-89	Outstanding
017576	000000041	Neumann, Kristine L.	12	01	semi-monthly	230.69	30-Jun-89	Outstanding
017577	000000048	Marshall, Timothy	12	01	semi-monthly	390.54	30-Jun-89	Outstanding
017578	000000050	Kubes, Jon E.	12	01	semi-monthly	381.63	30-Jun-89	Outstanding
017579	000000063	Phillips, Patricia A.	12	01	semi-monthly	646.00	30-Jun-89	Outstanding
017580	000000065	Kelly, Thomas R.	12	01	semi-monthly	774.47	30-Jun-89	Outstanding
017581	000000066	Bogenholm, Garin W.	12	01	semi-monthly	351.49	30-Jun-89	Outstanding
017582	000000068	Suppes, Jean	12	01	semi-monthly	334.17	30-Jun-89	Outstanding
017583	000000070	Sell, Matthew W.	12	01	semi-monthly	65.54	30-Jun-89	Outstanding
017584	000000071	Bosshardt, Brian	12	01	semi-monthly	41.39	30-Jun-89	Outstanding
017585	000000072	Carlson, Carol	12	01	semi-monthly	269.08	30-Jun-89	Outstanding
017586	000000075	PICKA, GEORGE	12	01	semi-monthly	40.65	30-Jun-89	Outstanding
017587	000000076	Dison, Rod L.	12	01	semi-monthly	152.75	30-Jun-89	Outstanding
017588	000000077	Posel, Amy E	12	01	semi-monthly	44.06	30-Jun-89	Outstanding
017589	000000078	Nickelsen, Tony J.	12	01	semi-monthly	183.19	30-Jun-89	Outstanding
017590	000000001	Baldwin, Thomas W.	6	03	monthly 2	346.84	30-Jun-89	Outstanding
017591	000000003	Baumann, Nicholas B.	6	03	monthly 2	50.71	30-Jun-89	Outstanding
017592	000000005	Berndt, Ross	6	03	monthly 2	41.50	30-Jun-89	Outstanding
017593	000000007	Bianchi, Joseph D.	6	03	monthly 2	68.00	30-Jun-89	Outstanding
017594	000000008	Brown, Raymond F.	6	03	monthly 2	63.00	30-Jun-89	Outstanding
017595	000000009	Bush, Patti J.	6	03	monthly 2	238.65	30-Jun-89	Outstanding
017596	000000010	Chenoweth, Philip E.	6	03	monthly 2	293.00	30-Jun-89	Outstanding
017597	000000012	Ciernia, Paul C.	6	03	monthly 2	250.00	30-Jun-89	Outstanding
017598	000000018	Holmgren, John M. Sr.	6	03	monthly 2	135.00	30-Jun-89	Outstanding
017599	000000022	LeMay, Dennis G.	6	03	monthly 2	56.00	30-Jun-89	Outstanding
017600	000000024	Lindig, Leo	6	03	monthly 2	303.34	30-Jun-89	Outstanding
017601	000000033	Schauffert, Craig F.	6	03	monthly 2	135.00	30-Jun-89	Outstanding
017602	000000034	Smida, Gail	6	03	monthly 2	63.00	30-Jun-89	Outstanding
017603	000000037	Wallin, Gerald E.	6	03	monthly 2	200.00	30-Jun-89	Outstanding
017604	000000039	Morgan, Jay	6	03	monthly 2	41.50	30-Jun-89	Outstanding

Grand Total

11,007.97

Consent X

Agenda Item: E-2


Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

<u>ITEM DESCRIPTION:</u>	Cancellation of Check No.22419
<u>SUBMITTED BY:</u>	Tom Kelly
<u>REVIEWED BY:</u>	
<u>EXPLANATION/SUMMARY (attach additional sheets as necessary):</u> <p>Check No. 22419, dated 6/28/89, issued to NSP in the amount of \$20,294.70 had error in the amount. Check reissued.</p>	
<u>ACTION REQUESTED:</u>	Approval



Consent X

Agenda Item: E-3

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Appointment of Martin McCleery, 1918 Autumn St., to
Solid Waste Commission

SUBMITTED BY:

Tom Baldwin

REVIEWED BY:

Solid Waste Commission

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Mr. McCleery's appointment would fill the vacancy left by the
resignation of Benno Salewski - Term to expire 12/31/91

ACTION REQUESTED:

Approval as recommended by the Solid Waste Commission

FALCON HEIGHTS COMMISSION/COUNCIL APPLICATION

JUN 08 1989 CC - Tom Bredem John Thompson 6/9/89

DATE 6-7-89

NAME: Martin R. McCreery

ADDRESS: 1918 Autumn St.

PHONE 220-0405 B

HOW LONG AT ABOVE ADDRESS? 20 YEARS

646-1588 H

IN WHAT CAPACITY DO YOU WISH TO SERVE? Solid Waste Committee

REASON YOU WISH TO SERVE ON ABOVE: Management of solid waste problems is of special interest to me. Procedures for collection and disposition of waste are changing and I believe I can provide useful insight/decisions toward solving the village's problems and keeping citizens cost to reasonable levels.

PRIOR PUBLIC (OR RELATED) SERVICE:

Minnesota State Health Department 1966 - 1967: Water & Wastewater Problem
Minnesota Pollution Control Agency 1967 - 1974: Air, Water, Solid Waste Pollution
Corps of Engineers 1974 - Present Water Resource Problems: Wastewater, Water Supply, Flood Control, Navigation, Urban Studies.

OTHER RELEVANT BACKGROUND (OR COMMENTS):

Professional Engineer - Registered in State of Minnesota

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION: Request for Permitted Accessory Use - Utility Building

SUBMITTED BY: H. Leonard Boche, 1776 Fry St.

REVIEWED BY: Planning Commission

EXPLANATION/SUMMARY (attach additional sheets as necessary):

- (A) Application
- (B) Description of the shed
- (C) Site Plan
- (D) Copy of Section 9-4.01, Subdivision 3(i)

Planning Commission recommendation will be available for the meeting.

