

**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue  
**AGENDA**  
January 11, 2023 at 7:00 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON\_\_\_ LEEHY\_\_\_ MEYER\_\_\_  
WASSENBERG\_\_\_ WEHYEE\_\_\_
- STAFF PRESENT: LINEHAN\_\_\_
- C. APPROVAL OF AGENDA
- D. PRESENTATION
- E. APPROVAL OF MINUTES:  
1. December 28, 2022 City Council Regular Meeting Minutes
- F. PUBLIC HEARINGS:  
1. Idaho-Iowa Alleyway Improvement Project 21-03
- G. CONSENT AGENDA:  
1. General Disbursements through: 1/5/23 \$69,620.89  
Payroll through: 12/30/22 \$22,945.83  
Wire Payments through: 12/30/22 \$26,703.29  
2. City License(s)  
3. Designation of Official Depositories for 2023  
4. Reconfirming Designation of 2023 Polling Locations  
5. 2023 Mileage Rate  
6. Acceptance of Proposal from Kelly & Lemmons for Prosecuting Attorney Services  
7. 2023 Appointment of City Prosecutor  
8. Review Elected Out-of-State Travel Policy  
9. Review and Adopt Council Standing Rules and Council/Advisory Commission Roles and Guidelines  
10. Appointment of Acting Mayor  
11. Council Appointment as Liaison for City Commissions  
12. 2023 Commission Re-Appointments  
13. Tubman Legal Services Cooperative Agreement
- H. POLICY ITEMS:  
1. Climate Crisis Resolution
- I. INFORMATION/ANNOUNCEMENTS:
- J. COMMUNITY FORUM:  
*Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.*

K. Closed Session

1. Discussion of the Purchase of Property Located at 2050 Roselawn Avenue – Community Park – Pursuant to Minn. Stat. 13D.05, subd. 3(b)(3).

J. ADJOURNMENT:

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**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue  
**AGENDA**  
December 28, 2022 at 7:00 P.M.

- A. CALL TO ORDER: 7:00 P.M.
- B. ROLL CALL: GUSTAFSON\_\_X\_\_ LEEHY\_\_ MEYER\_X\_\_  
WASSENBERG \_\_\_\_ WEHYEE\_X\_\_  
STAFF PRESENT: LINEHAN\_X\_\_

C. APPROVAL OF AGENDA

Gustafson asks if there are any changes to the agenda. Wehyee says there are no changes.

Linehan says that there is just one minor change to the approval of the minutes for the December 7<sup>th</sup> minutes; we had a name wrong. The representative from Tubman, we had her as Jennifer Polzin; a little bit confusing, there were three Jennifers or Jens that we dealt with at Tubman, so it's actually Jennifer Dickinson. So, that's been corrected in the minutes that you have in front of you but different from the previous minutes. But otherwise, no other changes.

Motion by Council Member Meyer to approve the agenda.  
Approved, 3-0

- D. PRESENTATION: N/A
- E. APPROVAL OF MINUTES:  
1. December 7, 2022 City Council Workshop Meeting Minutes  
2. December 14, 2022 City Council Regular Meeting Minutes

Motion by Council Member Wehyee to approve the meeting minutes.  
Approved, 3-0

F. PUBLIC HEARINGS: N/A

- G. CONSENT AGENDA:
1. General Disbursements through: 12/21/22 \$227,291.33  
Payroll through: 12/15/22 \$18,372.40  
Wire Payments through: 12/15/22 \$13,191.88
  2. City License(s)
  3. 2022 Year End Budget Amendments
  4. 2022 General Fund Transfer(s)
  5. Amendments to the Saint Paul Academy and Summit School Project Revenue Refunding Note Series 2017
  6. 2023 City Calendar
  7. Acceptance of Donation from Falcon Heights / Lauderdale Lions Club

8. Accept the Addendum to Feasibility Report and Order Public Hearing for the Idaho-Iowa Alleyway Improvement Project 21-03
9. Request for Approval for Payment of First and Final Invoice to Q3 Contracting for 2021 PMP Restoration

Motion by Council Member Meyer to approve the Consent Agenda.

Approved, 3-0

Gustafson says that on that, the big news on that one, will be the Feasibility Report on the Idaho-Iowa Alleyway Improvement Project. And that one, the residents that are impacted by that, will be getting noticed by the City here of the upcoming public hearing, which will be at our first meeting in January, the first meeting of the Regular Council Meeting. Is that correct?

Linehan confirms that is correct. It will be at the January 11<sup>th</sup> meeting that we host the public hearing. So, residents will be receiving that notice that are impacted; it should be going out at the end of this week.

H: POLICY ITEMS:

I. INFORMATION/ANNOUNCEMENTS:

Wehyee says the Planning Commission met yesterday. Unfortunately, I was not able to be in attendance. I did intend to and I think it kind of slipped my mind; I didn't have anything specific going on. I did miss that meeting yesterday but I don't know the content of it. So maybe...I don't know if you have any information on that, he asks Linehan. Besides that, I have no other comments. Thanks.

Meyer says that he has no announcements.

Gustafson says that his announcement, thinking about that City Licenses, we've got all of the licensees listed on the website. So, I would encourage people, when you are looking for services, to utilize those that are actually licensed by the City, like, for your tree trimming. And a lot of these people hold statewide licenses and bonded and insured but, the City licensure method makes certain that they are operating properly and you're not going to get scammed and that type of thing. I talked to a gentleman here last week about he had done a fly-by-night tree trimmer in Shoreview and found out that it...and all those things with scams, you know they ask for all the money up front and he gave it to them. The work wasn't done and yada ya, so make a point, you know, make it a point that you are dealing with reputable people that are licensed by the City of Falcon Heights to do business in the City of Falcon Heights. If they come door-to-door, pedaling something, even if it's selling their roofing service or whatever, they're still required to have a peddlers' permit under...everywhere in Ramsey County and our surrounding cities, with the exception of Roseville, which just says that you can't do it past nine o'clock at night or before nine in the morning, and you have to abide by the "No Solicitor" sign. So, Roseville's the exception, but everybody else has...you have to have a Peddlers' Permit, a Solicitors' Permit, in order to drum up business door to door. Unless, you're a kid, selling candy for your local school or you're a political organization. So, that's that. I want to thank everybody for all the work that was done this year; looking forward to what we're going to do here in 2023 and I want to thank City staff for keeping our roads clear, even if it's meant clearing off the end of the driveway more often than I was thinking I would. But, that's okay, that's a good problem to have, and I want to thank our Public Works staff for that and people for keeping the City going. So, that's pretty much what I've got.

Gustafson asks Administrator Linehan, "What is happening in the City? Can you bring us up to date?"

Linehan: Sure, thank you, Mayor. You guys covered quite a bit. The other one I wanted to call out on the Consent Agenda is that we did do the General Fund Transfer of \$400,000 this year. This is something we were able to do last year and we did again this year. A lot of it's a reflection of our strong financial position to the City. So, we've allocated the money from the fund balance in the General Fund over to the Parks Capital so we're continuing to build that up. The benefit of that is that, we will then, when we do purchase the park's building, or purchase the park land and rebuild the building, we'll be in better financial position to take out less of a debt levy. So, part of why we're able to do that, is the City does have a very strong General Fund balance. Our current, as of our 2021 audit, our fund balance was at 122% of our operating expenditures. So, essentially, we had more than a year's worth of expenditures in the General Fund. Our policy is that we have no less than 45% of General Fund balance. So, we're clearly much above our policy. When we go out for bonds, they suggest, to maintain our AAA status, which the City has the highest bond rating we can have, that you keep that above 75%. So, this transfer reflects again, a very good year; we were under on expenses, over on revenue. It will dip into the fund balance, generally, but we still expect we'll be over 100% of our fund balance. So, we're continuing to draw that down, little by little, while investing in the park. So, a good move by the Council, a good move by the City, that'll help set us up long term for success.

As the Mayor mentioned, Public Works have been out doing snow removal; generally, doing cleanup; a little bit of scraping here and there. Our policy is that plows go out when 2 inches of snow accumulate. Now, it's not all the same. Sometimes, they need to do a little cleanup. Or, like last week, there was drifting happening. So, snow was blowing into the streets like it happened on Fry Street; you get a blockage. So, Public Works crews went out and cleaned that up. I do want to remind residents, because we're running into this quite a bit, there were a lot of cars that got tickets last week and some vehicles were towed, that whenever there's two inches of snow, for 48-hours OR, and this is the important part, until we're able to plow from curb to curb, our snow street parking is in effect. So, we do have some cars that have gotten tickets on certain streets and a lot of those cars, they don't move, and they sit there for a week with the ticket; they are at risk of getting towed just because we need to be able to go through and clear curb to curb to allow emergency vehicles to pass. So, just a good reminder. We're trying to put out information just to remind residents of our policy.

The ice rinks...so, weather has not been kind. It's either been too cold, or now it's too hot. So, we're kind of looking for that Goldilocks; between zero and thirty-two degrees is perfect ice rink weather and we just haven't really been there yet. So, they're still working, they're still flooding, they're working to get them open. The weather, it's good for all of us that it's going to be above freezing for the next couple of days, but starting next week, it looks like we're going to get right in that perfect band. So, we're hopeful that it will open. We are ready to go. We have both of our Warming House Attendants hired, ready and trained.

So, and then also, Council Member, Wehyee, mentioned the Planning Commission. So, they did meet last night. They discussed the THC Moratorium, so kind of looking at it a little further. A reminder, we passed a one-year moratorium that ends in September. We, as a City, are required to analyze it during that time, and so staff has been working, preparing reports. Hannah, our new liaison, presented to the Planning Commission. The general consensus from the Planning Commission was that they generally support allowing THC, but with some zoning modifications and regulations similar to our tobacco licensing. So, they see it more similar to tobacco than liquor, which is an approach that cities like Roseville just passed. So, essentially, a facility would have to get licensed through the City to be able to sell, they'd have certain restrictions on distance from schools, other things like that, that makes sense. So, they're working on that. What they're going to do, is they have a subcommittee, made of Chair, Scott Wilson, member, Laura Painter, and liaison, Lynch, they're assigned to work on it and they're hoping to bring recommendation by February to the Planning Commission. So, that's their timeframe and their goal. Now, the thing is, there's a chance that in the Spring Session, that the Minnesota legislature may pass some sort of legalization or other sweeping policy, but they're keeping an eye on that. And then, we also, we do have a vacancy on the Planning Commission still for Council Member Wassenberg's seat. So, we're going to be recruiting for that.

And then, finally, a reminder that we are closed on Monday for the New Year holiday. It's a little bit of a quiet time in the City, but we're still keeping busy.

Wehyee says that he does have one additional update. So, I was actually supposed to share this with the Council a couple weeks back, but Ron Rabinovitz, he passed away and I just wanted to bring that to everyone's attention. I believe that Ron was somebody that was a part of some of our endeavors in equity and inclusion work, and he was Pen Pals with Jackie Robinson. And, so, I think he had some familiarity with the community and vice versa, so I just wanted to bring it to the community's attention that Ron did pass away a couple of weeks back. Our prayers and thoughts are with his family.

Mayor Gustafson says that he was an interesting guy. It was a fascinating evening (he was a part of our speaker series things that we were exploring deals; that was good. And, interesting perspectives brought up by his life-long friendship with Jackie Robinson for this Jewish kid from Milwaukee. So, wow. Anyway, that's a bummer, but thanks for sharing. Any other announcements or to add.

J. COMMUNITY FORUM:

*Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.*

K. ADJOURNMENT: 7:17 P.M.

Motion by Council Member Wehyee to adjourn.

Approved, 3-0

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	F1
<b>Attachment</b>	Resolution, Preliminary Assessment Roll, Feasibility Report, Presentation
<b>Submitted By</b>	Stephanie Smith, Interim City Engineer

<b>Item</b>	Public Improvement Hearing for Idaho-Iowa Alleyway Improvement Project 21-03
<b>Description</b>	<p>At the May 12, 2021 Council workshop, the City Council ordered the preparation of a feasibility report for improvements in the Idaho/Iowa alleyway between Pascal Street and Arona Street. This was based on a petition from 52% of adjacent property owners. The petition requests the City address problematic drainage on the alleyway, specifically where it intersects Pascal Street. The petition requesting improvement was received prior to any cost estimates for the project or estimated assessment amounts.</p> <p>Due to the complexity of the stormwater drainage in the area and short timeframe to add this work to the 2021 PMP contract, Council delayed the project at the public hearing on June 9, 2021.</p> <p>The Feasibility Report was amended and brought back to Council for approval at the December 28, 2022 Council meeting. Council accepted the report for these improvements and called a public improvement hearing for January 11, 2023. Following Minnesota Statutes, Chapter 429, notice of the public hearing must be posted twice prior to the meeting; this was done in the St Paul Pioneer Press on December 30, 2022 and January 6, 2023. A notice was also sent to each property proposed to be assessed as a part of this project.</p> <p>Once the hearing is closed, the City Council may consider the attached resolution to order the improvements.</p> <p>The improvements consist of mill and overlay and minor stormwater improvements on Idaho Avenue/Iowa Avenue alleyway from Pascal Street to Arona Street along with stormwater improvements to Pascal Street, which would not be funded by property assessments.</p> <p><u>Idaho/Iowa Alleyway Improvements:</u>          In order to address the drainage issue, staff would propose re-grading a portion of the alleyway, lowering the existing catch basin and adjusting the elevation profile of the alleyway. The portion of the alleyway where the profile is adjusted will be repaved. The rest of the alleyway would have a 2-inch mill</p>

and new pavement overlay to tie the pavement together on the two portions. This would improve the pavement condition of the alleyway as a whole. The cost of this improvement is estimated to be \$89,000.

Pascal Street Storm Water Improvements:

After studying the drainage issue in more detail, if the alleyway is re-graded and improved, the alleyway drainage will be corrected but the drainage on Pascal Street may become worse. The Pascal Street curb grade is very flat allowing water to pond at the alleyway intersection, particularly under freeze-thaw conditions. The pooling of water at this location requires additional work on Pascal Street to correct.

As detailed in the feasibility report, a new catch basin is proposed to be installed near the alleyway and connect by a perforated infiltration trench/pipe north to the catch basin/infiltration trench at Pascal/Iowa. The proposed storm sewer would be constructed in the boulevard to minimize impacts to the street. This would help eliminate some of the major standing water. The cost of this improvement is estimated to be \$36,000.

Project Schedule:

If the Council were to order a project anticipated for the 2023 construction schedule, this work would be included with the 2023 Pavement Management Project contract to realize cost-savings in the efficiencies of a larger project.

A draft schedule is shown below. Items that require Council action are marked "CC":

- January 11, 2023 - CC Public Improvement Hearing, Order Improvements
- February 2023 - CC Approve Plans and Spec, Authorize Ad for Bids
- February/March 2023 - Open Bids
- March 2023 - CC Award Contract
- Summer 2023 - Construction
- Fall 2023 - CC Assessment Hearing

A resolution accepting ordering the improvements is attached.

**Budget Impact**

The City's Assessment Manual states that property owners are responsible for 90% of the costs for alleyway improvements. The assessment per parcel is proposed based on the length of the parcel frontage on the alleyway and is estimated at \$66.31/front-foot.

The City would fund the remaining 10% of the cost with the Street Fund. The assessment cost is estimated at \$80,100 and the City's cost would be \$8,900 from the street improvement fund. This results in a range of assessments from \$3,315.50 to \$4,310.15.

	The estimated cost for the additional storm sewer work on Pascal Street is \$36,000 which would be paid using storm sewer funds.
<b>Attachment(s)</b>	Resolution 23-01 Preliminary Assessment Roll and Map Presentation
<b>Action(s) Requested</b>	Hold Public Improvement Hearing and Consider Resolution Ordering Improvements for the Idaho-Iowa Alleyway Improvement Project 21-03.

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

January 11, 2023

No. 23-01

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**RESOLUTION NO.  
RESOLUTION ORDERING IMPROVEMENT FOR THE  
IDAHO-IOWA ALLEYWAY IMPROVEMENT PROJECT 21-03**

WHEREAS, a resolution of the City Council adopted December 28, 2022, fixed a date for a council hearing on Improvement Project 21-03, the proposed improvement of the alleyway between Iowa Avenue and Idaho Avenue, from Pascal Street to Arona Street by resurfacing and drainage improvements; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held on January 11, 2023, at which all persons desiring to be heard were given an opportunity to be heard thereon;

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the City Council resolution adopted December 28, 2022.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. The Interim City Engineer is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

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Moved by:

Approved by: \_\_\_\_\_  
Randy Gustafson  
Mayor  
January 11, 2023

GUSTAFSON        \_\_\_\_\_ In Favor  
LEEHY  
MEYER  
WASSENBERG     \_\_\_\_\_ Against  
WEHYEE

Attested by: \_\_\_\_\_  
Jack Linehan  
City Administrator  
January 11, 2023

**PRELIMINARY ASSEMENT ROLL - 12/22/2022**

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<b>Parcel ID</b>	<b>Parcel Address</b>	<b>Frontage (FT)</b>	<b>Footage Used (FT)</b>	<b>Assessment Rate (\$/FT)</b>	<b>Proposed Assessment Total (\$)</b>
222923220084	1463 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220083	1467 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220082	1471 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220081	1477 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220080	1481 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220079	1485 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220078	1489 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220077	1493 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220076	1497 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220075	1503 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220074	1507 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220073	1513 IOWA AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220072	1512 IDAHO AVE W	65	65	\$ 66.31	\$ 4,310.15
222923220071	1508 IDAHO AVE W	55	55	\$ 66.31	\$ 3,647.05
222923220070	1502 IDAHO AVE W	60	60	\$ 66.31	\$ 3,978.60
222923220069	1494 IDAHO AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220068	1490 IDAHO AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220067	1488 IDAHO AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220066	1482 IDAHO AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220065	1478 IDAHO AVE W	50	50	\$ 66.31	\$ 3,315.50
222923220064	1472 IDAHO AVE W	60	60	\$ 66.31	\$ 3,978.60
222923220063	1468 IDAHO AVE W	55	55	\$ 66.31	\$ 3,647.05
222923220062	1464 IDAHO AVE W	55	55	\$ 66.31	\$ 3,647.05





# Idaho-Iowa Alleyway Improvement Project 21-03



Falcon Heights – January 11, 2023

# Alleyway Improvement Project Overview





# Idaho-Iowa Alleyway Improvement Project 21-03

- Need for the project
  - Drainage Issue Reported
    - Ponding at Pascal Street
    - Icing During Freeze/Thaw
  - Petition for Improvement Received – 52% of Property Owners
    - Petition was received prior to cost estimates
    - Staff is unaware whether assessment policy was known by petitioners



# Idaho-Iowa Alleyway Improvement Project 21-03

## ➤ Drainage Improvements

- Adjust existing east catch basin elevation
- Regrade the alleyway
- Install new catch basin and connect to storm sewer at Pascal Street & Idaho Avenue

## ➤ Surface Improvements

- Mill and Overlay Pavement

# Pascal Storm Improvements



- Adjustments to the alley grading may increase flow to a relatively flat area where the alleyway meets Pascal Street.
- The flat area allows ponding in the street and icing during freeze/thaw.
- Estimated Cost: \$36,000.

