

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
AGENDA
April 12, 2023

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON___ LEEHY___ MEYER___

WASSENBERG___ WEHYEE___

STAFF PRESENT: LINEHAN___
- C. APPROVAL OF AGENDA
- D. PRESENTATION
 - 1. Philando Castile Peace Garden Update
- E. APPROVAL OF MINUTES:
 - 1. March 18, 2023 City Council Retreat
 - 2. March 22, 2023 Regular Meeting Agenda
- F. PUBLIC HEARINGS:
- G. CONSENT AGENDA:
 - 1. General Disbursements through 4/5/23: \$1,105,894.71
Payroll through 3/31/23: \$20,018.95
Wire Payments through 3/31/23: \$14,197.97
 - 2. City License(s)
 - 3. Appointment of Colin Callahan to Interim Public Works Director
 - 4. Assistant to the City Administrator Kelly Nelson - Six Month Employee Step Adjustment
 - 5. Resignation of Danny Locke from the Community Engagement Commission
 - 6. Amber Union TBRA - Amended Subordination Agreement
 - 7. Payment to Ramsey County for 2022 Cleveland Avenue Project
- H. POLICY ITEMS:
 - 1. Contract with Center for Values-Based Initiatives for Law Enforcement Contract Consulting Services
- 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. ADJOURNMENT:

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CITY OF FALCON HEIGHTS
City Council Retreat
City Hall
2077 West Larpenteur Avenue

MINUTES
March 18, 2023
9:00 A.M. - 3:00 P.M.

- A. CALL TO ORDER: 9:00 a.m.

- B. ROLL CALL: GUSTAFSON__X__ LEEHY__(arrived later)
 MEYER __X__ WASSENBERG __X__ WEHYEE __X__

STAFF PRESENT: LINEHAN__X__ NELSON__X__ PITTMAN__X__ OLSON__X__
 LANDBERG __X__ LYNCH __X__

- C. AGENDA:
 - I. Introduction/Overview of Meeting – Mayor and City Administrator Linehan - 9:05 a.m.

 - II. Administration – City Administrator Jack Linehan - 9:15 a.m.

 - III. Planning and Zoning – Com. Dev. Coordinator/Planner Hannah Lynch – 9:30 a.m.
 - a. Environment Commission – Staff Liaison Hannah Lynch
 - b. Planning Commission – Staff Liaison Hannah Lynch

 - IV. Public Works – Public Works Director Tim Pittman - 10:00 a.m.

 - V. Finance –Finance Director Roland Olson / Accountant Alyssa Landberg - 10:15 a.m.

 - VI. Park and Recreation – Assist. to the City Administrator Kelly Nelson - 10:30 a.m.
 - a. Park Commission – Staff Liaison Kelly Nelson

 - VII. Communications – City Administrator Jack Linehan - 10:45 a.m.
 - a. Community Engagement Commission – Staff Liaison Kelly Nelson

 - VIII. **BREAK (15 Minutes)**

 - IX. **CITY ADMINISTRATOR AND COUNCIL TOPICS** - 11:15 a.m.
 - a. Recap of active plans / guiding documents
 - i. 2019 Strategic Plan
 - b. Community Park
 - i. Property Acquisition Update
 - ii. Funding

1. Grants
2. Financing Options
- iii. Construction Next Steps / Timeline
- iv. Construction Process
- c. Staffing & Retention

X. LUNCH (30 Minutes) - 12:00 P.M.

XI. Council Topics/Priorities - 12:30 P.M.

- i. Police Contract Consultant Study – Matt Bostrom
 1. Deliverables 1-4 Recap
 2. Strategic Discussions
 3. Next Steps
- ii. Cost of Living/Taxes
- iii. Environment
- iv. Engagement/Inclusiveness/Two-Way Communication
 1. Diversity, Equity and Inclusion Continuation
- v. ARPA Funds
- vi. Capital Priorities
- vii. Program Priorities / Strategic Thinking

Administrator Linehan listed off 2022 Administrative Accomplishments, which included:

- Negotiated an offer for the purchase of Community Park
- Onboarded a new team
- Police Contract Consultant Hired
- Approved the 2023 Budget that included the largest capital program in City history, while having the lowest levy increase in Ramsey County.
- State Fair Town Hall
- Launched the iWorQ public portal to allow residents/contractors fully online permitting
- Negotiated a contract for plowing with Lauderdale

Administrator Linehan then shared 2023 Administrative Goals, which are:

- Close on Community Park Property
- Begin Phase 1 of construction design for Community Park
 - RFP for project management services
 - RFP for construction manager
- Explore long-term solutions for Police contract
- 2023 Capital Program
 - 2023 PMP
 - Larpenteur Street Lights
 - Bobcat Replacement
- Revitalize work on DEI Initiatives & Cultivating a Caring Community
- Organize State Fair Task Force and Implement Recommendations
- Update Personnel Policy and Administrative Manual
- Compensation Analysis to develop a staff retention plan
- Finalize ARPA Fund Utilization Plan
- Continue to improve communications for important city updates
- Launch an e-license renewal process to streamline license renewals

Community Development Coordinator, Lynch, shared 2022 Planning and Zoning Accomplishments, which included:

- Grants
 - Ramsey County Recycling Grant
 - Completed all administrative paperwork for Amber Union grants
- Continued implementing 2040 Comprehensive Plan
- Amber Union Affordable Housing ribbon cutting
- Attained GreenStep Cities Step 5 for fifth year
- Vacant Home Registration Ordinance
- Code Enforcement

Next, Lynch shared Goals for Planning and Zoning in 2023, which include:

- Continue to identify “issues” in the City Code
 - General enhancements to the code
 - Quick response times to code enforcement issues
 - Sign Ordinance updates

- Work to implement the requirements of the 2040 Comprehensive Plan
 - Subcommittee to study where we are, where we need to be for 2040 Comprehensive Plan & develop action items
 - Snelling / Larpenteur Corridor Study
- THC Licensing Ordinance
- GreenStep Cities Step 5 for sixth year

Lynch next shared 2022 Accomplishments on behalf of the Environment Commission, which included:

- Attained GreenStep 5 status for fifth year
- Climate Crisis Resolution

Lynch stated 2023 Goals of the Environment Commission as:

- Increase involvement with community
- EV Readiness
- Include provision for “No Mow May” in City Code
- GreenStep 5 status for sixth year
- Climate Action Planning

Lynch also shared 2022 Accomplishments on behalf of the Planning Commission, which included:

- Reviewed Requirements of 2040 Comprehensive Plan
- Vacant Building Ordinance
- Resolution Regarding the Acquisition of Community Park

Lynch said the 2023 Goals of the Planning Commission are:

- Review City Code for updates and corrections
- Work on developing 2040 Comprehensive Plan Studies
- THC Licensing Ordinance
- Hearings: Variances, PUDs, and Conditional Use Permits
- New Potential Development Projects

Next, the Councilmembers heard from the Finance Department, with both Olson and Landberg presenting their 2022 accomplishments, which included:

- 2021 Annual Financial Audit and ACFR
- 2021 Worker’s Compensation Audit
- City Budget for 2023 Workshop Budget Worksheets
- Assisted in Setting Tax Levy for 2023
- ARPA Funding
- State Auditor’s Office Required Reports Annually
 - Budget Summary
 - Financial Statement Summary
 - Tax Increment Reporting
 - Lobbying Report
- Other Required Reports

- Department of Commerce Unclaimed Assets
- MN Department of Labor and Industry
- Quarterly Payroll Reports to IRS, State of MN, PERA, and ICMA
- MN Sales Tax Report

Olson and Landberg shared the 2023 Goals of the Finance Department:

- Maintain Financial Sustainability for Future of City
- Maintain AAA Bond Rating
 - How do we do this?
- Maintain Compliance Requirements of State of MN
- Consistently Obtain Favorable Audit Results
- Maintain Positive Pay Security
- Fair Market Value (GASB 72) Our investments are valued at year end for our financial statements. Fair value is described as an exit price (in other words, what would we get if an investment was sold before it matured). Fair value assumes a transaction has taken place before the maturity of the investment. Our investments are valued at year end for our financial statements.

Olson then stated that the City made \$125,475 in interest income in 2022. However, our financial statements will reflect a LOSS of an estimated \$145,250. The Fair Market Valuation of our investments gets reflected in our financial statements at year end.

EXAMPLE: We buy a 1-year certificate of deposit on Feb 1 2022 with a coupon interest rate of 2% and a maturity of Jan 31, 2023. If the interest rates increased during 2022 to say 5%, then the value of the investment if we sold it at year end would be less than what we paid for it. No one would likely buy our CD for face value knowing he would only get 2% return on investment instead of the going rate of return at a 5% interest rate.

Olson then reassured councilmembers that we don't have any investments of CDs at any banks that are currently in trouble at this time. None of our investments are over the FDIC limit of \$250,000.

Next, Public Works Director, Tim Pittman, shared his department's 2022 Accomplishments, which were:

- Sanitary sewer cleaning and televising of the complete city was completed
- Spring, fall, and touch up street sweeping during the summer season was completed.
- Saved on winter plowing and salting by doing in house.
- Checking of all outfall catch basins as part of the MS-4 requirements.
- Worked with County and State on projects within the city limits.
- Sidewalk panel replacement in Northome area
- Sewer lining project for 2022 completed

Pittman said the 2023 Goals for his department are:

- Work with State and County on projects when needed.
- Work with City Engineer on 2023 and future 2025 PMP project.
- Street sweep at least three times this year.
- Keep up with MS-4 requirements, in and outfall basins, storage ponds, etc.
- Keep patching roads until they are scheduled for PMP.

- Continue Sanitary Sewer Lining Program
- Continue with sidewalk panel replacement as needed / Iowa / Hoyt (main concerns)

Staff person Nelson, shared 2022 Accomplishments in Parks Programming:

- Maintained enrollment in yoga and TKD classes at City Hall
- Had a great turnout at both the Spring Together and Ice Cream Social events in 2022.
- Had summer programming staff and minimum attendance levels in most programs offered.
- Staff applied for a grant on November 20, 2022 on behalf of the Monarch Joint Venture to help restore the pollinator habitat in Community Park. We should be notified this month if we will receive grant funds.

Nelson shared that Programming Goals for 2023 include:

- Study 2023 Summer Programming enrollment/staffing to make determinations for 2024 with more time for planning.
- Use data and input from ice skating in 2022 and 2023 to make informed decisions for 2024 (a shared goal with the PARC)
- Continue looking for classes to add to City Hall

Nelson, liaison to the Parks and Rec Commission, next shared the commission's 2022 Accomplishments:

- The commission began meeting regularly, with quorum in November!
- Staff compiled data to show the usage at Curtiss Field ice rink in 2022 and presented the data at the December 5, 2022 commission meeting. This will now be done annually so that improvements can be suggested and concerns and comments can be voiced prior to the next skating season.

Nelson provided a list of ten goals established by the Parks and Recreation Commission for 2023:

- Community Park Building - submit 2023 Outdoor Recreation Grant application and gather community input at City events.
- Paint basketball court at Curtiss Field
- Develop a fall event
- Draft and implement a weather and discipline policy for summer/fall programming.
- Develop marketing strategies to expand the areas and people we currently reach to promote City events and programming to.
- To have regular meetings of the Parks and Recreation Commission, having quorum at least every quarter.
- To create an event calendar
- To visit/revisit area park buildings to gain knowledge in order to suggest improvements for our own building at Community Park.
- To establish and complete an annual park audit assessment, looking at the amenities we currently have and to determine areas to improve upon; provide list of recommendations.
- To do an annual assessment of programming and to study the ice rink's use at Curtiss Field, looking for ways to improve next year.
- Develop a commission agenda calendar

Administrator Linehan shared 2022 Accomplishments in Communications:

- Launched a City NextDoor Agency Account
- Increased Facebook Reach
- 18,614 page reach (up 189% over 2021)
- 102 new “likes”
- Published two printed newsletters

Linehan said his goals in 2023 for Communications are:

- Issue RFP for newsletter/printing services
- Grow social media accounts
- Launch an Instagram page to promote projects, including 2023 PMP and park renovation

Nelson then shared 2022 Accomplishments from the Community Engagement Commission (CEC), which were:

- Added coat and non-perishable food drive components to Human Rights Day event on December 8, 2022.
- Ice Cream Social had a great turnout in 2022 and the date is set for 2023.
- Updated the new resident packet and postcards are once again being mailed out.

Nelson said the CEC’s 2023 Goals are:

- Re-establish “Cultivating Our Caring Community”
- Expand reach to residents and advertise City events earlier
- Assist with planning and promotion of City events

At this time, all Staff had presented accomplishments and goals with councilmembers. A short break was taken and then Administrator Linehan presented the following:

- Recap of active plans / guiding documents
 - 2019 Strategic Plan

Plan Components

- **Strategic Direction One: Leveraging Community Involvement**
- INTEGRATE BUSINESS WITHIN OUR COMMUNITY
- REASSESS AND REDIRECT OUR COMMISSION ACTIVITIES
- EMPOWER RESIDENTS
- IMPLEMENT CEC STRATEGIC PLAN AND INTEGRATE WITH LARGER PLAN
- **Strategic Direction Two: Showcasing Our City**
- BEAUTIFY STREET SCAPES
- CREATE “UNIQUE TO FALCON HEIGHTS” FESTIVAL/EVENT
- IMPROVE FACILITIES
- **Strategic Direction Three: Creating Common Spaces**
- IDENTIFY SPACES FOR COMMUNITY USE
- FIX COMMUNITY PARK
- **Strategic Direction Four: Enhancing Public Safety**
- ENHANCE PUBLIC SAFETY THROUGH INTERACTIVE AND PRO-ACTIVE POLICING
- **Strategic Direction Five: Improving Communication**

Community Park

Property Acquisition Update

- Final step: approve subdivision on March 22nd
- Closing within 30 days
- Funds wired to U of M

Funding

- Grants
 - DNR Outdoor Recreation Grant
- State Bonding Request
 - Fall Session Request - plans need to be more finalized
- Financing
 - 2024 General Improvement Bond
 - Dedicates entire city as improvement area
 - Estimate of \$2M required for bond

Construction

- Next Steps
- Construction Process / Timeline

Staffing & Retention

- Staff retention continues to be an issue
 - Certain positions, such as Administrative & Communications Coordinator, experiencing nearly annual turnover
 - Makes continuity difficult, particularly on commissions
 - Candidates cite main reason for leaving as compensation- they are able to get more funds elsewhere
 - We are limited as a small community with 2/3rds untaxable
 - Need to be creative in staff retention
- Ideas such as
 - Looking at other benefits / perks
 - 36-hour work week- a move private sector companies are considering and is done in small rural communities.
 - M-Th 8AM-4:30PM, Fri 8AM-Noon
 - Same pay for less hours - an effective raise of 10% with no impact to tax levy
 - Similar to "Summer Hours," but instead of 7:30-5:00. We rarely have visitors this half hour stretch.
 - Online permits have reduced walk-in traffic substantially
 - Appeals to Millennial / Gen Z employees who prioritize time over money
 - Would require PERA / legal guidance

Administrator Linehan and the City Council then delved in to the priorities of the Council:

- Police Contract Consultant Study - Matt Bostrom
 - Deliverables 1-4 Recap
 - Strategic Discussions

- Next Steps
- Cost of Living/Taxes
- Environment
- Engagement/Inclusiveness/Two-Way Communication
 - Diversity, Equity and Inclusion Continuation
- ARPA Funds
- Capital Priorities
- Program Priorities / Strategic Thinking

D. ADJOURNMENT: 4:35 p.m.

Council Member Meyer motions to adjourn the retreat; approved 4-0.

DISCLAIMER: City Council Retreats are held annually as an opportunity for Staff to present prior year achievements in their departments as well as outline their current goals to Council Members. And, it allows Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda should send them to mail@falconheights.org prior to the retreat. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

Randall C. Gustafson, Mayor

Dated this 18th day of March, 2023

Jack Linehan, City Administrator

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CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
MINUTES
March 22, 2023 at 7:00 P.M.

- A. CALL TO ORDER: 7:02 p.m.
- B. ROLL CALL: GUSTAFSON LEEHY MEYER
WASSENBERG WEHYEE

STAFF PRESENT: LINEHAN

- C. APPROVAL OF AGENDA

The amended agenda was approved
4-0
(Wehyee was not yet present)

- D. PRESENTATION

1. Proclamation Recognizing Public Works Director Tim Pittman’s Contribution to the City of Falcon Heights

Pittman says he can’t think of a better place to finish out his career in and thanks all.

Mayor Gustafson says it will be a big hole and thanks Tim Pittman.

Councilmember Leehy says it’s been a delight to interact with and work with Tim. His kindness and hard work will be greatly missed.

Councilmember Wehyee adds that it’s been a delight to work with Tim over the years and we’ll miss having him here.

Councilmember Meyer thanks Tim for also being the interim City Administrator at one time as well as the other many great things he’s done for the City.

2. Center for Values-Based Initiatives – Police Contract Consultant Study

Administrator Linehan says that the process started last summer, at a City Council Retreat, where it was discussed what the City’s long-term options would be for policing and it was decided that the City would seek outside help with the process. After an RFP was issued for a consultant, the winning bidder was the Center for Values-Based Initiatives and Matt Bostrom. Matt Bostrom is a former Ramsey County Sheriff and has significant law enforcement experience in Ramsey County and knows the City well, making him a logical choice. To gain further public feedback, we set out 100 surveys to a random sample and got approximately 30 of those back. Matt Bostrom will present the highlights but the full 120+ page document can be found on our website and Administrator Linehan recommends people view it. Later on in this meeting, the City Council will consider formally approving this study.

Matt Bostrom says there are five sections when looking at the full document and those sections are associated with the City's scope of service; what were the core things they wanted me to accomplish? The five sections are meant to stand on their own when reading the full document so there is some repetition. Bostrom didn't want readers to have to go back through the document to find a figure or table.

Section 1: Community Value and Satisfaction: Take a look at current value of police services and what types and levels of services the community desires and expects. Then, if that's what you expect, then what is current level of satisfaction? What is at the core of trust? From a Falcon Heights' perspective, what is it that generates trust? What came out of the discussions was four things. If we want trust in community police, we need to see honesty, leadership, respect and service. There was such a level of detail, Bostrom says that they were able to come up with a glossary of terms.