ACTION REQUESTED:



CITY OF
FALCON HEIGHTS

A.
Dec 21/89
7390

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

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

Commission Action/Date _____
Council Action/Date _____

Date of Application 6/16/89
Fee Paid _____

Applicant Name: Boche H. Leonard 644-7814
Last First Intl. Phone

Address: 1776 Fry St. Falcon Hghts 55113
Street City State Zip Code

Owner Name: Same
Last First Intl. Phone

Address: _____
Street City State Zip Code

Street Location of Property in Question: 1776 Fry St

Legal Description of Property:

Type of Request:
_____ Rezoning
_____ Variance
_____ Conditional Use Permit
_____ Subdivision Approval
_____ Plan Approval
_____ Other (specify)
#2000 Permitted Accessory Use

Applicable Zoning Code Number: Chapter 9-4.01 Section Sub 3-i

Present Zoning of Property: B-1

Present Use of Property: Resident

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

Boche Leonard
Signature of Applicant

6/16/89
Date

Received by (name, title)

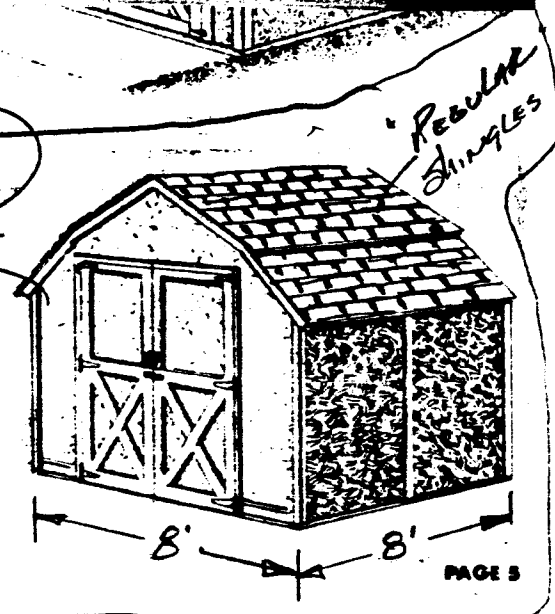
weekend with the unique pattern kit. Package includes all building materials, shingles, hardware and pattern kit.

399⁰⁰

SIDING IS
HORIZONTAL
HARDBOARD
(TRIPLE FOUR)

299⁰⁰
MATERIALS
ONLY

10'x10' GAMBREL PACKAGE
Easy to build! Lampert's unique system makes it simple to get professional results. Package includes all materials and illustrated instructions.



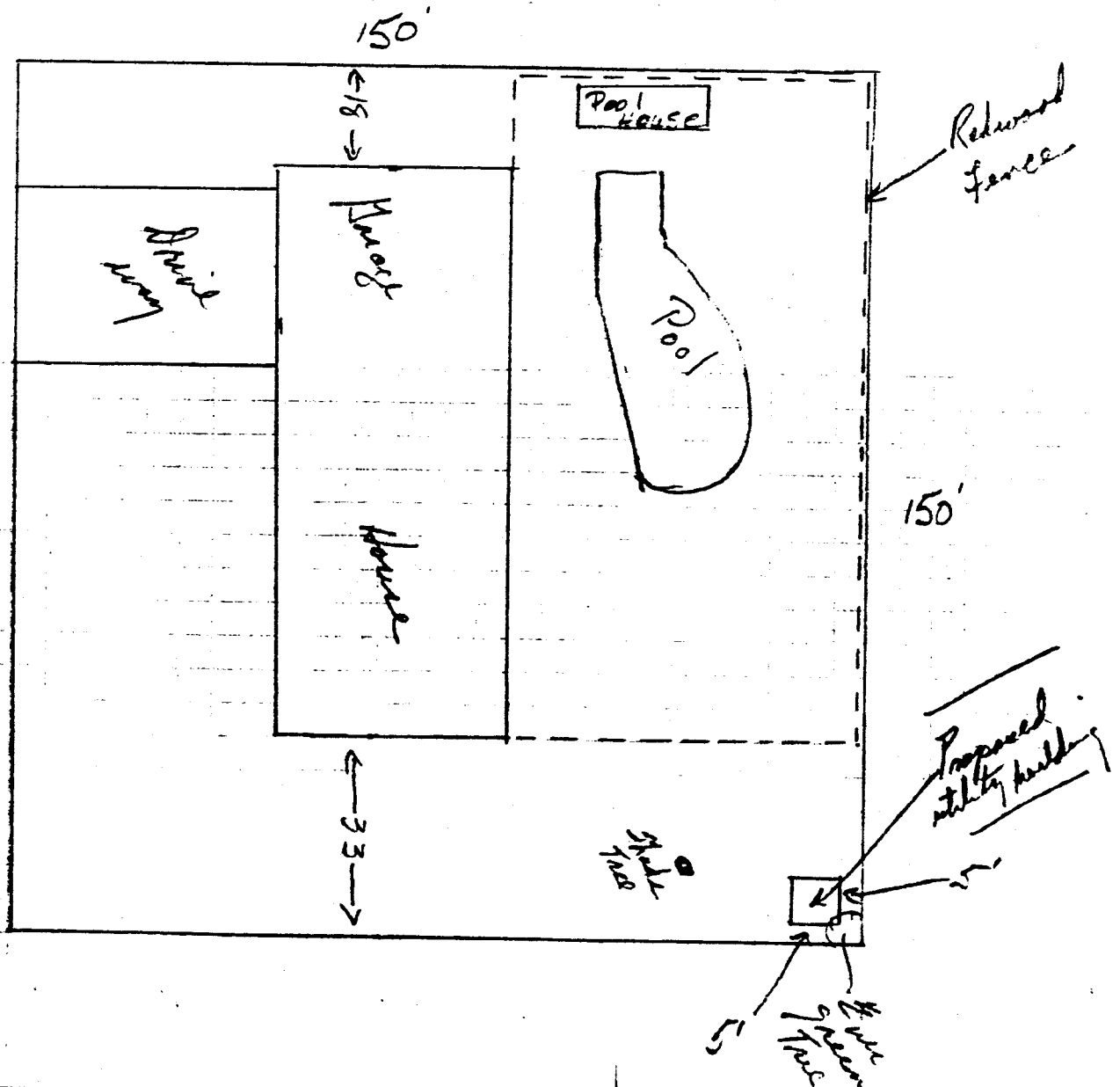
This unit HAS
TREATED LUMBER BASE
THE PRE PAINTED UNIT
HAS A TEXTURE 1-1
SIDING: 429⁰⁰

