

**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue  
**MINUTES**  
April 26, 2023

A. CALL TO ORDER: 7:00 PM

B. ROLL CALL: GUSTAFSON\_X\_ LEEHY\_X\_ MEYER \_\_\_

WASSENBERG\_X\_ WEHYEE\_X\_

STAFF PRESENT: LINEHAN\_X\_ SMITH\_X\_

C. APPROVAL OF AGENDA

Councilmember Wehyee motions  
to approve the agenda;  
approved 4-0

D. PRESENTATION

E. APPROVAL OF MINUTES:

1. April 5, 2023 Workshop Meeting Minutes
2. April 12, 2023 Regular Meeting Minutes

Councilmember Leehy motions  
to approve the minutes;  
approved 4-0

F. PUBLIC HEARINGS:

1. Code Amendments to Chapter 22 to allow for "No Mow May"

Mayor Gustafson asks City Administrator Linehan to provide an overview of the amendment to the City Code.

City Administrator Linehan thanks the Mayor and Council and states that last year, the City participated in the initiative through a resolution. Following this, the Environment Commission expressed interest in making this a permanent change in the City Code. During the City Council workshop on April 5, 2023, City Staff proposed an amendment to code. City Administrator Linehan thanks Councilmember Wassenberg for working with Community Development Coordinator Hannah Lynch on writing and developing the ordinance. He notes, in the final draft, it's specified as turf grass and residents are encouraged to grow native grasses and other grasses not impacted. He also clarifies it's only for residential properties, excluding commercial, government and non-profit properties. Finally, Administrator Linehan stresses this initiative is voluntarily for residents to participate in and it officially ends on June 1<sup>st</sup>. Staff will exercise discretion to start

enforcement as June 1<sup>st</sup> is on a Thursday. We want to provide residents the flexibility of mowing over the weekend. On June 5<sup>th</sup>, City Staff will begin enforcement.

Mayor Gustafson opens the Public Hearing.

After making a second call for the public to speak, Mayor Gustafson then asks City Administrator Linehan if there were any written comments received.

City Administrator Linehan answers no, only one Facebook comment on the original post. Someone expressed there is research out there that doesn't show the benefit of participating in No Mow May.

Councilmember Wehyee asks City Administrator Linehan to repeat the Facebook Comment.

Linehan repeats that there is some research out there that shows that not mowing doesn't benefit pollinators. However, Facebook comments are not official as we cannot verify if they are Falcon Heights residents.

Mayor Gustafson makes a final motion for the public to speak.

Councilmember Wassenberg motions to close the Public Hearing.

Mayor Gustafson closes the public hearing by consent and opens the floor to discussion by City Council members.

Councilmember Leehy appreciates Councilmember Wassenberg and Community Development Coordinator Hannah for their work on this; it answers and clarifies things that were discussed in the workshop.

Councilmember Wehyee echoes those comments and adds that codifying No Mow May is the right thing to do as the community showed a lot of enthusiasm last year and he was excited to not have to mow.

Councilmember Wassenberg states it will be good long-term, so it doesn't have to be addressed each year. And, he feels the City will see a lot of positive benefits for their grass and not just for the pollinators.

Councilmember Leehy and Mayor Gustafson state that residents still need to take care of noxious weeds.

Councilmember Wassenberg wonders if this qualifies as an additional action towards our GreenStep City and if we can get credit for that as well.

Councilmember Wehyee motions  
to approve the code amendment;  
approved 4-0

G. CONSENT AGENDA:

1. General Disbursements through 4/18/23: \$207,738.44

Payroll through 4/15/23: \$42,262.17  
Wire Payments through 4/15/23: \$37,127.60

2. City License(s)
3. Amber Union TBRA Modification Amendment – Exhibit 5
4. Accept Donation from AARP Tax-Aide
5. Appointment of Jacob Brooks to the Planning Commission

Councilmember Wassenberg motions  
to approve the consent agenda;  
approved 4-0

Gustafson states Jacob Brooks joined the Planning Commission at their meeting on April 25<sup>th</sup> and says he will be a great addition to the commission. He then asks Linehan for clarification on item 3, Amber Union TBRA Modification Amendment – Exhibit 5.