# Cost Estimates and Funding

	Estimated Cost*	Street Infrastructure Funds	Assessments	Storm Sewer Fund
Alleyway Improvements**	\$89,000	\$8,900	\$80,100	
<i>Pascal St. Storm Water Improvements***</i>	\$36,000			\$36,000
<b>Total</b>	<b>\$125,000</b>	<b>\$8,900</b>	<b>\$80,100</b>	<b>\$36,000</b>

\*Includes 13.5% Engineering

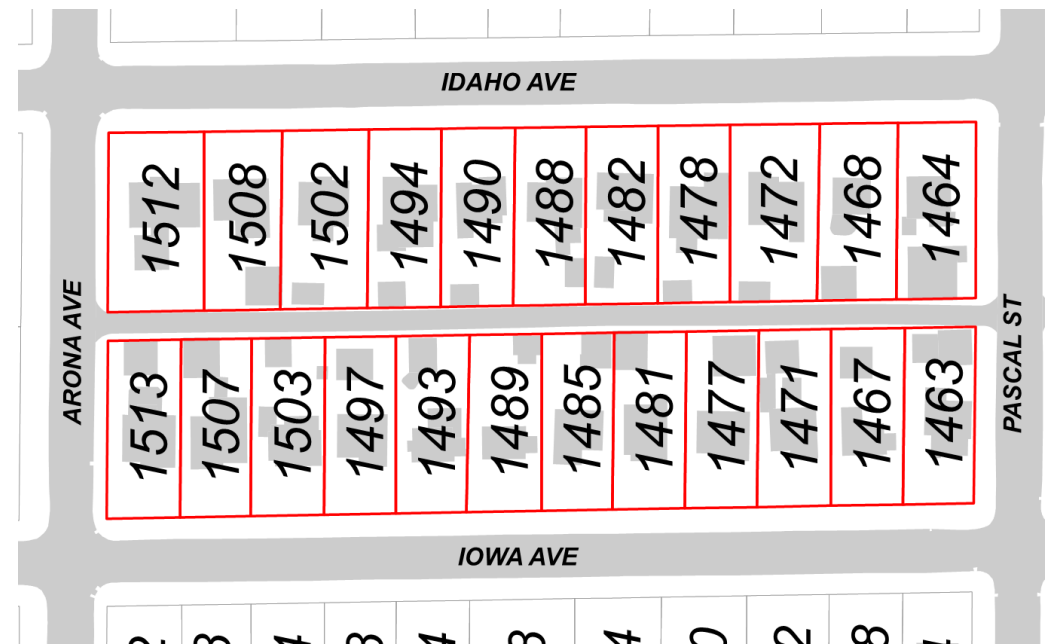
\*\*Includes 10% Contingency

\*\*\*Includes 30% Contingency



# Assessment Policy - Alleyways

- Alleyway Assessment Rates:
  - Adjacent Properties – 90% of the cost
  - City – 10% of the cost
- The breakdown of costs for the estimated frontage, per foot rates:
  - $\$80,100 / 1208' =$   
 **$\$66.31/\text{foot}$**



# Assessments - Payment Options

## After assessment hearing in Fall 2023:

- ❖ Pay part or all up front, interest free, in first 30 days
- ❖ Add to property taxes
  - ❖ Length of payment period and interest rate set by City Council
    - ❖ Typically 5 years
    - ❖ Interest rate 2% over current rate of return on the City's portfolio
  - ❖ First payment due in 2024 with property taxes
- ❖ Hardship deferral
  - ❖ Homestead property
  - ❖ Age 65 or older, or retired by virtue of a disability
  - ❖ Payment would be a hardship
  - ❖ Assessment will accrue interest
  - ❖ Application available at City Hall



# Proposed Project Schedule

- ❖ January 11, 2023– Public Hearing, Order Improvements
- ❖ February 2023– Approve Plans and Spec, Authorize Ad for Bids
- ❖ February/March 2023– Open Bids
- ❖ March 2023 – Award Contract
- ❖ Summer 2023 – Construction
- ❖ Fall 2023 – Assessment Hearing



# Actions Requested

- ❖ Hold Public Hearing
- ❖ Consider Resolution to Order Improvements





Questions?

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G1
<b>Attachment</b>	General Disbursements, Payroll, and Wire Payments
<b>Submitted By</b>	Roland Olson, Finance Director

<b>Item</b>	General Disbursements, Payroll and Wire Payments
<b>Description</b>	General Disbursements through: 1/5/22 \$69,620.89 Payroll through: 12/30/22 \$22,945.83 Wire Payments through: 12/30/22 \$26,703.29
<b>Budget Impact</b>	The general disbursements, payroll and wire payments are consistent with the budget.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• General Disbursements, Payroll and Wire Payments</li> </ul>
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve general disbursements, payroll and wire payments.

PACKET: 02671 JAN 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

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-----ID-----
      DATE  BANK CODE  -----DESCRIPTION-----      GROSS  P.O. #
      DATE  BANK CODE  -----DESCRIPTION-----      DISCOUNT  G/L ACCOUNT  -----ACCOUNT NAME-----  DISTRIBUTION
=====
01-00028  ALLSTREAM

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I-19081967      EMERG LANDLINE CITY HALL      47.16
1/05/2023  APBNK  DUE: 1/05/2023 DISC: 1/05/2023      1099: N
      EMERG LANDLINE CITY HALL      101 20200-000  ACCOUNTS PAYABLE      47.16

=== VENDOR TOTALS ===      47.16
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01-05422 BP

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I-202301058380  FUEL      2,954.90
1/05/2023  APBNK  DUE: 1/05/2023 DISC: 1/05/2023      1099: N
      FUEL      101 20200-000  ACCOUNTS PAYABLE      2,954.90

=== VENDOR TOTALS ===      2,954.90
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01-06290 CITY OF ROSEVILLE

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I-231521      ENGINEERING      8,932.64
1/05/2023  APBNK  DUE: 1/05/2023 DISC: 1/05/2023      1099: N
      ENGINEERING GENERAL      101 20200-000  ACCOUNTS PAYABLE      273.40
      ENGINEERING GENERAL      429 20200-000  ACCOUNTS PAYABLE      4,022.98
      ENGINEERING GENERAL      101 20200-000  ACCOUNTS PAYABLE      94.22
      ENGINEERING GENERAL      426 20200-000  ACCOUNTS PAYABLE      283.86
      ENGINEERING GENERAL      429 20200-000  ACCOUNTS PAYABLE      3,513.83
      ENGINEERING GENERAL      429 20200-000  ACCOUNTS PAYABLE      744.35

=== VENDOR TOTALS ===      8,932.64
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01-05115 GOPHER STATE ONE CALL

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I-202301058377  LOCATES      18.90
1/05/2023  APBNK  DUE: 1/05/2023 DISC: 1/05/2023      1099: N
      LOCATES      601 20200-000  ACCOUNTS PAYABLE      18.90

=== VENDOR TOTALS ===      18.90
=====

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01-05190 HYDRAULIC SPECIALTY CO

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I-90007911114  REPAIR HYDRAULIC CYLINDER TRK      1,526.79
1/05/2023  APBNK  DUE: 1/05/2023 DISC: 1/05/2023      1099: N
      REPAIR HYDRAULIC CYLINDER TRK      101 20200-000  ACCOUNTS PAYABLE      1,526.79

=== VENDOR TOTALS ===      1,526.79
=====

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PACKET: 02671 JAN 5 PAYABLES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-06002	NINENORTH					
I-2022-242L		MEETING AND WEB STREAMING	737.66			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		MEETING AND WEB STREAMINGDEC		101 20200-000	ACCOUNTS PAYABLE	737.66
		=== VENDOR TOTALS ===	737.66			
=====						
01-06024	ON SITE SANITATION					
I-1464320		PORTABLE TOILETS	87.00			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		PORTABLE TOILETS		601 20200-000	ACCOUNTS PAYABLE	87.00
I-1464321		PORTABLE TOILETS	260.00			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		PORTABLE TOILETS		601 20200-000	ACCOUNTS PAYABLE	260.00
		=== VENDOR TOTALS ===	347.00			
=====						
01-06115	TIMOTHY PITTMAN					
I-2301058379		MILEAGE REIMB	40.00			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		MILEAGE REIMB		101 20200-000	ACCOUNTS PAYABLE	40.00
		=== VENDOR TOTALS ===	40.00			
=====						
01-06489	SHORT, WILLIAM F					
I-202301058378		HEARING OFFICER FEES 2022	185.00			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		HEARING OFFICER FEES 2022		101 20200-000	ACCOUNTS PAYABLE	185.00
		=== VENDOR TOTALS ===	185.00			
=====						
01-05737	VERIZON WIRELESS					
I-9923752516		CELL PHONE TO DEC 23	5.18			
1/05/2023	APBNK	DUE: 1/05/2023 DISC: 1/05/2023		1099: N		
		CELL PHONE TO DEC 23		601 20200-000	ACCOUNTS PAYABLE	5.18
		=== VENDOR TOTALS ===	5.18			
		=== PACKET TOTALS ===	14,795.23			

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

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

01-05153 HOME DEPOT CRC/GECF

I-202301048375 DOOR MATERIAL/EQUIP PW/FIRE D 298.98  
 1/04/2023 APBNK DUE: 1/04/2023 DISC: 1/04/2023 1099: N  
 DOOR MATERIAL/EQUIP PW/FIRE DO 101 20200-000 ACCOUNTS PAYABLE 298.98  
 === VENDOR TOTALS === 298.98

01-05856 LINEHAN, JACK

I-202301048376 FLEX REIMB 862.25  
 1/04/2023 APBNK DUE: 1/04/2023 DISC: 1/04/2023 1099: N  
 FLEX REIMB 101 21714-000 CHILD CARE STATE PAYABLE 621.28  
 FLEX REIMB 206 21714-000 HSA FLEX PAYABLE 35.30  
 FLEX REIMB 601 21714-000 CHILD CARE STATE PAYABLE 28.24  
 FLEX REIMB 602 21714-000 CHILD CARE STATE PAYABLE 21.18  
 FLEX REIMB 101 21711-000 DEPENDENT CARE FLEX PAYA 137.50  
 FLEX REIMB 206 21711-000 DEPENDENT CARE FLEX PAYA 7.81  
 FLEX REIMB 601 21711-000 DEPENDENT CARE FLEX PAYA 6.25  
 FLEX REIMB 602 21711-000 DEPENDENT CARE FLEX PAYA 4.69  
 === VENDOR TOTALS === 862.25

01-05856 MENARDS

I-202301048374 DOOR MATERIALS/EQUIP PW/FIRE 803.25  
 1/04/2023 APBNK DUE: 1/04/2023 DISC: 1/04/2023 1099: N  
 DOOR MATERIALS/EQUIP PW/FIRE 101 20200-000 ACCOUNTS PAYABLE 803.25  
 === VENDOR TOTALS === 803.25

1-05273 MN PUBLIC EMPLOYEES INSURANCE

I-1247436 JAN HEALTH INS 11,628.48  
 1/04/2023 APBNK DUE: 1/04/2023 DISC: 1/04/2023 1099: N  
 JAN HEALTH INS 101 4112-89000-000 MISCELLANEOUS 11,628.48  
 === VENDOR TOTALS === 11,628.48

1-05752 UNIVERSAL TRUCK SERVICE LLC

I-75607 PLOW TRUCK REPAIRS 422.00  
 1/04/2023 APBNK DUE: 1/04/2023 DISC: 1/04/2023 1099: N  
 PLOW TRUCK REPAIRS 101 20200-000 ACCOUNTS PAYABLE 422.00  
 === VENDOR TOTALS === 422.00

=== PACKET TOTALS === 14,014.96

PACKET: 02666 December 30 Payables  
VENDOR SET: 01 City of Falcon Heights  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01	5	Q3 CONTRACTING INC.				
I-202212308373		Q3 CONTRACTING INC.	38,523.60			
12/30/2022	APBNK	DUE: 12/30/2022 DISC: 12/30/2022		1099: N		
		Dirt, Seed, & Watering		426 4426-92400-000	2021 STREET PROJECT	38,523.60
		=== VENDOR TOTALS ===	38,523.60			
		=== PACKET TOTALS ===	38,523.60			

PACKET: 02664 December 30 Payables  
 VENDOR SET: 01 City of Falcon Heights  
 SEQUENCE : ALPHABETIC  
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----	POST DATE	BANK CODE	-----DESCRIPTION-----	GROSS DISCOUNT	P.O. # G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-06			LINEHAN, JACK				
I-202212308369	12/30/2022	APBNK	LINEHAN, JACK DUE: 12/30/2022 DISC: 12/30/2022 Mileage Reimbursement	160.40	1099: N 101 4112-86010-000	MILEAGE & PARKING	160.40
=== VENDOR TOTALS ===				160.40			
01-05884			LYNCH, HANNAH				
I-202212308370	12/30/2022	APBNK	LYNCH, HANNAH DUE: 12/30/2022 DISC: 12/30/2022 Mileage Reimbursement	6.20	1099: N 101 4117-86010-000	MILEAGE	6.20
=== VENDOR TOTALS ===				6.20			
01-06030			OLSON, ROLAND				
I-202212308371	12/30/2022	APBNK	OLSON, ROLAND DUE: 12/30/2022 DISC: 12/30/2022 Mileage Reimbursement	37.25	1099: N 101 4113-86010-000	MILEAGE	37.25
=== VENDOR TOTALS ===				37.25			
01-06185			RAMSEY COUNTY				
I-FLEET-000777	12/30/2022	APBNK	RAMSEY COUNTY DUE: 12/30/2022 DISC: 12/30/2022 Repairs on 1998 Dump Truck	1,084.15	1099: N 101 4132-87000-000	REPAIR EQUIPMENT	1,084.15
=== VENDOR TOTALS ===				1,084.15			
01-05870			XCEL ENERGY				
I-2212308372	12/30/2022	APBNK	XCEL ENERGY DUE: 12/30/2022 DISC: 12/30/2022 Elect Elect	46.90	1099: N 101 4121-85020-000 101 4141-85020-000	ELECTRIC ELECTRIC/GAS	12.66 34.24
=== VENDOR TOTALS ===				46.90			
=== PACKET TOTALS ===				1,334.90			



PACKET: 02661 December 28 Payables  
 VENDOR SET: 01 City of Falcon Heights  
 SEQUENCE : ALPHABETIC  
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----	POST DATE	BANK CODE	-----DESCRIPTION-----	GROSS DISCOUNT	P.O. # G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01	75	BHE	COMMUNITY SOLAR, LLC				
I-11668137	12/28/2022	APBNK	BHE COMMUNITY SOLAR, LLC DUE: 12/28/2022 DISC: 12/28/2022 Solar Garden Elect Nov	590.22	1099: N 101 4131-85025-000	SOLAR ELECTRIC	590.22
=== VENDOR TOTALS ===				590.22			
01-05883	CENTER FOR VALUES-BASED INITIA						
I-22004	12/28/2022	APBNK	CENTER FOR VALUES-BASED INITI DUE: 12/28/2022 DISC: 12/28/2022 Current Services Analysis Current Services Analysis	10,000.00	1099: N 101 4112-80330-000 210 4210-80600-000	CONSULTANT PERSONNEL/CONTRACT SUPPO	6,000.00 4,000.00
=== VENDOR TOTALS ===				10,000.00			
01-03122	CITY OF ST PAUL						
I-IN52303	12/28/2022	APBNK	CITY OF ST PAUL DUE: 12/28/2022 DISC: 12/28/2022 Street Light Maintenance Nov	158.00	1099: N 209 4209-87120-000	REPAIR & MAINTENANCE	158.00
I-IN52304	12/28/2022	APBNK	CITY OF ST PAUL DUE: 12/28/2022 DISC: 12/28/2022 Street Light Maintenance Nov	14.22	1099: N 209 4209-87120-000	REPAIR & MAINTENANCE	14.22
=== VENDOR TOTALS ===				172.22			
01-05856	LINEHAN, JACK						
I-202212288364	12/28/2022	APBNK	LINEHAN, JACK DUE: 12/28/2022 DISC: 12/28/2022 Dependent Care Flex Dec Dependent Care Flex Dec Dependent Care Flex Dec Dependent Care Flex Dec	2,343.75	1099: N 101 21711-000 206 21711-000 601 21711-000 602 21711-000	DEPENDENT CARE FLEX PAYA DEPENDENT CARE FLEX PAYA DEPENDENT CARE FLEX PAYA DEPENDENT CARE FLEX PAYA	2,062.50 117.19 93.75 70.31
=== VENDOR TOTALS ===				2,343.75			
01-06185	RAMSEY COUNTY						
I-202212288367	12/28/2022	APBNK	RAMSEY COUNTY DUE: 12/28/2022 DISC: 12/28/2022 TNT Notices	406.92	1099: N 101 4116-70420-000	NEWSLETTERS/INFORMATION	406.92
I-PRRRV-002026	12/28/2022	APBNK	RAMSEY COUNTY DUE: 12/28/2022 DISC: 12/28/2022 TIF Admin Fees 2022	1,228.15	1099: N 414 4414-89000-000	MISC:TIF ADMIN FEES RAMS	1,228.15
=== VENDOR TOTALS ===				1,635.07			

PACKET: 02661 December 28 Payables  
VENDOR SET: 01 City of Falcon Heights  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----				GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----		DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01	35	ST PAUL REGIONAL WATER SERVICE					
I-202212288365		ST PAUL REGIONAL WATER SERVIC		132.89			
12/28/2022	APBNK	DUE: 12/28/2022 DISC: 12/28/2022			1099: N		
		Community Park Water			101 4141-85040-000	WATER	32.61
		Community Park Sanitary Sewer			101 4141-85070-000	SEWER	12.08
		City Hall Water			101 4131-85040-000	WATER	66.61
		City Hall Sanitary Sewer			101 4131-85070-000	SEWER	21.59
		=== VENDOR TOTALS ===		132.89			
01-05870		XCEL ENERGY					
I-202212288366		XCEL ENERGY		78.86			
12/28/2022	APBNK	DUE: 12/28/2022 DISC: 12/28/2022			1099: N		
		Elect			209 4209-85020-000	STREET LIGHTING POWER	78.86
		=== VENDOR TOTALS ===		78.86			
		=== PACKET TOTALS ===		14,953.01			