D. Leonard Roche
1776 Fry St
Salmon Heights

Plat Map

N
↑

1776 Fry Street



f. Essential service structures, provided no building shall be located within fifty (50) feet from any lot line of an abutting lot in an "R" use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.

g. Golf courses, country clubs, tennis clubs, public swimming pools serving more than one (1) family.

h. Off-street parking--when the proposed site of the offstreet parking abuts on a lot which is in a "B" district and subject to those conditions set forth in Section 9-13.04 and such other conditions as found necessary by the council to carry out the intent of this Code. However, such off-street parking shall be permitted as a conditional use in any "R-1" One Family Use District for church parking purposes.

i. Room and/or Board for up to 4 persons.

j. Home occupations not meeting the definitions and requirements of Falcon Heights Or. 9-14.01, Subd. 25.

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

a. Home occupations meeting the definitions and requirements of Falcon Heights Or. 9-14.01, Subd. 25.

b. Private tennis court, provided no portion of the paved or fenced area is within a required front yard or less than 10 feet from a property line.

c. Private garages, carport and parking space as regulated in 9-2.04.

d. Private automobile repair or reconditioning as regulated in 9-13.07.

e. Gardening and other horticultural uses where no retail sale of products is conducted on the premises.

f. Keeping of domestic pets as required in the Code.

g. Signs as provided in Subdivision 6 of this Section.

h. Decorative landscape features and fences as regulated herein.

Subd. 3

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

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

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

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

b. A side yard abutting a street shall not be less than thirty feet.

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

<u>Height</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>1 Story</u>	10,000 sq. ft.	75' interior lot 90' corner lot	30'	5'	30'
<u>2 Stories</u>	10,000 sq. ft.	75' interior lot 90' corner lot	30'	7.5'	30'

Subdivision 5. Off-Street Parking and Loading.

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

Consent X

Agenda Item: E-5

Policy _____

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Licenses

SUBMITTED BY:

S. Chenoweth

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Mechanical Contractors - RENEWALS

Blaine Heating, Air Conditioning and Electric #350
13562 Central Avenue N.E.
Anoka, MN

Boehm Heating - #354
1598 Selby
St. Paul, MN

General Contractor - NEW

Mojek Construction - #351
6483 Bonner Ct.
Inver Grove Heights, MN 55077

Booker Construction, Inc. - #352
533 N. St. Albans
St. Paul, MN 55104

ACTION REQUESTED:



Consent _____

Agenda Item: F-1

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Review Revised Assessment Policy

SUBMITTED BY:

Terry Maurer

REVIEWED BY:

Jan Wiessner


EXPLANATION/SUMMARY (attach additional sheets as necessary):

Terry will have a revised draft of the Assessment Policy ready prior to the meeting.

See attached memo.

ACTION REQUESTED:

Discuss and adopt? revised policy.





CONSULTING ENGINEERS

Maier Stewart & Associates Inc.

July 6, 1989

File: 330-012-70

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

RE: Assessment Policy

Dear Ms. Wiessner:

As directed at the last City Council meeting, we have proceeded with an analysis of the two different methods of assessing collector streets. As you recall, the two methods were a non-abutting area collector assessment versus an additional amount on the residential equivalent rate. Our analysis indicated the amount which would be needed to add to the equivalent residential rate could be as high as \$5.00 per front foot.

This added amount seems rather high especially considering that some areas such as the University Grove do not even contain a collector street. Therefore, we are proceeding to prepare a final draft of the City's assessment manual based on Option #2 City Council Discussion as outlined in our June 7, 1989 letter.

It is our understanding the list of collector streets includes the following:

Roselawn Avenue
Cleveland Avenue
Fairview Avenue
Larpenteur Avenue
Hamline Avenue
Hoyt Avenue (not in the University Grove)
Arona Street
Pascal Street
Albert Street
Garden Avenue

We are not totally clear on what percentage of collector street cost is assessed on an area basis or exactly how large of area. Perhaps the area

Ms. Jan Wiessner
July 6, 1989
Page 2

collector assessment rate should also be a set amount adjusted annually. We would request comment on the list of collectors and some clarification on the determination of assessment area.

Sincerely,

MAIER STEWART & ASSOCIATES, INC.

Terry J. Maurer
Terry J. Maurer, P.E.

TJM/1f

Consent _____

Policy x

Meeting Date: 7/12/89

Agenda Item: F-2

CITY OF FALCON HEIGHTS

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PROPOSED AMENDMENT TO MUNICIPAL REGULATIONS AND LICENSING 5-2.01
REGULATION OF DOGS (5-2.07 and 5-2.09)

SUBMITTED BY:

Carol Carlson

REVIEWED BY:

Shirley Chenoweth
Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Staff recommends approval of an amendment to the City Code regulating the control of dogs. The proposed changes deal with a situation when a dog has bitten someone.

Currently, regulations allow for the dog to be impounded at the owner's home if there is proof of rabies vaccination. The proposed changes add two other conditions - the owner be an adult and sign a statement taking responsibility and the bite occurred on the owner's property. These two additions will protect all involved in such a situation.

The issue was brought to the city's attention by the Animal Control Officer at the time we met to develop procedures for implementation of the Animal Control Contract.

ACTION REQUESTED:

QC

PART 2. REGULATION OF DOGS

5-2.01 Dog Registration Required. No person shall own, keep or harbor any dog over the age of four months, within the City unless a license has first been secured. Licenses shall be issued by the city for a fee as stipulated in Section 5-13.01 (License and Permit Fees of the Code). Upon payment of the registration fee, the city shall provide a tag and license to the owner.