Linehan explains that at the last meeting Council approved Exhibit 6 and at this meeting, we're looking to approve Exhibit 5. These exhibits are paperwork needed for Amber Union to close on the property. The exhibits require updated signatures as they currently list the previous City Administrator. In order to update the signatures, the exhibits needed amendment.

Linehan also clarifies that the AARP donation will be dedicated to the City Hall Council Chamber.

Linehan also wants to note that the payroll amount was double compared to normal payroll, because a part of it is a retirement cash out of vacation and sick time for former Public Works Director Tim Pittman.

Wassenberg states that about two thirds of expenditures were for policing and sewer; standard expenditures.

Linehan echoes that these expenditures are more normal compared to previous months. The top monthly expense is police contract and the second largest is Met Council sewer charges.

Wassenberg asks Linehan if, apart from the signature and name updates to Amber Union TBRA Modification Amendment – Exhibit 5, if there were any other notable changes.

Linehan says that there were no other notable changes; only names.

H: POLICY ITEMS:

1. Ruggles Pathway

Mayor Gustafson asks Administrator Linehan to explain the alternative bids received and the process regarding the pathway and its impact on the next policy item.

Linehan thanks Mayor Gustafson and the Council and points out that the two policy items coincide. Council is familiar with the policy item. A Public Hearing was hosted on March 22, 2023, considering vacation of the Right of Way. There as a lot of discussion and resident

feedback and the policy item was tabled to explore further options. As part of the 2023 PMP bid, contractors were asked for pricing on various options.

- Option 1: Install 5 ft. concrete sidewalk through the path. Traditional sidewalk.
- Option 2: Install 5 ft. Permeable Paver that allows water to transfer through.
- Option 3: Contractor to suggest alternative paving solution.

City Administrator Linehan says that as a result of the Public Hearing, City Council asked Linehan to determine other legal options. According to the City Attorney, because the pathway is an easement and the underlayment are owned by the four adjacent property owners, the only way to change designation of the pathway is if the City took control of it, by making an offer to the property owners to purchase it, or to condemn it, which according to the City Attorney, is not a feasible option.

The City obtained a second legal opinion. To summarize, it is the City's duty to maintain the pathway and if do not pave it, we face the risk of ADA violations. The legal memo provides an option to pass a resolution qualifying discretionary immunity. City Administrator Linehan advises the City Council to look at the full legal exposure detailed in the memo, as it would not remove the City's liability.

City Staff is recommending to select one out of the four options presented tonight.

- Option 1 would be to accept the proposal for the 2023 PMP low bidder, Northwest Asphalt, Inc. for Alternate Bid #2 – a 5' concrete walk for a total cost of \$36,730.96.
- Option 2 is to accept the proposal from the same contractor for Alternate Bid #3 – a 5' permeable paver walk for a total cost of \$61,585.65.
- Option 3 would be to reject the alternate bids and rebid the project separately to allow for more customizable options. City Administrator Linehan states there are other contractors available. Roseville has a contractor they recommend. This could allow for more customization. This would be a costlier option.
- Option 4 is to reject all of the bids and direct staff to further explore options for passing a resolution qualifying discretionary immunity.

Councilmember Wassenberg thanks City Administrator Linehan for the thorough research on this policy item. He states he is averse to legal exposure and therefore is not comfortable selecting option 4. He leans more towards option 1 or 2 and would like to know what the benefits of the permeable pavers would be, as this option is costlier.

Councilmember Leehy asks Councilmember Wassenberg to repeat his comment regarding the permeable pavers and the impact on the adjacent residents.

Councilmember Wassenberg repeats that the placing of the concrete sidewalk might cause drainage issues, which could potentially lead to flooding of the adjacent properties. He adds that avoiding this with permeable pavers is more beneficial for the adjacent homeowners.