EMP #	NAME	AMOUNT
0 022	RANDALL C GUSTAFSON	293.07
01-0023	MELANIE M LEEHY	262.05
01-0025	YAKASAH WEHYEE	262.05
01-0027	ERIC G MEYER	262.05
01-1006	JACK LINEHAN	3,546.40
01-1026	BRENNAN J SORENSEN	1,522.64
01-1027	KELLY A NELSON	1,932.22
01-1136	ROLAND O OLSON	3,035.44
01-2268	MATTHEW CHERNUGAL	1,423.17
01-1030	TIMOTHY J PITTMAN	2,368.47
01-1033	DAVE TRETSVEN	1,861.53
01-1143	COLIN B CALLAHAN	2,051.78

TOTAL PRINTED: 12 18,820.87

12-21-2022 4:15 PM PAYROLL CHECK REGISTER  
PAYROLL NO: 01 City of Falcon Heights

PAGE: 1  
PAYROLL DATE: 12/21/2022

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0020	WASSENBERG, JAMES J	R	12/21/2022	262.05	091898
1162	LANDBERG, ALYSSA	R	12/21/2022	728.25	091899
1028	LYNCH, HANNAH B	R	12/21/2022	2,751.10	091900

12-21-2022 4:15 PM PAYROLL CHECK REGISTER  
PAYROLL NO: 01 City of Falcon Heights

PAGE: 2  
PAYROLL DATE: 12/21/2022

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

REGULAR CHECKS:	3	3,741.40
DIRECT DEPOSIT REGULAR CHECKS:	12	18,820.87
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	15	22,562.27

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

PAYROLL NO: 01 City of Falcon Heights

PAYROLL DATE: 12/28/2022

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
1162	LANDBERG, ALYSSA	R	12/28/2022	247.24	091909
1184	NEIS, ADRIAN J	R	12/28/2022	136.32	091910

WIRE PAYMENTS

Dec 15 payroll

Fed With	6,754.34
St With	1,191.77
Pera	3,935.93
ICMA	1,283.34
Child support	<u>26.50</u>
	13,191.88

WIRE PAYMENTS

Dec 30 payroll

Fed With	7,872.50
St With	1,491.34
Pera	4,121.07
ICMA	-
Child support	<u>26.50</u>
	13,511.41

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G2
<b>Attachment</b>	N/A
<b>Submitted By</b>	Kelly Nelson Assistant to the City Administrator

<b>Item</b>	Approval of City License(s)
<b>Description</b>	<p>The following individuals/entities have applied for a <u>Tree Contractors License</u> for 2023. Staff have received the necessary documents for licensure.</p> <ol style="list-style-type: none"> <li>1. Three Trees Horticulture</li> </ol> <p>The following individuals/entities have applied for a <u>Multifamily Rental Dwelling License</u> for 2023. Staff have received the necessary documents for licensure.</p> <ol style="list-style-type: none"> <li>1. Buhl Investors, 1667 Snelling Ave. N. (East Building)</li> <li>2. Buhl Investors, 1667 Snelling Ave. N. (West Building)</li> <li>3. LarSnel Management LLC, 1466 Larpenteur Ave. W.</li> <li>4. LarSnel Management LLC, 1472 Larpenteur Ave. W.</li> <li>5. LarSnel Management LLC, 1486 Larpenteur Ave. W.</li> <li>6. Xerxes Avenue LLC, 1800 Larpenteur Ave. W.</li> <li>7. Xerxes Avenue LLC, 1818 Larpenteur Ave. W.</li> </ol>
	N/A
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Staff recommends approval of the City license applications contingent on background checks and fire inspections as required.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G3
<b>Attachment</b>	Resolution 23-02
<b>Submitted By</b>	Roland Olson, Finance Director

<b>Item</b>	Designate Official Depositories for 2023
<b>Description</b>	All investments are made according to State law and the City's Investment Policy. The City Administrator and/or Finance Director are authorized to deposit general and other funds therein and make investments and transfers for funds for the City of Falcon Heights. Collateral is furnished by the financial institutions as required by law.
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	Resolution 23-02 Designating the Official Depositories for the City of Falcon Heights
<b>Action(s) Requested</b>	Staff recommends approve of attached resolution for the official depositories for 2023.

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

January 11, 2023

No. 23-02

-----  
**A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE  
CITY OF FALCON HEIGHTS**

BE IT HEREBY RESOLVED, by the city council of the City of Falcon Heights that the following financial institutions be designated as depositories for funds of the City of Falcon Heights:

US Bank System, LMC 4M Fund (checking account)  
US Bank National Association  
Wells Fargo Advisors  
Minnesota Municipal Money Market Fund (4M and 4M Plus Funds)  
PMA Securities Inc, PMA Financial Network Inc (4M and 4M  
Plus Investment Pools)

**BE IT FURTHER RESOLVED** that the City Administrator and/or Finance Director is authorized to deposit general and other funds therein and make investments and transfers of funds in accordance with the City's Investment Policy for the City of Falcon Heights with Council approval. Collateral shall be furnished by the financial institutions as required by law.

-----  
Moved by:

Approved by: \_\_\_\_\_  
Randall C. Gustafson  
Mayor

GUSTAFSON            \_\_\_\_\_    In Favor  
LEEHY  
MEYER                 \_\_\_\_\_    Against  
WEHYEE  
WASSENBERG

Attested by: \_\_\_\_\_  
Jack Linehan  
City Administrator

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## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G4
<b>Attachment</b>	Resolution 23-03
<b>Submitted By</b>	Kelly Nelson, Assistant to the City Administrator

<b>Item</b>	Reconfirming Designation of Polling Places for 2023 Elections
<b>Description</b>	<p>In 2022, due to a redistricting, and according to Minnesota Statute section 204B.14, 3(d), which requires the precinct boundaries to be reestablished within 60 days of when legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first, the City reestablished the boundaries of voting precincts and polling places as such:</p> <p><b>Precinct 1 (Falcon Heights City Hall, 2077 Larpenteur Ave. W)</b> That part of the city lying west of Snelling Avenue N.</p> <p><b>Precinct 2 (Falcon Heights United Church of Christ, 1795 Holton St.)</b> That part of the city lying east of Snelling Ave. N.</p> <p>Although the City was not impacted by the redistricting process in 2022, Minnesota Statutes 204B.16 requires the governing body of each municipality to designate the locations of its polling places during an election year by resolution. The City Council approved the resolution in 2022 to confirm the above locations.</p> <p>Resolution 23-03 clarifies the locations will remain the same in 2023, re-designating voting precincts and polling places as shown above.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Resolution 23-03 Redesignating Polling Places for 2023 Elections</li> </ul>

<b>Action(s) Requested</b>	Staff recommends approval of attached resolution redesignating polling places for the 2023 Elections.
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**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**COUNCIL RESOLUTION**

January 11, 2023

No. 23-03

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**RESOLUTION RECONFIRMING DESIGNATING POLLING PLACES FOR THE  
THE 2023 ELECTIONS**

**WHEREAS**, Minnesota Statutes 204B.16, requires the City Council designate polling places for the upcoming year by resolution; and

**WHEREAS**, the Falcon Heights City Council approved Resolution 22-08 Reestablishing Precincts and Polling Places on April 13, 2022 following State redistricting, which designated the polling places per statute; and

**WHEREAS**, this resolution will clarify that the designation of polling places is reconfirmed for 2023; and

**WHEREAS**, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Falcon heights City Council hereby designates the following polling places for elections conducted in the city in 2023:

Precinct 1      Falcon Heights City Hall  
                         2077 W. Larpenteur Ave  
                         Falcon Heights, MN 55113

Precinct 2      United Church of Christ  
                         1795 Holton Street  
                         Falcon Heights, MN 55113

**AND BE IT FURTHER RESOLVED**, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

**AND BE IT FURTHER RESOLVED**, that the city clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

**AND BE IT FURTHER RESOLVED**, that the city clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Ramsey County Elections Office.

Adopted by the city council of the City of Falcon Heights this 11<sup>th</sup> day of January 2023.

-----

Moved by:

Approved by: \_\_\_\_\_  
Randall C. Gustafson  
Mayor

GUSTAFSON        \_\_\_\_\_    In Favor  
LEEHY  
MEYER            \_\_\_\_\_    Against  
WASSENBERG  
WEHYEE

Attested by: \_\_\_\_\_  
Jack Linehan  
City Administrator

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G5
<b>Attachment</b>	N/A
<b>Submitted By</b>	Roland Olson, finance director

<b>Item</b>	IRS mileage reimbursement rate change effective January 1, 2023.
<b>Description</b>	With the high gas prices, the IRS has recalculated the standard mileage deduction rate for business use of an automobile from 62.5 cents per mile to 65.5 cents per mile. This rate is effective January 1, 2023 to December 31, 2023. Staff recommends approval of the mileage rate reimbursement when city staff use their personal autos for city business. The IRS announced this rate increase as a method of combatting inflation and higher gasoline costs.
<b>Budget Impact</b>	Minimal impact on the budget.
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Staff recommends approval in the increase of mileage reimbursement rate to 65.5 cents per mile when staff uses their personal autos for business purposes.

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G6
<b>Attachment</b>	RFP Prosecuting Attorney Services, Response from Kelly & Lemmons
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Acceptance of Proposal from Kelly & Lemmons for Prosecuting Attorney Services
<b>Description</b>	<p>For the past twenty years or more, the City has utilized the legal services of City Prosecutor Katrina Joseph, now of HJ Law. As the contract had not been bid in many years, the City Council approved releasing an RFP for prosecuting attorney services on November 9<sup>th</sup>. The RFP was published on November 14<sup>th</sup>, and closed on December 14<sup>th</sup>.</p> <p>In total, the City received one proposal from a qualified firm – Kelly &amp; Lemmons. HJ Law was invited to submit a proposal, but the City did not receive a response from the incumbent.</p> <p>Kelly &amp; Lemmons is an experienced firm that provides prosecuting attorney services for seven Minnesota cities, including most of the contract cities of the Ramsey County Sheriff’s Office. These cities include:</p> <ul style="list-style-type: none"> <li>• Little Canada (since 2008)</li> <li>• North Oaks (since 2011)</li> <li>• Shoreview (since 2012)</li> <li>• Arden Hills (since 2012)</li> </ul> <p>It is proposed that Joseph Kelly serve as the City’s Prosecutor. Mr. Kelly is well regarded among cities and the Sheriff’s Office as an effective prosecutor.</p>
<b>Budget Impact</b>	The City budgets \$31,000 annually for prosecution services, which covers the current retainer of \$2,500 per month plus any contingent expenses. The proposal from Kelly & Lemmons is for a fixed monthly retainer of \$2,500. This rate is guaranteed through 2025.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Request for Proposals Prosecuting Attorney Services</li> <li>• Response from Kelly &amp; Lemmons</li> </ul>
<b>Action(s) Requested</b>	The City Council is asked to approve a motion to accept the proposal from Kelly & Lemmons, and authorize the Mayor and City Administrator to execute any necessary documents.



November 10, 2022

**REQUEST FOR BIDS**

The City of Falcon Heights

**Prosecuting Attorney Services**

**Bid Submittal Deadline: December 10, 2022 at Noon.**

Prepared By:  
Jack Linehan, City Administrator  
City of Falcon Heights  
2077 Larpentuer Ave West  
Falcon Heights, MN 55113  
[jack.linehan@falconheights.org](mailto:jack.linehan@falconheights.org)  
651-792-7611

Request for Proposal

**TABLE OF CONTENTS**

SECTION 1: INTRODUCTION

SECTION 2: PROCESS

SECTION 3: SCOPE OF SERVICES

SECTION 4: PROPOSAL FORM AND CONTENT

SECTION 5: EVALUATION CRITERIA

SECTION 6: CONTRACT ETHICS

SECTION 7: CONFLICT OF INTEREST

## **SECTION 1**

### **INTRODUCTION**

The City of Falcon Heights, located within Ramsey County in Minnesota, has a reported population of 5,369, according to the 2020 U.S. Census. The City of Falcon Heights follows the "Plan A" weak-mayor statutory city form of government, which is the most common type of city government in Minnesota. Four council members and a mayor are elected at large and serve four-year terms. A mayor-elected City Administrator oversees the daily activities of the City. The City Council is responsible for adopting the City's budget and tax levy, adopting resolutions and ordinances, hires and terminations of employment, policy-making, development and growth planning, and the overall direction of the City. In addition to providing general government services, the City offers other services such as building permits, rental licenses, street cleaning and snow removal. For fire services, the City contracts with St. Paul Fire Department; for police services, the City contracts with Ramsey County Sheriff.

## **SECTION 2**

### **PROCESS**

Notice is hereby given that proposals will be received by the City of Falcon Heights, Ramsey County, Minnesota for contracted legal services from firms or individuals experienced in criminal law. The City of Falcon Heights (the City) invites qualified individuals or firms to submit proposals to provide Prosecuting Attorney Services, based upon the scope of work contained herein. In order to ensure a fair *review and selection process*, *firms submitting proposals are specifically requested not to make other contacts to the City staff or council members regarding these proposals. Failure to comply with this request may result in disqualification of the proposal.* Information regarding the RFP process, if not found within this document, should be directed to Jack Linehan, City Administrator, by email at [jack.linehan@falconheights.org](mailto:jack.linehan@falconheights.org) or by phone at 651-792-7611. Find additional information about the City of Falcon Heights at [www.falconheights.org](http://www.falconheights.org)

2-1 **Requests for Proposal**

The City of Falcon Heights invites qualified individuals or firms to submit proposals for contracted legal services, as described in the scope of work set forth in Section 3 of this Request for Proposals (RFP).

2-2 **Schedule (tentative)**

Issue Date: November 10, 2022

Closing Date: December 10, 2022

Anticipated Award Notice: January 6, 2023

Anticipated Contract Approval: January 11, 2022

Service to Begin: January 12, 2023

2-3 **Official Contact**

Questions regarding the scope of services shall be directed to:

Jack Linehan, City Administrator

City of Falcon Heights

2077 Larpentuer Ave West

Falcon Heights, MN 55113

[jack.linehan@falconheights.org](mailto:jack.linehan@falconheights.org)

651-792-7611

2-4 **Proposal Due Date:**

One (1) copy of the proposal must be delivered to Jack Linehan, 2077 Larpentuer Avenue West, Falcon Heights, MN 55113, no later than 12:00 p.m. on December 10, 2022. A proposal may alternatively be emailed by December 9<sup>th</sup> at 12:00 p.m. to [jack.linehan@falconheights.org](mailto:jack.linehan@falconheights.org), and must receive acknowledgement of receipt by December 10<sup>th</sup> at 12:00 p.m. to be considered. Proposals should be marked "RFP for Prosecuting Attorney Services". Late proposals will be kept by the City, but not considered for award. Proposals must be sealed and clearly addressed and marked with the RFP title.

2-5 **Cancellation, Delay or Suspension of Solicitation: Rejection of Proposals**

The City may cancel, delay or suspend this solicitation if in the best interest of the City as determined by the City. The City may reject any or all proposals, in whole or in part, if in the best interest of the City as determined by the City. The City reserves the right to reject any or all proposals not in compliance with public bidding procedures.

2-6 **Incurred Costs**

The City is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal. The City is not liable for any cost incurred by a proposer in protesting the City's selection decision.

2-7 **Confidentiality of Information**

All information and data furnished to the proposer by the City and all other documents to which the proposer’s employees have access during the preparation and submittal of the proposal shall be treated as confidential to the City. Any oral or written disclosure to unauthorized individuals is prohibited.

Once a proposal has been accepted and is presented to the City Council for approval, it will be determined a public document and non-private information will be shared and published online, including the response to this proposal.

**SECTION 3**

**SCOPE OF SERVICES**

The City of Falcon Heights welcomes proposals from individuals or firms in response to specific work products identified below.

**3-2 Scope of Work and Deliverables**

The principal responsibility of the selected Prosecutor(s) will be to provide municipal representation of criminal (prosecution) matters on behalf of the City.

The role of the selected Prosecutor(s) will be to complete all tasks necessary to provide prosecution representation to the City of Falcon Heights.

**3.2 Criminal Prosecution Services**

The services the Prosecutor(s) may perform include, but are not limited to, the following:

**a) Prosecution of Misdemeanors**

The services relating to prosecution representation include, but are not limited to, the following: Prosecution of all petty misdemeanor, misdemeanor, and statutorily delegated gross misdemeanor offenses committed within the corporate limits of the City. This includes all such cases initiated by any law enforcement agency and citizen complaints including, but not limited to, traffic violations, DWI cases, theft and City code violations.

**b) Consultation**

Provide advice, consultation and training where required to the City's enforcement staff in the interpretation and enforcement of statutes, ordinances and investigations of violations in connection with the prosecution of criminal cases. Provide consultation, and prosecution where necessary, on zoning code, building code or other nuisance issues. Periodically meet with appropriate personnel to review status of prosecution matters.



**C) Evaluation**

Prosecutor(s) will evaluate all cases where a plea of not guilty is entered and prosecute where warranted. Prosecutor(s) will seek such additional investigation as required; The Prosecutor(s) will negotiate and enter plea bargains where deemed advisable.

**D) Communication**

Prosecutor(s) will communicate with the City Administrator on a monthly basis regarding the status of cases and activity completed on behalf of the City in the past month.

**3.2.5 Legal Documentation and Representation**

Prosecutor(s) will prepare and/or coordinate the completion of required documentation in coordination with the City Administrator; prepare criminal complaints where facts warrant; prepare appropriate pre-trial notices as required; perform all legal research and prepare briefs when required. Prosecutor(s) will represent the City at court appearances; Prosecutor(s) will try all jury and court cases; Prosecutor(s) will examine, evaluate and provide representation for all appeals to Appellate Courts.

**SECTION 4**

**PROPOSAL FORM AND CONTENT**

4-1 **Proposal Submittal**

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the proposer’s capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content and cost effectiveness of the proposal.

4-2 **Proposal Form and Content**

Proposals should include the following items in their proposals addressing the scope of work in Section 3. Proposal and cost schedule shall be valid and binding for ninety (90) days following the proposal due date and will become part of the contract that is negotiated with the City.

The following will be considered minimum contents of the proposal and must be submitted in the order listed:

1. **Approach to Legal Services**

A description of the proposed legal approach and methodology to be utilized; the deliverables to be provided by the responder; and a description

of the proposed prosecution techniques. The Prosecutor(s) is/are encouraged to propose additional tasks or activities if they believe such tasks or activities will substantially improve the results of the project. These proposed additional tasks should be separated from the required material.