5-2.02 Tags. The owner shall affix the tag by a permanent metal fastener to the collar of the dog in such manner that the tag may be easily seen. The owner shall see to it that the tag is constantly worn by such dog. In case any dog tag is lost, a duplicate may be issued by the clerk for a fee as stipulated in Section 5-13.01 of the Code.

5-2.03 Offenses Involving Tags. It shall be unlawful to counterfeit or attempt to counterfeit the tag provided for in subdivision 2 or take from any dog a tag legally placed upon it by its owner with the intent to place it upon another dog.

5-2.04 Tags Not Transferable. Dog tags shall not be transferable and no refunds shall be made on any dog registration fee because of leaving the City or death of the dog.

5-2.05 Definitions.

- a. "Person" means any person, firm or corporation.
- b. "Owner" means any person owning, harboring or keeping a dog.
- c. "Kennel" means any establishment except a licensed veterinary clinic or pet shop with a conditional use permit, where more than three dogs over the age of four months are kept for any purpose including pets, boarding, treatment, breeding, sale or sporting purposes.

5-2.06 Leashing of Dogs and Feces Clean-up.

- a. An owner of a dog or any person in possession or control of a dog shall not permit it to be on any public property or in any unfenced area of private property unless the dog is effectively restrained by a leash or chain not more than six (6) feet long.
- b. An owner of a dog or any person in possession or control of a dog, whether leashed or not, shall have the responsibility to clean up any feces of the animal and to dispose of such feces in a sanitary manner.

5-2.07 Dogs Which Are Public Nuisances. Any dog which exhibits any of the following behavior is hereby declared to be a public nuisance:

- a. Causes noise, disturbance or annoyance to persons residing in the vicinity by loud and frequent barking, howling or yelping;
- b. Running at large;
- c. Destroying property or habitually trespassing any property of a person other than its owner;
- d. Attacking or biting a person; ~~outside the owner's or custodian's premises;~~
- e. Showing vicious characteristics or molesting pedestrians or interfacing with vehicular traffic on public right of way.

5-2.08 Interference with Enforcement. It shall be unlawful for any authorized person to take or attempt to take from any officer any dog taken up by him/her in compliance with this chapter or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this chapter.

5-2.09 Quarantine. Whenever any person owning, possessing or harboring any dog within the corporate limits of the city shall learn that such dog has bitten any human being, such person shall immediately impound said dog in any place of confinement where it cannot escape or have access to any human being or other animal and shall also immediately notify the city. Whenever the city shall learn that any human being has been bitten by any dog within said city, the city shall ascertain the identity of such dog and the person owning, possessing or harboring it and shall immediately direct such persons to forthwith impound such dog as herein required until the animal control officer and poundkeeper can be notified and the dog impounded at the pound. Any dog so impounded shall be kept continuously so confined for a period of at least ten days from the day the dog bit a human being.

Upon learning that a dog has bitten a human being, the city shall immediately notify the designated animal control officer and the poundkeeper provided for in Section 16(b) herein, and inform him/her them of the place where the dog is temporarily impounded. The dog shall be impounded at the city's designated animal pound. The dog may be impounded at the home of its owner provided that:

- (1) proof of a current rabies vaccination can be shown by the owner;
- (2) the owner is an adult and takes responsibility for the quarantine by executing a form acknowledging the responsibility and complying with its terms; and
- (3) the bite occurred on the owner's property.

~~In the event the dog has not been properly vaccinated for rabies, the dog shall be put into the charge of the poundkeeper for the duration of the impoundment period.~~ It shall be the duty of said poundkeeper to inspect said dog as necessary during its period of ten days confinement and to determine whether such dog is infected with rabies. For this purpose he/she shall have access to the premises where such dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. The owner or person in possession or harboring such dog shall immediately notify said poundkeeper of any evidence of sickness or disease in the dog during its period of confinement and shall promptly deliver its carcass to said poundkeeper in case of its death during said period.

5-2.10 Prohibition of Kennels. No kennels may be established in the City.

5-2.11 Appointment of Animal Control Officer and Poundkeeper.

a. The council may appoint such person, persons or firm as the Council may deem necessary and advisable as animal control officer for the City. Such animal control officer shall be charged with the duty of enforcement of this section and shall be vested with all the authority conferred hereby, including the power to issue a summons requesting a violator to appear in court. The council may provide for such compensation for the animal control officer as it may deem reasonable. The animal control officer shall file a reports with City as requested.

b. The council shall appoint such person, persons or firm as the council may deem necessary and advisable as poundkeeper for the City, and the council shall designate or establish a pound in which dogs taken up under the provisions of this section shall be impounded. The poundkeeper shall be compensated in such manner as the Council may deem

PERA Contributions Increase

The 1989 Legislature passed several benefit improvements for the pension plans administered by the Public Employees Retirement Association (PERA).

To help fund the benefit improvements a contribution increase is necessary. Effective the first full pay period beginning after July 1, 1989, employee and employer contributions will increase by .23 percent for all Basic and Coordinated members. Police and Fire Fund contributions remain the same. Contributions will be as follow:

	Member Deduction		Employer Contributions		
	<i>Old Rate</i>	<i>New Rate</i>	<i>Old Rate</i>	<i>New Matching Share</i>	Additional Share
Basic Plan		8.23%		8.23%	2.5%
Coordinated Plan	<i>4.00%</i>	4.23%	<i>4.23%</i>	4.23%	.25%

The increased contributions are to be reported to PERA for earnings beginning with the first full pay period after July 1, 1989. For example, if you have two payrolls in July and your first salary deduction report is dated July 1, 1989, through July 15, 1989, and your second report is dated July 16, 1989, through July 31, 1989, the increased contribution rate will be effective on the report dated July 16, 1989, through July 31, 1989, since the first payroll includes the first day of July.