Councilmember Leehy agrees and says she also leans towards option 1 and option 2. However, she adds, permeable pavers might require more upkeep and could be more challenging with snow removal. She also wonders what the longevity is of permeable pavers versus a concrete sidewalk and thus leans towards option 1.

Interim City Engineer Smith explains what maintenance would be required for permeable pavers. Roughly \$150 - \$200 per year would be needed for upkeep. Additionally, every 5 years a more thorough cleaning would be needed, which would cost \$3,000 to \$4,000. This type of upkeep would not be required for concrete sidewalk.

City Administrator Linehan adds that tree roots could cause issues to concrete sidewalks, but apart from that, it would last 10 - 15 years.

Councilmember Wassenberg asks about the longevity of either option.

Interim City Engineer Smith answers, if one concrete panel cracks, the whole panel needs to be replaced. Whereas, pavers allow for smaller sections to be replaced if needed. However, pavers won't last as long as concrete.

Councilmember Wassenberg then asks about snow removal and if permeable pavers cause more challenges.

City Administrator Linehan says that he could foresee the regular sidewalk machine used for snow removal could affect the pavers more than concrete sidewalk, but he is not entirely sure.

Mayor Gustafson asks about implications of closing the path during winter/snow months and if this is allowed to be done. Currently, the path is maintained by the community during the winter months, but if the City maintained the path and the city is liable, would it be in our right to close it down in the winter.

City Administrator Linehan says that putting up signs to close the path during a certain time is possible, and if someone decides to ignore the signs, they would do so at their own risk.

Councilmember Wehyee wants clarification as to whether the City would still be liable then.

City Administrator Linehan answers that it would help mitigate liability risk but, he adds if the City takes over maintenance, there is liability. We avoid salt for snow removal on sidewalks, which should help the condition of the pavers.

Interim City Engineer Smith adds that there is a similar permeable paver surface at the City Hall in Roseville that is maintained in winter with different equipment as it is a parking lot.

Councilmember Leehy finds the initial cost and maintenance of the pavers expensive.

Mayor Gustafson adds that we would need to budget for the maintenance.

Councilmember Wehyee thinks the permeable pavers best align with what the community wants, as well as being ADA compliant; the cost would be worth it.

Councilmember Wassenberg echoes these comments. He then asks City Administrator Linehan for more details about the kind of pavers.

City Administrator Linehan answers that as part of the bid, we select the design of the pavers. He then adds, that a simple design is cheaper and easier to maintain than a more intricate design. There would be the opportunity to rebid the project with a contractor who specializes in this area. The design chosen looks like a brick house.

Interim City Engineer Smith explains they would be 4" x 8" bricks and the material in between would look like grout, but the material is soft and sandy.

Councilmember Leehy asks if weeds would be an issue and if that would need to be treated.

Interim City Engineer Smith answers that weeds have not been an issue in previous applications.

City Councilmembers question if the four adjacent property owners pay taxes for the pathway property.

City Administrator Linehan clarifies, that staff checked plot surveys and the property owners are currently not paying taxes for the pathway property. It's an untaxed parcel currently. If it would have been vacated, then the owners would have been responsible for the taxes.

Councilmember Wassenberg has one additional question regarding the expectation for the lifetime of permeable pavement.

City Administrator Linehan answers that it would be similar as to what the City has been doing with replacing concrete sidewalks. The City currently replaces stretches of sidewalks as needed. For the permeable pavers, he states the City would have to buy spare pavers, store them with Public Works and replace pavers as needed for maintenance.

Interim City Engineer Smith adds that the cost of purchasing extra pavers is included in the quote.

Councilmember Wassenberg states that this helps him understand that the replacement time of the pavers in total would possibly be less frequent.

City Administrator Linehan asks Interim City Engineer Smith to provide more detail regarding storm drainage included in the design.

Interim City Engineer Smith explains that for the concrete sidewalk option, a storm pickup catch basin was included in the design, in the middle of the length of the pathway, with the two sides draining towards the basin, allowing for the water to drain towards the middle rather than towards the adjacent properties. It will then run off to a catch basin in the street.