Section 2: Workload Analysis

The Ramsey County Communications Center was able to forward five years of data to the City and the City then shared it with Bostrom. This allowed a deeper analysis of how many calls per year, per day, etc. From a resident's perspective, when do we need the police? We have a five-year spectrum of what that looked like. Then, from the police's perspective, how many times did they see something that needed to be documented, that they had to write a report? Bostrom shares that this is a great community. It's a very safe City...remarkably safe.

Section 3: Contract Analysis

What does our current contract look like and what do we really need for services? Bostrom said that he put what our current workload is next to what our contract says side by side to make decisions from.

Section 4: Future Service Recommendations

What can we do in the future? Taking what we know so far, Bostrom looked at what nearby agencies are doing, looking specifically at similarly-sized cities within the metro area, either geographically or by population. Bostrom said this was interesting to him because the geographical size of Falcon Heights is 2.2. But, when you look at how much police are actually responsible for, for policing services, and you take away the State Fair and you take away the University of Minnesota's property, you have one square mile. That's what the citizens are asking for you to protect. Next, he looked at similar costs and the services that particular city was receiving at that cost. Finally, Bostrom looked into what the City really needs for services

Section 5: Task Force on Inclusion and Policing

Bostrom looked at City Task Force recommendations since 2017 and looked into how many of them we have accomplished. Is there still work needing to be done and if so, is there something we should be thinking about as we continue our policing services? To the best of Bostrom's ability, he looked at that and highlighted our opportunities to align recommendations. Taking what we learned and from the recommendations from the community in 2016 and 2017, came three big things. The first was a preamble. Who are we as a community? In 2017, the Council adopted part of that statement as the Culture and Values. Within the Culture and Values there's four main sections: anti-discrimination culture, respect for life, community values and anti-profiling. That became fundamental to everything that happened after that. If you take the Culture and Values statement, you can see that if you have honest people, who are courageous leaders, showing respect and providing selfless service, you will have a culture of anti-discrimination; they will respect life, they will share your community values and it's not in their nature to profile. So, the community actually gave us a pathway to move toward and measure what was hoped for in

2017. Part of the discussion was a statement of values that was approved back then. In that statement of values for the City were the following attributes:

- Leadership
- Trust, transparency and accountability
- Equity, justice, and anti-discrimination
- Welcome and inclusion
- Awareness
- Courageous action
- Safety

Bostrom said if he went back to what the community talked about and said caused the trust in the police, this (above) will sound familiar.

Bostrom said there were four main components of policing recommendations from 2017.

- Police-Community Relationships (mutual trust)
- Training and Capacity (cultural competency)
- Data and Transparency (open communication)
- Priorities for Policing Activity (respect for all)

Bostrom said that the feedback that was provided in 2017 and in 2023 point to one another. It's a unique opportunity to look back to the goals and recommendations back in 2017 and then bring it together with what the community feels generates trust.

Councilmember Wehyee pointed out that he was critical early on but he's delighted with the results and is very impressed with the outcome. Wehyee feels residents have been greatly served by Mr. Bostrom.

Councilmember Wassenberg appreciated the transparency and the mechanism for how Bostrom can take the values and recommendations from the community and put them into measurable elements within a contract to help ensure their fulfillment.

Councilmember Leehy said that Bostrom has made things tangible for them. She thanked him for his time and thoroughness.

Mayor Gustafson thanked Bostrom for generating the community input again and explained how he co-chaired the task force in 2017. From the 2017 values that were established and through the work of the community, we got the 2018 City of Excellence Award; this is a continuation of that.

City Administrator Linehan reminded the Council that they will discuss this later as the final approval after the Ruggles public hearing.

E. APPROVAL OF MINUTES:

1. February 22, 2023 Regular Meeting Agenda
2. March 8, 2023 Regular Meeting Agenda

Mayor Gustafson explained that the March 8th meeting did not have quorum but they were still able to receive a presentation on the annual fire services report by the St. Paul Fire Deputy Chief. Councilmember Leehy motions to approve the minutes; approved 5-0

F. PUBLIC HEARINGS:

1. Ruggles Pathway Easement Vacation

City Administrator Linehan stated he will give a history on the topic and then says that Stephanie Smith, Interim City Engineer will provide a brief presentation. He said,

“Thank you, Mayor and City Council.

Before we open the public hearing, staff will briefly go over the history of the topic and then Interim City Engineer Stephanie Smith will provide a brief presentation on the proposal. The Ruggles Pathway easement was originally dedicated in the Barthel Villas subdivision plat, adopted in 1947. Reading through early minutes at the time, it was a compromise by the developer to meet the City’s requirement of maintaining the city block structure. The City did not have intentions to maintain the full easement to allow for the eventual cut through of Ruggles Avenue at that time as a through street.

In 1960, homeowners adjacent to the path petitioned the City Council to abandon the easement. Issues cited were concerns of crime, “peeping toms”, and dog waste being thrown in to yards. The City Council voted against vacating the easement. In 1966 a second petition was received, this time instigated by concerns over motor bikes being used on the pathway. This also was denied, with the City agreeing at the time to install posts preventing motor vehicles and signage as such.

In 2008, the City was notified by our contracted Roseville Engineers that the pathway was not compliant with the provisions in ADA, specifically the U.S. Access Boards updated Public Rights-of-Way Accessibility Guidelines that requires all government units to upgrade “pedestrian circulation paths”. Then City Administrator Justin Miller sent a letter to the four adjacent property owners, indicating the City’s intent to pave the pathway. Neighbors opposed the proposal, and it was determined it would be tabled until Ruggles Avenue would be repaved, which would save on the costs of paving the pathway.

Ruggles Avenue is included in the City’s 2023 Pavement Management Program, or PMP, for repaving. Beginning in early 2022, the City hosted a series of open houses and community meetings on the 2023 PMP including the Ruggles Pathway. The City initially included in plans the proposal to pave the Ruggles Pathway to comply with the ADA guidelines, and later revising the proposals to include drainage improvements. The City agreed to begin maintaining the pathway in the event we paved it, including snow removal during the winter to meet ADA requirements. All mowing and maintenance of the pathway is currently done by the adjacent neighbors. This is similar to the requirement of residents being responsible for mowing their boulevards, which is adjacent right-of-way.

The following meetings occurred leading up to tonight’s public hearing:

- 1) April 5, 2022 - City hosted an open house at Falcon Heights Elementary on the 2023 Pavement Management Program (PMP).
- 2) July 20, 2022 - City hosted a second open house at FHE on the 2023 PMP and had a board for residents to comment on the Ruggles Pathway.
- 3) October 5, 2022 - City hosted a third open house, this time at City Hall, and the 2023 PMP semi-final plans were presented including options on Ruggles Pathway.
- 4) October 26, 2022 - City Council meeting discussing 2023 PMP and ordered a public hearing on November 9th.
- 5) October 27, 2022 - Northeast Quadrant Neighborhood Liaisons organized a meeting with myself and the closest neighbors to the pathway at Falcon Heights Church. It was attended by approximately 25 neighbors, including all four adjacent neighbors.

The group voted to unofficially to support the neighbors request for vacation of easement.

- 6) November 2, 2022 - The City received a signed formal vacation of easement request from all four adjacent property owners.
- 7) November 9, 2022 - Public Hearing for the 2023 PMP project. This public hearing letter was sent to all residents on impacted streets in NE Quadrant. The public hearing and presentation included discussion of vacation of right-of-way for Ruggles Pathway. It was determined to table the issue to Spring to allow additional time to study. It needs to be decided now with the approval of 2023 PMP plans tonight as it will impact our bid documents and budget if included.

All motions of a public hearing are in the affirmative. The City Council tonight is requesting public comment on the proposal to vacate the Ruggles pathway. The City Council's authority to vacate a dedicated right-of-way easement is prescribed in MN Statute Sec. 462.358, and further defined in 462.358 subd. 7. If tonight's resolution is approved, the City will record the vacation of easement with the Ramsey County Recorder's Office. Once recorded, the easement will be rescinded and the property will be returned to the neighbors, who currently own the land under the easement. The decision to maintain the land as a pathway will be up to the landowners.

I'll now turn over the presentation to Interim Engineer Stephanie Smith."

Stephanie Smith says that doing mill and overlay on Ruggles has brought the pathway question to the surface. The pathway area connects from Pascal to Holton. Ruggles Pathway is an unimproved surface. A curb cut was made so that you don't have to step over the curb to get through there but it still does not meet PROWAG requirements for surfacing or cross slope. What we're looking at tonight is the public hearing and proposal for vacation. The existing right of way (ROW) is twelve feet and was platted originally with the surrounding area. This was discussed at the November 9th improvement hearing, which was also a public hearing, allowing the neighbors to comment. What was discussed at that hearing was whether to vacate or if there would be a proposed improvement of this pathway to meet the Americans with Disabilities Act and bringing it up to PROWAG standards. At that time, Council directed Staff to begin the vacation process, taking a look at turning the right-of-way back to adjacent properties. If that is done, that would eliminate the pathway as a public way.

The requested Council actions tonight are to hold the public hearing, read written comments from residents and there's option for action on the resolution.

Mayor Gustafson reads the following written comments from residents:

Irene and Art Kato from 1857 Holton Street-

We received a letter from the city of Falcon Heights regarding the vacation of the Ruggles pathway. We were out of the state during February and was not aware of this being discussed at the February 22nd council meeting. I am hoping you could let me know if I understand what the proposed resolution is. It's hard to work around the formal "legal" wording. In a nutshell, does this mean that the city has decided not to do anything with the pathway and leave it as it has been since the properties were developed? And that if we, the adjacent property owners, choose to maintain it as we have in the past that is fine and that no one would be liable for any incidents since this would not be a designated "Walk" or pathway. Thank you in advance for your help in interpreting this for us. I will not be able to go to the meeting on the 22nd, but we believe the City Council is making a wise choice.

Barbara Brokapp from 1849 Holton Street -

- *I am writing to you today in regards to the proposed resolution for the vacation of the Ruggles Pathway, right of way, (between Pascal Street and Holton Street).*
- *Right off the bat, I am for Pathway and against vacating it.*
- *The original issue was whether to pave the Pathway to meet ADA standards, however now the question is whether to vacate it. I am wondering what has happened with the original issue and why does the council want to vacate the Pathway?*
- *In 1947 the Barthel family “dedicated to the public and for the public use forever all the roads and walks” as shown on Exhibit A which was included in the packet of papers I received on the issue. At the time to plats were set up, the Pathway was in place. It was an excellent decision and it needs to be honored.*
- *There has been contention in the past and petitions were filed in 1960 and 1966 by the four families on the Pathway to vacate it, both times the petitions failed. In the minutes from the July 6, 1966 Public Hearing meeting, Falcon Heights Trustee Warkentien stated: “I think it has been demonstrated that the Walkway serves a useful purpose and based on Minnesota Statutes, Laws of Minnesota Chapter 412.851 which provides in part no such vacation shall be made unless it appears for the interest of the public to do so”.*
- *The Pathway does serve a useful purpose to our neighborhood. It provides access to our neighbors from the east to the west and to Falcon Heights Elementary School. It is a lovely path where one can enjoy beautiful gardens, the majestic white pines, friendly dogs and wonderful sunset vistas. An oasis. Vacating the Pathway would create a barrier, a wall, cutting neighbors off from each other. Have you walked through the Pathway on a nice summer day? Today you will need your ice skates!*
- *This decision affects the entire Northeast quadrant of Falcon Heights, not just the four households on the Pathway.*
- *I recommend to pave and maintain the Pathway and let's move on.*

Mike Wilmes of 1847 Pascal Street-

- *Mike Wilmes from 1847 Pascal. My wife and I agree with these comments.*
- *We would like the Ruggles path to be vacated by the city and to be maintained by the property owners. We know all 4 property owners and trust that they will share the maintenance of the passway. I don't see how making this part of the city concrete is beneficial to many people, leaving it as part of nature would be preferable.*
- *If it was concrete it would allow wheelchairs and perhaps some older people to navigate the pathway, but I just don't see that need. It is not very close to the school and they would still need to traverse all the way down Holton.*
- *We vote keep it as a part of nature and hope the city would vacate the land.*
- *Thanks for listening, and thank you for your service to our city.*

Jane Savage of 1880 Simpson Street-

- *I have lived in the neighborhood since 1989 and strongly oppose changing the trail. It has always been a charming piece of our area. My kids used the trail every day growing up, and now I walk my dog through there every day. It always feels like a little bit of a sanctuary amongst the paved roads. It is my understanding that the neighbors directly*

adjacent are also opposed to it being changed. I'm confident that you will take the wishes of those most impacted into account.

Julie Dempsey of 1848 Pascal Street-

- *Ruggles Walkway is part of the charm that drew us to buy a home in this neighborhood. In nice weather we use it many times a week to get to the field to run, play, & fly kites. En route my children and I explore pine cones, animal footprints, and bunny poop. Ruggles Walkway is the only natural public space in the NorthEast Quadrant. If the issue is the title "walkway", I suggest it be retitled as a "trail system" segment or "green space". It should not be paved, nor vacated, and if it must be renamed to keep it as is, so be it.*
- *Two quick asides:*
 - *1) I am concerned that paving the walkway would require removing mature trees, or that it might kill them by damaging their roots.*
 - *2) When I needed to move quickly with my kids in a stroller, I did not expect Ruggles Walkway to get us through without incident. The longer way around was the smarter option, and that's OK.*
- *Thanks for your consideration.*

Nathaniel Dempsey of 1848 Pascal Street-

- *I am a resident on Pascal Street who is getting up to speed on a proposal to vacate public land that many residents love using for walking between Pascal and Holton.*
- *The letter that was sent to residents doesn't address why this is a good idea, and I cannot easily locate any information on the city website explaining why this is a good idea. So I am reaching out to you directly to understand the reasoning.*
- *I appreciate any light you can shed on this. We are relatively new, and I'm not understanding several items. In the absence of other information, I would respectfully ask that you preserve the walkway as it is.*
 - *1) I'm hearing that this involves the ADA. The ADA is 33 years old. Even the ADAAA is several years old now. Why the urgency to vacate? Why not instead take some time to do meaningful community engagement on this? Is there a court order or something time sensitive?*
 - *2) Why wasn't any information about the reason for proposing this in the letter to property owners in the area?*
 - *3) Who is pushing for the city to vacate the land? Who doesn't like the walkway as it is? Clearly residents use that walkway on a regular basis. This isn't an issue of it not having any value. The city even redid the curb during the street resurfacing project. The letter uses only passive voice, never identifying who supports the proposal, and the public hearing notice doesn't say anything about who is proposing this either.*
 - *4) How does this affect other parts of public land that are not paved? As a quick example, my toddler and preschooler love running through the unpaved land in community park between the playground and the adjoining private property to the east. Why is it okay for that land to exist in its state, but not the Ruggles walkway which exists in a similar condition?*
 - *5) Why can't it stay like it is? Or be designated some other designation like a green space or park or something? There is nothing on the city's website that*

says anything about ADA, liability, or any concern or reason at all why there is any benefit to changing anything. The public hearing notice plainly acknowledges that this is currently a walk that is "dedicated to the public". The Barthel Villas plat itself is the entity that dedicated the land to the public, right?

- *6) If the city vacates the land, will there be monetary compensation paid to property owners in the area who would be deprived of a public right of way that existed at the time of purchasing their property?*
- *While I realize this is a lengthy email to receive, if answers to these kinds of questions had been included in communication with property owners or posted publicly on the website, or if a lengthier community engagement process had been established, then it would be much easier to understand the pros and cons of vacation of a public walk.*

Mary Osmon of 1715 Arona Street-

- *My name is Mary Osmon I live at 1715 Arona St. in Falcon Heights. I just wanted to take a moment to express my opinion on the pathway on Ruggles. This piece of land is an asset to our Falcon Heights community and should be maintained for use by all residents of our community. As for the homeowners on either side of the pathway, this land has always been there, and should not become part of their property, but should be kept, as again, an asset to the community for the enrichment of all of our and our children lives that live in Falcon Heights.*
- *I will not be able to attend the meeting on this topic but please do not take my "non-appearance" as any sign that I do not have a strong conviction on this matter. Thank you for your time.*

Jeffrey and Annika Wills of 1905 Arona-

- *We are in favor of finding a way to keep the Ruggles pathway in some way. Our reasons are:*
 - *We are new to falcon heights and our child will be attending Falcon Heights elementary. The route from our home to the school would lead our child through there 2x daily. We are not in the bussing zone. If she did not take the Ruggles pathway, she would need to go down to Garden to cross over and that is currently not in a safe condition. Even with the proposed updates to Garden, I would not feel comfortable sending her down there with the amount of traffic the school peak times produce.*
 - *Depending on the surrounding neighbors (4 neighbors most impacted) thoughts, I would like to hear if they have objections- have the neighbors using that path been disrespectful of that space?*
 - *We are in favor of making the path ADA compliant so our friends and neighbors who use those accommodations are able to enjoy that blissful path in the way we do.*
- *If you could please send a recap on the conversation this evening, I would appreciate that.*

Mayor Gustafson says those are the written comments that were received by the Council and he would like to open the public hearing at this point, at 7:57 PM.

Councilmember Leehy asks for clarification on whether the Council is to respond to them. Mayor Gustafson says they will not respond back and forth during a public hearing. If there are questions asked of the Council, they will address those following the close of the public hearing when it's opened to Council action.

Sheri Langevin of 1865 Holton:

Langevin says that they are one of the adjacent property owners since 1998 and they are vehemently opposed to any paving of the pathway. There's beautiful flowers and mature trees and they are all for preserving it, as it is. They strongly oppose taking away of what would be green space.

Joon Kiaw Fong of 1864 Pascal Street N.:

In the past, she took care of the easement but received complaints from a passerby regarding dog poop. She's too old to work. For some years, Joon hand shoveled. Then, a neighbor got a tractor and took over. But, last year, no one did it. Joon complained to Stephanie (Smith) that the City needed to take responsibility.

Joon says that property belongs to them and not to the public. We pay property tax for it, we suffer and they use it. Joon mentions how she has to remove poop before mowing, that her house has been vandalized more than once and her house was egged.