Should you need to report retroactive pay, stability pay, longevity pay or back pay where compensation was earned during pay periods beginning on or before July 1, 1989, the old contribution rate is used. For compensation earned during pay periods beginning after July 1, 1989, the new rate is applied. REMEMBER, separate Salary Deduction Reports are needed for these special payrolls, with the proper coverage dates.

Example: If you are paying a contract settlement on September 30, 1989, covering retro-pay from January 1, 1989, through September 30, 1989, two separate Salary Deduction Reports should be completed for PERA. One report for the pay period covering January 1, 1989, through July 1, 1989, at the current rate, and another report covering the pay period July 2, 1989, through September 30, 1989, at the increased rate.

Example: If you are paying stability pay on December 31, 1989, covering payment from January 1, 1989, through December 31, 1989, two separate Salary Deduction Reports should be completed for PERA. One report for the pay period covering January 1, 1989, through July 1, 1989, at the current rate, and another report covering the pay period July 2, 1989, through December 31, 1989, at the increased rate.

If you have any questions concerning this matter, please feel free to call our toll-free number 1-800-652-9026 or for metro area agencies, 296-7460.

Consent _____

Agenda Item: F-6

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Ambulance Bid Award

SUBMITTED BY:

Leo Lindig, Fire Chief

REVIEWED BY:

Fire Department Ambulance Committee:
Gail Smida, Ray Brown, Doug Kayser, Terry Iverson, Joe Olson,
Dave Bianchi

EXPLANATION/SUMMARY (attach additional sheets as necessary):

On June 12, 1989, the City received 3 bids for the purchase of a new ambulance. (See attached list of bid tabulations)

I have reviewed all bids and have summarized the following:

Bidder #1 - Sentinal - did not bid the Medical Equipment or Radio in the options.

Bidder #2 - Braun - bid all options.

Bidder #3 - Road Rescue - did not bid the Radio in the options.

To compare bids I have added the price of the Medical Equipment to Bidder #1's (Sentinal) total price.

Bidder #2's (Braun) bid includes all options and I deducted the Radio cost out of their total.

Bidder #3's (Road Rescue) total remains the same. (See attached summary sheet).

Enclosed is a copy of the Ambulance Committee's Bid Evaluation and Recommendation.

After reviewing each bidders Specs and Exceptions, it is my recommendation, along with the Ambulance Committee, that we award the Ambulance Contract to Road Rescue, Inc.

~~ADDITIONAL INFORMATION:~~

Leo Lindig

jlw



CITY OF

FALCON HEIGHTS FIRE DEPARTMENT

2077 W. LARPELLE AVENUE

FALCON HEIGHTS, MN 55113-5594

PHONE 612-644-5050

SUMMARY

Bidder #1

North Emergency Vehicle Sales (Sentinal)

Base Price:	\$61,964.00
Options:	\$ 3,965.00
Total:	\$65,929.00
Medical Equipment:	+ \$ 4,151.00 (from Road Rescue bid)
Total:	\$70,080.00

Bidder #2

North Central Ambulance Sales & Service (Braun)

Base Price:	\$68,800.00
Options:	\$ 9,468.66
Total:	\$78,268.66
Radio:	- \$ 2,975.00 (from Braun bid)
Total:	\$75,293.66

Bidder #3

Road Rescue, Inc. (Road Rescue)

Base Price:	\$55,000.00
Options:	\$13,452.00
Total:	\$68,452.00

COMMITTEE:

Gail Smida
Ray Brown

Doug Kayser

Terry Iverson
Joe Olson
Dave Bianchi

TO: Leo Lindig
FROM: Ambulance Committee
RE: Ambulance Bid Evaluation
DATE: June 13, 1989

The ambulance committee has reviewed the three bids submitted and we've listed some areas of primary importance when considering the bids.

I. CONSTRUCTION

A. Interior Cabinets

Road Rescue	Aluminum	Comply
Sentinel	Plywood	Does not comply
Braun	Plywood	Does not comply

B. Insulation

Road Rescue	Styrofoam Plank	Comply
Sentinel	2" Fiberglass	Does not comply
Braun	Spray Foam	Does not comply

C. Subfloor

Road Rescue	Corrugated onmi-frame	Comply
Sentinel	Welded Cross Members	Does not comply
Braun	Welded Cross Members	Does not comply

D. Module Structure Warranty

Road Rescue	Lifetime
Sentinel	15 years
Braun	15 years

II. SERVICE AVAILABILITY

A. Service Center

Road Rescue	10 miles
Sentinel	15 miles
Braun	40+ miles

B. Remount Center

Road Rescue	10 miles
Sentinel	not specified
Braun	40+ miles

III. EXCEPTIONS TO BID

Road Rescue

1 exception

Sentinel

27 exceptions

Braun

None listed by bidder. However, many construction and structural exemptions were noted when the bid was reviewed by the ambulance committee. Bidders were instructed to note exceptions in writing.

Many other exceptions do exist. We feel the examples we've outlined above are representative of the differences in the vehicles bid. It is the ambulance committee's recommendation that it is in the cities best interest to purchase the vehicle bid by Road Rescue, Inc. We appreciate the opportunity to submit this information.

kn

SPECIFICATIONS HOLDERS LIST

BID OPENING DATE: Monday, June 12, 1989 - 3:00 P.M.

PROJECT: Ambulance Type III

OWNER: City of Falcon Heights

NAME/ADDRESS	MAKE	BID BOND	BID AMOUNT
North Emergency Vehicle Sales 3300 Oakdale Ave. No. Robbinsdale, MN 55422	Sentinal	\$100.00 5% of bid	\$61,964.00 Base price <u>3,965.00</u> Options \$65,929.00 Total 9 exceptions listed
North Central Ambulance Sales & Service Box 247 Lester Prairie, MN	Braun	\$3,913.43 check	\$68,800.00 Base price <u>9,468.66</u> Options \$78,268.66 Total Exceptions (2 pages)
Road Rescue, Inc. 1133 Rankin St. St. Paul, MN	Ford	5% of bid	\$55,000.00 Base price <u>13,452.00</u> Options \$68,452.00 Total 1 exception-Motorola Radio
Wheeled Coach, Inc. P.O. Box 677339 Orlando, FL 32867-7339			
Hazard Control, Inc. 510 North 3rd St. Mpls., MN 55401			

Consent _____

Agenda Item: F-7

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Contract for Cleaning Service for City Hall

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

In June we experienced some difficulty with our cleaning service (missed cleans, poor work). We notified Custom Properties of termination of our contract and mailed out bids. The following bids were received (in order of lowest to highest).