**2. Proposed Consultant's Qualifications**

Summarize your or the firm's background and history, including the number of attorneys and paralegals employed, their relevant academic training and degrees, and indicate how many attorneys and paralegals that may be assigned to service this account. Include the depth and breadth of your firm's experience in criminal law (prosecution) and working on behalf of public entities or in municipal law.

**3. Scope of Services Offered**

Provide a detailed breakdown of how you would approach the Scope of Work proposed in Section 3. Include specific information on the steps that would be taken to address each of the primary areas of need.

**4. References**

Proposals shall list a minimum of three (3) references that can attest to the qualifications of you and/or your firm. Include the contact name, email, telephone number and the nature of relationship for each reference. Municipal references to which prosecution services were provided are preferred.

**5. Additional Information**

Any information that the proposer feels is applicable to the evaluation of the Proposal or of their qualifications for accomplishing this request for services should be included in this section. You may use this section to address the aspects of your services that distinguish you or your firm from other firms.

**6. Fees**

The Prosecutor(s) must submit a compensation schedule for the services outlined in the preliminary scope of work for providing legal fees. The compensation schedule submitted shall be guaranteed by the Prosecutor(s) for the term of the contract. The Prosecutor(s) shall include a compensation schedule for any non-commission fees due to the Prosecutor(s) and identify under what circumstances these fees might apply. The Prosecutor(s) compensation schedule shall include all costs/fees that will be assessed. The Prosecutor(s) shall warrant that quoted fees are the only compensation that he or she will receive from the transactions completed under this RFP.

Retainer: Please quote a retainer fee to be charged for prosecution services and the items noted herein that are to be covered by the retainer.

Also state separately the rate for any cost items proposed to be itemized and billed (i.e. mileage, photocopying, Westlaw or Lexis fees, overhead factor, etc.). Clearly note any “retainer” items listed above that your firm will not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

Hourly Billing: Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing the legal services to the City of Falcon Heights covered by your proposal that fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, please identify an hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence and personal conference.

The City requires detailed monthly billing statements that shall include but are not limited to the following items:

1. Itemize the date of services
2. Identify the attorney and/or support personnel providing the services.
3. List the time spent for each service or activity by tenths of an hour.
4. Provide a detailed description of the services performed.
5. State the fees for those services.
6. Itemize all associated costs and expenses related to the services performed.

## **SECTION 5**

### **EVALUATION CRITERIA**

The City shall evaluate the proposal on criteria including, but not limited to, the following list (in no order of priority).

1. The City adheres to the instruction in this Request for Proposals on preparing and submitting the proposal;
2. Thoroughness of approach to representing the City in criminal legal matters and demonstration of the understanding of the objectives and scope of the Services.
3. Compensation schedule.

## **SECTION 6**

### **CONTRACT ETHICS**

1. No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.
2. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or council member, or for any City employee or council member to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Falcon Heights. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

## **SECTION 7**

### **CONFLICT OF INTEREST**

- Indicate whether you or your firm currently represents, or has represented any client where representation may conflict with your ability to serve as Prosecution Attorney for the City of Falcon Heights.
- Indicate if you or your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Falcon Heights.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Falcon Heights.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.



# CITY OF FALCON HEIGHTS

## PROSECUTORIAL LEGAL SERVICES PROPOSAL

Submitted December 12, 2022 by:

### **KELLY & LEMMONS, P.A.**

JOSEPH A. KELLY

[jkelly@kellyandlemons.com](mailto:jkelly@kellyandlemons.com)

2350 Wycliff Street, Suite 200

Saint Paul, MN 55117

Phone: 651.224.3781



## **I. FIRM BACKGROUND**

Kelly & Lemmons, P.A. is honored to submit this response to the City of Falcon Heights's prosecutorial legal services request for proposals.

### **A. History of Firm**

Kelly & Lemmons has been dedicated to representing local government units since the firm's founding in 1974. During the past half-century, we have developed an excellent reputation as practical and reasonable municipal and prosecuting attorneys. We currently represent the following municipalities (start date and scope of representation in parentheses):

- City of Taylors Falls (1992: civil, HRA)
- White Bear Township (1994: civil, EDA, HRA)
- City of Gem Lake (2006: civil)
- Eureka Township (2008: civil)
- City of Little Canada (2008: civil, EDA, HRA, prosecution)
- North Oaks (2011: prosecution)
- City of Shoreview (2012: civil and prosecution)
- City of Arden Hills (2012: prosecution)
- City of Maplewood (2015: prosecution)
- City of Stillwater (2018: prosecution)
- City of Lakeland Shores (2018: prosecution and civil)
- Baytown Township (2020: civil)
- City of West St. Paul (2021: prosecution)

We practice more than municipal law, however, as we are a full-service, general practice law firm with attorneys practicing in a wide variety of legal areas, including real property, labor, estate planning, and corporate law. We believe that our broad experience helps our municipal clients. Other types of organizational clients we represent include the Minnesota State High School League, public and private labor unions, and for profit and non-profit corporations as well as employees and individuals on all types of real property and estate planning issues.

### **B. Overview of Attorneys**

Kelly & Lemmons, P.A. currently has ten attorneys (six shareholders and four associates). The following is a list of our attorneys, their title, and primary practice area(s):

1. Kevin M. Beck, Shareholder: Prosecution, Employment/Labor, Municipal-Civil
2. Kristina J. Borgen, Associate: Prosecution
3. Rebecca Duren, Shareholder: Prosecution, Employment/Labor
4. Joseph A. Kelly, Shareholder: Prosecution, Employment/Labor, Municipal-Civil
5. Patrick J. Kelly, Shareholder: Municipal-Civil, Employment/Labor
6. Chad D. Lemmons, Shareholder: Real Property, Municipal-Civil

7. Patrick McGuigan, Senior Associate: Estate Planning, Corporate
8. Martin H.R. Norder, Shareholder: Prosecution
9. Rachel Swenson, Associate: General Practice
10. Ashley Turner, Associate: Prosecution, Real Property

### **C. Overview of Support Personnel**

In addition to our attorneys, we currently have one paralegal, Shari Hunter, and an office manager, Amy Washenberger. Amy is responsible for billing and day-to-day operations. Shari assists with prosecution as needed. As a former court reporter, Shari is often called upon to transcribe 911 calls and other audio recordings in preparation for criminal trials.

### **D. Office Location/Organization**

Our office is centrally located at 2350 Wycliff Street, #200, Saint Paul, MN 55114. We are technologically prepared to handle the demands of 21<sup>st</sup> century prosecution work. We have a fully networked office where we maintain an electronic database of prior research legal memoranda, motions, and formal complaints so that we have a full complement of common documents required for prosecution work. Our attorneys are able to access our network from anywhere in the world with an internet connection via VPN.

### **E. Technological and Research Capabilities**

We are equipped to receive evidence in electronic form from law enforcement and to transfer that evidence onto media suitable for disclosure to defendants and for use in court. We possess the software and hardware required to accomplish these transfers, as we currently handle evidence for our cases with the Stillwater Police Department, Ramsey County Sheriff's Office, Maplewood Police Department, and West St. Paul Police Department without difficulty. Our office is registered with the central administrator of the MnCIS court information system, and we have dedicated MnCIS terminal software on our prosecutors' and assistant's computers. Our attorneys and staff have been trained and implemented the MGA subscriber to access electronic court records. We have accounts with BCA e-charging, MGA, evidence.com, and Sharefile.

We maintain an online legal research subscription with Thomson Reuters Westlaw. The cost for online legal research is borne entirely by us; we do not pass it through to the City. Our attorneys read weekly releases of decisions from the Minnesota Court of Appeals and Minnesota Supreme Court and provide updates to our clients when new cases could impact their operations. This is particularly important in criminal law where the legal landscape is constantly being shaped by judicial decisions. Having multiple prosecution clients allows for economies of scale with regard to these general criminal law matters, which enables us to submit what we consider to be a very competitive proposal.

Complaints, particularly in-custody complaints, are an area which require special attention because of legal and timing requirements. Because we write complaints on a daily basis, we are able to efficiently review reports in order to draft and submit complaints in a timely manner. This is especially important for in-custody defendants where a complaint must be filed within 36 or 48 hours of arrest or the



defendant will be released. Our attorneys review, draft, and submit in-custody complaints to ensure not only that the highest-level crime is charged, but also that the complaint is filed prior to the expiration of the defendant's custody hold. We are familiar with e-Charging, as we currently use e-Charging for all of our other prosecution clients and meet all BCA requirements to use e-Charging. If selected, we could easily establish an e-Charging account for Falcon Heights.

We track each case that is opened and keep an electronic database of the defendant, court file number, date of disposition, type of disposition, and the officers involved. When a case is completed, we notify the involved officers of the disposition and that the case is closed. Accordingly, we could provide daily, weekly, or monthly prosecution updates in any format the City would like.

We leverage these technologies to increase efficiencies and provide a very competitive proposal.

#### **F. Conflict of Interest/Professional Liability Insurance**

The municipal clients who we currently provide services to set forth in Section I above. Given our extensive practice in municipal and public sector labor law, conflicts of interest can arise. We maintain an electronic database to identify potential conflicts of interest. Should a conflict arise with respect to prosecution, we would make arrangements for a special prosecutor to handle the case at no additional cost to the City. That being said, we do not foresee any potential conflict of interest with the City of Falcon Heights that could result from representation as prosecutors. We do not currently represent a client whose representation may conflict with the firm's ability to serve as criminal prosecutors for the City. To the extent we currently represent any client in direct conflict with the City of Falcon Heights, we would withdraw from such representation if selected as prosecutors.

Kelly & Lemmons carries a \$3-million-dollar professional liability policy with Minnesota Lawyers Mutual. A copy of the declaration page can be provided upon request.

There have been no ethics complaints against our firm over the last five years, and there is no pending action under review by the Office of Lawyers Professional Responsibility. We take our ethical obligations very seriously. Kevin and Joe were recent members of the Second Judicial District Ethics Committee. Patrick Kelly and Patrick McGuigan are both former chairs of the Second Judicial District Ethics Committee.

## **II. PROSECUTORIAL PHILOSOPHY**

We handle all stages of criminal prosecution, from initial review and charging, through discovery and motion work, to verdict and appeal. Kelly & Lemmons has a firm-wide dedication to law enforcement, from our capacity as prosecutors, to representing law enforcement unions, and individual law enforcement officers. In addition to that extraneous experience, what further sets us apart from many others is that we take an attorney-forward approach to prosecution—meaning that we like for our prosecutors to have an active role in each file from its genesis. Accordingly, attorneys, not paralegals, draft complaints, motions, and briefs. Our office is very collegial and fluid with attorneys frequently discussing cases with each other in offices, at the “water cooler”, and over coffee or lunch. As a result,

our attorneys have a working knowledge of most files even if they have never formally appeared on it which allows for sufficient backup personnel. Difficult charging decisions and plea discussions are discussed internally and, if necessary, we contact the involved officer(s) to obtain additional background information and/or to request that additional investigation be performed.

We also understand the impact in terms of budget (e.g., wages) and public safety (e.g., officer presence on the street) when we schedule officer appearances and, therefore, make every effort to require officer appearances only when necessary. For instance, if a defense attorney notifies us at the pre-trial hearing that the defendant will be pleading guilty but would like more time before he/she does so, then we will state that, on the record, and set the case for a plea hearing rather than a jury trial so that we do not need to subpoena an officer(s) to appear in that particular case.

Our prosecutorial philosophy embraces a community justice approach to prosecution while recognizing that the goal of prosecution is to deter criminal activity. It is important to obtain convictions, particularly for enhanceable offenses such as QDVRO's and DWI's, while recognizing the need to provide an alternative to traditional prosecution when appropriate. Alternatives to traditional prosecution are assessed on an individualized case-by-case basis based upon the facts of the alleged crime, input from law enforcement, the City, and/or victims, the defendant's criminal history, and the defendant's willingness to accept responsibility. Our seasoned prosecutors are able to efficiently perform this analysis so that alternatives to traditional prosecution are employed effectively and when appropriate.

#### **A. QDVRO's**

We understand that qualified domestic violence related offenses and DWI's pose the largest public safety issue facing misdemeanor courts. Intimate familiarity with enhanceability requirements for both types of crimes is critical because it can mean the difference between obtaining a qualifying conviction without the risk of trial. For example, some defendants charged with domestic assault will not plead to a "domestic assault" but will plead to assault in the fifth degree, which is a QDVRO. Because the sentence will be the same whether the conviction is for domestic assault or fifth degree assault, a fifth-degree assault may achieve the goal of obtaining a QDVRO conviction without the risk of proceeding to trial (where a jury could acquit). That, in fact, may be what the victim requests. We also recognize that in certain situations, a disorderly conduct may be appropriate. It should be noted that before any plea offer relating to a QDVRO is presented to the defendant, it is discussed with the victim, involved officer(s), and/or the victim's advocate. It is important to obtain a conviction because it allows us to mandate programming (e.g. chemical dependency, anger management, domestic abuse treatment) as a term and condition of probation. Programming is a critical component of a QDVRO plea offer because it seeks to address the underlying reason for the charge with the goal to reduce recidivism.

## **B. Code Enforcement and Nuisance Abatement**

Code enforcement and nuisance abatement is a major concern in any developed city. Our background as both civil city attorneys and prosecutors allows us to work closely with city staff, the police department/sheriff's office, and the potential defendant to achieve the City's goal(s). As prosecuting attorneys, we were recently asked by the City of Maplewood to address a nuisance property through abatement procedures and processes other than formal prosecution. In the City of Shoreview, we utilized abatement procedures to remove an unsafe and non-compliant structure without the need for formal prosecution. When the related costs were assessed, the property appealed to district court, which upheld the assessment, including a portion for attorneys' fees. The City of Shoreview has also successfully implemented its SHINE Program, which targets a different neighborhood for code enforcement each year. The City of North Oaks frequently encounters pushback to code enforcement efforts, including equal protection constitutional challenges. In the City of Stillwater, we have worked closely with the City's planning staff to address nuisance properties. We recognize that non-compliance may be due to an inability to pay and have successfully worked to link homeowners with local non-profits and even governmental agencies to achieve compliance. We know that the ultimate goal is to gain compliance with the code. Sometimes a mere letter suffices; sometimes it takes multiple letters; sometimes it requires criminal charges and conviction. We work with City staff and police to determine the best approach on an individualized basis.

## **C. Theft and Other Alternative Approaches**

We recognize theft and shoplifting are big issues for both municipalities and individuals. Theft convictions can impact an individual's ability to obtain a job, housing, and good credit. Accordingly, an individual charged with theft with no other criminal record would likely be referred to diversion programming as a way to provide him/her with the opportunity to alter their behavior based upon personalized behavioral goals that must be met within a stated time (i.e. restitution, chemical dependency treatment, community service, counseling and/or employment, etc.). If the defendant completes his/her goals, then the charge is dismissed; if not, then the charges are placed back on the calendar for prosecution. In certain first-time thefts, we may allow the defendant to provide proof of restitution before he/she pleads guilty, with the offer to amend the charge so the defendant does not have a theft conviction. We work closely with the police department to determine the best approach to thefts, both on the whole, and on the individual level.

Examples of other alternatives approaches include enrolling our cities in the Minnesota Department of Vehicle Services' Driving Diversion Pilot Program ("DDP"). Joe Kelly was instrumental in getting our current prosecution clients to be among the first cities in Ramsey County to enroll in the state-sanctioned DDP, which was developed to support participants in paying outstanding traffic citations and fulfill the requirements necessary to reinstate their driver's license. Once an individual loses his/her driver's license it can be difficult to get back, and many people continue to drive despite not having a valid driver's license. The DDP helps break the cycle of repeat offenders who accumulate citations and fines because they continue to drive without a valid license by providing an avenue for such

individuals to get placed on a fast track towards re-licensure while ensuring they make payments for outstanding fines, accept responsibility for their actions, and receive educational training. When it comes to repeat drivers' license offenses, our philosophy is to work with the defendant and/or legal counsel to allow the defendant to obtain a valid driver's license in an effort to reduce, and hopefully, eliminate the cycle of repeat driving offenses.

In addition to the DDP, we employ continuances for dismissal (sometimes referred to as continuance without prosecution) when appropriate. Most often, CFD's are offered to resolve petty misdemeanor violations (i.e. speeding tickets, seat belt violations, equipment violations, etc.). A CFD can be useful in cases where a first-time defendant wishes to acknowledge responsibility but would like to keep it off of his/her record. If they pay the prosecution costs, remain law-abiding, and have no same or similar offenses, the charge is dismissed after one year. The difference between pleading guilty (and paying a fine) versus paying prosecution costs for a CFD is that all of the prosecution costs under a CFD go to the City whereas the City will only see a small percentage of a fine. Before offering a CFD, we consult with the involved officer for their input. If they do not approve, a CFD will not be offered.

### **III. SERVICES PROVIDED**

#### **A. Accessibility to City and Law Enforcement Personnel**

Our technological capabilities combined with our attorneys' deep experience in misdemeanor prosecution provide for rapid response times. When contacted by a municipality or law enforcement agency, we make every effort to provide a same-day response. Many times, given the breadth of our practice and experience in criminal law, we have previously encountered a similar issue and can provide timely guidance on not only the strict letter of the law but also practical concerns that could be implicated. Regardless, we ask for a timeline to respond and have no problems meeting deadlines. Our firm is steeped in municipal representation and treats each municipal client as if they are our only client. We strongly encourage you to confirm this with any of our references.

Each attorney carries a smart phone with 24-hour access to phone calls and e-mail. We provide our cell phone numbers to City staff and members of law enforcement. As a result, we can, and do, take calls at all times of the day or night. If you call or e-mail with a question, we will promptly respond or acknowledge receipt and provide an outline for a response. Our attorneys are already available to our current law enforcement clients 24/7 and would have no issues extending the same level of service to Falcon Heights.

##### **1. Training**

We welcome the opportunity to provide training sessions on any number of issues related to law enforcement. We are POST-approved providers. In-service legal training helps officers stay current with the ever-changing issues in criminal law and procedure. Like office hours, training also provides an opportunity for officers and prosecutors to interact in an informal setting. All of our prosecuting attorneys have held training sessions for or on behalf of law enforcement, participated in leadership meetings, and gone on numerous ride-alongs. Through our work as outside counsel to multiple law

enforcement unions, we work closely with law enforcement officers throughout Minnesota on various prosecution adjacent issues. In that role, we frequently represent and counsel officers following critical incidents involving the use of deadly force, pursuit, and similar high-visibility issues, and have provided training on these issues across the State. We bring the experience and insight we gain from these incidents to our prosecution work, including training sessions for law enforcement, in addition to comprehensive legislative and judicial legal updates.