Nathaniel Dempsey of 1848 Pascal Street-

Nathaniel shares that he submitted a written statement but was unsure if his family could make it and if his letter would be read or not. He adds that he's a newer resident on Pascal and that his understanding is that this is an opportunity to say "yes" to green space, to open space, to unimproved, undeveloped, unpaved, un-messed with land. What he's a little confused with is how to make that happen. If we vacate the dedication to public use, it's no longer public, which mean the future owners of that property determine what to do with it. That's the beauty of private property. But, the beauty in having a little bit of public property is that we can make collective decisions about how best to do that. Why are there only two options? Why has this been framed over the past year as either:

- 1). We have to do expensive ADA accommodations that destroy the green space.

- 2). Or, we have to vacate public use of the land. I reject that choice. I hope you have the opportunity to both say vacating the property AND do something else about it.

Dempsey mentions that if there are issues those neighbors are facing by how the space is used, let's solve the problems.

Julie Dempsey of 1848 Pascal Street-

Dempsey acknowledges that the Council can't answer questions now, but wonders if the Council has considered anything beyond either vacating the property or paving the property. She feels there's room for creativity and problem-solving. A problem is not always a problem, a problem is an opportunity to make something new.

Sara Bancroft of 1878 Pascal Street-

Bancroft states she's sensitive to the adjacent property owners and wants them to feel like we're taking them into account. She doesn't support paving the walkway but thinks we should keep it.

Mike Wilmes of 1847 Pascal Street-

Wilmes emailed the City but wanted to follow up. Wilmes says he's getting a feeling that the neighbors enjoy the space and would put in the work to help maintain it. Wilmes would like to chat with those neighbors to see if they would be willing to keep this as a collective space. If we

vacate the land, it becomes a bit of a risk. What if they move? Then, what happens? I am pro keeping it as nature.

Laura Gerde of 1881 Holton Street-

Gerde lives just north of the pathway and gives a sincere thank you to the adjacent owners. She uses the pathway and asks that we keep the pathway as-is. If the pathway is turned over to the neighbors, she would appreciate it if they kept it open.

Paula Mielke of 1868 Arona Street-

Mielke asks the Council to clarify if the four adjacent properties pay property taxes on the pathway.

Mayor Gustafson does three final calls for the public to speak. The public hearing is closed at 8:11. At this time, Gustafson says the Council will address the questions that were raised as part of the discussion. Mayor Gustafson asks, in regards to the four property owners that are paying property taxes, "They're not separately deeded pieces of land, is that correct?"

Administrator Linehan says that it's largely correct. Essentially, it's part of the four properties' land total. Linehan explains that when we're talking about public land like a park, that's dedicated to the City; we'd have ownership, access and control. This is an easement, similar to a utility easement that allows a utility company to go into your backyard by right. Technically, yes, this would calculate into their property tax for the land versus a public-owned parcel.

Councilmember Wassenberg asks if the easement includes the ability to cross the land as it was laid out in the original plat.

Administrator Linehan says that the walkway was installed as a compromise when the houses were being built in the neighborhood and there were no plans to punch Ruggles through.

Mayor Gustafson asks if Ruggles was even platted as a street at the time of the plat.

Administrator Linehan says yes.

Mayor Gustafson asks for confirmation that at the time of that development Ruggles existed east and west of the property.

Administrator Linehan says yes.

Interim Engineer Stephanie Smith adds that it specifically says on the plat that it is "walk," which speaks to what the rights are of the City to use that easement.

Mayor Gustafson addresses the next question brought up during the public hearing and asks whether there is a choice other than to vacate or to pave. He says that he knows they talked about this quite a bit at each one of the hearings and at each one of the community sessions at the school and at City Hall. If the City were to establish a policy on the property or establish a walk and maintain a walk, it would need to be at ADA standards. That's just the law. If we were to not have it at ADA standards, then that puts the City at risk of liability. Mayor Gustafson says that this is his understanding from those various discussions over the past three years.

Administrator Linehan confirms this. As the easement currently stands, it does not meet the ADA accessibility guidelines, or, as Stephanie mentioned, the PROWAG. The primary concern for this walkway is the surface. It's a grass surface that's been worn down. Initial guidelines allowed for the use of wood chips to meet ADA guidelines but that has shifted. You need to have a hard surface. Generally, it must be planar and smooth. The answer is also that concrete or asphalt are

not the only options. The City could do something like an aglime like we have at Community Park. That does meet ADA. There are significant drawbacks of aglime. Aglime deteriorates over time so it would go into their properties over time. It also creates a significant amount of dust over time. We looked at that as an option but it doesn't make sense that close to homes. We also looked at permeable pavers and got pricing on that. Permeable pavers are a bit more expensive but that could be an option that we could explore and include in the bid as well. Those are some of the options we looked at.

Councilmember Wassenberg asks Linehan a clarification question to follow. "So, it's not City property, but City is still potentially liable?"

Administrator Linehan says that this is correct because it's a City easement.

Councilmember Wassenberg asks for confirmation that the City is responsible for what occurs within easements.

Councilmember Leehy asks if it's City and resident as far as easements are concerned.

Administrator Linehan says that Stephanie (Smith) might be able to speak more on this as it gets into the legal, but the easement is over the property. Linehan gives the example of a tree falling and hitting a car along a boulevard. In that case, it's our tree and our liability even though there is shared responsibility with the resident. The resident has to mow and maintain to a general standard. If they don't mow and there's legal standing, the City could issue a violation to them. Hopefully, that explains it. Yes, the City has responsibility and ownership over this but the general liability would fall to the City; their attorneys would go to the City.

Interim City Engineer, Stephanie Smith, says that she believes that has more to do with it being a public walkway rather than the land itself.

Councilmember Meyer wonders if there are other options here. For one, it doesn't seem right that the adjacent property owners have to pay taxes on it. Is there something within our power to rezone it as a park so they don't have to pay taxes for it and then we wouldn't have this weird hybrid, where it's partially their land, but they can't do anything for it, but they're expected to maintain it? It's putting a lot on them and I feel that. Would rezoning that parcel be a possibility?

Administrator Linehan says that would be eminent domain. The City could take it over and take ownership of it. Generally, that's taking of property; there's a lot of negative to the residents that would be impacted by that. The City would have to pave it that way as well.

Councilmember Meyer says that they wouldn't have to pay property tax on that area though and asks what the negatives would be.

Administrator Linehan says that the area is calculated in their property taxes but it's one of the smallest portions. If the easement is lifted, their parcel lines would go towards the end of it. It's a minimal amount of property tax.

Councilmember Meyer asks if that small amount is along the lines of twenty or forty bucks a year, for example.

Administrator Linehan says he can't comment.

Mayor Gustafson gives an example of a vacated right of way he purchased that's part of his residence; it's a small piece of land approximately 25 feet wide by 125 feet long and he pays \$58 per year.

Councilmember Wehyee says that he understands what the risk is to not do anything with the easement but points out the pathway has been around for a long time and no violations have been filed. So, why are we suddenly concerned? What's the urgency?

Administrator Linehan says it's a long story but it first came to the City's attention as a possible liability in 2008. It was documented and the idea at the time was to table it until the Ruggles project took place. Originally, it was scheduled to be just a few years later. It's been on engineering's radar to do the easement when Ruggles was done.

Councilmember Wehyee asks what the likelihood of ADA violating us would be since there's a history of them not doing so yet.

Administrator Linehan says we're at about twelve years of non-compliance. We are also under additional risk now that there's been more attention placed on the pathway. ADA wouldn't necessarily come out, it would be disability advocates that would document it. There's also a chance we'd go another thirty or forty years without being sued. Both are equal chances. But, ADA is not just a law, it's a fairness act for all. As a City, we have to consider accessibility for all residents. We have to consider not only the law but the guiding principles of the Americans With Disabilities Act and our support of the federal policy.

Councilmember Leehy says that it also seems that there was a change; we used to be able to put woodchips down and we cannot do that now. The League of Women Voters also did a recent study on being ADA compliant for our City, so it's on the radar right now. As we want to be a welcoming and inclusive City, it's important to be mindful of these things. We need to keep others in mind. We need to do something and can't just leave it. Leehy says that she appreciates neighbors' willingness to help the four adjacent homeowners but gives the example of Northhome neighbors, coming together to coordinate a plan for snow removal in their alley. It goes well for about five years and then falls to one person to do it and becomes burdensome. This has become burdensome for these four adjacent homeowners.

Councilmember Wassenberg says we are asked to do creative problem-solving and that we haven't answered all of the questions asked of the residents. One question was about ADA compliance. Wassenberg says that accessibility isn't something to strive for from just a legal standpoint but from a moral standpoint as well. Is it the designation of the space that is the issue? Would a "trail" not fall under ADA rules?

Administrator Linehan says that legal would have to advise. But, from his understanding, it's not just a definition. We could investigate further what it would require to change that but Linehan hasn't seen anything to say that it could be done.

Councilmember Wassenberg says he can't reconcile two things in his mind. We've heard that the trail maintenance and presence of the trail are a burden to the four adjacent property owners. We've also heard people say that if the easement was turned over and the pathway vacated, people feel that the adjacent property owners would still maintain the pathway, even though they feel it's a burden. Those two seem incongruent to me. It seems more likely that, given that it's expressed as a burden by the four adjacent property owners, that the trail would just go away if the City vacates it. Wassenberg wonders if anyone else felt different.

Councilmember Leehy says that was her assumption as well.

Councilmember Wassenberg says we've heard from people that they trust the adjacent property owners to keep the trail and that doesn't seem likely.

Administrator Linehan adds a comment and says he did reach out to the City attorney. If the property was turned over to the adjacent property owners and someone got injured, who would

be responsible. It's a long answer but they likely would. But, it also depends a bit on the use. If someone walked into your backyard and broke their leg, you wouldn't be liable in MN; it's different in every state. If a child trespassed and fell into your unguarded pool and drowned, you'd be responsible because that's an attractor to children. The second test is if it's clear of what the purpose of it is. The City would have to make it seem like it wasn't a trail. But, there's no guarantee that the resident would be safe from a lawsuit. They wouldn't be responsible for ADA but could have some liability. They would need to check with their own insurance and attorney on that.

Regarding the adjacent property owners keeping it as a pathway (if the City vacated the pathway), Linehan says that if one of the four adjacent property owners came to City Hall and applied for a fencing permit, if it met all of our definitions of it, it could be approved over the counter and they could build a fence the next day.

Councilmember Wassenberg says that if the easement were vacated, then people would no longer have the right to walk there because it's private property.

Administrator Linehan says it would be private property but it would need to be made clear that there's no trespassing allowed and up to the homeowners in how they do that.

Councilmember Wehyee says that Administrator Linehan mentioned that it is a possibility to look at how the pathway is designated and how that could impact its usability. Would voting to vacate preclude the City from engaging in that research and then looking into other options that might be out there.

Administrator Linehan says yes. If this resolution is passed, it would be recorded with the Ramsey County Recorder's Office. The odds I'd give it for finding another definition that would not require ADA and paving is under 1%.

Interim City Engineer Stephanie Smith adds that that is in part to this being in an urban area. This isn't a natural area such as a forest where you could have different definitions.

Councilmember Wehyee asks for confirmation that a different definition would not make a substantive difference.

Administrator Linehan says it's looking at how you can legally dedicate a pathway as something other than a pathway. Linehan says that he doesn't know the answer but he's also saying the odds are very unlikely. Linehan states that the Council doesn't have to approve the resolution tonight. We have to approve the bids tonight; we have to get the construction project going. We could include this an optional project. Linehan would have to ask attorneys if it would then require a second public hearing and it could recycle the process for another month or two. I'll leave that to the Council.

Councilmember Wassenberg summarizes that it's clear that the non-adjacent homeowners want the trail to be maintained, they don't want it paved and certainly not with concrete. Wassenberg says they should consider other options such as crosshatch pavers or something like that. Wassenberg says that he also reviewed the City's Comprehensive Plan and we state that we are going to seek to maintain and expand walkways, sidewalks and connections between and within neighborhoods for foot traffic for lots of reasons, such as the health and wellbeing of our residents. Councilmember Meyer wonders if there would be a possibility to have a neighborhood organization and if that organization would have any legal standing to have the pathway vacated to the organization.

Administrator Linehan says he doesn't believe they could dedicate the easement under Minnesota State Law.

Councilmember Leehy asks if pavers are an option and wonders why they haven't discussed those previously.

Mayor Gustafson says they have talked about pavers but it was referred to as permeable surfaces.

Councilmember Leehy then asks if the maintenance cost of pavers is more than concrete.

Mayor Gustafson says yes.

Interim City Engineer Stephanie Smith says that at the improvement hearing on November 9th, permeable pavers were included in the material costs and discussed as an option. The cost for installing a permeable paver pathway was estimated at \$55,000, which is \$2,000 more than the concrete estimate. That does not take into consideration the future maintenance of it, only the construction of it. But, it would meet the ADA standards and the different surface may address concerns for water runoff.

Mayor Gustafson states that permeable pavers are still a paved surface and he doesn't think he's heard anyone during community comments say that they want a paved surface.

Councilmember Meyer says residents may not be aware of different options.

Mayor Gustafson points out that maintenance is more; there is a section of permeable pavement outside of City Hall and it requires more maintenance.

Councilmember Leehy says they would need to hear from Public Works about the upkeep costs because it has to be maintained throughout the winter as well.

Mayor Gustafson talks about tabling the discussion but then also states that a decision would have to be made in two weeks.

Administrator Linehan says they did not include the specs for Ruggles path in the proposal with the idea that it be vacated. If the vacation was approved tonight, we'd continue that path. If the vacation was tabled or denied, we'd include that as an optional bid to get pricing. Linehan says he isn't sure if they'd need a second public hearing or not and the process takes over a month. Linehan says the public hearing would likely be in May.

Councilmember Meyer says the pathway has been an asset for our community for 75 years and we owe it to the community to take our time. He doesn't want to rush into a mistake.

Councilmember Wassenberg says that residents probably learned a lot more about the options tonight. And, although they have said they don't want the path paved, I'd have to assume they'd accept a paved pathway rather than no pathway.

Councilmember Wehyee says he thinks there are still lingering questions that he advises the Administrator to get answers from the lawyers on and bring back to the Council. Yes, there are a few residents interested in vacating, but there is an overwhelming amount of public support for maintaining the pathway. The answer seems clear that we should keep this pathway in some capacity. Wehyee says he's in favor of tabling the discussion.

Mayor Gustafson says that the City has been kicking this down the road since at least 2008; we've been working at this for a long time. It's a tough thing to vote on but we're going to have to make a decision on this soon. We have to make a decision in two weeks. We can't ignore it and we can't rely on the four residents to continue to maintain it.

Councilmember Wassenberg says he agrees and they have the options before them. It's either to vacate the easement and have the path go away. Or, keep the path with some type of surface at a cost to the City. I would be in favor of voting.

Mayor Gustafson says they will either put forth the resolution to vacate the pathway between Pascal and Holton. If we vote to NOT vacate, we are voting to pave it, in essence. If we don't vacate it, we have to pave it. If we don't pave it, we're opening the City up to legal risk.

Administrator Linehan says the next step is a motion to approve, whether any of the Council supports it. From there, three things could happen. One, the Council could approve the resolution to vacate the property. Two, the majority of Council could vote against it. That would cancel this process and the request to vacate would then end. Three, after a motion is introduced, there could be a secondary motion to table the debate.

Councilmember Wehyee says he's ready to vote.

Administrator Linehan says, as Stephanie pointed out as well, that any approval of a right of way easement vacancy requires a 4/5 vote of the Council.

Councilmember Wehyee
motions to approve the Resolution for
the Vacation of Ruggles Pathway;

ROLL CALL TO APPROVE (to vacate):
GUSTAFSON_X__ LEEHY_X__ MEYER __
WASSENBERG __ WEHYEE__
Motion fails 2 to 3.

G. CONSENT AGENDA:

1. General Disbursements through 3/3/23: \$75,645.95 and through 3/16/23: \$1,348,755.95
Payroll through 2/28/23: \$24,319.54 and through 3/15/23: \$18,773.71
Wire Payments through 2/28/23: \$16,148.38 and through 3/15/23: \$13,710.83
2. City License(s)
3. Amendments to the Mounds Park Academy Revenue Refunding Note Series 2014
4. Commission Assignment Adjustment
5. Joint Powers Agreement & Court Subscriber Amendment with the Bureau of Criminal Apprehension
6. Met Council TBRA Grant Funds Release
7. Commonwealth Terrace Cooperative Indemnification Agreement
8. Minnesota Department of Recreation Outdoor Recreation Grant Application
9. Updated Ramsey County Polling Place Agreement
10. Surplus Property: Air Compressor for SCBA Units (Fire Equipment)
11. Appointment of Stephanie Skarolid to the Environment Commission
- ~~12. Authorization of Funds for Retirement Celebration~~
13. Pay Request 3-5 for Center for Values-Based Initiatives
14. Appointment of Elke van der Werff as Administrative & Communications Coordinator
15. 2022 Sanitary Sewer Lining Payment
16. Ramsey County Critical Corridors Pre-Development Planning Grant Application

Council Member Leehy motions to
approve the consent agenda;
approved 5-0

Administrator Linehan comments that the large check for the 1.3 million includes the \$962,000 that is going to Buhl; it is a pass through of the Grant. Linehan thanks the Council for the appointment of our new Administrative and Communications Coordinator. The City did an extensive search and had fantastic applications but Elke was the perfect candidate.

Elke introduces herself and says she's excited to get started. She thanks the Council.

Mayor Gustafson says that Councilmember Wehyee is going to switch over to the Community Engagement Commission and he will switch to the Planning Commission.

H: POLICY ITEMS:

1. Approval of Center for Values-Based Initiatives' Study

Mayor Gustafson says they saw the quick presentation and overview of the Center for Values-Based Initiatives' Study. He suggests taking a look at the full 112-page document.

Administrator Linehan reminds Council that they've done previous sessions, including spending three and a half hours on it at the Council Retreat. We are seeking formal approval from the Council tonight. It could be tabled if there were changes but I have not heard that. Once approved, it will be published on our website.

Councilmember Leehy asks where it will be published on the website.

Administrator Linehan says it will be under our Law Enforcement section (under Government and then Law Enforcement) and also under Residents (under Cultivating Our Caring Community).