	<u>Per month price</u>
M-75 Building Company Maintenance Service	\$145.00
Guaranteed Clean Maintenance Inc.	166.00
Custom Custodial Service, Inc.	179.00
Custom Property Services	200.00
Hei-Lin Cleaning Services Inc.	224.00
Chase Industries	278.14
Maintenance Professionals	375.00
Cindy Brennas and Kathy Boldt	600.00

Per month price is based on once a week cleaning.

ACTION REQUESTED:

To sign a contract with Tong C. Thao of M-75 Building Maintenance Services for cleaning of City Hall based on price and favorable references.



Consent _____

Agenda Item: F-8

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Amendment to Administrator's Employment Agreement

SUBMITTED BY:

Tom Baldwin

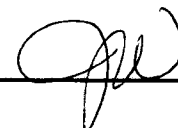
REVIEWED BY:

EXPLANATION/SUMMARY (attach additional sheets as necessary):

Attached:

Current Employment Agreement

ACTION REQUESTED:



EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT made this 25th day of April, 1987, between the City of Falcon Heights and Janet R. Wiessner herein called Wiessner.

WITNESSETH:

WHEREAS THE CITY OF FALCON HEIGHTS wishes to employ Wiessner as its City Clerk Administrator and Wiessner agrees to enter the employ of the City of Falcon Heights effective May 18, 1987, upon the terms herein provided:

IT IS AGREED as follows:

1. POSITION. The City of Falcon Heights agrees to employ Wiessner as their City Clerk Administrator. Wiessner agrees to serve as the City Clerk Administrator and will devote her full business time and best efforts to the City of Falcon Heights and will engage in no outside business. Attached is a copy of the position description.
2. SALARY. The City of Falcon Heights agrees to pay Wiessner an annual salary at the rate of \$35,000 per year for the year starting May 18, 1987, and thereafter at such rate as may from time to time be fixed by the City Council. It is understood that Wiessner's salary will be reviewed annually and she will be given a performance appraisal prior to her annual reviews.
3. CITY PLANS. Wiessner will be entitled to participate in PERA and FICA, insurance and other benefit plans as the City of Falcon Heights may from time to time maintain for the benefit of its employees, plus the other benefit plans as outlined below.
 - a. CAR ALLOWANCE. Wiessner will be paid a car allowance of one hundred fifty (\$150) dollars per month to compensate her for all City driving on city business within the seven (7) county metro area. Wiessner will be further compensated for all City driving on City business outside the seven (7) county area at the rate of twenty (\$.20) cents per mile (this rate shall be subject to change from time to time due to economic changes and will be handled by Resolution) in addition to the one hundred fifty (\$150) dollars per month car allowance.
 - b. VACATIONS. The City agrees to grant two week's vacation in 1987.
 - c. SICK LEAVE. The City will advance Wiessner twelve (12) sick leave days effective for her reporting date. Wiessner will continue to accrue sick leave at the same rate as other employees in addition twelve (12) days.
 - d. HOLIDAYS. The City will provide the same standard holidays as enjoyed by other employees.
 - e. INSURANCE. The City will pay the full cost of the dental, hospital and medical insurance for Wiessner and her family. She shall have the choice of the plans now in existence with the City.

The City will provide group life insurance coverage equal to one (1) times annual salary at no expense to Wiessner.

The City agrees to pay short term disability premiums.

4. DUES AND SUBSCRIPTIONS. The City agrees to budget and to pay the professional dues and subscriptions of Wiessner necessary for her continuation and full participation in national, regional, state and local associations necessary and desirable for her continued professional participation, growth and advancement, for the good of the City.
5. PROFESSIONAL DEVELOPMENT. The City agrees to budget and pay the travel and subsistence expenses of Wiessner for professional and official travel, meetings and occasions adequate to continue the professional development of Wiessner and to adequately pursue necessary official and other functions for the City including, but not limited to, the ICMA Conference, State League of Municipalities, National League of Cities and such other committees thereof which Wiessner serves as a member. Wiessner will use good judgment in her outside activities so that she will not neglect her primary duties to the City.

The City also agrees to budget and to pay for the travel and subsistence expenses of Wiessner for short courses, or seminars that are necessary for her professional growth and for the good of the City as approved by the City Council.

6. CIVIC CLUB MEMBERSHIP. The City recognizes the desirability of representation in and before local civic and other organizations, and Wiessner is authorized to become a member of such civic clubs or organizations as deemed appropriate at City expense.
7. MOVING. A one time moving allowance not to exceed \$1,000 shall be granted if such allowance is used within the first two years of employment. Moving allowance will be granted only for a move that will locate Wiessner's place of permanent residence closer to the boundaries of Falcon Heights than does her current residence. Should the City terminate Wiessner's employment, the moving allowance will be deducted from her severance allowance. Should Wiessner terminate her employment with the City within two years of the moving allowance being granted, she will reimburse the City the total amount of the moving allowance.
8. RETIREMENT, ICMA PLAN. The City agrees to continue the agreement provided by the ICMA retirement plan and the City of Falcon Heights. Any contributions to the plan will be deducted from Wiessner's annual salary as stated in Paragraph 2 above.
9. TERMINATION AND SEVERANCE PAY. In the event that Wiessner is terminated by the City Council during such time that Wiessner is willing and able to perform the duties of the City Clerk Administrator, then in that event the City agrees to pay Wiessner a lump sum cash payment equal to three (3) month's pay aggregate salary; provided, however, that in the event Wiessner is terminated because of her conviction of any illegal act involving personal gain to her, then, in that event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph.