### **C. Criminal Appellate Experience**

We have extensive criminal appellate experience, ranging from defending appeals of petty misdemeanor speeding tickets, DWIs, and ordinance violations, to prosecuting appeals on behalf of our municipalities. We have defended numerous appeals related to sufficiency of the evidence for a finding of probable cause and/or to support a conviction. As special prosecutors for the City of Shorewood, we appealed, on behalf of the City, a district court's pretrial order dismissing misdemeanor charges in violation of a city zoning ordinance. The case went all the way to the Minnesota Supreme Court. Our attorneys have also raised and defended many civil appeals as well as filed amicus curiae briefs. We are experienced appellate attorneys.

## **IV. PROSECUTING ATTORNEYS**

Nearly all of our prosecutors have tried numerous cases to verdict. This is critical experience, as seeing a case through the trial process provides an immeasurable value to understanding the complexities of how our criminal justice system operates—from procedural and evidentiary rules, to factual issues and concerns like interviewing witnesses, directing law enforcement on how to look for and obtain material evidence, to working with the County Attorney to ensure the highest-level crime is prosecuted—so that we can best represent the City's interests. In addition to court appearances, our prosecutors remain active in policy and leadership roles, serving on several committees and workgroups in Ramsey, Washington, and Dakota Counties. We have found that maintaining an active profile helps to serve our cities' goals. In addition, our experience working with members of law enforcement through our work with police unions, combined with our experience as prosecutors *and* as civil city attorneys offers a unique and invaluable resource.

If selected, Kevin Beck, Kristina Borgen, Rebecca Duren, Joseph Kelly, Martin Norder, and Ashley Turner would serve as the City's prosecutors. We propose Joseph Kelly as the primary attorney for Falcon Heights prosecution with Martin Norder being the primary backup.

The information below provides a brief summary of the attorneys who would serve the City of Falcon Heights should we be selected. More detailed information regarding each attorney can be found in their attached resumes. Given the number of prosecuting attorneys at our disposal, we do not anticipate any problem covering the additional calendars should we be appointed as the Falcon Heights prosecutor.

**Joseph A. Kelly** is a shareholder with Kelly & Lemmons. Joe has built an excellent reputation as a prosecutor, serving as a prosecutor for the Cities of Maplewood, Little Canada, Shoreview, Arden Hills, North Oaks, West St. Paul, and Stillwater. Joe is also the Shoreview City Attorney. Joe is a graduate of Mitchell Hamline College of Law and Arizona State University, one of the top 100 research universities in the world. Joe is licensed to practice in the State of Minnesota, Minnesota Federal District Court, and the 8<sup>th</sup> Circuit Court of Appeals.

In his role as prosecutor, Joe frequently meets with department heads for Maplewood, Stillwater and the Ramsey County Sheriff's Office to review prosecution matters and would perform the same service for Falcon Heights. Joe has extensive prosecution experience, having dedicated over 50% of his practice to misdemeanor and gross misdemeanor prosecution since 2008. Joe handles all stages of criminal litigation, from charging decisions through motions, verdict, and sentencing. Joe currently oversees the drafting of complaints, the delivery of required discovery disclosures, and appears at arraignments, pre-trials/omnibus hearings, jury trials, and sentencings. Joe is frequently asked to present and train on his experiences as a prosecutor, which range from POST-accredited full-day seminars to informal roll-call presentations.

In addition to his role as an attorney, Joe is also an Infantry Major in the U.S. Army National Guard where he has been awarded a Ranger Tab, Meritorious Service Medal, Army Commendation Medal (Second Award), Army Achievement Medal (Second Award), Air Assault Badge, Expert Infantry Badge, Pathfinder Badge, Army Service Ribbon, National Defense Medal, Global War on Terrorism Service Medal, and Global War on Terrorism Expeditionary Medal. Joe was honored in 2014 as an Outstanding Metro Area Prosecutor by MADD and was named a Super Lawyers Rising Star in 2012 and 2015-2021.

**Kevin M. Beck** is a shareholder with the firm. Kevin is actively involved in prosecuting for the Cities of Maplewood, Little Canada, Shoreview, Arden Hills, North Oaks, West St. Paul, and Stillwater. In addition, Kevin represents public and private labor unions and is the Town Attorney for Baytown Township. As an attorney representing both municipalities and public sector labor unions (with an emphasis on law enforcement), Kevin has extensive experience in issues unique to public entities, such as the Open Meeting Law, Minnesota Government Data Practices Act, collective bargaining obligations, *Loudermill* rights, the Veteran's Preference Act, and the Peace Officer Discipline Procedures Act. Kevin has worked extensively with the Ramsey County Sheriff's Office and the Maplewood Police Department on law enforcement issues and has participated in law enforcement initiatives to reduce domestic violence and drunk driving in Ramsey County.

Kevin is a 2005 graduate of Carleton College and a 2008 graduate of Mitchell Hamline School of Law. He is licensed to practice in the State of Minnesota, Minnesota Federal District Court, the 8<sup>th</sup> Circuit Court of Appeals, Utah Federal District Court, and the State of Utah. Kevin practices primarily in criminal, municipal, and employment/labor law. He has been named a Super Lawyers Rising Star in 2012-18 and 2021-22, an honor bestowed upon less than 2.5% of eligible attorneys. In 2014, Kevin was honored as an Outstanding Metro Area Prosecutor by Mothers Against Drunk Driving for his dedication towards stopping drunk driving, supporting the victims of drunk driving, and preventing underage drinking.

**Kristina J. Borgen** is an attorney with Kelly & Lemmons. Kristina has focused her criminal practice on representing parties as both a prosecutor and defense attorney. She began her legal career clerking and later working as a prosecutor in Hudson, Wisconsin. She then worked as a successful criminal defense attorney throughout Minnesota with the State Public Defender's office and later as a private attorney representing hundreds of clients throughout Minnesota. Her dedication to her clients earned her the honor of a Super Lawyers Rising Star in 2020, 2021, and 2022 and the National Trial Lawyers Top 40 under 40 in 2019.

Kristina graduated *magna cum laude* from Minnesota State University, Mankato in 2008, with a degree in Law Enforcement and Corrections. She received her law degree *cum laude* from Mitchell Hamline College of Law in 2011.

**Rebecca L. Duren** is a shareholder with Kelly and Lemmons. Rebecca practices primarily in criminal prosecution for the Cities of Maplewood, Little Canada, Shoreview, Arden Hills, North Oaks and Stillwater. Rebecca is one of a handful of prosecutors in Minnesota certified by the Minnesota State Bar Association as a criminal law specialist. Less than 3% of Minnesota lawyers are certified specialists in their field.

Rebecca received her bachelor's degree from St. Olaf College and her law degree from Mitchell Hamline College of Law. Prior to joining Kelly and Lemmons, Rebecca worked as an Assistant Public Defender and in private criminal defense where she represented clients in misdemeanor and serious felony matters. Rebecca is a panel attorney on the MPPOA Legal Defense Fund. Rebecca was named an Up & Coming Attorney by Minnesota Lawyer Magazine in 2016 and has been selected as a Super Lawyers Rising Star each year since 2019.

**Martin H.R. Norder** is a shareholder who joined Kelly & Lemmons in 2013. Martin devotes the majority of his time to prosecution for the Cities of Maplewood, Little Canada, Shoreview, Arden Hills, and North Oaks. Martin was honored in 2017 as an Outstanding Metro Area Prosecutor by Mothers Against Drunk Driving. Martin has also regularly provides training to the Maplewood Police Department and Ramsey County Sheriff Deputies regarding updates in criminal law, misdemeanor arrest procedures, and investigation and report writing tips. Martin is currently the Suburban Prosecutor Representative on the Ramsey County Criminal Justice Coordinating Council. Martin has also represented the City of Shorewood in a special prosecution case that was heard before the Minnesota Supreme Court.

Martin earned his bachelor's and law degree from the University of Saint Thomas. Prior to joining Kelly and Lemmons, he worked for several years in Ramsey County District Court as a judicial law clerk for the Honorable Michael T. DeCourcy and the Honorable Lezlie Ott-Marek. Martin's significant experience on the judicial side of the criminal justice system provides a valuable framework for his current role as prosecutor, as he has an exemplary working knowledge of the criminal procedural rules. He has also become very knowledgeable with potentially dangerous and dangerous dog ordinances, having tried many of these cases before an administrative hearing officer.

**Ashley Turner** joined Kelly & Lemmons as an attorney in 2022. Prior to getting licensed in MN, Ashley practiced family and criminal law in Indiana before returning to Minnesota and working as a prosecution paralegal at Kelly & Lemmons.

Ashley graduated from North Dakota State University with a bachelor's degree in political science in 2010 and earned her law degree from the University of North Dakota in 2013.

## **V. MUNICIPAL REFERENCES**

We strongly encourage the City of Falcon Heights to contact any of current municipal clients, but are happy to provide specific contact information for the following references:

Brian Mueller, Chief of Police  
City of Stillwater  
216 4<sup>th</sup> Street North  
Stillwater, MN 55082  
(p) 651.3351.4900  
[bmuller@ci.stillwater.mn.us](mailto:bmuller@ci.stillwater.mn.us)

Brian Bierdeman, Chief of Police  
Maplewood Police Department  
1830 County Road B East  
Maplewood, MN 55109  
(p) 651.249.2600  
[brian.bierdeman@maplewoodmn.gov](mailto:brian.bierdeman@maplewoodmn.gov)

Brian Sturgeon, Chief of Police  
City of West St. Paul  
1616 Humboldt Avenue  
West St. Paul, MN 55118  
(p) 651.552.4201  
[bsturgeon@wspmn.gov](mailto:bsturgeon@wspmn.gov)

Brad Martens, City Manager  
City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126  
(p) 651.490.4611  
[bmartens@shoreviewmn.gov](mailto:bmartens@shoreviewmn.gov)



## **VI. FEES**

We propose a fixed monthly retainer of \$2,500 (\$30,000 annually). The retainer would include all fees and expenses associated with prosecution work, including process server fees, transcript fees, court filing fees, postage, copies and printing costs, online legal research, mileage, advice, training, consultation, office hours, training, court appearances, code enforcement (to include administrative hearings), appeals, and forfeitures. The intent of this proposal is for all prosecution-related fees and expenses<sup>1</sup> to apply to the monthly retainer so that the City is able to budget for its maximum out-of-pocket expenditures related to prosecution without any surprises or hidden costs.

We commit to keeping this rate in place for calendar years 2023, 2024, and 2025. Subsequent to CY2025, we anticipate annual inflationary adjustments of approximately 2%, subject to negotiation and approval by the City.

We have found that a fixed retainer agreement is mutually beneficial because it eliminates the stress that can develop if law enforcement officers or administrative staff have legal questions but are concerned about incurring legal fees when contacting the attorney. Thus, a retainer fee structure encourages open and frequent communication between the law enforcement agency, the City, and its attorneys and also allows for ease when the City is preparing its annual budget.

We track attorney time at the hourly rate of \$120.00 and \$90.00 for work performed by law clerks or paralegals. The firm tracks the time in one-tenth of an hour increments (but can track time in any increment requested by the City) and invoices the City at the end of each month. We track attorney and paralegal time using the TABS-3 practice management system, which tracks time and generates bills to clients which state the date services were performed, the attorney or staff providing the services, a description of each item and the time spent. We will deliver any level of detail for line items as requested by the City. For example, one of our current prosecution cities prefers a basic description such as “prepare for and attend pre-trials” whereas another city asks us to list not only the type of calendar but also the name and specific charge for each case. We work together with our cities to ensure that they receive all requested information. We strive to make every effort to supply invoices and billing statements that meet our client’s accounting and budgeting needs.

Our experience and passion for prosecution enables us to provide high-level prosecution services to the City at a competitive cost. If selected, we would leverage the economies of scale from current

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<sup>1</sup> The City is not billed separately for fees related to appeals, expungements, administrative citations, dangerous or potentially dangerous dog proceedings, matters relating to the issuance of firearms permits, matters relating to the Minnesota Government Data Practices Act, or prosecution of code violations. In addition, Kelly & Lemmons does not retain proceeds from the sale of forfeited vehicles; instead, 100% of forfeiture proceeds go to the City. Likewise, we do not pass-through costs for online legal research, photocopies, postage, mileage, transcripts, or conflict attorneys’ fees and costs.

municipal prosecution to allow us to efficiently and cost-effectively prosecute for the City of Falcon Heights.

**VII. CONCLUSION**

Kelly & Lemmons is excited to submit this proposal for prosecution services and eagerly welcomes the opportunity to establish a long-term relationship with the City of Falcon Heights. While any firm submitting a response to the City's request for proposals is likely qualified to perform the work, we believe we are uniquely positioned to provide the requested prosecution services efficiently and with exceptional performance. If the City would like additional information related to the specifics of this proposal, please do not hesitate to contact me.

Respectfully submitted,

**KELLY & LEMMONS, P.A.**

*/s/ Joseph A. Kelly*

Joseph A. Kelly



**JOSEPH A. KELLY**  
ATTORNEY AT LAW

2350 Wycliff Street, Suite 200  
St. Paul, MN 55114  
(651) 224-3781  
[jkelly@kellyandlemons.com](mailto:jkelly@kellyandlemons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

St. Paul, MN

*Shareholder, 2015-Present*  
*Associate Attorney, 2008 – 2014*  
*Law Clerk, 2005-2008*

- Shoreview City Attorney; frequent lecturer and presenter on veteran specific laws.
- Prosecutor for multiple cities in Ramsey, Washington, and Dakota Counties
- Represented multiple unions for Labor Arbitrations and negotiations,
- Employment Law, Municipal Law, Real Property, and Land Use/Zoning;

**SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES**

St. Paul, MN

*Certified Student Attorney, 2008*

- Assigned clients and worked housing cases including trial work

**MILITARY EXPERIENCE**

**MINNESOTA ARMY NATIONAL GUARD**

Brainerd, MN

*June 2018 – Present*

- S3 (Major) - Responsible for planning and executing training and operations for a Combined Arms Battalion.

**MINNESOTA ARMY NATIONAL GUARD**

Bloomington, MN

*September 2017 – May 2018*

- Operations Officer – Officer in Charge of Current Operations for an Armor Brigade Combat Team.
- Ran battle tracking staff, compiled plans, and issued orders.

**UNITED STATES ARMY**

Forward Operating Base North, Egypt

*July 2016 – July 2017*

- Company Commander- Commander of Mounted Quick Reaction Force and Based Defense for northern half of Sinai Peninsula in support of Multinational Force and Observers mission. Was the senior US Commander on FOB North.

**MINNESOTA ARMY NATIONAL GUARD**

Rochester, MN

*October 2014 – September 2017*

- Company Commander of over 130 infantry men. Responsible for the training, welfare, and execution of infantry and related missions to include emergency response.

**MINNESOTA ARMY NATIONAL GUARD**

Mankato, MN

*October 2012 – October 2014*

- Assistant S3 – Responsible for planning and tracking training and missions for an Infantry Battalion. Battalion OIC for any state of emergency for coordination with local, state, and federal officials.

**UNITED STATES ARMY**

Camp Buehring, Kuwait

*July 2011 – May 2012*

- Sniper Platoon Leader – Organize, plan, train and execute sniper missions. Trained 11 new and 7 sniper qualified personnel on sniper tactics, employment and operation.
- Brigade COIN OIC (February 2012) – Selected to be the OIC of 28 personnel ranking from Staff Sergeant to Major. Responsible for the transportation, housing, safety and planning for movement and training from Kuwait to Camp Julien Afghanistan.

**MINNESOTA ARMY NATIONAL GUARD**

St. Paul, MN/Ft. Benning, GA

*2007 – 2011*

- Light Infantry Platoon Leader – Responsible for training, management and leading 38 personnel. Planned, trained and executed Infantry Platoon missions.
- Heavy Weapons Company Executive Officer – Responsible for supply management and readiness of an 89 person Infantry Heavy Weapons Company.

**EDUCATION**

**Mitchell Hamline College of Law**

St. Paul, MN

*Juris Doctor, May 2008*

Honors: Dean’s List, Trustee Scholar

**Arizona State University**

Tempe, AZ

*Bachelor of Arts, May 2005*

Major: Sociology

Honors: Dean’s List

**BAR ADMISSIONS**

State of Minnesota

United States District Court, District of Minnesota

Eighth Circuit Court of Appeals

**HONORS**

**Power 30, 2021**

Minnesota Lawyer Magazine

**Up and Coming Attorney, 2017**

Minnesota Lawyer Magazine

**Veterans Voices Award, 2015**

Minnesota Humanities Center

**Outstanding Metro Area Prosecutor**

Mothers Against Drunk Driving

**Rising Star, 2012, 2015-21**

Minnesota Law & Politics

**MILITARY HONORS/AWARDS**

*General Douglas MacArthur Leadership Award, 2016*

*Expert Infantryman Badge*

*Ranger Tab*

*Pathfinder Badge*

*Air Assault Badge*

*Army Commendation Medal, Army Achievement Medal (x2),*

*National Defense Service Medal*

*Global War on Terrorism Expeditionary Medal*

*Global War on Terrorism Service Medal*

*Armed Forces Reserve Medal with Mobilization Device*

*Reserve Component Achievement Medal*

*Army Service Ribbon*

*Overseas Service Ribbon*

*Minnesota Service Ribbon (x2)*

*Expert Marksmanship Badge – M4 Rifle, M9, M110, M24, M107*



**KEVIN M. BECK**  
ATTORNEY AT LAW

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2350 Wycliff Street, Suite 200  
St. Paul, Minnesota 551174  
(651) 224.3781  
[kbeck@kellyandlemons.com](mailto:kbeck@kellyandlemons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

Saint Paul, MN

*Shareholder, 2015 - Present*

*Associate Attorney, 2008 – 2014*

*Law Clerk, 2006-2008*

- Represent multiple cities in Ramsey, Washington, and Dakota Counties in misdemeanor and gross misdemeanor criminal prosecutions. Oversee all aspects of petty misdemeanor, misdemeanor, and gross misdemeanor prosecution cases, from charging through trial and appeal.
- Advise public and private labor Unions on collective-bargaining rights and obligations; represent Unions in litigation and grievance arbitration hearings.
- Represent veterans to enforce their rights under Minnesota’s Veterans Preference Act.
- Manage various types of civil litigation files, plaintiff and defense, from drafting complaint/answer, to discovery and motion work, through verdict and appeals.
- Advise cities and townships on local government legal issues, including negotiating and drafting contracts, providing statutory interpretation of legal requirements, and zoning/development issues.
- Advise corporations and individuals on transactional matters, ranging from employment issues, to contractual interpretation/drafting, to property acquisition, and regulatory compliance.