Mayor Gustafson then asks if the drainage component is included with the permeable pavers as well.

Interim City Engineer Smith answers yes, it is. She explains that under the pavers there will be clear rock with gaps in between and those gaps are great for holding water. It was also

proposed to have a perforated pipe following the entire length of the pathway, set at a small slope to allow for the water to run off to the catch basin in the street.

Mayor Gustafson states that the path will be a nice amenity for the community but wonders if the permeable pavers will be worth the extra upfront cost.

Councilmember Wassenberg comments that the upfront cost made him question the lifetime of the pavers. However, compared to replacing significant pieces of sidewalk, the upkeep of the pavers might be less.

Councilmember Leehy adds that City Staff will have to perform special maintenance every 5 years.

Councilmember Wassenberg agrees, but says this might be counterbalanced by the fact that you would need to replace significant sections of concrete sidewalk more frequently than you would need to make significant improvement to the pavers.

City Administrator Linehan feels confident there is room in the budget for either option as the bids for the 2023 Pavement Management Project came in substantially lower than expected.

Mayor Gustafson asks City Council if they, after this discussion, can provide City Staff with direction on how to proceed with Ruggles Pathway. He then explains that as part of Policy item H2, City Council will have to choose between option 1 - the concrete sidewalk or option 2 - the permeable pavers.

Councilmember Wehyee comments that after the discussion, he stands firm with option 2 as this option serves the purpose of making it ADA compliant, while also aligning with the community's vision of the path.

Councilmember Leehy asks Councilmember Wehyee if he is in favor of the Mayor's idea of blocking the path in the wintertime.

Councilmember Wassenberg stands with Councilmember Wehyee on option 2, but he has to give blocking it off in the winter more thought. He expresses his concern for accessibility year-round, but this could be considered later down the road.

Mayor Gustafson adds that the city will have to determine how the brick pathway will have to be maintained.

City Administrator Linehan mentions he can check with the City attorney on what the City's liability would be if the path was closed in the winter.

Councilmember Leehy adds it would be helpful to mention this part, even though it would not be part of the decision tonight.

ROLL CALL TO APPROVE option 2:  
GUSTAFSON\_X\_\_ LEEHY\_X\_ MEYER \_\_  
WASSENBERG \_\_X\_\_ WEHYEE \_\_X\_\_

## 2. 2023 Pavement Management Project (PMP) – Award Contract

Mayor Gustafson asks Interim City Engineer Smith to provide more detail.

Interim City Engineer Smith says that the City opened bids on April 20, 2023 and received 5 qualifying bids; the bid summary and full abstract is included in the packet. The lowest qualified bidder was Northwest Asphalt, Inc. Additionally, bidders were asked to provide bids for the following add alternates:

- Alternate 1: Garden Avenue Roadway Striping
- Alternate 2: Concrete Ruggles Pathway
- Alternate 3: Permeable Paver Ruggles Pathway
- Alternate 4: Contractor-Determined Surface Ruggles Pathway

City Staff is recommending to award the base bid, alternate 1, and after discussion of the City Council, alternate 3 as well. Alternate 1 will restore the striping on Garden Avenue, which designates the centerline (offset due to the parking on one side), and will visually narrow the driving lane. Interim City Engineer Smith clarifies that Alternate 4 was a Contractor-Determined Surface. Northwest Asphalt, Inc., chose to use concrete, thereby making Alternate 4 the same as Alternate 2. As far as budget impacts, the low bid came in significantly lower than the engineer's estimate. The project will be funded through assessments levied according to the City's assessment policy and those are anticipated to be lower than proposed. Additionally, use of municipality state aid and street infrastructure funds will be used to pay the City's portion of the project. Expenditure of utility funds will be used to pay for sanitary, sewer and stormwater improvements.

Councilmember Wassenberg asks Interim City Engineer Smith about the striping of Garden Avenue as residents have expressed concerns. Question 1: Will the parking area be divided by a white stripe? Question 2: Would the same white striping extend from Hamline to Holton or from Hamline to the access road at Snelling?