In the event the City at any time during the employment term reduces the salary or other financial benefits of Wiessner in a greater percentage than any across-the-board reduction for all City employees, or in the event the City refuses, following written notice, to comply with any other provision benefitting Wiessner herein, or Wiessner resigns following a formal suggestion by the City that she resign, then, in that event, Wiessner may at her option, be deemed to be "terminated" at the date of such reduction or such refusal to comply with the meaning and context of the herein severance pay provision.

In the event Wiessner voluntarily resigns her position with the City, then Wiessner shall give the City forty-five (45) days notice in advance.


10. GENERAL EXPENSES. The City recognizes that certain expenses of a non-personal and generally job affiliated nature are incurred by Wiessner, and hereby agrees to reimburse or to pay said general expenses subject to Council approval.
11. GENERAL PROVISIONS. the text herein shall constitute the entire Employment Agreement between the City and Wiessner.

This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Wiessner.

This Agreement shall become effective April 25, 1987.

If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Falcon Heights on a unanimous vote of its City Council has caused this Agreement to be signed and executed in its behalf by its Mayor and Wiessner has signed and executed this Agreement, both in duplicate, the day and year first above written.


MAYOR OF THE CITY OF FALCON HEIGHTS
STATE OF MINNESOTA


JANET R. WIESSNER

Consent _____

Agenda Item: F-3

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Request to Consider Waiving the Tax Delinquency Provision of City Liquor License Requirements

SUBMITTED BY:

Dennis Hunt

REVIEWED BY:

Jan Wiessner
Paul Mattke

EXPLANATION/SUMMARY (attach additional sheets as necessary):

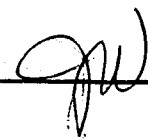
Dennis Hunt would like the opportunity to talk to the Council to determine whether it's worth his time to pursue a liquor license.

Attachments:

1. Copy of Liquor Code Section
2. Memo from Paul Mattke

ACTION REQUESTED:

Discussion Only.



Copy Council
file → Bullseye Sw.

JENSEN, HICKEN, GEDDE & SOUCIE, P. A.

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
BUCHMAN, JOHN T.
GEDDE, THOMAS A.
GROVER, BETH H.
HICKEN, JEFFREY P.
HOWARD, ROBERT A.
JENSEN, DAVID L.
MATTKE, PAUL E.
SCOTT, MICHAEL J.
SOUCIE, FRED M.

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

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

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

June 26, 1989

Mr. Daniel W. Fram
Peterson, Franke & Riach
300 Midwest Federal Building
50 East Fifth Street
St. Paul, MN 55101

RE: Bullseye Golf Centers

Dear Mr. Fram:

This letter is in response to yours of May 22, 1989. As of October, 1988, when 1988 taxes were due for the second half of the year, Bullseye owed \$45,107.45, according to computations by the Falcon Heights City staff. No part of those second half taxes have been paid; however, I understand that first half 1989 taxes were paid. Therefore, the unpaid 1988 taxes, along with interest and penalty remains due and payable. To be absolutely sure, I would confirm those numbers with the County Auditor's Office if I were you. There is no other default under the Development Agreement of which I am aware. That agreement requires the corporation to pay the taxes and also guarantees to make up a certain portion of shortfall in the amount necessary to retire the tax increment bonds, should there be any shortfall after taxes are paid. If the taxes were paid, there would be no shortfall.

It is my understanding that it is not the Falcon Heights City Council's present desire to renegotiate tax obligations on the Center. Therefore, I do not expect the City to be of much assistance in putting together a Chapter 11 plan. If you decide to take some initiative on behalf of your clients, I would appreciate your keeping me informed so that the City can respond appropriately.

Yours truly,

JENSEN, HICKEN, GEDDE & SOUCIE, P.A.

Paul E. Mattke
Assistant Falcon Heights City Attorney

PEM/abg

cc: ✓Janet R. Wiessner

JENSEN, HICKEN, GEDDE & SOUCIE, P. A.

ATTORNEYS AND COUNSELORS AT LAW

BOCK, EDWARD A., JR.
BUCHMAN, JOHN T.
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TELECOPIER (612) 421-1040

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

June 26, 1989

Mr. Richard J. Harden
Lovett & Associates, Ltd.
1400 First Bank Place West
Minneapolis, MN 55402

RE: Bullseye Golf Centers, Inc.

Dear Mr. Harden:

Your request that the City consider renegotiating the real estate tax obligations of your client under the Development Agreement has been informally put to the various Council members of the City of Falcon Heights. It is my understanding that they do not wish to consider renegotiating those obligations at this time.

Yours truly,

JENSEN, HICKEN, GEDDE & SOUCIE, P.A.

Paul E. Mattke
Assistant Falcon Heights City Attorney

PEM/abg

cc: Janet R. Wiessner

3. they are holders of on-sale wine licenses with sales of less than \$10,000 for wine for the preceding year; or
4. they are holders of temporary wine licenses issued under state law.

Subdivision 4. Investigation of Applicant. The City Council shall conduct the necessary background and financial investigation of the applicant itself or contract with the Bureau of Criminal Apprehension to do so. The City Council shall have the authority to charge an investigative fee equal to the actual cost to the City of such investigation but not to exceed \$500 if the investigation is conducted within the State or the actual cost not to exceed \$10,000 if the investigation is required outside the State. No license may be issued or renewed if the results of the investigation show to the satisfaction of the City Council, that issuance or renewal would not be in the public interest.

PART 3. ELIGIBILITY MINIMUM REQUIREMENTS

6-3.01 Eligibility Minimum Requirements

Subdivision 1. Persons and Premises Ineligible for a License.

- a. No license shall be issued or renewed to:
 1. A person not a citizen of the United States or a resident alien;
 2. A person under 21 years of age;
 3. A person who within five (5) years of the license application has been convicted of a willful violation of a federal or state law or local ordinance regarding the manufacture, sale, distribution, or possession for sale or distribution of intoxicating or nonintoxicating malt liquors;
 4. A person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five (5) years of the license application, or to any person who at the time of the violation owns any interest whether as a holder of more than five percent (5%) of the capital stock of a corporation licensee, as a partner or otherwise, in the premise or business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any matter interestd; or
 5. A person not of good moral character and repute as determined by the City Council.