Councilmember Wassenberg motions to approve the CVBI Study; approved 5-0

2. Law Enforcement Contract Discussion

Administrator Linehan says this is follow-up from this year's retreat and the previous year's retreat. Linehan wants to make it clear that they don't have issue with the Sheriff's office or the services the City receives. We are in a contract that could better suit our needs. The discussion at this time is whether the City wishes to take the action, as outlined in the contract. There is an action item outlined in the contract (Action C2) that allows either party to notify the other in writing, nine calendar months prior to the end of the contract term. "If either party is not approved a successor agreement at the end of the term, the County will continue to provide law enforcement services in accordance with this agreement." The idea tonight is for the Council to provide direction if this is something they wish to execute based on the findings on the contract study.

Mayor Gustafson says he will abstain from voting to avoid a conflict of interest since he is employed by Ramsey County Sheriff.

Administrator Linehan just wants to make it clear that they aren't deciding where they want to go tonight; we don't have those answers yet. This is the first required step if that is what the City Council desires.

Councilmember Wehyee wants the public to know that we got to this particular point because law enforcement had told us they've been spread thin and to research alternatives.

Councilmember Meyer says all of Bostrom's work, the community outreach and focus groups have given us a really clear blueprint of what our community wants.

Administrator Linehan says that based on that, what we'd be seeking is a motion directing the City Administrator to send a letter to Sheriff Fletcher and the six other contracted cities by March 31st, notifying of our intent to execute C2 in our contract with the intent to explore other police partners in 2024.

Councilmember Meyer motions to approve the intent to execute Action C2 in our contract to explore other police partners in 2024; approved 4-0-1, with Mayor Gustafson abstaining from the vote.

3. Accepting Plans Specifications and Ordering Advertisement for Bids for the 2023 Pavement Management Project

Mayor Gustafson says that we held this public hearing last year, had the initial assessment hearing last fall and we put the funds into the capital budget. We need to approve these plan's specifications so we can get the bids in. Once the bids are in, then we can accept a bid and start construction once school is out because it will have a major impact on Garden Avenue. We did our last pavement management job in 2021 because we do them in the odd years.

Councilmember Wassenberg wants to just get clarification that they are able to approve this with the understanding that there could be an additional add on.

Administrator Linehan says that is correct. He is seeking three additional alternates that he's adding on to this motion. He will read them off, and if they make the motion, it's assumed by the Council that you support it with the three additional items.

Additional Items:

1. To include an additional bid for roadway striping. Engineering strongly recommends we stripe. We've heard from residents that they don't want a stripe. It currently has a center line stripe that's long disappeared to weathering. It makes sense from an engineering perspective but there hasn't been full input yet. This will allow the Council to discuss it. Cost is \$8,000.
2. To include a price quote for Ruggles Pathway with concrete pavement.
3. To include a price quote for Ruggles Pathway with permeable pavers.

Linehan says again, none of these commits us to doing these. It just gets us pricing as we go out to bid. As soon as this is approved, then on Monday, engineering will release our bid to contractors. They came in with their initial estimates from the primary feasibility study in November and got updated numbers once they finalized the plans. Super minor. We come back near the end of April with the final bids. We'll approve it then. That's enough time to mobilize a contractor by June 8th or when school is out. The contractor would be required to finish by the time the State Fair starts. The price went down a little bit from what we initially anticipated in November. We're hoping the bids will come in lower but it's a market where no one can estimate where the bids are going. It's tough to determine.

Councilmember Wassenberg wonders if the wording of Additional Item 3 above should be stated as “permeable pavers” and wonders if it should just be stated as an “ADA-compliant surface” to allow those submitting bids to make use of their knowledge and expertise. They may be able to suggest a creative solution that we haven’t thought of.

Administrator Linehan asks if that should be added as a fourth item.

Councilmember Wassenberg says sure.

Administrator Linehan says that Item 4 will be to include alternative materials that are ADA-compliant. He says that some contractors may choose to bid on the optional items or not. The City could always hire the contractor with the lowest bid and then hire a third party for the optional items.

Councilmember Wehyee motions to approve the advertisement for bids with four additional provisions added; approved 5-0 .

4. Recommendation to Approve Final Survey for Division of an Existing Lot - Community Park (2050 Roselawn Avenue)

Administrator Linehan says that it’s been a long process in the making; some might say decades. This is the final step in the purchase of Community Park. The City is fully dividing the parcel and there could be two separate addresses. We’ve modified our schedule per our attorney’s advice. This is a preliminary and final review of the subdivision by the City Council. Upon approval of this, we’ll be able to close with the University of Minnesota, provided they agree with the ALTA survey. They may still have their own modifications but that doesn’t impact accepting the survey and recording it by the City. The one part still missing right now is that the dividing line is not the fence. A fence currently exists between the two properties but it’s not linear, making it nearly impossible to write a legal description; there is a reason most property lines are square or rectangular. So, the final part is that the City will accept an agreement that we will maintain the woods north of the fence, even though it’s not our property. We currently maintain the woods despite it not being our property, so there’s no change to maintenance. What look like coordinates on the ALTA survey are not coordinates. They are explaining the direction of the lines and the distance.

Councilmember Leehy motions to approve the Final Survey for Division of an Existing Lot-Community Park; approved 5-0 .

I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg has no announcements.

Councilmember Leehy says that she and the City Administrator attended the League of Minnesota Cities’ City on the Hill Day. They were able to meet with our representatives and have one-on-one time with them. They also had the opportunity to meet with other

councilmembers and mayors, including Lauderdale. So, they got to know their neighbors a bit more.

Councilmember Wehyee has no announcements.

Councilmember Meyer has no announcements.

Mayor Gustafson says he's looking forward to his first meeting as liaison to the Planning Commission. It brings him back full circle to what got him into City government. He thanks everyone for last Saturday's retreat. And, he reminds everyone to save the date of May 20th for the Spring Together event at Curtiss Field.

Administrator Linehan mentions that we'll have a public hearing on March 28th for the Planning Commission. We have a petition from Buhl (the developer of Amber Union) to develop a 650 square foot drive-through eating establishment. It's a coffee shop drive-through with outdoor seating but no indoor seating. It requires a couple of changes to code to allow it to occur. Primarily, to change our definition of drive-through. Traditionally, the City has only allowed drive-throughs at banking establishments. The petitioner is requesting the code to be changed to allow an eating establishment to have a drive-through if it's attached to a PUD (Planned Unit Development). Amber Union is a PUD. It's a separate agreement that is spelled out in code. It's fairly restrictive and not everyone can do it; they have to have been approved as a PUD. It allows more scrutiny as every plan has to go through the Planning Commission. The other requested change to code is to the requirements for the time of drive-throughs. It's currently 7:00 AM to 8:00 PM and they are requesting a 6:00 AM start time. That information, including traffic study, plans, stormwater management and the notice are all on our website as part of the agenda. Notice was in the paper. This process has gone quickly; the applicant has gone quickly. We're following our timeline but our intent is not to take anyone by surprise.

Linehan then personally thanks the Council for recognizing Tim Pittman. Tim always goes above and beyond to help someone and takes great care of the City. And, he thanks them for appointing Elke to Staff.

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.

Nathaniel Dempsey of 1848 Pascal Street-

Dempsey thanks the Council for the substantive discussion tonight. On the law enforcement discussion, Dempsey shares he's grateful for the service that Ramsey County Sheriff has provided. Dempsey then has a couple of questions since the public hearing closed. He wonders what the ADA difference is between the easement between property lots like Ruggles and then boulevards that the public has access to that aren't paved anywhere. Why can't we have natural areas in the NE quadrant? Dempsey says there was a material misstatement listed in the 2023 PMP Feasibility Report. On page 12, it specifically mentions land not on the tax roll currently. "A vacation process would remove the City's right of way easement over the property, turning back the property to the underlying property at no cost to them. The property would then be available for their use and enjoyment. The property would also then be returned to the tax roll." The authors may not have known about the tax details currently.

Dempsey said that all the previous conversation in the evening was whether the City vacate a public easement. Either way, it doesn't matter; people who use mobility devices will not have paved access along that road. So, why can't we have public access in that area that is unpaved?

If our back-pocket option is to deny public access and make it private property, then no one with a mobility impairment would have public right to that property anyway. Our only choice, if we're really centering people with disabilities, our only choice is making that ADA compliant.

K. ADJOURNMENT: 9:42 p.m.

Councilmember Wehyee motions to adjourn; approved 5-0

Dated this 22nd day of March, 2023

Randall C. Gustafson, Mayor

Jack Linehan, City Administrator

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Meeting Date	April 12, 2023
Agenda Item	Consent G1
Attachment	General Disbursements, Payroll, and Wire Payments
Submitted By	Roland Olson, Finance Director

Item	General Disbursements, Payroll and Wire Payments
Description	General Disbursements through: 4/5/23 \$1,105,894.71 Payroll through: 3/31/23 \$20,018.95 Wire Payments through: 3/31/23 \$14,197.97
Budget Impact	The general disbursements, payroll and wire payments are consistent with the budget.
Attachment(s)	<ul style="list-style-type: none"> • General Disbursements, Payroll and Wire Payments
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve general disbursements, payroll and wire payments.

PACKET: 02769 APRIL 5 PAYABALES CLEVELA

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
=====						
01-06185	RAMSEY COUNTY					
I-PUBW 019902X		CITY SHARE CLEVELAND 2022	684,062.68			
4/05/2023	APBNK	DUE: 4/05/2023 DISC: 4/05/2023		1099: N		
		CITY SHARE CLEVELAND 2022		419 20801-000	DUE TO OTHER GOVTS	684,062.68
I-PUBW 020068		CITY SHARE CLEVELAND 2022	261,612.78			
4/05/2023	APBNK	DUE: 4/05/2023 DISC: 4/05/2023		1099: N		
		CITY SHARE CLEVELAND 2022		419 20801-000	DUE TO OTHER GOVTS	261,612.78
I-PUBW 020069X		CITY SHARE CLEVELAND 2022	90,921.33			
4/05/2023	APBNK	DUE: 4/05/2023 DISC: 4/05/2023		1099: N		
		CITY SHARE CLEVELAND 2022		419 20801-000	DUE TO OTHER GOVTS	90,921.33
		=== VENDOR TOTALS ===	1,036,596.79			
		=== PACKET TOTALS ===	1,036,596.79			

PACKET: 02766 April 4th 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
=====						
01-05380	BERGANKDV					
I-1189657		INTERMIN AUDIT FEE	10,000.00			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		INTERMIN AUDIT FEE		101 4113-80310-000	AUDIT	10,000.00
=====						
I-1189922		2ND INTERIM BILLING AUDIT FEE	12,000.00			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		2ND INTERIM BILLING AUDIT FEE		101 4113-80310-000	AUDIT	12,000.00
		=== VENDOR TOTALS ===	22,000.00			
=====						
01-05422	BP					
I-202304048469		FUEL	1,859.10			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		FUEL		101 4132-74000-000	MOTOR FUEL & LUBRICANTS	1,859.10
		=== VENDOR TOTALS ===	1,859.10			
=====						
01-05290	GOODIN COMPANY					
I-202560976-00		REPAIR DRINKING FOUNTAIN	116.28			
4/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		REPAIR DRINKING FOUNTAIN		101 4131-70110-000	SUPPLIES	116.28
		=== VENDOR TOTALS ===	116.28			
=====						
01-05115	GOPHER STATE ONE CALL					
I-3030390		MARCH LOCATES	21.60			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		MARCH LOCATES		601 4601-88030-000	LOCATES	21.60
		=== VENDOR TOTALS ===	21.60			
=====						
01-05908	METRO-INET					
I-1174		APRIL IT SUPPORT	3,528.00			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		APRIL IT SUPPORT		101 4116-85070-000	TECHNICAL SUPPORT	3,528.00
		=== VENDOR TOTALS ===	3,528.00			

PACKET: 02766 April 4th 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
=====						
01-06030	OLSON,ROLAND					
I-202304048470		FLEX REIMBURSEMENT	34.74			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		FLEX REIMBURSEMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	28.83
		FLEX REIMBURSEMENT		601 21712-000	MEDICAL FLEX SAVINGS PAY	5.21
		FLEX REIMBURSEMENT		602 21712-000	MEDICAL FLEX SAVINGS PAY	0.70
		=== VENDOR TOTALS ===	34.74			
=====						
01-06185	RAMSEY COUNTY					
I-RISK 002226		APR INS DENTAL/DISABILITY/LIF	869.37			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		APR INS DENTAL/DISABILITY/LIFE		101 4112-89000-000	MISCELLANEOUS	869.37
		=== VENDOR TOTALS ===	869.37			
=====						
01-05374	TENNIS SANITATION LLC					
I-3550583		RECYCLING	8,453.25			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		RECYCLING		206 4206-82030-000	RECYCLING CONTRACTS	8,453.25
I-3550584		SWMT AND CEC RECYCLING	66.50			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		SWMT AND CEC RECYCLING		101 4131-87010-000	CITY HALL MAINTENANCE	66.50
		=== VENDOR TOTALS ===	8,519.75			
=====						
01-05784	UPPER CUT TREE SERVICES					
I-5493		REMOVE MAPLE 1802 ARONA	4,300.00			
4/04/2023	APBNK	DUE: 4/04/2023 DISC: 4/04/2023		1099: N		
		REMOVE MAPLE 1802 ARONA		101 4134-84020-000	TREE REMOVAL	4,300.00
		=== VENDOR TOTALS ===	4,300.00			
		=== PACKET TOTALS ===	41,248.84			

PACKET: 02762 MAR 31 PAYAB LES

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

01-03122 CITY OF ST PAUL

I-IN 53237		ST LIGHT MAINT	153.00			
3/31/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		ST LIGHT MAINT		209 4209-87120-000	REPAIR & MAINTENANCE	153.00

I-IN 53239		ST LIGHT MAINT	18.89			
3/31/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		ST LIGHT MAINT		209 4209-87120-000	REPAIR & MAINTENANCE	18.89

=== VENDOR TOTALS === 171.89

01-05644 LEAGUE OF MN HUMAN RIGHTS COMM

I-2342		2033 COMMISSON DUES	100.00			
3/31/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		2033 COMMISSON DUES		101 4111-86140-000	COMMISSIONS/MEMBERSHIPS/	100.00

=== VENDOR TOTALS === 100.00

01-05856 LINEHAN, JACK

I-202303318467		FLEX REIMBURSEMENT	612.00			
3/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		FLEX REIMBURSEMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	538.56
		FLEX REIMBURSEMENT		206 21712-000	MEDICAL FLEX SAVINGS PAY	30.60
		FLEX REIMBURSEMENT		601 21712-000	MEDICAL FLEX SAVINGS PAY	24.48
		FLEX REIMBURSEMENT		602 21712-000	MEDICAL FLEX SAVINGS PAY	18.36

=== VENDOR TOTALS === 612.00

01-05585 METROPOLITAN AREA MANAGEMENT A

I-1531		MARCH MEETING JACK	25.00			
3/31/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		MARCH MEETING JACK		101 4112-86100-000	CONFERENCES/EDUCATION/AS	25.00

=== VENDOR TOTALS === 25.00

01-06030 OLSON,ROLAND

I-202303318468		MILEAGE REIMB	32.82			
3/31/2023	APBNK	DUE: 3/31/2023 DISC: 3/31/2023		1099: N		
		MILEAGE REIMB		101 4113-86010-000	MILEAGE	32.82

=== VENDOR TOTALS === 32.82

PACKET: 02762 MAR 31 PAYAB LES

VENDOR SET: 01 City of Falcon Heights

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

---ID-----		GROSS	P.O. #		
POST DATE	BANK CODE	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====					
01-05737	VERIZON WIRELESS				
<hr/>					
I-9930927590	CELL PHONE	53.22			
3/31/2023	APBNK		1099: N		
	DUE: 3/31/2023 DISC: 3/31/2023				
	CELL PHONE		601 4601-85015-000	CELL PHONE	53.22
	=== VENDOR TOTALS ===	53.22			
	=== PACKET TOTALS ===	994.93			

PACKET: 02760 March 29 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-	ALLSTREAM					
I-19350444		Emergency Landline March	51.85			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Emergency Landline March		101 4116-85010-000	TELEPHONE	51.85
=== VENDOR TOTALS ===			51.85			
01-06290	CITY OF ROSEVILLE					
I-231565		Engineering	14,383.79			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Engineering Feb		101 4133-80100-000	ENGINEERING SERVICES	267.84
		Engineering 2021 PMP Feb		426 4426-80100-000	ENGINEERING	48.74
		Engineering 2023 PMP Feb		429 4429-80100-000	ENGINEERING	14,067.21
=== VENDOR TOTALS ===			14,383.79			
01-05718	GOODPOINT TECHNOLOGY, INC					
I-4386		Pavement Condition Survey	937.50			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Pavement Condition Survey		419 4419-83010-000	PAVEMENT MANAGEMENT	937.50
=== VENDOR TOTALS ===			937.50			
01-05153	HOME DEPOT CRC/GECF					
I-202303298463		HOME DEPOT CRC/GECF	55.90			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Wiper Blades		101 4132-70120-000	SUPPLIES	31.96
		Black Top Patch		101 4132-75000-000	BITUMINOUS PATCHING	23.94
=== VENDOR TOTALS ===			55.90			
01-05995	LANDFORM					
I-34170		Community Park Split & Survey	5,408.00			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Community Park Split & Survey		403 4403-91500-000	COMMUNITY PARK LAND/BUIL	5,408.00
=== VENDOR TOTALS ===			5,408.00			

PACKET: 02760 March 29 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-	OLSON,ROLAND						
I-202303298464		Flex Payment	44.50				
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		Flex Payment		101 21712-000	MEDICAL FLEX SAVINGS PAY		36.94
		Flex Payment		601 21712-000	MEDICAL FLEX SAVINGS PAY		6.68
		Flex Payment		602 21712-000	MEDICAL FLEX SAVINGS PAY		0.88
		=== VENDOR TOTALS ===	44.50				
01-06024	ON SITE SANITATION						
I-1502892		Portable Toilets/Sanitizers	87.00				
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		Portable Toilets/Sanitizers		601 4601-85080-000	PORTABLE TOILET PARKS		87.00
I-1502893		Portable Toilets/Sanitizers	260.00				
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		Portable Toilets/Sanitizers		601 4601-85080-000	PORTABLE TOILET PARKS		260.00
		=== VENDOR TOTALS ===	347.00				
01-06115	TIMOTHY PITTMAN						
I-202303298465		March Mileage Reimbursement	41.92				
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		March Mileage Reimbursement		101 4132-86101-000	MILEAGE		41.92
		=== VENDOR TOTALS ===	41.92				
01-00935	ST PAUL REGIONAL WATER SERVICE						
I-202303298466		ST PAUL REGIONAL WATER SERVIC	163.42				
/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		Community Park Water		101 4141-85040-000	WATER		35.63
		Community Park Sanitary Sewer		101 4141-85070-000	SEWER		12.33
		City Hall Water		101 4131-85040-000	WATER		93.42
		City Hall Sanitary Sewer		101 4131-85070-000	SEWER		22.04
		=== VENDOR TOTALS ===	163.42				
01-06661	TAFT, STETTINIUS & HOLLISTER L						
I-5985305		Attorney Fees TIF 1-4	1,000.00				
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N			
		Attorney Fees TIF 1-4		415 4415-81900-000	OTHER PROFESSIONAL SVCS		1,000.00
		=== VENDOR TOTALS ===	1,000.00				