**EDUCATION**

**MITCHELL HAMLINE COLLEGE OF LAW**

Saint Paul, MN

*Juris Doctorate, May 2008*

**CARLETON COLLEGE**

Northfield, MN

*Bachelor of Arts, June 2005*

Major: Economics

## **BAR ADMISSIONS**

State of Minnesota  
State of Utah  
United States District Court, District of Minnesota  
United States District Court, District of Utah  
Eighth Circuit Court of Appeals

## **HONORS**

**Rising Star, 2012-2018, 2021-2022**  
Super Lawyers

**Outstanding Metro Area Prosecutor, 2014**  
Mothers Against Drunk Driving

## **PRESENTATIONS**

- National Federation of State High School Associations, Summit and Legal Meeting, *Sportsmanship and Disqualification in Championships* (Indianapolis, IN 2022)
- Minnesota Teamsters Local 320 Steward Workshop, *Know Your Rights* (Bloomington, MN 2019-21)
- National Federation of State High School Associations, Summit and Legal Meeting, *Title IX Case Update* (Indianapolis, IN 2019)
- 2017 Upper Midwest Employment Law Institute, *Veterans and Public Employment, Part II* (St. Paul, MN 2017)
- Teamsters Local No. 346 Steward Seminar, *Consequences of Off-Duty Conduct and Social Media* (Duluth, MN 2016)
- Minnesota Teamsters Law Enforcement League, *Legal Updates for Law Enforcement Officers* (Minneapolis, MN 2015)
- Minnesota Teamsters Law Enforcement League, *Legal Updates for Law Enforcement Officers* (Carlton, MN 2015)
- Minnesota Interscholastic Athletic Administrators Association 45th Annual Conference, *Keynote Address: Legal Issues, Transfers, Transgender, and Gift Ban* (St. Cloud, MN 2015)
- Minnetonka Institute for Leadership – Athletic Directors’ Institute, *Safeguarding your Leadership: How to utilize state and federal law, recent case law and best practices of student and staff investigations* (Minnetonka, MN 2014)
- Teamsters Joint Council 32 Summer Quarterly Meeting, *Collective Bargaining Strategies* (Breezy Point, MN 2014)



**KRISTINA J. BORGEN**  
ATTORNEY AT LAW

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2350 Wycliff Street, Suite 200  
St. Paul, Minnesota 551174  
(651) 224.3781  
[kborgen@kellyandlemons.com](mailto:kborgen@kellyandlemons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

Saint Paul, MN

*Attorney, January 2022 - Present*

- Misdemeanor prosecutor for cities in Ramsey, Washington, and Dakota Counties.
- Criminal defense attorney representing clients from traffic violations to major felonies.

**BRADSHAW & BRYANT, PLLC**

Golden Valley, MN

*Trial Attorney, 2017-2021*

- Criminal defense attorney responsible for all criminal files from initial charging to trial.

**10<sup>TH</sup> DISTRICT PUBLIC DEFENDER**

Stillwater, MN

*Assistant Public Defender, 2020-January 2022*

- Represent indigent individuals charged with criminal offenses throughout the Tenth Judicial District

**BORGEN LAW OFFICE**

St. Cloud, MN

*Solo Practitioner, 2016-2017*

- Practiced primarily in criminal defense.
- Provided contract work for the State Public Defender.

**7<sup>TH</sup> DISTRICT PUBLIC DEFENDER**

Bemidji, MN

*Assistant Public Defender, 2014-2017*

- Aggressively and professionally represented indigent clients charged with offenses ranging from traffic violations to felonies.

**BARTHOLOMEW LAW OFFICE**

Hudson, MN

*Associate Attorney, 2011-2014*

- Litigation attorney with a focus in family law, criminal defense, and personal injury.
- Contract prosecutor for the Village of North Hudson.
- Certified Guardian Ad Litem



## EDUCATION

### **MITCHELL HAMLINE COLLEGE OF LAW**

*Juris Doctorate, May 2011*

- Cum laude

Saint Paul, MN

### **MINNESOTA STATE UNIVERSITY, MANKATO**

*Bachelor of Arts, May 2005*

Major: Corrections/Law Enforcement

- Magna Cum Laude
- Division I Ice Hockey
- WCHA All-Academic Team 2005-06; 2006-07; 2007-08

Mankato, MN

## BAR ADMISSIONS

State of Minnesota

State of Wisconsin (inactive)

United States District Court, District of Minnesota

## HONORS

### **Rising Star, 2020-2022**

Super Lawyers

### **Top 40 Under 40, 2019, 2021**

National Trial Lawyers

### **10 Best Attorneys – Minnesota, 2021**

American Institute of Criminal Law Attorneys



**REBECCA L. DUREN**  
ATTORNEY AT LAW

2350 Wycliff Street, Suite 200  
St. Paul, MN 55114  
(651) 224-3781  
[rduren@kellyandlemons.com](mailto:rduren@kellyandlemons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

St. Paul, MN

*Shareholder, 2021-Present*

*Associate Attorney, 2019-2021*

- Handle all aspects of petty misdemeanor, misdemeanor and gross misdemeanor criminal prosecution for the cities of West St. Paul, Maplewood, Little Canada, Shoreview, Arden Hills, North Oaks, and Stillwater
- Advise clients in criminal investigations including officer involved shootings
- Represent unions in the grievance arbitration process
- Panel Attorney, MPPOA Legal Defense Fund

**LESCH & DUREN, LLC**

St. Paul, MN

*Attorney at Law, 2015-2018*

- Represent clients in serious felony criminal matters including criminal sexual conduct and homicide

**RAMSEY COUNTY PUBLIC DEFENDER'S OFFICE**

St. Paul, MN

*Assistant Public Defender, 2017-2019*

- Represent indigent clients on misdemeanor and felony matters on a from arraignment through jury trial
- Manage a high volume and cases and maintain client relationships

**FIFTH JUDICIAL DISTRICT**

Worthington, MN

*Assistant Public Defender, 2013-2015*

- Represent indigent clients on juvenile, CHIPS, probation, misdemeanor and felony matters
- Adapt to working in multiple counties including: Murray, Nobles, Rock, Pipestone, and Cottonwood Counties
- Work with a culturally diverse clientele frequently requiring the use of interpreters including: Karen, Nuer, Lao, Tigranian and Spanish
- Attended 2014 Minnesota Public Defender Trial School

**RAMSEY COUNTY PUBLIC DEFENDER'S OFFICE**

St. Paul, MN

*Certified Student Attorney, 2011-2012*

- Interview clients, inform them of their Constitutional Rights, and provide legal advice to assist client in either resolving their case or preparing for another court appearance

## **EDUCATION**

### **MITCHELL HAMLINE COLLEGE OF LAW**

St. Paul, MN

*Juris Doctor, May 2012*

Activities: Minnesota Justice Foundation, Study Abroad (London, June 2010), Marshall Brennan Fellow

Honors: Dean's List (2011& 2012), Public Service Distinction (over 150 community service hours)

### **St. Olaf College**

Northfield, MN

*Bachelor of Arts, May 2009*

Major: Political Science

Concentration: Economics

Study Abroad: Changing Political Identities in Coastal Central Europe, January 2009

## **BAR ADMISSIONS**

State of Minnesota

United States District Court, District of Minnesota

## **HONORS**

### **Certified Criminal Law Specialist**

Minnesota State Bar Association, 2019-present

### **Up & Coming Attorney, 2016**

Minnesota Lawyer Magazine

### **Rising Star, 2019-22**

Super Lawyers



**MARTIN H.R. NORDER**  
Attorney at Law

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2350 Wycliff Street, Suite 200  
Saint Paul, MN 55114  
(651) 224-3781  
[mnorder@kellyandlemmons.com](mailto:mnorder@kellyandlemmons.com)

**LEGAL EXPERIENCE**

**KELLY AND LEMMONS, P.A.**

Saint Paul, MN

*Shareholder, 2018-Present*

*Associate Attorney, 2013-17*

- Criminal prosecution for cities of Little Canada, Shoreview, Arden Hills, North Oaks, Maplewood, West St. Paul, and Stillwater
  - Appointed as special prosecutor by City of Shorewood
- Represent labor Unions in litigation and grievance arbitration hearings.
- Represent private clients in various types of civil litigation.
- Represent municipalities and townships on local government legal issues and litigation.

**HONORABLE LEZLIE OTT MAREK, RAMSEY COUNTY DISTRICT COURT**

Saint Paul, MN

*Judicial Law Clerk, 2011-2013*

- Perform legal research in the preparation of memoranda, opinions, or orders for judge concerning cases before the court.
- Confer with judge concerning legal questions and granting of orders.
- Prepare briefs and legal memoranda, including appropriate suggestions or recommendations to the judge.

**HONORABLE MICHAEL T. DECOURCY, RAMSEY COUNTY DISTRICT COURT**

Saint Paul, MN

*Judicial Law Clerk, 2009-2010*

- Perform legal research in the preparation of memoranda, opinions, or orders for judge concerning cases before the court.
- Confer with judge concerning legal questions and granting of orders.
- Prepare briefs and legal memoranda, including appropriate suggestions or recommendations to the judge.

## **EDUCATION**

### **UNIVERSITY OF SAINT THOMAS SCHOOL OF LAW**

Minneapolis, MN

*Juris Doctor, May 2008*

Honors & Activities: Dean's Scholarship, Peer Mentor, Founding Member UST Law Hockey Team

### **UNIVERSITY OF SAINT THOMAS SCHOOL OF LAW**

Minneapolis, MN

*Bachelor of Arts, May 2004, cum laude*

Major: Business Management and Leadership

Minor: Spanish

Honors & Activities: Dean's List (4 semesters), Aquinas Scholar Program, Management Club

## **BAR ADMISSIONS**

- State of Minnesota
- United States District Court, District of Minnesota

## **HONORS & ASSOCIATIONS**

### **Outstanding Metro Area Prosecutor, 2017**

Mothers Against Drunk Driving

### **Ramsey County Bar Association**

Board of Directors, Member

Youth and the Law Committee Co-Chair

Golf Tournament Committee Co-Chair

### **Ramsey County Criminal Justice Coordinating Council**

Suburban Prosecutor Representative



**RACHEL SWENSON**  
ATTORNEY AT LAW

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St. Paul, Minnesota 551174  
(651) 224.3781  
[rswenson@kellyandlemmons.com](mailto:rswenson@kellyandlemmons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

Saint Paul, MN

*Associate Attorney, 2019-Present*

- Research and advise clients on wide range of legal issues, including municipal, criminal, employment, and labor.
- Draft legal briefs and memoranda related criminal law and procedure, due process, reasonable accommodations, and appellate work.
- Prepare and file corporate organizational documents.

**TENTH JUDICIAL DISTRICT**

Center City, MN

*Supreme Court Appeal Panel (SCAP) Law Clerk, July 2018 – 2019*

- Conduct legal research and draft orders for the Chief Judge of the Supreme Court Appeal Panel on petitions for reduction in custody of persons civilly committed to the Minnesota Security Hospital and Minnesota Sex Offender Program
- Respond to requests from parties; attend hearings and phone conferences; coordinate with the Panel

**FIRST JUDICIAL DISTRICT**

Hastings, MN

*Law Clerk to the Honorable M. Michael Baxter, January 2016 – June 2018*

- Advised Judicial Officers in decision-making based upon applicable rules and laws
- Performed legal analysis and drafted orders in the areas of civil, criminal, and family law
- Managed judicial calendar; worked cooperatively with attorneys, court staff, and other stakeholders; responded to inquiries from self-represented litigants

**RASMUS LAW OFFICE**

Minneapolis, MN

*Project Attorney, October 2013 – February 2014*

- Drafted memoranda, demand letters, wills, pre-mediation letters, and other civil practice documents
- Researched various legal issues pertaining to civil cases under time-sensitive deadlines

**ROBINS, KAPLAN, MILLER & CIRESI**

Minneapolis, MN,

*Project Attorney, 2011*

**WHITE BEAR LAKE CITY ATTORNEY**

White Bear Lake, MN

*Certified Student Attorney, January 2010 – May 2010*

- Represented City in misdemeanor and gross misdemeanor prosecution cases

## **MILITARY EXPERIENCE**

### **MINNESOTA ARMY NATIONAL GUARD**

St. Paul, MN

*November 1998 – November 2010*

- Staff Sergeant/E-6, Certified Human Resources Non-commissioned Officer
- Security Analyst/Emergency Management Non-commissioned Officer
- Executive Administrative Assistant to the Commanding General (Deployed)

## **EDUCATION**

### **Mitchell Hamline School of Law**

St. Paul, MN

*Juris Doctor, magna cum laude, May 2010*

Honors: Dean's List; CALI Award, Contracts, Estates and Trusts Survey

Activities: William Mitchell Fellows Program; Rosalie Wahl Moot Court Competition;  
American Association for Justice

Volunteer Work: Conflict Resolution Center; Project Homeless Connect

### **University of Minnesota – Twin Cities**

Minneapolis, MN

*Bachelor of Arts, summa cum laude, May 2001*

Major: Sociology of Law, Crime, and Deviance

## **BAR ADMISSIONS**

State of Minnesota



**ASHLEY JONES TURNER**  
ATTORNEY AT LAW

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2350 Wycliff Street, Suite 200  
St. Paul, Minnesota 551174  
(651) 224.3781  
[aturner@kellyandlemons.com](mailto:aturner@kellyandlemons.com)

**LEGAL EXPERIENCE**

**KELLY & LEMMONS, P.A.**

Saint Paul, MN

*Attorney, May 2022 - Present*

- Represent cities in misdemeanor proceedings in Ramsey, Washington, and Dakota Counties.
- Represent clients in various real property matters, including boundary line disputes, drafting deeds, and land sale transactions.

**KELLY & LEMMONS, P.A.**

Saint Paul, MN

*Legal Assistant, 2020 – April 2022*

- Misdemeanor prosecutor for cities in Ramsey, Washington, and Dakota Counties.
- Criminal defense attorney representing clients from traffic violations to major felonies.

**ASHLEY JONES TURNER LAW**

Marion, IN

*Solo Practitioner, 2015-2016*

- General practice attorney with a focus in family and criminal law.

**NATALIE CONN LAW OFFICES, LLC**

Marion, IN

*Solo Practitioner, 2014-2015*

- General practice attorney with a focus in family and criminal law.

**EDUCATION**

**UNIVERSITY OF NORTH DAKOTA**

Grand Forks, ND

*Juris Doctorate, May 2013*

- Treasurer Public Interest Law Association
- Law Women's Caucus
- Best Respondent's Brief, UND School of Law Moot Court 2012

**NORTH DAKOTA STATE UNIVERSITY**

Fargo, ND

*Bachelor of Science, May 2010*

Major: Political Science

Minor: Spanish



**BAR ADMISSIONS**

State of Minnesota  
State of Indiana (inactive)

**AFFILIATIONS AND MEMBERSHIPS**

True Friends Operations Board Member, Chair of the Governance Committee

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## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G7
<b>Attachment</b>	N/A
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Designation of Prosecuting Attorney
<b>Description</b>	Each year the City of Falcon Heights designates a prosecuting attorney. This person works closely with the Ramsey County Sheriff's Office and City Staff in prosecuting all misdemeanor and felony level offenses as well as Ordinance Violations. Following the previous item, the City requested proposals for prosecuting attorney services and selected Kelly & Lemmons as our Prosecuting Attorney.
<b>Budget Impact</b>	The monthly retainer will not change and has been included in the 2023 operating budget.
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council approve Joseph Kelly and the law firm of Kelly & Lemmons as the City's prosecuting attorneys for 2023.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G8
<b>Attachment</b>	Elected Official Out-of-State Travel Policy
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Review of Elected Official Out-of-State Travel Policy
<b>Description</b>	In 2005, the Minnesota State Legislature passed a requirement that cities adopt a policy that regulates out-of-state travel by elected officials. The Falcon Heights City Council adopted the attached policy on November 9, 2005. One provision of the statute is that the policy be reviewed annually by the City council.
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Elected Official Out-of-State Travel policy</li> </ul>
<b>Action(s) Requested</b>	Staff recommends that the Falcon Heights City Council affirm the attached City of Falcon Heights Elected Official Out-of-State Travel policy adopted November 9, 2005.

## **City of Falcon Heights**

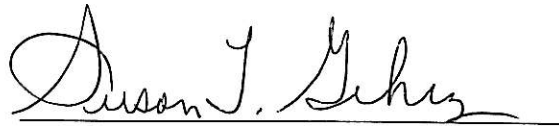
# **ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY**

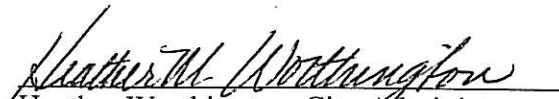
Purpose: The City of Falcon Heights recognizes that its elected official may at times receive value from traveling out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City.

General Guidelines:

1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel, and the use of a resolution detailing what exactly is being approved.
2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
3. The city may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.
4. The City will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the city's Travel Policy.

Adopted November 9, 2005

  
Susan L. Gehrz, Mayor

  
Heather Worthington, City Administrator

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G9
<b>Attachment</b>	Standing Rules and Council and Advisory Commission Roles and Guidelines
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Review and Adopt Council Standing Rules and Council/ Advisory Commission Roles and Guidelines
<b>Description</b>	<p>Each year, at the first Council meeting, the City Council reviews the operating procedures it intends to use and decides if changes are warranted.</p> <p>The standing rules have been amended as of September 23, 2020 with the City Council and Advisory Commission Roles and Guidelines as attached.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City Council Standing Rules</li> <li>• City Council and Advisory Commission Roles and Guidelines</li> </ul>
<b>Action(s) Requested</b>	Staff would recommend adopting the Council Standing Rules and Council and Advisory Commission Roles and Guidelines for 2023.



Amended January 11, 2006

## B. CITY COUNCIL STANDING RULES

### INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special council meetings, as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The council process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

### MEMBERSHIP

The formal council membership consists of the four council members and the mayor. All five have one vote each and all five can introduce motions. For purposes of leading the meeting, the mayor, or in the absence of the mayor, the acting mayor will be considered the chairperson.

### RULES

#### Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all of the council members and any other persons having responsibility for an item at least three working days prior to the meeting. An agenda can be modified with addenda by a majority vote, but this should be used only for minor items or items with extreme time constraints.
2. An item can be moved from the consent agenda to the action agenda at the request of any council member.
3. Since there will be an audience and cable TV viewers not familiar with each item, the chair will give a brief explanation of each item as it is addressed.

### Agenda (continued)

4. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:
  - a. Filling in time before a scheduled item, i.e. a public hearing.
  - b. Grouping several items to best make use of consultant time.
  - c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

### Process – Regular and Special Council Meetings

1. For these proceedings, the council will use the “open discussion” procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city administrator, city clerk and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous, or irrelevant.
3. The chair can make liberal use of the “unanimous consent” procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement “If there are no objections . . . stands approved (or denied).” If any council member has an objection, the item reverts to the standard motion procedure. This “unanimous consent” procedure cannot be used for items requiring formal votes, i.e. resolutions, or for approval of the consent agenda.
4. The standard motion procedure is changed to not require a second. A motion need only to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation, but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the city clerk can request a clarification.