- * b. No license shall be granted or renewed for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.
- c. No license shall be granted or renewed for premises owned by a person to whom a license may not be granted or renewed under the provisions of Minnesota Statutes Section 340A (1985).
- d. No license shall be granted or renewed to any person made ineligible for such a license by State law.
- e. No license shall be granted or renewed to an applicant who does not have insurance for the payment of all sums which the insured shall be obligated to pay by reason of liability imposed by law for injuries or damages to persons, other than employees, including the liability imposed upon the insured by reason of Minnesota Statutes Section 340A.409 (1985).
- f. No license shall be granted or renewed to a partnership or corporation which does not have a managing partner or a manager who is eligible to hold a license pursuant to the provisions of this Chapter.
- g. No license shall be granted or renewed to a person who is the spouse of a person ineligible for a license under this Section, or who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.
- h. No license shall be granted or renewed to a corporation without full disclosure of the stockholders of the corporation and their percentage of ownership. If there are more than ten stockholders, only those owning more than ten percent of the outstanding common stock shall be listed.
- i. No license shall be issued to an applicant who refuses to serve alcoholic beverages to any person because of race, color or national origin and no applicant shall discriminate in the selection of its membership on the basis of race, color or national origin.

Subdivision 2. Places Ineligible for License.

- a. No license shall be granted for sale on any premises where a licensee has been convicted of a violation of this Chapter or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

- b. No license shall be granted for premises within 300 feet or any elementary or secondary school or within 300 feet or any church.
- c. No more than one (1) off-sale intoxicating liquor license may be directly or indirectly issued to any one person or for any one place in the City as provided by Minn. Stat. Section 340A.412, Sub. 3 (1985).
- d. No license shall be granted for premises within the certain areas described in Minn. Stat. Section 340A.412, Sub.5 (1985).
- e. No intoxicating liquor license may be issued to a person in connection with the premises of another to who a license could not be issued under Minn. Stat. Chap. 340A as provided in Minn. Stat. Section 340A.412, Sub. 5 (1985).
- f. No off-sale intoxicating liquor license may be issued to a place where nonintoxicating malt liquor is sold for consumption on the premises. This subsection does not apply to those premises issued a combination on-sale and off-sale license under Minn. Stat. Section 340A.406, if any.
- g. No license shall be effective beyond the compact and contiguous space named specified in the license for which it was granted.

PART 4. LICENSE FEES

6-4.01 License Fees

Subdivision 1. License Fees.

- a. Receipts. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the treasurer shall refund the amount paid.
- b. Fees. The City Council establishes the following annual and per event license fees for the issuance of the following licenses:
 - 1. Intoxicating Liquor
 - a. "On-sale"
 - b. "Off-sale"
 - c. Wine



CITY OF
FALCON HEIGHTS

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

July 13, 1989

Dennis Hunt
c/o Bullseye Golf
1557 W. Larpenteur
Falcon Heights, MN 55113

Dennis:

Because I'm not sure you fully understand the sense of the council exhibited in our discussion with you at our July 12 meeting, I wish to summarize the salient issues.

1. The city believes we have taken extraordinary measures to help Bullseye Center succeed. We have extended services and considerations that have been extended to no other business in the history of the city and, I am confident in saying, would have been extended by few, if any, other cities.
2. The city council is not comfortable entering into any more agreements with you that rely solely on your good will or voluntary compliances to assure the city's position in the agreement.
3. The council is not interested in considering an action as drastic as amending our current ordinance pertaining to operating a liquor store on a tax delinquent site until we have binding assurance that such an action would be the most likely means of securing the interests of the residents of Falcon Heights -- that this would be the most likely way of collecting property taxes due on the shopping center.
4. The city considers the development agreement to be in effect.

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As we said at the end of our discussion, the council will be eager to work with you when you are willing to assume a less cavalier attitude toward the financial agreement you entered into with the residents of our city, and can provide any sort of binding agreement that will compel you to meet your obligations under the development agreement. Until then, I believe the proper role of the city in the conduct of your business is simply to ensure that all city ordinances are satisfied.

Sincerely,



Tom Baldwin, Mayor

TB:pp

CC: Daniel Fram; Peterson, Franke, Riach
Richard J. Harden, Lovett & Associates
Councilmembers
Jan Wiessner, City Administrator

Consent _____

Agenda Item: F-4

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

Donation to Ramsey County Sheriff's Department Lakes and Trails Reserve Unit

SUBMITTED BY:

Jan Wiessner and Tom Kelly

REVIEWED BY:


EXPLANATION/SUMMARY (attach additional sheets as necessary):

In scheduling the extra traffic patrol services for the special events at the State Fairgrounds this summer, it was noticed that a check was not issued during 1988 for the \$500 donation authorized by the Council in October, 1988. This was an oversight by the staff.

I recommend that a \$500 donation be made for last year as well as another \$500 authorized for 1989 out of the Policing Account. The officers who serve in this capacity are volunteers. They use contributions to pay for uniforms, training, etc.

ACTION REQUESTED:

Authorize expenditure of \$1,000 out of Policing Account for traffic patrol services provided by the Ramsey County Sheriff's Department Lakes and Trails Reserve Unit.



Consent _____

Agenda Item: F-5

Policy X

CITY OF FALCON HEIGHTS

Meeting Date: 7/12/89

REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:

PERA Contributions Increase

SUBMITTED BY:

Tom Kelly

REVIEWED BY:

Jan Wiessner

EXPLANATION/SUMMARY (attach additional sheets as necessary):

The 1989 Legislature passed several benefit improvements for PERA (including three-year vesting, a change in full benefit age, deferred annuity augmentation). To fund these improvements, a contribution increase is necessary. This will increase the member (employee) deduction and the employers matching share from 4.00% to 4.23%. This increase will cost the City approximately \$218.44 over the next 6 months in additional employer contribution effective with the last payroll of July.

ACTION REQUESTED:

Information Only