PACKET: 02760 March 29 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-	XCEL ENERGY					
I-820951548		Elect	65.90			
3/29/2023	APBNK	DUE: 3/29/2023 DISC: 3/29/2023		1099: N		
		Elect		101 4141-85020-000	ELECTRIC/GAS	65.90
		=== VENDOR TOTALS ===	65.90			
		=== PACKET TOTALS ===	22,499.78			

PACKET: 02758 March 22 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
=====							
01-0005	AM	CONSTRUCTION SUPPLY, INC					
I-2320		Concrete/Asphalt	299.99				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Concrete/Asphalt		101 4132-75000-000	BITUMINOUS PATCHING		299.99
=== VENDOR TOTALS ===			299.99				
=====							
01-00875	BHE	COMMUNITY SOLAR, LLC					
I-11739958		Solar Garden Elect Jan	169.77				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Solar Garden Elect Jan		101 4131-85025-000	SOLAR ELECTRIC		169.77
=== VENDOR TOTALS ===			169.77				
=====							
01-03103	CANON	FINANCIAL SERVICES					
I-30161543		Copier Contract Charge March	122.39				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Copier Contract Charge March		101 4131-87010-000	CITY HALL MAINTENANCE		122.39
=== VENDOR TOTALS ===			122.39				
=====							
01-01012	COREMARK	METALS					
I-5370872		Steel Rack	69.04				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Steel Rack		101 4132-87000-000	REPAIR EQUIPMENT		69.04
I-5370991		Steel Tube & Rolled Steel	199.71				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Steel Tube & Rolled Steel		101 4132-87000-000	REPAIR EQUIPMENT		199.71
=== VENDOR TOTALS ===			268.75				
=====							
01-05887	JENSEN,	RACHEL					
I-202303228460		Breathwork Drop-ins	24.00				
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N			
		Breathwork Drop-ins		201 4201-87700-000	INSTRUCTOR-SPECIALTY CLA		24.00
=== VENDOR TOTALS ===			24.00				

PACKET: 02758 March 22 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
01-0009		LEAGUE OF MN CITIES				
I-378451		Stormwater Coalition 2023	560.00			
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N		
		Stormwater Coalition 2023		602 4602-86110-000	MEMBERSHIPS	560.00
=== VENDOR TOTALS ===			560.00			
01-05670		METRO PRODUCTS INC				
I-172821		Ty Wraps	17.04			
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N		
		Ty Wraps		101 4131-70110-000	SUPPLIES	17.04
=== VENDOR TOTALS ===			17.04			
01-05843		MN NCPERS LIFE INSURANCE				
I-458800042023		2023 Life Insurance April	80.00			
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N		
		2023 Life Insurance April		101 21709-000	OTHER PAYABLE	44.32
		2023 Life Insurance April		204 21709-000	OTHER PAYABLE	1.60
		2023 Life Insurance April		601 21709-000	OTHER PAYABLE	23.36
		2023 Life Insurance April		602 21709-000	OTHER PAYABLE	10.72
=== VENDOR TOTALS ===			80.00			
01-04875		MOBILE MINI, INC.				
I-9017117580		Cleaning Fee	120.00			
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N		
		Cleaning Fee		101 4141-87120-000	FACILITIES & GROUND MAIN	120.00
=== VENDOR TOTALS ===			120.00			
01-06190		RAMSEY COUNTY - HAZARDOUS WAST				
I-608979		Annual Hazardous Waste Licens	92.00			
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N		
		Annual Hazardous Waste License		101 4131-89000-000	MISCELLANEOUS	92.00
=== VENDOR TOTALS ===			92.00			

PACKET: 02758 March 22 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	
01-03		SENTRY SYSTEMS, INC.						
I-784130		Commercial Monitoring Svc-6/3	94.50					
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N				
		Commercial Monitoring Svc-6/30		101 4131-87100-000	PANIC BUTTON SECURITY		94.50	
=== VENDOR TOTALS ===			94.50					
01-05904		SHARDLOW, KRISTIN						
I-202303228461		Refund of Class Fee	15.00					
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N				
		Refund of Class Fee		201 34310-000	RECREATION FEES		15.00	
=== VENDOR TOTALS ===			15.00					
01-05870		XCEL ENERGY						
I-202303228462		XCEL ENERGY	2,690.93					
3/22/2023	APBNK	DUE: 3/22/2023 DISC: 3/22/2023		1099: N				
		Gas		101 4131-85030-000	NATURAL GAS		1,341.62	
		Elect		101 4131-85020-000	ELECTRIC		826.52	
		Elect		101 4141-85020-000	ELECTRIC/GAS		33.87	
		Elect		101 4141-85020-000	ELECTRIC/GAS		109.32	
		Elect		101 4141-85020-000	ELECTRIC/GAS		34.67	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		23.41	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		80.65	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		16.73	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		75.08	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		53.65	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		38.03	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		40.65	
		Elect		209 4209-85020-000	STREET LIGHTING POWER		16.73	
=== VENDOR TOTALS ===			2,690.93					
=== PACKET TOTALS ===			4,554.37					

EMP #	NAME	AMOUNT
01 022	RANDALL C GUSTAFSON	293.07
01-023	MELANIE M LEEHY	262.05
01-0025	YAKASAH WEHYEE	262.05
01-0027	ERIC G MEYER	262.05
01-1006	JACK LINEHAN	3,112.18
01-1027	KELLY A NELSON	2,012.64
01-1136	ROLAND O OLSON	3,060.44
01-1028	HANNAH B LYNCH	2,581.40
01-1030	TIMOTHY J PITTMAN	2,558.34
01-1033	DAVE TRETSVEN	1,946.63
01-1143	COLIN B CALLAHAN	2,113.98

TOTAL PRINTED: 11 18,464.83

3-22-2023 6:28 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 1
PAYROLL DATE: 3/22/2023

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
0026	WASSENBERG, JAMES J	R	3/22/2023	262.05	092108
1162	LANDBERG, ALYSSA	R	3/22/2023	1,292.07	092109

3-22-2023 6:28 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 2
PAYROLL DATE: 3/22/2023

*** REGISTER TOTALS ***

REGULAR CHECKS:	2	1,554.12
DIRECT DEPOSIT REGULAR CHECKS:	11	18,464.83
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	13	20,018.95

*** NO ERRORS FOUND ***

** END OF REPORT **

March 31 payroll

Fed With	7,314.87
St With	1,267.59
Pera	4,188.91
ICMA	1,283.34
Child support	143.26
	<hr/>
	14,197.97

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Meeting Date	April 12, 2023
Agenda Item	Consent G2
Attachment	N/A
Submitted By	Kelly Nelson Assistant to the City Administrator

Item	Approval of City License(s)
Description	The following individuals/entities have applied for a <u>Municipal Business License</u> for 2023. Staff have received the necessary documents for licensure. 1. Hamline Family Dental
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends approval of the City license applications contingent on background checks and fire inspections as required.

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Meeting Date	April 12, 2023
Agenda Item	Consent G3
Attachment	Resolution 23-30
Submitted By	Jack Linehan, City Administrator

Item	Appointment of Colin Callahan to the position of Interim Public Works Director
Description	<p>Colin Callahan has accepted an interim position of Public Works Director after the retirement of Public Works Director, Tim Pittman, on April 7th.</p> <p>Colin started with the Falcon Heights Public Works Department in 2002 as a part-time employee. Over time, Colin has developed his skillset as an integral part of the department—from his ability as a plow driver to his knowledge of the city utility systems. Colin is currently a Senior Public Works Worker.</p> <p>The Interim Public Works Director is an exempt, department head level position. As Interim Director, Colin will report directly to the City Administrator and be responsible for the day-to-day management of parks and public works functions.</p> <p>As consideration for the additional responsibilities and the after-hour requirements of the position, Colin will have his salary increased to \$85,280. In addition, a review will be conducted between three to six months in the interim role, at which point consideration would be made for the permanent title.</p> <p>The Interim Public Works Director position start date is April 13th, 2023.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> Resolution 23-30 Appointment of Colin Callahan to the interim position of Public Works Director
Action(s) Requested	Staff recommend approval of attached resolution accepting the appointment of Colin Callahan to the interim position of Public Works Director for a period of three to six months, at which time, a review will be completed to determine opportunity for permanent status of title and position.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

April 12, 2023

No. 23-30

**RESOLUTION APPOINTING COLIN CALLAHAN TO THE POSITION OF INTERIM PUBLIC
WORKS DIRECTOR FOR THE CITY OF FALCON HEIGHTS**

WHEREAS, Tim Pittman submitted his letter of resignation with a last day of employment on April 7, 2023;

WHEREAS, thereafter the position was offered to current employee Colin Callahan;

WHEREAS, the position was accepted by Colin Callahan;

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

1. Appoint Colin Callahan to the position of Interim Public Works Director, and
2. Authorize compensation of \$85,280, and
3. The Interim title will be re-evaluated in three to six months, at the discretion of the City Administrator.

Moved by:

Approved by: _____
Randall C. Gustafson
Mayor

GUSTAFSON _____ In Favor
MEYER
WASSENBERG _____ Against
LEEHY
WEHYEE

Attested by: _____
Jack Linehan
City Administrator

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Meeting Date	April 12, 2022
Agenda Item	Consent G4
Attachment	N/A
Submitted By	Jack Linehan, City Administrator

Item	Assistant to the City Administrator Kelly Nelson – Six Month Employee Step Adjustment
Description	Kelly Nelson was appointed by the City Council as Assistant to the City Administrator on September 28 th , 2022 and began employment on October 3 rd , 2022. It is the practice of the City after six months of service to reward the employee with an increase in their base salary.
Budget Impact	There are available funds for this increase.
Attachment(s)	N/A
Action(s) Requested	I recommend that the Falcon Heights City Council approve a 5% step adjustment for Kelly Nelson effective April 3, 2023.

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Meeting Date	April 12, 2023
Agenda Item	Consent G5
Attachment	Resolution 23-31
Submitted By	Kelly Nelson, Assistant to the City Administrator

Item	Resignation of Danny Locke from the Community Engagement Commission
Description	Danny Locke was appointed in April 2021 and has been a great addition to the commission. Staff would like to thank Danny for his commitment and time while wishing him well in future endeavors.
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> Resolution 23-31 Resignation of Danny Locke from CEC
Action(s) Requested	Staff recommend approval of attached resolution, accepting the resignation of Danny Locke from the Community Engagement Commission.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

April 12, 2023

No. 23-31

**RESOLUTION ACCEPTING THE RESIGNATION OF DANNY LOCKE FROM THE
FALCON HEIGHTS COMMUNITY ENGAGEMENT COMMISSION**

WHEREAS, the City appointed Danny Locke as a member of the City of Falcon Heights Community Engagement Commission in 2021; and

WHEREAS, on April 3, 2023 Mr. Locke communicated his intent to resign his duties from the Commission effective immediately;

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

1. That the resignation is accepted by the City Council of the City of Falcon Heights.

Moved by:

Approved by: _____
Randall C. Gustafson
Mayor

GUSTAFSON _____ In Favor
MEYER
LEEHY _____ Against
WEHYEE
WASSENBERG

Attested by: _____
Jack Linehan
City Administrator

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Meeting Date	April 12, 2023
Agenda Item	G6
Attachment	Exhibit 6
Submitted By	Jack Linehan, City Administrator

Item	Amber Union TBRA - Amended Subordination Agreement
Description	<p>The City of Falcon Heights and Buhl GTA, LP received a grant from the Metropolitan Council's Tax Base Revitalization Account for the Amber Union project at 1667 Snelling Avenue.</p> <p>City Council approved Resolution 20-45 on October 14, 2020 which allowed staff to apply for the grant. The City of Falcon Heights applied for the application in shortly thereafter, and accepted the grant on March 24, 2021.</p> <p>The City and Buhl GTA, LP (the developer of the Amber Union project) were awarded a grant for environmental cleanup at the Amber Union property (1667 Snelling Ave). These grant funds were dedicated to remediate asbestos and other contamination associated with seventy-plus years of use at the site.</p> <p>In May 2021, the City approved Resolution 21-26, which approved a Loan Agreement that is secured by a mortgage agreement against the Buhl property, together with a promissory note for repayment of the grant funds. This was at the request of Buhl to maximize their funding strategy for the Amber Union project. In the terms of the loan, Buhl is required to pay back the \$962,200 to the City after 41.5 years (2063), interest free. These funds are then returned to the Met Council.</p> <p>This amendment to the subordination agreement is part of Amber Union's required submission as part of project close. The City Attorney and Buhl GTA, LLP's attorneys worked on the documents and are ready for City Council approval.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> Exhibit 6 Subordination Agreements
Action(s) Requested	Staff recommends a motion to accept the amendment and grant authority to the Mayor and City Administrator to sign all documents related to the amendment.

ENVIRONMENTAL COVENANT AND EASEMENT

Preferred ID BF0001031

This Environmental Covenant and Easement (“Environmental Covenant”) is executed pursuant to the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E (“UECA”) in connection with an environmental response project approved by the Minnesota Pollution Control Agency (“MPCA”).

1. Grantor and Property description.

A. Owner and legal description of Property.

Buhl GTA, LP is the fee owner of certain real property located at 1667 Snelling Avenue North, Falcon Heights, in Ramsey County, State of Minnesota, with parcel identification number(s) 212923110030, shown on **Exhibit 1** and legally described in **Exhibit 2** (hereinafter the “Property”).

B. Grantor.

Buhl GTA, LP, a Minnesota limited partnership, is the Grantor of this Environmental Covenant.

2. Grant of Covenant; Covenant runs with the land.

Grantor does hereby Covenant and Declare that the Property shall be subject to the Activity and Use Limitations and associated terms and conditions set forth in this Environmental Covenant including the Easement in Paragraph 9, and that these Activity and Use Limitations and associated terms and conditions constitute covenants which run with the Property and which shall be binding on Grantor, its heirs, successors and assigns, and on all present and future Owners of the Property and all persons who now or hereafter hold any right, title or interest in the Property. An Owner is bound by this Environmental Covenant during the time when the Owner holds fee title to the Property. Any other person that holds any right, title or interest in or to the Property is bound by this Environmental Covenant during the time the person holds the right, title or interest. An Owner ceases to be bound by this Environmental Covenant when the Owner conveys fee title to another person, and any other person that holds any right, title or interest in or to the Property ceases to be bound when the person conveys the right, title or interest to another person.

3. Environmental Agency; Grantee and Holder of Environmental Covenant; acceptance of interest in real Property.

A. Environmental agency.

The MPCA is the environmental agency with authority to approve this Environmental Covenant under UECA.

B. Grantee and Holder; acceptance of interest in Property.

The MPCA is the Grantee and Holder of the interest in real property conveyed by this Environmental Covenant. MPCA has authority to acquire an interest in real property, including an Environmental Covenant, under Minn. Stat. § 115B.17, subd. 15, as the MPCA determines necessary for a response action related to hazardous substances, pollutants or contaminants. MPCA's signature on this Environmental Covenant constitutes approval of this Environmental Covenant under UECA and acceptance of the interest in real property granted herein for purposes of Minn. Stat. § 115B.17, subd. 15.

4. Environmental response project.

The Property is the location of releases or threatened releases of hazardous substances, pollutants, or contaminants that are addressed by an environmental response project under the MPCA Voluntary Investigation and Cleanup ("VIC") Program pursuant to Minn. Stat. § 115B.17, subd. 14. MPCA has determined that an Environmental Covenant is needed for the Property because of the presence of soil vapor contamination and the affirmative obligation to operate, monitor, and maintain the vapor intrusion mitigation system in the Property building.

5. Statement of facts.

A. Facts about the release and response actions.

Prior environmental investigations identified that the Property had been developed since 1940 for commercial uses that included automotive service and repair, fueling station, and printing business operations. At the time of this covenant the Site is developed with two newly renovated residential apartment buildings, the East Building and the West Building. The East Building was four stories with a footprint of approximately 27,500 square feet with a basement level, while the West Building was three stories with a footprint of approximately 20,800 square feet. The East and West Buildings were connected by a second-level skyway and an underground tunnel.

Environmental investigations identified between 9 and 13 feet of fill soil with little indication of contamination, except in the vicinity of two former fuel oil underground storage tank (UST) basins. The fill soil was identified to be impacted by polycyclic aromatic hydrocarbons (PAHs) and petroleum related compounds in excess of established regulatory criteria. Groundwater samples analyzed from the Site did not detect concentrations of contaminants above regulatory criteria. Soil vapor investigation at the Site identified concentrations of volatile organic compounds (VOCs) tetrachloroethene (perchloroethylene, PCE) above 33X Residential Intrusion Screening Values (ISVs) below the West Building and that a vapor intrusion area of concern was present; however, two seasonal soil vapor events for the East Building concluded that a vapor intrusion area of concern was not present below this part of the Property.

As a result of the detected Identified Release, a Response Action Plan and Construction Contingency Plan (RAP/CCP) was prepared to address soil and soil vapor contamination encountered during interior and limited exterior renovations to the Property. The RAP/CCP was approved by the MPCA in a correspondence dated August 28, 2019. Implementation of the approved RAP/CCP was completed between July 2021 and January 2023. Vapor Intrusion Mitigation System Components were incorporated into the West Building in accordance with the VIMS design prepared by Braun Intertec and dated January 5, 2021. System components included sub-slab vapor suction strips and system conveyance piping. The system conveyance piping is routed to roof-mounted extraction fans that run continuously and exhaust to the atmosphere above the roof of the West Building. Photographs

showing parts of the system installation, a figure depicting the layout of the mitigation system and its primary components are included in the Operations, Maintenance and Monitoring Plan for the mitigation system which is part of this covenant as Exhibit 3. Details of the system components, specifications, operation and maintenance information are also provided in Exhibit 3. Details regarding the investigation and response actions can be found in the MPCA's file for the TIES Buildings site, MPCA Preferred ID **BF0001031**.