Interim City Engineer Smith answers that it will be a solid white line at the parking area and the centerline will be double solid yellow lines to not allow for passing.

City Administrator Linehan answers question 2 and says that would depend on where parking is available. He adds, the center striping will go down the whole street. He stresses Garden Ave is currently striped but the striping is worn down due to wear and tear. He also mentions that the striping of Garden Ave is an alternate bid and can be removed if City Council chooses so. Lastly, he notes City Staff strongly recommends striping Garden Avenue because it is currently not an obvious lane configuration, and left unstriped, could pose danger to pedestrians. Data shows that striping is a safety measure and would not make people drive faster, but rather contains them in their lane.

Mayor Gustafson comments it was beneficial to wait on deciding regarding Ruggles Pathway until the bids came in.



Councilmember Wehyee adds that he is pleased to hear that the residents' assessments will be lower than anticipated, as this was a huge concern for the residents and some of the councilmembers.

Interim City Engineer Smith adds that the only funding area that came in slightly higher than expected was the stormwater funding due to the bump outs on Garden Ave. These required reconfigurations of the stormwater at the intersection as some of the new catch basins have to be moved to the new curb line location.

City Administrator Linehan explains the bump outs will create a shorter crossover for pedestrians and it also would not affect Public Works when they have to plow the streets. Storm water drainage will also be modernized. He also adds what the timeline of the construction would be. The plan is to start construction as soon as school is out and contractors are required to be done before the State Fair begins. Because there is not a lot of utility replacement needed, the project should wrap up fairly quickly as utility replacement is what often slows down construction. He feels confident in the timeline.

Councilmember Leehy motions to  
award the contract for the  
2023 Pavement Management Project  
to Northwest Asphalt, Inc. for  
the Base Bid, Alternate 1 and 3  
Approved; 4-0

#### I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg has no announcements.

Councilmember Leehy has no announcements.

Councilmember Wehyee has no announcements.

Mayor Gustafson mentions the Planning Commission had a great discussion at their last meeting on April 25, 2023 regarding the 2040 Comprehensive Plan on how things were moving along. And, part of that is undertaking a study of the Larpenteur corridor; work on collaborating more with the University of Minnesota. He notes there is 1 vacancy with the Planning Commission. The Mayor also states that the shooting incident that happened recently at Amber Union is currently under investigation. The Sherriff's office also is working on scheduling a crime prevention meeting with the residents of Amber Union. Lastly, he would like to note that May 20, 2023 is the Spring Together Event at Curtiss Field from 4:00 PM to 6:00 PM.

City Administrator Linehan announces that Wednesday May 3, 2023 a Special Council Meeting will be hosted at 6:30 PM with a hard stop at 7:30 PM, to review the findings of the Planning Commission regarding the Caribou proposal at Amber Union. The City Council Workshop will start at 7:30 PM and City consultant Bostrom will teleconference with councilmembers to have a discussion regarding the law enforcement contracts for 2024. During the workshop, City Administrator Linehan will also have a brief ARPA update. Then, regarding the Community Park purchase, there is an official closing date for May 4,

2023. Another thing he wants to mention is the Administrative and Communications Coordinator Elke van der Werff, is up and running. For communications, the City wants to work on more transparency regarding City Council meetings on social media and continue with more community engagement.

Public Works updates include street sweeping west of Snelling has been completed and they were moving East of Snelling before the weather turned poor and the sweeper machine got damaged. Once repaired, Public Works will continue street sweeping. American Environmental was also in town doing sewer line cleaning. He also notes that he appreciates the patience of residents regarding the Ramsey County construction of Cleveland Ave.

Interim City Engineer Smith has no announcements but would like to note that newsletters will be sent out once construction schedules are known to the affected properties.

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: 8:31 PM

Councilmember Leehy motions to  
adjourn the meeting  
Approved; 4-0



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Randall C. Gustafson, Mayor

Dated this 26<sup>th</sup> day of April, 2023



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Jack Linehan, City Administrator