### Process – Regular and Special Council Meetings (continued)

7. The meeting will be recorded and the recording will be retained for three months following approval of the minutes for that meeting. The standard retention can be extended if, in the judgment of the mayor, city administrator, city clerk or any council member, such action is warranted. Council workshop sessions are open to the public but will not be recorded.
8. If the council action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.
9. No council meeting will extend beyond 10:30 PM except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

### Process – Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner, the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.
2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter, and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.
3. All individuals wishing to speak must identify themselves, their address, and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The council may take up to 15 minutes to review written statements presented at the meeting. If the council decides to not act on the issue at the public hearing meeting, it may, by majority vote, extend the time where written input will be taken to a day no later than one week before the next meeting where a deciding vote is planned.
4. All speakers are expected to be businesslike, to the point and courteous. Anyone not abiding by these rules will be considered out of order.
5. The council will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These “points of information” requests should be held to a minimum.

6. Once the public testimony phase is complete, the chair will announce the public hearing to be closed and the council will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the council.
7. It shall be the intent of the council to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
8. No public hearing will extend beyond 10 PM.
9. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
10. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.
11. If the public hearing is to set an assessment rate, the assessment formula(s) under discussion cannot be altered. This implies that the council has fully discussed any formulas prior to the hearing and that the appropriate legal, fiscal and engineering consultants have passed on formula(s) viability, legality and feasibility.
12. If the hearing is to set an assessment, it cannot be scheduled later than the first meeting in September. This is to allow time to correct any errors prior to the time needed to certify the rolls to the county.

#### ADOPTION/MODIFICATION/SUSPENSION

These rules, with the exception of the mandatory 10:30 PM adjournment, can be adopted, modified or suspended in whole or in part by a  $\frac{3}{4}$  vote of the council. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

#### ANNUAL REVIEW

These rules will be reviewed annually at the first meeting in January.

#### INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any council member and can be overruled by a majority vote.

Attachment

## SIKKINK'S SEVEN MOTION SYSTEM

### General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
  - (1) You usually cannot consider two motions of the same rank at the same time, and
  - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

**SIKKINK'S SEVEN MOTION SYSTEM TABLE**

<u>Motion</u>	<u>Purpose</u>	<u>Applies To What Situations</u>	<u>Needs Recognition</u>	<u>Needs Second</u>	<u>Can be Discussed</u>	<u>Amendable</u>	<u>Vote Required</u>
1. Restrict Discussion	To stop or limit discussion	All discussable motions	Yes	Yes	Yes	Yes	2/3
2. Appeal	To let the group vote on a chair's decision	To decision of the chairperson	No	Yes	Yes	No	Majority
3. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
5. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
6. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
7. General	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority

## **City Council and Advisory Commission Roles and Guidelines**

### **PURPOSE**

The purpose of the document is to outline the main roles, duties, and authority of the City Council (Council) and Advisory Commissions (Commissions). This document also establishes general guidelines for decorum of the governing bodies such as proper procedure during meetings, best practices to represent Council and the community, and other state and local laws that apply.

### **POLICY**

#### **A. City Council Role and Authority**

The five-member City Council is the chief governing body of the City whose responsibility it is to see that the City is properly exercising its functions, fulfilling the duties law imposes, overseeing the organization's financial affairs and selecting the City Administrator, and not exercising powers which it does not legally possess.

The City Council, as a body, has the following major areas of authority and responsibility. These are:

1. Selecting the City Administrator
2. Focus on policy and outcomes ensuring that the strategic direction leads the city to the desired outcome
3. Setting and interpreting rules governing its own proceedings,
4. Exercising all the statutory powers of cities,
5. Legislating for the City,
6. Directing the enforcement of City ordinances,
7. Appointing or hiring non-seasonal or non-temporary personnel,
8. Overseeing the City's financial operations and adopting the annual budget,
9. Appointing members of the boards, commissions, committees, chairs and task forces conducting the City's inner and regional governmental affairs,
10. Protecting the general health, welfare and safety of the City and its inhabitants
11. Providing community leadership and vision

The most important single responsibility of individual Council Members is participation and voting at City Council meetings and workshops. As individuals, Council Members have no individual administrative authority; they cannot direct staff or otherwise supervise City employees unless the Council specifically directs them to do so. Staff's respective duties are to Council as an entity. No one Council Member has any right to privileged information, or the direction of staff analysis, research or action apart from the group. As a Council, however, Council Members should devote their official time to issues of basic policy and to acting as liaisons between the City and the general public. Council Members should be concerned, not only with the conduct of current affairs, but also with the future development and welfare of the City.

#### **B. Affirmation of Expectations**

The Council seeks to establish commonly held expectations and to clarify roles and procedures to further Council and staff effectiveness. These various initiatives are to not suppress the dynamic

engagement which is so valuable to policy development. The Council is committed to a set of behavioral expectations, intended to create a high level of trust, creativity, and productivity. These include:

1. Staying focused on top priority and strategic goals, rather than becoming reactive,
2. Engaging in proactive, on-going communication which avoids unnecessary surprises,
3. Seeking common ground and coming together, avoiding the fueling of controversy or anxiety,
4. Focusing on others' actions and avoiding speculation about their intentions,
5. Building trust by being transparent, ethical, and acting with integrity,
6. Engaging in and encouraging direct communication,
7. Maintain confidentiality of all closed session materials and discussion,
8. Assuming good intentions and asking about intent, and
9. Respecting all citizens and all members
10. Read packets ahead of time and, when possible, provide the City Administrator advance notice about questions for staff before the meeting
11. Participate in all issues, not just select matters of personal interest
12. Voting after council discussion
13. Debate and disagree, without fighting and with keeping it to the issue at hand
14. Remember that council makes policy and sets direction, and staff manages the operations and implements Council actions

There are also expected activity levels of Council Members in addition to attending additional meetings, training, activities and events as part of the fulfillment of their duties. Some of these are:

1. City Council Orientation: Setting the information foundation of a Council Member is important. Therefore, for each new Council Member, a detailed orientation plan should be completed and fulfilled within the first year of office.
2. City Council Meetings: Council Members are expected to be present and on time at all noticed meetings of the City Council. Absences from Council meetings should be identified as soon in advance as possible and communicated to the City Administrator to assure a quorum and necessary voting numbers are present for any given action before the Council.
3. Council Liaison: Each Council Member will be assigned meetings through the year by the Mayor and approved by the Council that they are expected to attend on behalf of the City Council. Information from these meetings that might be of interest to the other Council Members should be reported at the end of the monthly City Council workshop meetings under "Mayor and City Council Comments and Commission Liaison Updates." This portion of the Council meeting is not a time for further discussion or questioning beyond specific clarification of the update or announcement. Such is best handled during other communication routes or one to one meetings with staff, Mayor, or Council Members.
4. Additional Meetings: There are a number of meetings outside the normal meeting schedule that it is important for Council Members to attend. Some of them are:
  - City Council/Advisory Commission Kick-off event
  - Groundbreaking and grand openings of City facilities
  - Joint meetings with other public entities
  - One-on-one meetings with the City Administrator as established
  - Development Tour



- Emergency Management Training
- Racial Equity an Inclusion training as designated for Falcon Heights Staff, Council and Commissioners.
- Human Rights Day
- City Organized Events (ex. Human Rights Day and Ice Cream Social)

### **C. Advisory Commission Role and Authority**

Advisory Commissions have a primary role to advise the City Council in the creation and evolution of City policies and procedures. In particular instances, governing bodies may facilitate public participation in order to fully develop a recommendation to the City Council.

City staff members are available to provide general assistance to Advisory Commissions. Advisory Commissions are not involved in the administration or operation of City departments. Commissions may not conduct major studies, or establish official policy without the approval of the City Council.

Despite Commissions' differing tasks, all share some basic responsibilities. Members need to stay informed on subjects of interest to their specific commission. Conscientious attendance is also a fundamental responsibility, as irregular attendance lessens one's ability to study all aspect of items under consideration.

### **D. Non-Participation in Administration**

The City Council has an important oversight and fiduciary responsibility and must develop processes to ensure accountability. Central to an understanding of the role of Council Members is a confirmation of an appropriate relationship with staff. Members of the Council shall refrain from becoming directly involved in the administrative activities of the City and shall not intrude into those areas that are exclusively the responsibility of staff. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Council as a whole. Neither an individual Council member nor any Commission member shall give direction or orders to any staff member.

The Council shall work with City staff through the City Administrator or his / her designee. The City Administrator may choose to establish formal or informal norms for routine Council or Commissioner Staff interaction.

### **E. Agendas**

Council and Commission agendas shall be established by the City Administrator or his / her designee. Future agenda items requested by a Council Member or Commission Member shall be discussed during a regular and/or workshop meeting and will be determined by the majority of the Council or Commission.

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be at the Council meeting rather than administrative details. Any clarifications or technical questions that can be readily answered should be handled before the meeting. Council Members are

encouraged to submit their questions on agenda items to the City Administrator as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

Any staff member (authorized by the City Administrator”), the Mayor or two (2) Council Members wishing to add an item to any agenda pursuant to this section shall do so by complying with the following: (a) All requests from Council to place an item on the posted agenda must submit an action form to city administration\* and be received by the City Administrator by 10:00 a.m. 11 days prior to the next Council work session meeting. For a regularly scheduled Wednesday Workshop, the deadline for agenda item would be 10:00 a.m. on the Thursday preceding packet completion. All request from the Mayor and Council must first be reviewed at a Council Workshop before being placed on the agenda of a regular meeting.

## **F. Communication**

1. E-mails: All e-mails sent through the City server shall be saved per the City’s data retention policies. Each Council Member shall be assigned a unique City e-mail address for City-related e-mail communication. It is strongly advised for Council Members to exclusively use this address for their City business e-mails. Use of personal email for City business could create government data to their personal account subjecting them to retention laws and possibility of discovery if the City receives a data request.

Council Member e-mail communications should be directed either to the City Administrator or to a department head, copying the City Administrator. General electronic communications related to the specific functions of the City Clerk (i.e. scheduling of meetings, record retention, data practices, research, etc.) and the Communications Coordinator (i.e. composing of various items such as articles for the newsletter, press releases, and general correspondence) following positions, may be directly e-mailed, copying the City Administrator.

Council Member communication may not copy more than one other Council Member in their correspondence, nor should e-mail messages be forwarded on from one member to another so as to create a “walking quorum.” E-mails to Council Members from the public should be done through City issued emails, which will be shared with all members of the Council.

Advisory Commission members will not receive a City e-mail address. Commissioners should direct all their communications to their Commission staff liaison.

2. Written correspondence: The City Clerk or assigned staff shall open up incoming mail for the Mayor, Council Member and Commission Members (unless it is labeled personal and confidential) and disseminate these materials. The City Clerk or assigned staff is authorized to provide copies of Council Members’ correspondence to pertinent staff members. General correspondence addressed to Council Members shall be opened and distributed to all Council Members as appropriate.
3. Text messages/social media correspondence: All electronic communications from Council to staff or from Council to the public should utilize a City issued address.
4. The City logo, insignia and brand can only be used for City business and not for political or personal purposes.

5. Prior to interviews with the press, Council Members will inform the City Administrator or designee to coordinate message points.
6. Speaking for the City: When Council Members are requested to speak to groups or are asked for the City Council's position on an issue (verbal or written), the response should reflect the position of the City Council as a whole. A Council member may clarify his/her vote on a matter by stating, for example, "While I voted against X, the City Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

The City Administrator will be the designed representative for all media inquiries and interviews when requested for an official statement of the City, unless specified differently by the full City Council.

## **G. General Meeting Guidelines**

During meetings, members shall preserve order and decorum and shall obey the rules of the governing body. Governing bodies are expected to conduct meetings implementing Robert's Rules of Order (11<sup>th</sup> edition). Discussions shall be conducted in an orderly fashion. Private conversation between members during meetings is inappropriate. Members also should not privately communicate with any member of the public, including other governing body members and staff via electronic means during a public meeting. As much as possible, or practical, members should provide City staff questions in advance of a meeting that may entail research and preparation for items on the forthcoming agenda.

The City Council will also comply with the Council Standing Rules which is adopted annually to include Sikkink's Seven Motion System.

A member once recognized, shall not be interrupted while speaking unless called to order by the chair, or the speaker chooses to yield to questions from another member. All members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the body. Members shall also refrain at all times from rude and derogatory remarks. Members shall confine their remarks to the issues before the body and shall not attempt to revisit or reopen issues already addressed and settled with one exception: a member of the prevailing side on an issue may move for formal reconsideration of that issue.

Citizens and staff attending meetings shall also observe the same rules of propriety, decorum and good conduct applicable to Council/Commission Members. Any person making personal, impertinent, or slanderous remarks or anyone who becomes boisterous while addressing the body or while attending the meeting shall be asked by the Mayor/Chairperson to conduct themselves properly, and if they fail to do so shall be asked to leave the room.

If the governing body conducts public hearings, members shall not express their views on a proposal until after a public hearing is closed. Members' comments and questions shall not suggest a position. After a public hearing is closed, members shall be invited to discuss their views on the proposal. Members shall apply City Council and Advisory Commission Guidelines and Practices to achieve win-win solutions whenever possible.

Outside of deliberations, it is a member's responsibility to present views and recommendations representing the governing body as a whole. Members expressing views not represented by the majority of the body shall identify them as such.

Public statements shall not include promises that may be construed to be binding on the City, governing body or staff. When making a public statement, members shall indicate that Commission actions are recommendations and that final action will be taken by the City Council.

Public officials and representatives on governing bodies shall follow Minnesota State Statute 10A.07 Conflicts of Interest and Minnesota State Statute 10A.09 Statements of Economic Interest.

The success or failure of a governing body's efforts may be dependent upon the degree of cooperation evident among the individual members of the body; therefore, members shall work to establish a good relationship with each other.

Each member shall keep in mind these important points:

- Show respect for another's viewpoint.
- Allow others adequate time to fully present their views before making comments.
- Be open and honest.
- Make new members feel welcome and help them become acquainted with their duties.
- Comments are confined to the current issue or policy, not to the person who made other comments
- Refrain from speaking a second time until everyone has spoken a first time
- No verbal attacks of other members
- No side conversations
- Pay attention (avoid use of any personal technology devices)
- Speak directly and openly to one another
- Support Council decisions

Members shall not vote on, nor participate in the discussion of, issues in regard to which the member has a conflict of interest. Conflict of interest is generally defined as having a personal financial interest in the outcome. Further information can be obtained from the City Attorney by contacting the City Administrator.

Members are also expected to consider issues in terms of the good of the City as a whole and should, as much as possible, be perceived as considering issues on this basis. To this end, members are requested to publicly disclose any relationships to parties involved in an issue or possible perceived conflicts which might be viewed as impacting their ability to objectively consider an issue before them.

## **H. Requests for Information/Analysis**

City Council requests for information should be made through the City Administrator, according to protocol for channeling communications. Any request that requires a significant amount of staff time to research a problem or prepare a response may be referred to the full Council for direction to ensure that staff resources are allocated in accordance with overall Council priorities.

Commission requests for information will be made to the designated Commission staff liaison. Requests requiring a significant amount of staff time to research a problem or prepare a response

may be referred to the full Commission for direction to ensure that staff resources are allocated in accordance with overall Commission priorities as directed by the Council.

#### **I. Conflicts of Interest**

State laws regarding ethics and conflicts of interest are some of the most important for Council Members to be aware of and follow. Essentially, these laws prohibit any Council Member from voting on any question that is brought before the Council in which he/she is personally involved, or has an incompatible occupational or financial interest. Due to both the complexity of these laws and the significant consequences if violated, it is highly suggested that Council Members discuss with the City Attorney potential conflicts who shall consult the City Administrator.

#### **J. Discrimination**

The City of Falcon Heights does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation or disability in the admission or access to, or treatment or employment in, its programs, activities, or services. Members of a governing body must adhere to this City policy as well as City policies regarding non-discrimination, harassment or inappropriate behavior.

#### **K. Gifts**

All local officials in the State of Minnesota, including appointed commissioners, are required to adhere to Minnesota Statute 471.895.

Non-adherence to these guidelines may be subject to review by the City Council.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G10
<b>Attachment</b>	N/A
<b>Submitted By</b>	Randall Gustafson, Mayor

<b>Item</b>	Appointment of Acting Mayor
<b>Description</b>	<p>Periodically, the Mayor’s absence requires that official duties (such as signing official documents, running City Council meetings, etc.) need to be conducted in a timely manner.</p> <p>The Mayor retains the right to name other Council Members as Acting Mayor when planned absences are anticipated, but the formal designation of an Acting Mayor allows for continuity of operations in the case of an emergency or unplanned absence.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Motion to approve Council Member Melanie Leehy as the 2023 Acting Mayor.

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## REQUEST FOR COUNCIL ACTION (RCA)

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G11
<b>Attachment</b>	N/A
<b>Submitted By</b>	Randall Gustafson, Mayor

<b>Item</b>	Council/City Commission Liaison Assignments
<b>Description</b>	<p>Council Members are each assigned to serve as a liaison between City Council and various commissions each year. Assignments for 2023 are as follows:</p> <ul style="list-style-type: none"> <li>• Planning Commission - Yakasah Wehyee</li> <li>• Community Engagement Commission - Randall Gustafson</li> <li>• Parks and Recreation Commission - James Wassenberg</li> <li>• Environment Commission - Eric Meyer</li> <li>• Northeast Youth and Family Services - Randall Gustafson</li> <li>• North Suburban Cable Commission (Nine North) - Sue Majerus (Resident) <ul style="list-style-type: none"> <li>○ Mayor Randall Gustafson will be the alternate</li> </ul> </li> </ul>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Motion to approve the above appointments for 2023.

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## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G12
<b>Attachment</b>	N/A
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Commission Re-Appointments
<b>Description</b>	<p>Each year the City Council appoints residents to serve on various city commissions. Below are my recommendations for residents to serve three-year terms (2022-2024), as directed by the City Code:</p> <ol style="list-style-type: none"> <li>1. Mike Bradbury to the Parks and Recreation Commission (this was erroneously omitted from the 2022 Re-Appointment RCA previously approved on the January 12, 2022 agenda)</li> </ol> <p>Below are my recommendations for residents to serve three-year terms (2023-2025), as directed by the City Code:</p> <ol style="list-style-type: none"> <li>1. Jeff Yager to the Parks and Recreation Commission</li> <li>2. Julie Ebbesen to the Community Engagement Commission</li> <li>3. Andrea LaDouceur to the Community Engagement Commission</li> <li>4. Karen Cooley-Kistler to the Community Engagement Commission</li> <li>5. Scott Wilson to the Planning Commission</li> <li>6. Joel Gerich to the Planning Commission</li> </ol>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	N/A
<b>Action(s) Requested</b>	Motion to approve the reappointment of the following Commissioner(s) to their second three-year terms to their respective commissions.