B. Facts constitute affidavit under Minn. Stat. § 115B.16, subd. 2

The facts stated in Paragraph 5.A. are stated under oath by the person signing this Environmental Covenant on behalf of the Grantor, and are intended to satisfy the requirement of an affidavit under Minn. Stat. § 115B.16, subd. 2. In the event of a material change in any facts stated in Paragraph 5.A. requiring the recording of an additional affidavit under Minn. Stat. § 115B.16, subd. 2, the additional affidavit may be made and recorded without amending this Environmental Covenant.

6. Definitions.

The terms used in this Environmental Covenant shall have the meanings given in UECA, and in the Minnesota Environmental Response and Liability Act ("MERLA"), Minn. Stat. §115B.02. In addition, the definitions in this Paragraph 6 apply to the terms used in this Environmental Covenant.

A. "Commissioner" means the Commissioner of the MPCA, the Commissioner's successor, or other person delegated by the Commissioner to act on behalf of the Commissioner.

B. "MPCA" means the Minnesota Pollution Control Agency, an agency of the State of Minnesota, or its successor or assign under any governmental reorganization.

C. "Owner" means a person that holds fee title to the Property and is bound by this Environmental Covenant as provided in Paragraph 2. When the Property is subject to a contract for deed, both the contract for deed vendor and vendee are collectively considered the Owner.

D. "Political Subdivision" means the county, and the statutory or home rule charter city or township, in which the Property is located.

E. "Property" means the real property described in Paragraph 1 of this Environmental Covenant.

7. Activity and use limitations.

The following Activity and Use Limitations shall apply to the Property:

A. Use limitations.

There are no Use Limitations on the Property.

B. Activity limitations.

The following activities are prohibited on the Property except as provided in Paragraph 8:

Any demolition, redevelopment, or other Property activities that will disturb soil on the Property require the preparation of a RAP/CCP governing the screening, testing, and management of the soil, which must be submitted to the MPCA for review and approval.

There shall be no disturbance, removal, or interference with the operation of any component of the vapor mitigation system within the Property building, as shown in **Exhibit 3**.

There shall be no disturbance, removal or interference with the pavement, building slab, soil vertical buffers, etc. that provide a barrier to infiltration of precipitation and/or human exposure to contamination without an MPCA-approved RAP/CCP.

C. Affirmative obligations of Owner.

The Activity and Use Limitations imposed under this Environmental Covenant include the following affirmative covenants and obligations:

Owner shall maintain the integrity of pavements, building slab, established soil buffers, etc. on the Property to prevent infiltration of precipitation and/or human exposure to potential residual soil contamination.

Owner shall maintain the integrity of the building floors at the Property to prevent intrusion of vapors into the building and disturbance of the sub-slab vapor mitigation system.

Owner shall operate, monitor, and maintain the vapor mitigation system in the Property building(s), in accordance with the Operation and Maintenance (“O&M”) Plan set forth in **Exhibit 3**.

8. Prior MPCA approval required for activities limited under Environmental Covenant.

A. Approval procedure.

Any activity subject to limitation under Paragraph 7.B. shall not occur without the prior written approval of the Commissioner. The Commissioner’s approval may include conditions which the Commissioner deems reasonable and necessary to protect public health or welfare or the environment, including submission to and approval of a contingency plan for the activity. Within 60 days after receipt of a written request for approval to engage in any activities subject to a limitation under Paragraph 7.B., the MPCA shall respond, in writing, by approving such request, disapproving such request, or requiring that additional information be provided. A lack of response from the Commissioner shall not constitute approval by default or authorization to proceed with the proposed activity.

B. Emergency procedures.

Owner shall follow the procedures set forth in this Paragraph 8.B. when an emergency requires immediate excavation affecting contaminated soil or other media at the Property or in the Restricted Area(s) to repair utility lines or other infrastructure on the Property, or to respond to other types of emergencies (e.g., fires, floods):

i. Notify the Minnesota Duty Officer, or successor officer, immediately of obtaining knowledge of such emergency conditions; the current phone numbers for the Duty Officer are

1-800-422-0798 (Greater Minnesota only); (651) 649-5451 (Twin Cities Metro Area and outside Minnesota); fax (any location) (651) 296-2300 and TDD (651) 297-5353 or 800-627-3529.

ii. Assure that the persons carrying out the excavation limit the disturbance of contaminated media to the minimum reasonably necessary to adequately respond to the emergency;

iii. Assure that the persons carrying out the excavation prepare and implement a site-specific health and safety plan for excavation and undertake precautions to minimize exposure to workers, occupants and neighbors of the Property to contaminated media (e.g., provide appropriate types of protective clothing for workers conducting the excavation, and establish procedures for minimizing the dispersal of contaminated dust); and

iv. Assure preparation and implementation of a plan to restore the Property to a level that protects public health and welfare and the environment. The plan must be submitted to and approved by the MPCA prior to implementation of the plan, and a follow-up report must be submitted to the MPCA after implementation so that the MPCA can determine whether protection of the public health and welfare and the environment has been restored.

9. Easement; right of access to the Property.

Owner grants to the MPCA, the City of Falcon Heights, and Ramsey County an easement to enter the Property from time to time, to inspect the Property and to evaluate compliance with the Activity and Use Limitations set forth in Paragraph 7. In addition, for the purpose of evaluating compliance, Owner grants to the MPCA the right to take samples of environmental media such as soil, groundwater, surface water, soil vapor, and air, and to install, maintain and close borings, probes, wells or other structures necessary to carry out the sampling.

Owner further grants to the MPCA an easement to enter the Property to operate, maintain and monitor response actions on the Property connected to the MPCA-approved response action project, to take further response actions deemed reasonable and necessary by the MPCA to protect public health and welfare and the environment from the Identified Release of hazardous substances, and to dismantle and close such response actions including closure of monitoring wells in accordance with State law and rules.

MPCA, the City of Falcon Heights, and Ramsey County, and their employees, agents, contractors and subcontractors, may exercise the rights granted under this Paragraph 9 at reasonable times and with reasonable notice to the then-current owner, in a manner that, to the extent possible, minimizes interruption with the activities of the authorized occupants, conditioned only upon showing identification or credentials by the persons seeking to exercise those rights. MPCA will be liable for injury to or loss of property or personal injury or death caused by any act or omission of any employee of the State of Minnesota in the performance of the work described above, under circumstances where the State of Minnesota, if a private person, would be liable to the claimant, in accordance with Minn. Stat. § 3.736.

10. Duration; amendment or termination of Environmental Covenant.

A. Duration of Environmental Covenant.

This environmental covenant is perpetual as provided in Minn. Stat. § 114E.40(a).

B. Amendment or termination by consent.

i. This Environmental Covenant may be amended or terminated in writing by the Owner and the MPCA. An amendment is binding on the Owner but does not affect any other interest in the real Property unless the current owner of that interest has consented to the amendment or agreed to waive its right to consent.

ii. The Grantor of this Environmental Covenant agrees that, upon conveying fee title to the Property to any other person, the Grantor waives the right to consent to amendment or termination of this Environmental Covenant.

C. Termination, reduction of burden, or modification by MPCA.

The MPCA may terminate, reduce the burden of, or modify this Environmental Covenant as provided in Minn. Stat. § 114E.40.

11. Disclosure in Property conveyance instruments.

Notice of this Environmental Covenant, and the Activity and Use Limitations and Affirmative Obligations set forth in Paragraph 7 and Compliance Reporting Requirements set forth in Paragraphs 8, 18 and 19 of this Environmental Covenant, shall be incorporated in full or by reference into all instruments conveying an interest in and/or a right to use the Property (e.g., easements, mortgages, leases). The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT UNDER MINN. STAT. CH. 114E, DATED _____, RECORDED IN THE OFFICIAL PROPERTY RECORDS OF _____ COUNTY, MINNESOTA AS DOCUMENT NO. _____. THE ENVIRONMENTAL COVENANT INCLUDES THE FOLLOWING ACTIVITY AND USE LIMITATIONS AND AFFIRMATIVE OBLIGATIONS:

The following activities are prohibited on the Property except as provided in Paragraph 8:

Any demolition, redevelopment, or other Property activities that will disturb soil on the Property require the preparation of a RAP/CCP governing the screening, testing, and management of the soil, which must be submitted to the MPCA for review and approval.

There shall be no disturbance, removal, or interference with the operation of any component of the vapor mitigation system within the Property building, as shown in Exhibit 3.

There shall be no disturbance, removal or interference with the pavement, building slab, soil vertical buffers, etc. that provide a barrier to infiltration of precipitation and/or human exposure to contamination without an MPCA approved RAP/CCP.

The Activity and Use Limitations imposed under this Environmental Covenant include the following affirmative covenants and obligations:

Owner shall maintain the integrity of pavements, building slab, established soil buffers, etc. on the Property to prevent infiltration of precipitation and/or human exposure to potential residual soil contamination.

Owner shall maintain the integrity of the building floors at the Property to prevent intrusion of vapors into the building and disturbance of the sub-slab vapor mitigation system.

Owner shall operate, monitor, and maintain the vapor mitigation system in the Property building(s), in accordance with the Operation and Maintenance (“O&M”) Plan set forth in Exhibit 3.

12. Recording and notice of Environmental Covenant, amendments and termination.

A. The original Environmental Covenant.

Within 30 days after the MPCA executes and delivers to Grantor this Environmental Covenant, the Grantor shall record this Environmental Covenant in the office of the County Recorder or Registrar of Titles of Ramsey County.

B. Termination, amendment or modification.

Within 30 days after MPCA executes and delivers to Owner any termination, amendment or modification of this Environmental Covenant, the Owner shall record the amendment, modification, or notice of termination of this Environmental Covenant in the office of the County Recorder or Registrar of Titles of Ramsey County.

C. Providing notice of covenant, termination, amendment or modification.

Within 30 days after recording this Environmental Covenant, the Grantor shall transmit a copy of the Environmental Covenant in recorded form to:

- i. each person that signed the covenant or their successor or assign;
- ii. each person holding a recorded interest in the Property;
- iii. each person in possession of the Property;
- iv. the environmental officer of each political subdivision in which the Property is located; and
- v. any other person the environmental agency requires.

Within 30 days after recording a termination, amendment, or modification of this Environmental Covenant, the Owner shall transmit a copy of the document in recorded form to the persons listed in items i to v above.

13. Notices to Grantor and environmental agency.

A. Manner of giving notice.

Any notice required or permitted to be given under this Environmental Covenant is given in accordance with this Environmental Covenant if it is placed in United States first class mail postage prepaid; or deposited cost paid for delivery by a nationally recognized overnight delivery service; or transmitted by electronic mail to instcontrols.pca@state.mn.us.

B. Notices to the Grantor.

Notices to the Grantor shall be directed to:

Buhl GTA, LP c/o Buhl Investors, LLC
Attn: Harrison Mohagen and Peter Deanovic
5100 Eden Avenue, Suite 317
Edina, MN 55436
Phone: (612) 590-1643
Email: harry@buhlinvestors.com

C. Notices to MPCA.

All notices, including reports or other documents, required to be submitted to the MPCA shall reference the MPCA Preferred ID. ***Email submittal is preferred.***

Minnesota Pollution Control Agency
Remediation Division – Institutional Controls Coordinator
MPCA Preferred ID: **BF0001031**
520 Lafayette Road North
St. Paul, MN 55155
Email: instcontrols.pca@state.mn.us

14. Enforcement and compliance.

A. Civil action for injunction or equitable relief.

This Environmental Covenant may be enforced through a civil action for injunctive or other equitable relief for any violation of any term or condition of this Environmental Covenant, including violation of the Activity and Use Limitations under Paragraph 7 and denial of Right of Access under Paragraph 9. Such an action may be brought by:

- i. The MPCA;
- ii. A political subdivision in which the Property is located;
- iii. A person whose interest in the Property or whose collateral or liability may be affected by the alleged violation of the covenant;
- iv. A party to the covenant, including all holders; or
- v. Any person to whom the covenant expressly grants power to enforce.

B. Additional rights of enforcement by MPCA.

In addition to its authority under subparagraph A of this Paragraph 14, the MPCA may enforce this Environmental Covenant using any remedy or enforcement measure authorized under UECA or other applicable law, including remedies pursuant to Minn. Stat. §§ 115.071, subds. 3 to 5, or 116.072.

C. No waiver of enforcement.

Failure or delay in the enforcement of this Environmental Covenant shall not be considered a waiver of the right to enforce, nor shall it bar any subsequent action to enforce, this Environmental Covenant.

D. Former Owners and interest holders subject to enforcement.

Subject to any applicable statute of limitations, an Owner or other person holding any right, title or interest in or to the Property, that violates this Environmental Covenant during the time when the Owner or other person is bound by this Environmental Covenant remains subject to enforcement with respect to that violation regardless of whether the Owner or other person has subsequently conveyed the fee title, or other right, title or interest, to another person.

E. Other authorities of MPCA not affected.

Nothing in this Environmental Covenant affects MPCA's authority to take or require performance of response actions to address releases or threatened releases of hazardous substances or pollutants or contaminants at or from the Property, or to enforce a consent order, consent decree or other settlement agreement entered into by MPCA, or to rescind or modify a liability assurance issued by MPCA, that addresses such response actions.

15. Administrative record.

Subject to the document retention policy of the MPCA, reports, correspondence and other documents which support and explain the environmental response project for the Property are maintained by the MPCA Brownfield Program at the MPCA's office at 520 Lafayette Road N, St. Paul, Minnesota in the file maintained for TIES Buildings, MPCA Preferred ID **BF0001031**.

16. Representations and warranties.

Grantor hereby represents and warrants to the MPCA and any other signatories to this Environmental Covenant that, at the time of execution of this Environmental Covenant:

- A. Every fee owner of the Property has been identified;
- B. Grantor holds fee simple title to the Property which is subject to the interests and encumbrances identified in Exhibit 4.
- C. Grantor has authority to grant the rights and interests and carry out the obligations provided in this Environmental Covenant;
- D. Nothing in this Environmental Covenant materially violates, contravenes, or constitutes a default under any agreement, document or instrument that is binding upon the Grantor.

E. Except as otherwise directed by MPCA, Grantor has obtained, from each person holding an interest and encumbrance in the Property identified in **Exhibit 4**, a Subordination Agreement, or other agreement satisfactory to the Commissioner, assuring that such person is bound by this Environmental Covenant and that this Environmental Covenant shall survive any foreclosure or other action to enforce the interest. Such an agreement may include a waiver of that person's right to consent

to any amendment of this Environmental Covenant. Executed agreements by such persons are included in **Exhibit 5** of this Environmental Covenant.

17. Governing law.

This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Minnesota.

18. Compliance reporting.

The Owner shall submit to MPCA on an annual basis a written report confirming compliance with the Activity and Use Limitations and Affirmative Obligations provided in Paragraph 7 and summarizing any actions taken pursuant to Paragraph 8 of this Environmental Covenant. Reports shall be submitted on the first July 1 that occurs at least six months after the effective date of this Environmental Covenant, and on each succeeding July 1 thereafter.

Owner shall notify the MPCA as soon as possible of any actions or conditions that would constitute a breach of the Activity and Use Limitations in Paragraph 7.

19. Notice of conveyance of interest in Property.

Owner shall provide written notice to MPCA within 30 days after any conveyance of fee title to the Property or any portion of the Property. The notice shall identify the name and contact information of the new Owner, and the portion of the Property conveyed to that Owner.

20. Severability.

In the event that any provision of this Environmental Covenant is held by a court to be unenforceable, the other provisions of this Environmental Covenant shall remain valid and enforceable.

21. Effective date.

This Environmental Covenant is effective on the date of acknowledgement of the signature of the MPCA.

FOR THE ENVIRONMENTAL AGENCY AND HOLDER:

MINNESOTA POLLUTION CONTROL AGENCY

By _____ (signature)

Thomas Higgins, Manager
Site Remediation and Redevelopment Section
Remediation Division
Delegate of the Commissioner of the
Minnesota Pollution Control Agency

Or

NAME PENDING, Manager
Petroleum Remediation Section
Remediation Division
Delegate of the Commissioner of the
Minnesota Pollution Control Agency

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

This instrument was acknowledged before me on _____, 2023, by Select name of MPCA representative Thomas Higgins, Manager of the Site Remediation and Redevelopment Section OR [Name Pending], Manager of the Petroleum Remediation Section of the Remediation Division, and a Delegate of the Commissioner of the Minnesota Pollution Control Agency, on behalf of the Minnesota Pollution Control Agency.

_____ (signature)
Notary Public

My Commission Expires _____

THIS INSTRUMENT WAS DRAFTED BY
AND WHEN RECORDED RETURN TO:

EXHIBIT 6

**SUBORDINATION OF INTEREST
TO ENVIRONMENTAL COVENANT AND EASEMENT**

1. The City of Falcon Heights, a municipal corporation under the laws of Minnesota, is the holder of an interest in certain real property located at 1667 Snelling Avenue North in Falcon Heights, Ramsey County, Minnesota (hereinafter the “Property”), which is legally described as follows:

Real property in the City of Falcon Heights, County of Ramsey, State of Minnesota, described as follows:

Parcel 1:

That part of the West 133.00 feet of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 21, Township 29, Range 23, which lies South of the North 318.00 feet thereof and which lies North of the South 330.00 feet.

(Torrens Property-Certificate of Title No. 628491)

Parcel 2:

The Westerly 133 feet of the Northerly 318 feet excepting therefrom that part taken for Larpenteur Avenue, of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter, Section 21, Township 29, Range 23, Ramsey County, Minnesota.

(Abstract Property)

Parcel 3:

The North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter, except the West 133 feet thereof, in Section 21, Township 29, Range 23, Ramsey County, Minnesota, except that part taken for Snelling and Larpenteur Avenues.

(Abstract Property)

Parcel 4:

Parking easements and ingress/egress easements as described in that Easement Agreement (Parking and Ingress/Egress) dated July 1, 2021 by and between Buhl Larpenteur West, LLC and Buhl GTA, LP, recorded June 30, 2021, as Document No. T02704513.

Parcel 5:

Encroachment, Use, and Maintenance Agreement (Parking Improvements) dated June 24, 2021 by and between the City of Falcon Heights, Buhl GTA, LP, Buhl GTA GP, LLC, and Peter Deanovic, recorded June 30, 2021, as Document No. T02704512 (Torrens) and July 12, 2021, as Document No. A04894906 (Abstract).

Parcel 6:

Green space easement in Encroachment, Use, and Maintenance Agreement (Green Space) dated June 24, 2021 by and between the City of Falcon Heights, Buhl GTA, LP, Buhl GTA GP, LLC, and Peter Deanovic, recorded June 30, 2021, as Document No. T02704511 (Torrens) and July 12, 2021, as Document No. A04894905 (Abstract).

2. The interest in the Property held by the City of Falcon Heights is evidenced by the Mortgage (\$962,200 TBRA Loan) dated July 8, 2021 and filed July 8, 2021, as Document Number T02705286 in the Office of the Registrar of Titles in and for Ramsey County, Minnesota, and filed July 8, 2021 as Document Number A04894527 in the Office of the County Recorded of Ramsey County, Minnesota.

3. This Subordination Agreement is attached as Exhibit 6 to an Environmental Covenant and Easement pursuant to Minn. Stat. ch. 114E which imposes certain Activity and Use Restrictions on the Property.

4. The City of Falcon Heights hereby consents to the foregoing Environmental Covenant, agrees to be bound by the terms thereof, and agrees that its interest in the Property shall be subordinate to the covenants contained therein.

5. In granting this consent, the City of Falcon Heights hereby **does not waive** the right to consent to any subsequent amendment or modification of the foregoing Environmental Covenant.

6. This Agreement binds the City of Falcon Heights, its heirs, successors, and assigns.

THE UNDERSIGNED REPRESENTATIVE OF THE CITY OF FALCON HEIGHTS REPRESENTS AND CERTIFIES THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS SUBORDINATION OF INTEREST TO ENVIRONMENTAL COVENANT.

IN WITNESS WHEREOF THIS INSTRUMENT HAS BEEN EXECUTED ON THE DATE INDICATED BELOW:

CITY OF FALCON HEIGHTS,
a municipal corporation under the laws of Minnesota

By _____ (signature)

Randall Gustafson
Mayor
City of Falcon Heights

By _____ (signature)

Jack Linehan
City Administrator/Clerk
City of Falcon Heights

State of Minnesota)
) ss.
County of Ramsey)

The foregoing instrument was acknowledged before me on _____, 2023, by Randall Gustafson and by Jack Linehan, the Mayor and City Administrator/Clerk of the City of Falcon Heights.

_____ (signature)
Notary Public
My Commissioner Expires _____

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Meeting Date	April 12, 2023
Agenda Item	G7
Attachment	Cleveland Avenue Construction Agreement and Attachments
Submitted By	Jack Linehan, City Administrator

Item	Payment to Ramsey County for 2022 Cleveland Avenue Project
Description	<p>Ramsey County has been planning the reconstruction of Cleveland Avenue from Larpenteur Avenue to Como Avenue since 2019. It is a Ramsey County-owned road with Falcon Heights on one side (almost entirely University of Minnesota property), and St. Paul on the other.</p> <p>In April 2022, Ramsey County and the City of Falcon Heights entered in to a right-of-way acquisition agreement for Cleveland Avenue.</p> <p>It was agreed that:</p> <ul style="list-style-type: none"> • Ramsey County would require temporary and permanent easements from the U of M for the project, and would pay assessed value for the work. • Ramsey County would bill 50% the costs of these easements and the construction costs to the municipality, with easement costs for U of M property going to Falcon Heights as well as a portion of construction costs. • Falcon Heights would then bill the U of M for all costs incurred for the project except for easement costs paid to the Ramsey County Historical Society, which would not be eligible for recapture. <p>In October 2022, Ramsey County sent invoice #019902 for \$684,062.68. It was requested at that time to have Ramsey County send all remaining invoices through 2022 to the City. Ramsey County revised estimates for 2022 totaling \$1,035,778.11. Of this total, \$6,900 for the Ramsey County Historical Society (RCHS) is not recapturable. The City in turn invoiced the University of Minnesota with invoice #23-04 for a total of \$1,028,878.11, or the total invoiced by Ramsey County minus the RCHS amount. The City received this payment from the U of M in late March.</p> <p>The net total to the City will be \$6,900 for the Gibbs Farm portion of the project.</p>
Budget Impact	\$6,900 will come from Infrastructure Capital 419. \$15,000 was budgeted in 2022 for this request.
Attachment(s)	<ul style="list-style-type: none"> • Ramsey County ROW Acquisition Agreement and Attachments

	<ul style="list-style-type: none">• Ramsey County Invoice PUBW-019902• Ramsey County Invoice PUBW-020068• Ramsey County Invoice PUWB-020069• City of Falcon Heights Invoice 23-03
Action(s) Requested	Staff recommends a motion accept authorize payment to Ramsey County for a total amount of \$1,028,878.11.

**RAMSEY COUNTY
COOPERATIVE AGREEMENT
WITH THE CITY OF FALCON HEIGHTS FOR
Right of Way Acquisition for County State Aid Highway 46 (Cleveland Avenue)
From Como Avenue to Larpenteur Avenue
and County State Aid Highway 30 (Larpenteur Avenue)
From Cleveland Avenue to Gortner Avenue
County State Aid Project 062-646-033 and 062-630-672

Municipal State Aid Project 124-020-006**

**Total Estimated Right of Way Acquisition Cost: \$1,471,502.00
City of Falcon Heights Estimated Cost: \$735,751.00**

- Attachments:**
A- Acquisition Estimate
B- Right of Way Layout

This Agreement is between the City of Falcon Heights, a municipal corporation ("City") and Ramsey County, a political subdivision of the State of Minnesota, ("County") for Right of Way Acquisition. This agreement relates to the reconstruction of County State Aid Highway (CSAH) 46 (Cleveland Avenue) from Como Avenue to Larpenteur Avenue and retaining wall reconstruction on Larpenteur from Cleveland Avenue to Gortner Avenue ("Project").

WHEREAS, the City of Falcon Heights (City) and Ramsey County (County) desire to reconstruct Cleveland Avenue between Como Avenue to Larpenteur Avenue and reconstruct a retaining wall on Larpenteur from Cleveland Avenue to Gortner Avenue and make certain improvements associated with said reconstruction; and

WHEREAS, the Project is identified in Ramsey County's 2020 – 2024 Transportation Improvement Program, and

WHEREAS, Cleveland Avenue, in the area affected by construction, is designated County State Aid Highway 46 and Larpenteur Avenue in the area affected by retaining wall construction is designated County State Aid Highway 30, and is located in the City; and

WHEREAS, the reconstruction requires right of way ("ROW") acquisition; and

WHEREAS, the project has been designated for funding by the Minnesota Department of Transportation (“MnDOT”) as eligible for County State Aid Highway (“CSAH”) funds, and, Municipal State Aid System (“MSAS”) funds, and

WHEREAS, the Project has been designated as County State Aid Project 062-646-033, 062-630-672 and Municipal State Aid Project 124-020-006, a

WHEREAS, plans for the Project showing proposed ROW acquisition and estimated costs of said acquisition according to the County and City share are included herein as attachments,

NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:

AGREEMENT

1. Responsibility for the Right of Way Plan and Acquisition
 - 1.1. The County will prepare a right of way acquisition plan showing easements and other property interests required for construction of the Project in accordance with Mn/DOT State Aid standards.
 - 1.2. The County will acquire the proposed easements and ROW in accordance with Mn/DOT State Aid requirements.
2. Procurement and Award of Contract
 - 2.1. The County will purchase ROW acquisition services and appraisal services in accordance with State law and County procedures.
3. Project Costs
 - 3.1. Except as provided herein, the County and City will participate in the costs of ROW acquisition in accordance with the Ramsey County Cost Participation Policy and approved in the 2020 – 2024 Ramsey County Transportation Improvement Plan. If there is a conflict between the Cost Participation Policy and this Agreement, this Agreement shall prevail.
 - 3.2. ROW Acquisition Costs
 - 3.2.1. ROW acquisition costs including payment to owners, relocation assistance, and other related costs of acquiring ROW for the Project will be shared 50% by the County and 50% by the City.
 - 3.2.2. The County will not be responsible for assessments, fees, or fines, associated with owning property acquired for the Project. If the City

imposes assessments, fees, or fines, the County will pay those costs and the City will reimburse the County for those costs.

3.2.3. The County will pay 100% of County staff time for ROW acquisition.

4. Payment Schedule

4.1. ROW acquisition costs and payments will be invoiced monthly.

4.2. Payment will be made within 30 days of receipt of an invoice.

5. ROW acquired under this Agreement will be owned and maintained by the County.

6. The City grants the County temporary construction easements over all City owned ROW and property within the limits of the Project for use during construction at no cost to the County.

7. The City and County shall indemnify, defend, and hold each other harmless against any and all liability, losses, costs, damages, expenses, claims, or actions, including attorney's fees, which the indemnified party, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the indemnifying party, its officials, agents, or employees, in the execution, performance, or failure to adequately perform the indemnifying party's obligation pursuant to this Agreement. Nothing in this Agreement shall constitute a waiver by the County or the City of any statutory or common law immunities, limits, or exceptions on liability.

8. This Agreement shall remain in full force and effect until terminated by written mutual agreement of the parties.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

CITY OF *Falcon Heights*, MINNESOTA

By: _____
Mayor

Date: _____

By: _____
Director of Public Works

Date: _____

Approved as to Form:

By: _____
City Attorney

Date: _____

Approved by the Office of Financial Services:

By: _____

Date: _____

Its: _____

RAMSEY COUNTY, MINNESOTA

Ryan T. O'Connor, County Manager

Date: _____

Approval recommended:

Ted Schoenecker, Director
Public Works Department

Date: _____

Approved as to form:

Assistant County Attorney

Date: _____



INVOICE

Public Works

Invoice No: PUBW-019902
Invoice Date: 9/27/22
Page: 1 of 1

Please Remit To:
Ramsey County
90 Plato Blvd W
PO Box 64097
St Paul MN 55164-0097
USA

Customer Number: 020200
Payment Terms: 30 Days
Due Date: 10/27/22

AMOUNT DUE: 684,062.68 USD

Bill To:
FALCON HEIGHTS CITY OF
2077 W LARPEN TEUR AVE
FALCON HEIGHTS MN 55113
United States


Amount Remitted

For billing questions, please call 651-266-7100

Original

Line	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
		AGREEMENT PUBW2020-07R RECONSTRUCTION OF CLEVELAND AVENUE BETWEEN COMO AVENUE AND LARPEN TEUR AVENUE & LARPEN TEUR AVENUE BETWEEN CLEVELAND AND GORTNER AVENUES				
		CITY'S SHARE OF RIGHT OF WAY COSTS INCURRED THROUGH SEPTEMBER 27, 2022				
1			1.00	EA	684,062.68	684,062.68
		Subtotal:				684,062.68
		Amount Due:				684,062.68

Please return the top portion of the invoice with your check payable to Ramsey County

 RAMSEY COUNTY Public Works	INVOICE	
	Invoice Number:	PUBW-020068
	Invoice Date:	12/31/22
	Page:	1 of 1

Please Remit To:
 Ramsey County
 90 Plato Blvd W
 PO Box 64097
 St Paul MN 55164-0097
 USA

Customer Number: 020200
Payment Terms: 30 Days
Due Date: 1/30/23

AMOUNT DUE: 261,612.78 USD

Bill To:
 FALCON HEIGHTS CITY OF
 2077 W LARPEN TEUR AVE
 FALCON HEIGHTS MN 55113
 United States

Amount Remitted

For billing questions, please call 651-266-7100

Line	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount	Original
		AGREEMENT PUBW2020-05R RECONSTRUCTION OF CLEVELAND AVENUE BETWEEN COMO AND LARPEN TEUR AVENUES AND LARPEN TEUR AVENUE BETWEEN CLEVELAND AND GORTNER AVENUE					
		ENGINEERING AND RIGHT OF WAY COSTS BILLED SEPARATELY					
1		CITY SHARE OF CONSTRUCTION COSTS INCURRED THROUGH DECEMBER 31, 2022	1.00	EA	261,612.78	261,612.78	
		Subtotal:				261,612.78	
		Amount Due:				261,612.78	

Please return the top portion of the invoice with your check payable to Ramsey County. Ramsey County invoices may be paid online! Please visit ramseycounty.us/PayInvoices for more information. You will need your Customer Number and Invoice Number to complete your transaction.



RAMSEY COUNTY

INVOICE

Public Works

Invoice Number: PUBW-020069
 Invoice Date: 12/31/22
 Page: 1 of 1

Please Remit To:

Ramsey County
 90 Plato Blvd W
 PO Box 64097
 St Paul MN 55164-0097
 USA

Customer Number: 020200
 Payment Terms: 30 Days
 Due Date: 1/30/23

AMOUNT DUE: 90,921.33 USD

Bill To:

FALCON HEIGHTS CITY OF
 2077 W LARPEN TEUR AVE
 FALCON HEIGHTS MN 55113
 United States

Amount Remitted

For billing questions, please call 651-266-7100

Line	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount	Original
		AGREEMENT PUBW2020-05R RECONSTRUCTION OF CLEVELAND AVENUE BETWEEN COMO AND LARPEN TEUR AVENUES AND LARPEN TEUR AVENUE BETWEEN CLEVELAND AND GORTNER AVENUES					
1		DESIGN ENGINEERING FEE	1.00	EA	59,527.80	59,527.80	
		DESIGN ENGINEERING FEE 12% X \$496,065.00					
2		CONSTRUCTION ENGINEERING	1.00	EA	31,393.53	31,393.53	
		CONSTRUCTION ENGINEERING THROUGH PAYMENT 5 TO FOREST LAKE CONTRACTING 12% X \$261,612.78					
		Subtotal:				90,921.33	
		Amount Due:				90,921.33	

Please return the top portion of the invoice with your check payable to Ramsey County.
Ramsey County invoices may be paid online!
Please visit ramseycounty.us/PayInvoices for more information.
You will need your Customer Number and Invoice Number to complete your transaction.



City of Falcon Heights

2077 W. Larpenteur Avenue
Falcon Heights, MN 55113-5594
Phone: (651) 792-7600
Fax: (651) 792-7610
Email: mail@falconheights.org

INVOICE

Invoice #
23-04

TO:
University of Minnesota
Attn: Assistant VP Leslie Krueger
Donhowe Building
319 15th Ave, Ste 451
Minneapolis, MN 55455

Date: 2/15/2023
Re:

Date	Description	Amount
2/15/2023	<i>Cleveland Avenue Reconstruction Agreement Right-of-Way Acquisiton through 12/31/2023</i>	\$676,344.00
	<i>Cleveland Avenue Reconstruction Agreement Construction Costs through 12/31/2023</i>	\$261,612.78
	<i>Cleveland Avenue Reconstruction Agreement Engineering Costs through 12/31/2023</i>	\$90,921.33
	TOTAL DUE	\$1,028,878.11

Payable within 30 days

Please remit payment and invoice to:
City of Falcon Heights
2077 W. Larpenteur Avenue
Falcon Heights, MN 55113-5594

THANK YOU

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Meeting Date	April 12, 2023
Agenda Item	Policy H1
Attachment	Proposal
Submitted By	Jack Linehan, City Administrator

Item	Approval of Agreement with the Center for Value-Based Initiatives for Police Contract Consulting Services and Accompanying Budget Amendment
Description	<p>Staff released an RFP for Police Contract Analysis and Consulting Services on July 15, 2022. The RFP closed on August 15, 2022. The RFP was marketed widely online and staff reached out to local and national firms that specialize in this service.</p> <p>The city received interest from three qualified bidders. One bidder declined to submit, citing workload / staffing constraints as they were starting up their firm. In total, the city received two proposals from consultants: one from a local retired law enforcement executive, and one from a national police consulting firm.</p> <p>The City Council reviewed the proposals during workshops on 9/14 and 9/21. The majority of the council preferred the proposal that was submitted by the Center for Value-Based Initiatives (CVBI).</p> <p>The RFP and CVBI proposal included an optional quote for assisting the City with the solicitation of a new contract for law enforcement services. The proposal included \$15,000 to \$21,000 as the cost. During negotiations and discussions with the consultant, it was determined the \$21,000 figure would be required to fund the necessary travel and other incurred expenses that the project will require.</p> <p>Additionally, the City Administrator and CVBI negotiated a provision that the consultant would be compensated on a performance commission basis in the event they are able to secure an alternative law enforcement services provider at a cost less than what the City is paying in 2023. The current cost of our law enforcement services contract is \$1,312,869.67. In the event the consultant is able to secure a contract on the City's behalf for less than this amount, they will be compensated 5% of the savings or up-to a maximum of \$25,000 additionally, whichever is less. Additional language in the contract specifies that this would also include the total cost of law enforcement provision in 2024 in the event multiple contracts are secured, or the total cost of law enforcement in the event</p>

	services in part or whole were brought in-house. This allows creativity in the contract and incentives CVBI to invest the time and energy to securing a new law enforcement model that saves the City and taxpayers funds.
Budget Impact	Funds were not budgeted for the optional CVBI service provision, as the City was uncertain whether that would be the result of the study. As part of this request, staff is requesting City Council authorization to amend the budget to transfer \$21,000 for General Fund Reserves towards this request.
Attachment(s)	<ul style="list-style-type: none"> • Original Proposal from CVBI • Resolution 23-32
Action(s) Requested	Staff would recommend approval of the attached resolution to execute a contract with the Center for Value-Based Initiatives and authorization to amend the 2023 budget to transfer \$21,000 from reserves towards this request.



Proposal Title: Police Contract Analysis and Consulting Services

Submitted to: City of Falcon Heights

Submitted by: Matt Bostrom, President

Date: July 25, 2022

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Letter of Transmittal



City of Falcon Heights
Jack Linehan, City Administrator
2077 Larpenteur Avenue West
Falcon Heights, MN 55113

Dear Mr. Linehan,

I am delighted to respond to the Request for Qualifications – *Police Contract Analysis and Consulting Services* for the City of Falcon Heights, Minnesota. This comprehensive project will focus on opportunities to increase community/police trust through community engagement, fair treatment, transparent communication, respectful attitudes, and operationalized shared values. This project will examine the current contract for policing services, advise the city on future police staffing needs, and assess progress in the achievement of recommendations put forth by the Task Force on Inclusion and Policing. I will also advise the City Council and Staff on the level of satisfaction with historical and current police services by conducting community outreach to residents and stakeholders.