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Consent G13
<b>Attachment</b>	N/A
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Tubman Legal Services Request Cooperative Agreement
<b>Description</b>	<p>Tubman Legal Services is a not-for-profit organization that serves Hennepin, Ramsey and Washington counties, offering pro-bono legal services for those experiencing trauma – particularly victims of relationship violence, sexual assault and more.</p> <p>Tubman Legal Services actively supports the Falcon Heights community and with the assistance of the City Prosecutor, helps victims of domestic violence navigate their way through the court system. They also help victims with the steps to filing orders of protection. In 2021, Tubman helped Falcon Heights residents by providing the following services:</p> <ul style="list-style-type: none"> <li>• 5 clients with protective orders for a total cost of \$928.97</li> <li>• 8 criminal advocacy cases for a total cost of \$4,056</li> <li>• 6 legal intervention calls from law enforcement (RCSO calls Tubman to assist victims following domestic violence/sexual assault incidents) for a total cost of \$155.94</li> </ul> <p>Due to financial constraints, Tubman Legal Services has had to scale back their services. To keep the services they offer to the communities of suburban Ramsey County, Tubman is requesting funding from each community to support their mission, depending on size. For 2023, Tubman is requesting \$5,000 from the City of Falcon Heights to continue to offer their services.</p> <p>The City has a policy in our Administrative Manual that covers requests for financial contributions. The criteria requires strict guidelines, which staff is of the opinion that Tubman meets. It is up to the City Council to decide on whether to fund this request for financial contributions.</p> <p>The attached cooperative agreement with Tubman clarifies the services offered by the agency, and guarantees that the services will continue in 2023 per contract. The agreement was reviewed by the City Attorney and is ready for approval.</p>
<b>Budget Impact</b>	\$5,000.00
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Tubman Legal Services Cooperative Agreement</li> </ul>

<b>Action(s) Requested</b>	Staff recommends approving the attached Cooperative Agreement for services in 2023.
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## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (“**Agreement**”) is made between the City of Falcon Heights, Minnesota (“**City**”), a Minnesota municipal corporation, and the following non-profit (“**Tubman**”). Tubman is a non-profit social service agency whose mission is safety, hope, and healing.

Name/ Organization: Tubman	Federal EIN: 41-4200048
Mailing Address: 4432 Chicago Avenue Minneapolis, MN 55407	Telephone Number: 612-825-3333 (corporate office)
Contact Person: • Jennifer J. Polzin, CEO, authorized to sign contracts	Email: <a href="mailto:jpolzin@tubman.org">jpolzin@tubman.org</a> , 612-767-6697 (office)

The following person is designated the Contract Manager (“**Contract Manager**”) for the City for the purposes of this Agreement:

Name:	Email:
Mailing Address:	Telephone Number:

City and Tubman may hereinafter be referred to individually as a “party” or collectively as the “parties.” In consideration of the mutual promises and agreements contained herein, and intending to be legally bound, City and Tubman hereby agree as follows:

1. **Agreement Documents.** This Agreement, which includes the Description of Services attached hereto as Exhibit A, sets out the entire understanding between the parties and it supersedes any prior written or oral discussions or agreements between the parties regarding the same subject matter. This Agreement also includes, if they exist, City’s request for proposals for the Services and the proposal submitted by Tubman, both of which are incorporated herein by reference. The provisions of the documents constituting the Agreement shall be read together and reconciled in the documents to the greatest extent reasonably possible. To the extent there are any conflicting provisions that cannot be reconciled, the more specific provision shall generally be controlling. In the event that a material conflict is found between provisions of the documents, the provisions in the following rank order shall take precedence: (1) the Descriptions of Services in Exhibit A; (2) this Professional Services Agreement document; (3) Tubman’s proposal.
  
2. **Services.** Tubman agrees to provide the City the services as described in the attached Exhibit A (collectively, the “**Services**”) in accordance with the terms and conditions of this

Agreement. Tubman shall provide the Services in a manner consistent with industry standards for similar Services and in accordance with the standards, requirements, and timelines set out in Exhibit A.

3. **Compensation.** City shall compensate Tubman for the Services as provided in Exhibit A an amount of \$5,000.00 annually. Unless expressly provided otherwise in Exhibit A, the total amount or rate of compensation is an all-inclusive amount that includes all expenses, costs, taxes, and other amounts Tubman incurs or pays to provide the Services. City shall not be responsible for paying any amounts for the completion of the Services other than those expressly provided for in Exhibit A. The amount will be adjusted annually for inflation/deflation. Amounts payable by the City shall be paid to Tubman on or before January 30<sup>th</sup> of each year, or at a date mutually agreed upon by both parties, to cover the City's share for that year.
4. **Notices.** Any notices provided under this Agreement shall be to Tubman and Contract Manager as identified above.
5. **Term.** This Agreement shall commence on \_\_\_\_\_ and shall terminate on \_\_\_\_\_, unless it is terminated earlier as provided herein or the parties agree in writing to an extension of this Agreement.
6. **Deliverables.** If Tubman is required to produce specific deliverables to City as part of the Services to be provided under this Agreement, such deliverables shall be identified in Exhibit A of the Agreement.
7. **Termination.** Either party may terminate this Agreement for any reason upon thirty (30) days written notice. If Consultant is in default and fails to cure the default within the period provided in the written notice of default as provided in this Agreement, City has the right to terminate this Agreement immediately upon written notice of termination. City shall pay Tubman for Services properly rendered prior to the effective date of termination. The following provisions of this Agreement shall survive expiration, termination, or cancellation of this Agreement: Indemnification; Insurance; Applicable Law; Audit; and Data Practices.
8. **Data Practices.** Consultant agrees to comply with the Minnesota Government Data Practices Act (Minnesota Statutes, chapter 13), and all other applicable laws, related to data it creates or receives from City in the performance of the Services.
9. **Legal Compliance.** Tubman shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in providing the Services and shall obtain all permits and permissions that may be required. This Agreement shall be governed by and construed according to the laws of the State of Minnesota.
10. **Indemnification.** Tubman agrees to defend, indemnify and hold harmless, City, its officials, officers, agents and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of Tubman, its offices, employers, agents, contractors or



subcontractors or anyone directly or indirectly employed by them, or anyone volunteering for them, or anyone for whose acts or omissions they may be liable in the performance of the Services and against all loss by reason of the failure of Tubman to perform fully, in any respect, all obligations under this Agreement. Nothing in this Agreement shall constitute a waiver by City of any limits on or exclusions from liability available to it under Minnesota Statutes, chapter 466 or other law.

11. **Amendments.** No modification, amendment, deletion, or waiver in the terms of this Agreement, or any expansion in the scope of the Services, is valid unless it is in writing and signed by the parties.
12. **Notices.** Any notice or demand authorized or required under this Agreement shall be in writing and shall be sent by certified mail to, with respect to City, the Contract Manager and, with respect to Tubman, to Tubman's contact person, each as identified at the outset of the Agreement.
13. **Nondiscrimination.** Tubman agrees to abide by the requirements and regulations of The Americans with Disabilities Act of 1990 (ADA), the Minnesota Human Rights Act (Minn. Stat. Chap. 363), and Title VII of the Civil Rights Act of 1964. These laws deal with discrimination based on race, gender, disability, and religion, and with sexual harassment. Violation of any of the above laws can lead to the immediate termination of this Agreement without needing to provide a cure period.
14. **INSURANCE.** Consultant shall secure and maintain such insurance as will protect Consultant from claims under the Worker's Compensation Acts, automobile liability, and from claims for bodily injury, death, or property damage which may arise from the performance of services under this Agreement. Such insurance shall be written for amounts not less than:

*Commercial General Liability (or in combination with an umbrella policy)*  
\$2,000,000 Each Occurrence  
\$2,000,000 Products/Completed Operations Aggregate  
\$2,000,000 Annual Aggregate

The following coverages shall be included:

Premises and Operations Bodily Injury and Property Damage  
Personal and Advertising Injury  
Blanket Contractual Liability  
Products and Completed Operations Liability

*Workers Compensation*

*If Consultant is required by law to have Worker's Compensation insurance, Workers' Compensation insurance in accordance with the statutory requirements of the State of Minnesota, including Employer's Liability with minimum limits are as follows:*

- \$500,000 – Bodily Injury by Disease per employee

- \$500,000 – *Bodily Injury by Disease aggregate*
- \$500,000 – *Bodily Injury by Accident*

The City shall be named as an additional insured on the general liability and umbrella policies on a primary and non-contributory basis.

The Consultant shall secure and maintain a professional liability insurance policy. Said policy shall insure payment of damages for legal liability arising out of the performance of professional services for the City, in the insured's capacity as Consultant, if such legal liability is caused by a negligent act, error or omission of the insured or any person or organization for which the insured is legally liable. The policy shall provide minimum limits of \$2,000,000 with a deductible maximum of \$125,000 unless the City agrees to a higher deductible.

Before commencing work, the Consultant shall provide the City a certificate of insurance evidencing the required insurance coverage in a form acceptable to City.

15. **INDEPENDENT CONTRACTOR.** The City hereby retains the Consultant as an independent contractor upon the terms and conditions set forth in this Agreement. The Consultant is not an employee of the City and is free to contract with other entities as provided herein. Consultant shall be responsible for selecting the means and methods of performing the work. Consultant shall furnish any and all supplies, equipment, and incidentals necessary for Consultant's performance under this Agreement. City and Consultant agree that Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's agents or employees are in any manner agents or employees of the City. Consultant shall be exclusively responsible under this Agreement for Consultant's own FICA payments, workers compensation payments, unemployment compensation payments, withholding amounts, and/or self-employment taxes if any such payments, amounts, or taxes are required to be paid by law or regulation.
16. **SUBCONTRACTORS.** Consultant shall not enter into subcontracts for services provided under this Agreement without the express written consent of the City. Consultant shall comply with Minnesota Statute § 471.425. Consultant must pay subcontractor for all undisputed services provided by Subcontractor within ten days of Consultant's receipt of payment from City. Consultant must pay interest of 1.5 percent per month or any part of a month to subcontractor on any undisputed amount not paid on time to subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10.
17. **ASSIGNMENT.** Neither party shall assign this Agreement, or any interest arising herein, without the written consent of the other party.
18. **WAIVER.** Any waiver by either party of a breach of any provisions of this Agreement shall not affect, in any respect, the validity of the remainder of this Agreement

19. **CONTROLLING LAW/VENUE.** This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. In the event of litigation, the exclusive venue shall be in the District Court of the State of Minnesota for Ramsey County.

20. **AUDIT DISCLOSURE.** The books, records, documents and accounting procedures and practices of the Consultant or other parties relevant to this Agreement are subject to examination by the City and either the Legislative Auditor or the State Auditor for a period of six (6) years after the effective date of this Agreement

**CITY**

**City of Falcon Heights**

By: \_\_\_\_\_

Elected Official

Its: \_\_\_\_\_

Clerk/Manager/Administrator

Dated: \_\_\_\_\_

**TUBMAN**

**Tubman**

By: \_\_\_\_\_

CEO

Dated: \_\_\_\_\_

**EXHIBIT A**  
Description of Services

I. DUTIES

A. Services and Description

1. Services. The Consultant agrees to furnish the City the following services:

- a) Recruitment and training of volunteers (advocates) who work with and counsel victims of domestic abuse.
- b) Staffing of a 24-hour crisis line and providing information and referral.
- c) Preparation of petitions for protective orders; assistance in the service of protective orders; advocacy with victims during the court hearing process; monitoring compliance with Court Orders.
- d) Providing safe homes for battered persons and their children.
- e) Providing support/educational groups for battered persons and educational groups for high-risk target groups.
- f) Availability of a domestic abuse perpetrator's group for City referrals.
- g) Tubman will be the first point of contact for victims, regardless of the offense level in a domestic violence case
- h) Tubman will be the community contact agency for intimate partner violence cases referred by law enforcement personnel. Officers complete a lethality risk assessment on site with the victims of intimate partner violence, and refer immediately to Tubman staff for services.

2. Client Eligibility.

- a) Services under this Agreement shall be provided to persons residing in the City who have been battered in domestic relationships and their children and to high-risk target groups.

B. Evaluation, Reporting, and Information Requirements

1. Automated Annual Reports. Tubman agrees to furnish the City with annual reports of services provided under this agreement.
2. Description of Services. A detailed description of the services to be provided.

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**The City That Soars!**

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	January 11, 2023
<b>Agenda Item</b>	Policy H1
<b>Attachment</b>	Resolution
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Climate Crisis Resolution
<b>Description</b>	<p>Many cities around the state have adopted Climate Action Plans addressing the pressing issues of climate change.</p> <p>At the July 6<sup>th</sup> Workshop, the City Council directed the Environment Commission to revise the Climate Emergency Resolution. Specifically, it was requested to include:</p> <ul style="list-style-type: none"> <li>• An acknowledgement of the City’s ongoing efforts and leadership in the area of climate commitment</li> <li>• Not commit the City to completing a Climate Action Plan, but to explore it. This was requested due to the unknown costs of a Climate Action Plan.</li> </ul> <p>The Environment Commission reviewed the feedback at their October meeting, and approved the resolution at their November meeting.</p> <p>The City Council discussed the resolution at their January 4<sup>th</sup>, 2023 workshop meeting. It was decided to change the name to “Climate Crisis” rather than emergency, as a crisis was more reflective of the situation.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Resolution 23-04 - Declaring a Climate Crisis and Commitment for the City to Take Action</li> </ul>
<b>Action(s) Requested</b>	Approve the attached resolution to declare a climate crisis and the commitment for the city to take action.

**CITY OF FALCON HEIGHTS  
COUNCIL RESOLUTION**

January 11, 2023

No. 23-04

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**RESOLUTION DECLARING A CLIMATE CRISIS AND THE  
COMMITMENT OF FALCON HEIGHTS TO TAKE ACTION**

**WHEREAS**, the climate crisis is not only a future issue — it is affecting us here and now in Falcon Heights. Our city has recently experienced numerous climate change related impacts including a record June heatwave, dangerous air quality from drought-fueled forest fires, and water restrictions from the same drought. In fact, [the ten warmest and wettest years ever recorded in Minnesota have all occurred since 1998](#). Impacts like warming surface waters are leading to a significant loss of fish habitats in our lakes as well as increasing the risk of harmful algae blooms, and our forests are changing as native northern species are strained by warming temperatures; and

**WHEREAS**, extreme weather will bring greater challenges to the local infrastructure of Falcon Heights, imposing escalating economic burdens on our residents and businesses; crops are stressed by cycles of drought and floods, home insurance rates are rapidly rising, costing homeowners [an extra \\$1000 on average in 2015 compared to rates in 1998](#), and faster warming winters are leading to new pests as well as shorter winter recreation seasons; and

**WHEREAS**, the greatest burden from an inadequate response to the climate crisis is most immediately experienced by historically marginalized or underserved communities, due to the lasting impact of segregation, the close proximity to pollution sources, and the lack of resources to deal with such challenges; and

**WHEREAS**, the failure to act will lead to the inheritance of these hardships to the youngest generation, including the children and grandchildren of Falcon Heights; and

**WHEREAS**, the bipartisan Next Generation Energy Act, passed by the Minnesota State Legislature and signed by then-Governor Tim Pawlenty in 2007, committed our state to achieving an 80% reduction in greenhouse gas (GHG) emissions by 2050 and with interim goals of 15% and 30% below 2005 GHG emissions levels by 2015 and 2025, respectively, with cities being key drivers of achieving these goals; Minnesota did not meet the 2015 target and is not on track to reach our future targets; and



**WHEREAS**, world leaders from 175 countries, including the United States, following the guidance of the Intergovernmental Panel on Climate Change, recognized the threat of climate change and the urgent need to combat it by signing the 2015 Paris Agreement, agreeing to “pursue efforts to limit the temperature increase to 1.5 degrees Celsius”, which would require emissions to be halved by 2030 and reaching net-zero or net negative carbon emissions by 2050; and

**WHEREAS**, due primarily to human activities we have already reached a temperature increase of nearly [1.19 degrees Celsius \(nearly 2.14 degrees Fahrenheit\) as compared to pre-industrial times](#) and the death and destruction already wrought by this level of global warming demonstrates that the Earth is already too hot for safety and justice, as attested by increased and intensifying wildfires, floods, rising seas, diseases, droughts, and extreme weather; and

**WHEREAS**, a transition to a clean energy economy, if not carefully planned, would have a disruptive economic and social impact for many in our community while a well-planned transition may provide expanded job opportunities for local residents, improve local air quality, quality of life, and provide economic stability; and

**WHEREAS**, to focus attention on the need for rapid action to address climate change, 2,012 jurisdictions in 34 nations have already declared climate emergencies, including 19 cities across Minnesota, led by Duluth, Minneapolis, and Saint Louis Park, and report that acting together, connecting to a larger statewide effort is empowering; and

**WHEREAS**, climate action planning is currently underway in Ramsey County, the MET Council, the University of Minnesota, including the portion of the campus in Falcon Heights, and by many other units of local government in the Twin Cities; and

**WHEREAS**, Falcon Heights has long been a leading City in adopting environmental policies and projects, such as becoming a GreenStep City in 2009, putting a 40kw solar panel on City Hall in 2012, establishing a bike and pedestrian path on Fairview Avenue, creating a community garden, adopting a nature plant ordinance, replacing street lighting with efficient LEDs and more; and

**NOW THEREFORE BE IT RESOLVED** that the City of Falcon Heights declares that the climate crisis threatens our city, region, state, nation, humanity, and the natural world. The City commits to working for a just transition and climate mobilization effort by moving forward to consider a City Climate Action Plan (CAP) with input from the residents, businesses and non-profit entities in our community and in coordination with the partners that are also working on developing or implementing climate action plans in our community.

**LET IT BE FURTHER RESOLVED** the city will utilize the 2040 Comprehensive Plan, Resiliency Plan, and any other pre-created resources to act as a foundation for the CAP. The city

may employ professional planning consultation and shall garner community input and involvement in the development of the CAP. The Environment Commission will review further action in support of the climate action plan and report to the council through the council liaison.

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Moved by:

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

Randall C. Gustafson  
Mayor

GUSTAFSON        \_\_\_\_\_    In Favor  
LEEY                \_\_\_\_\_  
MEYER              \_\_\_\_\_    Against  
WASSENBERG  
WEHYEE

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

Jack Linehan  
City Administrator