I have a 20-year record of applying community policing theory to practice. My educational background includes a Doctor of Philosophy (PhD) in Criminology from the University of Oxford in England, and the title of my dissertation is: *Increasing Police Trust Through Normative Alignment*. I also hold a Doctor of Public Administration (DPA) from Hamline University, and the title of my dissertation is: *The Impact of Higher Education on Police Officer Work Habits*. My research on community policing and values-based law enforcement has been completed in cooperation with the Centre for Criminology at the University Oxford, Hamline University, and the United States Department of Justice.

My law enforcement experience spans a period of 34 years, including 15 years at the executive level as the City of Saint Paul Coordinator of Emergency Preparedness, Assistant Chief of Police, and Ramsey County Sheriff. I was twice honored with the Medal of Merit for Sheriff of the Year by the National Sheriffs' Association. I have also served as a consultant to the State of Minnesota – Department of Public Safety, Los Angeles County Sheriff's Department, Plano Police Department, as well as numerous nonprofit and community groups. For additional information regarding my education and professional background, please see my biography and professional vitae in the Appendix.

From family gatherings at my aunt's home on Howell Street to my service as county sheriff and friendships with current residents, I have a life-long connection with the City of Falcon Heights. It would be a privilege to work with the City and implement a transformational model of assessing and selecting policing services.

Sincerely,



Matt Bostrom, PhD
President, Center For Values-Based Initiatives
1000 University Avenue West, Suite 222
Saint Paul, Minnesota 55104
matt@centerforvalues.com
651.775.3345

Proposed Consultant's Qualifications

Professional Background

I have a 20-year record of applying community policing theory to practice. My educational background includes a Doctor of Philosophy (PhD) in Criminology from the University of Oxford in England, and the title of my dissertation is: Increasing Police Trust Through Normative Alignment. I also hold a Doctor of Public Administration (DPA) from Hamline University, and the title of my dissertation is: The Impact of Higher Education on Police Officer Work Habits. My research on community policing and values-based law enforcement has been completed in cooperation with the Centre for Criminology at the University Oxford, Hamline University, and the United States Department of Justice.

My law enforcement experience spans a period of 34 years, including 15 years at the executive level as the City of Saint Paul Coordinator of Emergency Preparedness, Assistant Chief of Police, and Ramsey County Sheriff. I was twice honored with the Medal of Merit for Sheriff of the Year by the National Sheriffs' Association. I have also served as a consultant to the State of Minnesota – Department of Public Safety, Los Angeles County Sheriff's Department, Plano Police Department, as well as numerous nonprofit and community groups. For additional information regarding my education and professional background, please see my biography and professional vitae in the Appendix.

Description of Firm

The Center for Values-Based Initiatives was founded in 2017 and stands apart from other firms because of my unwavering focus on shared values, practices that increase individual and organizational trust, and application of International Organization for Standardization (ISO) 9001 guidelines in local government. As President, I will be the sole contractor for this proposed project. In addition, I do not have any clients and/or projects that present a conflict of interest to providing this project for the City. My firm provides the following services:

- Community engagement – Bringing together communities and public organizations. I utilize values-based strategies to increase trust through the inclusion of community voice and consistent, fair, and transparent practices.
- Organizational Development – *Hire for Character and Train for Competence*®. Founded on shared values and proven practices, I lead organizational transformation through the alignment core values, mission, recruitment, selection, training, and staff performance.
- Strategic Planning – Facilitating the strategic planning process. Using research-based best practices, I analyze organizational strengths, weaknesses, opportunities, and threats and prepare reports and plans for publication.
- Organizational Assessment – Increasing organizational effectiveness. I use my education, experience, and ISO 9001 standards to mentor leaders, manage change, and assess achievement of organizational goals and objectives.

Additional information regarding my background and firm may be found at: <https://centerforvalues.com/>

Scope of Services Offered

As the sole Contractor, who is not a City of Falcon Heights employee, I will provide the following deliverables:

Current Service Analysis

1. Perform an analysis on the City's contracted services for law enforcement and determine if the current structure is the best fit for the city by:
 - a. Community value and satisfaction measurement:
 - i. Determine the community's value of current and historical police services, including the types and levels of service the community desires and expects.
 - ii. Determine the community's level of satisfaction with the police services overall, and with the services provided.

Overview of steps to complete Section 1a:

I will use action research methods, community and staff engagement processes, and ISO 9001 guidelines to gather the information necessary to accurately determine the community's value of historical and current policing services. These processes will be further utilized to assess the types and levels of policing services the community expects and desires; this includes determining the community's satisfaction with the specific and overall levels of policing services.

- b. Workload analysis:
 - i. Determine the City's current police services utilization using data from the Ramsey County Sheriff's Office, including considerations of number of responding units needed by call type, the number and frequency of outside agency assistance required, caller initiated versus officer initiated activities, effect of community policing on discretionary patrol time and the time necessary to conduct proactive police activities, and the amount of time necessary to handle police calls and activities from inception to completion.

Overview of steps to complete Section 1b:

I will gather the City's data associated with current policing services and analyze:

- staffing needs by type of service call
- frequency of requests for mutual aid
- citizen-initiated service calls
- officer-initiated activities
- time necessary to complete calls for service and officer-initiated activities

In addition, I will explore the effects of discretionary patrol and proactive activities on community policing objectives.

- c. Contract analysis:
 - i. Analyze the current contract and associated costs for policing services compared to the utilization of policing services as determined under Section b. Workload analysis.

Overview of steps to complete Section 1.c:

Utilizing the information gathered in Section 1.b, I will map and analyze the costs for currently contracted policing services and compare the degree of alignment with the community's desired service levels.

Future Service Recommendations

2. Advise the City on future police needs by:
 - a. Recommendation on strategic police services:
 - i. Analyzing the current police services provided by nearby communities
 - ii. Determine the various options for the City to either provide or contract for police service
 - iii. Draft a report on how to structure future contracts for police services

Overview of steps to complete Section 2.a:

To provide recommendations on strategic policing services, I will:

- Analyze the current staffing models and policing services provided in nearby and similarly sized cities
 - Based on the analysis of current services, comparative communities, and ISO 9001 Standards, determine the City's most reasonable options for policing services
 - Provide a report that offers guidance for a best practice-based structure for policing service contracts and agreements
- b. Soliciting alternatives:
 - i. In the event that it is determined that the City of Falcon Heights should explore alternatives to the current contract for police services, the consultant would draft, distribute and solicit requests on behalf of the City for contracted police services.

Overview of steps to complete Section 2.b:

If the City of Falcon Heights decides to explore other opportunities to contract for policing services, I would be pleased to facilitate the solicitation of those alternatives. To accomplish this work, and based on the data collected during the processes associated with the *Current Service Analysis* and *Future Service Recommendations*, I would:

- Draft a comprehensive policing service agreement for the City
- Distribute the service agreement and selection criteria as requested by the City
- Solicit requests for contracting policing services to regional law enforcement agencies
- Evaluate proposals to provide policing services for the City
- Recommend the law enforcement agency that best aligns with the City's values and expectations

Task Force Recommendations Implementation

3. Recommend how the City can implement the recommendations found in the *Falcon Heights Task Force on Inclusion and Policing* by:
 - a. Analyzing the current recommendations that were adopted by the City Council on May 24, 2017

Overview of steps to complete Section 3.a:

I understand that the charge for the *Task Force on Inclusion and Policing* was to *articulate, affirm and operationalize the values* of the City of Falcon Heights and to *build an inclusive and welcoming environment for residents and guests of Falcon Heights*. The guiding principles for implementation are founded on *Culture and Values*; which includes the opposition to discrimination and profiling and commitment to a respect for life and the community's values. These objectives are to be achieved through the emphasis of policing values, policies, and procedures. More specifically, policing services must be characterized by *Inclusion* (e.g., Opportunities to strengthen inclusivity and recognize the importance of Diversity) and *Policing* (e.g., Data collection; Emerging and best practices on police policy, procedures, and technology focusing on use of force and policies that help build trust; Police training, especially implicit bias and de-escalation training; and Community-based policing strategies to strengthen links with residents and guests). It is wise for public organizations to periodically review community recommendations and goals. Therefore, I will review and analyze the content of City of Falcon Heights recommendations for alignment with current citizen recommendations and ISO 9001 guidelines for local governments. Some examples of exploration and analysis include answering the questions, *Is the community recommending calibration of any recommendations* and *In what ways is the City of Falcon Heights in alignment with ISO 18091 – Guidelines for the application of ISO 9001 in local government?*

- b. Determine which of the recommendations have been completed or addressed to date.

Overview of steps to complete Section 3.b:

Using the principles of content mapping and comparative data analysis, I will assess the status of the operationalization of the city's recommendations noted in the *Falcon Heights Task Force on Inclusion and Policing* report. Specifically, I will examine the progress on:

Police-Community Relationships including:

- Mutual Safety and Trust
- Authority over the police department serving our community
- Community engagement
- Trend monitoring, relationship building, and problem solving

Training and Capacity, including:

- Mental health care for people in crisis and officers
- Training on de-escalation, cultural competency, and explicit and implicit bias
- Hiring and workforce development that emphasizes community relationship-building

Data and Transparency, including:

- Data collection, sharing, and monitoring that detects and responds to trends
- Public feedback channels
- Promptness and openness in serious incidents

Priorities for Policing Activity, including:

- Emergency response
- Cultural competence and community engagement
- Informative policing
- Traffic policing prioritization of serious moving violations

- c. Develop a report of actionable steps that can be undertaken in the current or future police contracts to address the Task Force recommendations.

Overview of steps to complete Section 3.c:

Using the Task Force recommendations and the data and analysis associated with the *Current Service Analysis* and *Future Service Recommendations*, I will prepare a comprehensive report which delineates the actionable steps to more completely integrate and operationalize the community's recommendations in the current and future policing services contracts.

References and Exemplary Projects

References and projects that exemplify my firm's ability to complete this project include the following:

1. Action Research: *Increasing Police Trust Through Normative Alignment* – Centre for Criminology, University Oxford, England.

Synopsis: I examined the challenges that police encounter in building public trust. An action research design utilized community engagement in two U.S. communities to discern the values and behaviors that generate trust in the police and to explore how those values may be integrated into policing policies and processes. While there is general agreement that compliance emanates from the practice of the principles of procedural justice which are interrelated with trust, normative alignment, and legitimacy, it has proven to be more difficult to test, translate, and embed these ideas in police organizations. With these factors in mind, I tested a process to increase trust and normative alignment between the community and police and to answer the primary question: How can police trust and legitimacy be increased? I conducted four phases of qualitative research and document analysis to determine which values community members desire in police officers, how police organizations can align their values with the community's values, how to select police officers who possess the community's values, and how police organizations can reinforce the community's values in their officers.

I used focus groups, interviews, and document retrieval to gather the data and used content analysis, word coding, crosstabulation, curriculum mapping, and gap analysis to analyze the data. The results show that trust from community members can be increased if police officers are first characterized by Cultural Competence, Servant Leadership, Emotional Intelligence, and High Character and then trained in the legal and technical skills necessary for the fulfillment of their policing duties. In other words, hire for character and train for competence. I also discuss definitions of a good police officer, compliance, procedural justice, trust, normative alignment, legitimacy, organizational considerations, and police officer selection. The full research report is available at: <https://ora.ox.ac.uk/objects/uuid:35a540b7-2f07-4313-a20f-9cd22a2a65ac>

Supervisor: Dr. Ben Bradford – University College London

Email: ben.bradford@ucl.ac.uk

Phone: +44 7949 486910

2. Project: State of Minnesota – Department of Public Safety
Title: Community Policing and Character-Based Law Enforcement Initiative

Synopsis: The *Community Policing and Character-Based Law Enforcement Initiative*, included a series of community listening sessions and focus group sessions with staff members from the Minnesota State Patrol (MSP), Bureau of Criminal Apprehension (BCA), and Alcohol and Gambling Enforcement (AGED). The objective was to learn the values and behaviors that generate police trust and then align those values with those of the DPS.

The preceding steps resulted in the development of a refreshed version of organizational core values that are aligned with the community's values. This information was foundational for my review of the MSP's, BCA's, and AGED's processes associated with recruitment, selection, training, and evaluation. The good news was that each organization's core values are indirectly embedded in many of the materials and processes used to recruit, select, and train troopers and special agents.

This project noted the importance of report-back meetings with the community and the staff members at the MSP, BCA, and AGED. In addition, the cumulative results were utilized to develop a framework for increasing

police trust through the selection of officers who exhibit the shared values of community and DPS. Included in the framework is an implementation plan that directly aligns and integrates the core values into the recruitment, selection, training, and evaluation processes of the MSP, BCA, and AGED.

The foundation for this project was the utilization of community engagement to increase community/police normative alignment. Even though trust cannot be created in one or two easy steps, the cooperation and thoughtful community and DPS staff members responses indicates that there is support for implementing this framework. The community participants expressed confidence that if the MSP, BCA, and AGED integrated the listening session recommendations, then trust in the individual law enforcement officers and organization would increase and as trust increased, so would organizational and community cohesiveness and cooperation.

I recommended that this process be part of an intentional, ongoing effort to build trust-based police and community relationships through the discernment of areas of positive shared values and the integration of those values into the organization's daily operations. Finally, I discerned that it is reasonable to believe that if this framework to increase community/police trust through shared values is fully implemented, the DPS has the potential of becoming a model agency for all law enforcement organizations in Minnesota.

Department Commissioner: John Harrington
Email: john.harrington@state.mn.us
Phone: 651.485.0585

3. Project: Los Angeles County Sheriff's Department
Title: Comprehensive Recruitment

Synopsis: The Comprehensive Recruitment project was founded on a series of focus group meetings with community members throughout Los Angeles County. I asked the focus group participants: "To increase the level of trust between you and the sheriff's department, what type of women and men should be hired?" The resulting data is a list of traits and values that would make it easier for the community to trust deputies.

Deliverable one of this project involved aligning the community's recommendations with the LASD's core values. I conducted focus group meetings with departmental staff: senior administrative staff, middle management staff, and non-sworn staff. In each meeting, I asked the staff members: "How should we align the community's values with the LASD values?" The LASD staff members successfully aligned the core values with all the community's recommended values. The LASD revised core values include Compassion, Courage, Integrity, Leadership, Respect, and Service.

Using the preceding information, I mapped the level of integration of the revised core values in the current deputy training and first year evaluations. Specifically, I mapped the core values to the new deputy training academy curriculum learning domains (LD) as well as to the post-academy training and first year performance evaluation forms. Of the 880 total hours of training provided during the academy, some directly connected the LD to the core values while other LDs discussed and reinforced the sub-definitions (i.e., attributes noted by the community and LASD stakeholders that are included in the full definition of a core value).

In addition, I examined and mapped several evaluations: the three evaluations conducted by Training Unit staff in which they directly evaluate the prevalence of the core values in the behaviors of the deputy trainees, and the two peer review evaluations in which each deputy trainee evaluate their peers in the training academy. These peer evaluations measure the prevalence of the core values in the performance and behaviors of the deputy trainees. I further mapped the training and evaluation standards associated with new deputy probationary period. These documents include the Custody Division Training Standardized Evaluation,

Custody Division Training Standardized Training Program Recommendation to Release From or to Extend Training Form, and County of Los Angeles Report on Probationer.

Although the organizational values are not specifically mentioned in the curriculum, training, and evaluations, they are repeatedly referred to throughout the processes via their underlying descriptors. The core values are already interwoven throughout the first year of new deputy employment, so alignment may be achieved by intentionally highlighting and communicating an underlying descriptor's connection to a core value. If the lesson plans, training exercises, and performance evaluations were refreshed to include more terms and phrases that are clearly connected with the core values and descriptors, then a higher degree of alignment would be created between LASD and the community.

LASD Commander: Bill Jaeger

Email: wejaeger@lasd.org

Phone: 951.532.5710

Additional Information

My personal mission and the primary purpose of my firm is to increase community/police trust through community engagement, fair treatment, transparent communication, respectful attitudes, and actualized shared values. Additionally, my firm is a leader in the application of ISO 9001 standards in local government. I believe my mission and purpose are in complete alignment with those of the City of Falcon Heights and together, we will be able to establish a best-practice in police service assessment and selection.

Please see my professional vitae in the Appendix. If desired, I would be happy to provide examples of relevant work products.

Fee Schedule

As president of the Center for Values-Based Initiatives and sole contractor, I will not subcontract any portion of the services provided or seek separate reimbursement for expenses. **Therefore, I agree that the proposed fees will include administrative costs, meetings, mileage, travel, and related expenses incurred during the performance of the contracted deliverables (please see Figure 1).**

Upon completion of each deliverable, an invoice will be submitted which includes the contract number, date of completion, and a cost that does not exceed the amount proposed in the fee schedule.

Figure 1. Itemized Fee Schedule for Scope of Work Deliverables

Deliverable	Cost
1 Current Service Analysis A. Perform an analysis on the City’s contracted services for law enforcement and determine if the current structure is the best fit for the city by: <ul style="list-style-type: none"> a. Community value and satisfaction measurement: <ul style="list-style-type: none"> i. Determine the community’s value of current and historical police services, including the types and levels of service the community desires and expects. ii. Determine the community’s level of satisfaction with the police services overall, and with the services provided. 	\$10,000
Workload analysis B. Determine the City’s current police services utilization using data from the Ramsey County Sheriff’s Office, including considerations of number of responding units needed by call type, the number and frequency of outside agency assistance required, caller initiated versus officer initiated activities, effect of community policing on discretionary patrol time and the time necessary to conduct proactive police activities, and the amount of time necessary to handle police calls and activities from inception to completion.	\$7,500
Contract analysis C. Analyze the current contract and associated costs for policing services compared to the utilization of policing services as determined under Workload analysis – Section 1.B	\$5,000
2 Future Service Recommendations A. Advise the City on future police needs by: <ul style="list-style-type: none"> a. Recommendation on strategic police services: <ul style="list-style-type: none"> i. Analyzing the current police services provided by nearby communities. ii. Determine the various options for the City to either provide or contract for police service iii. Draft a report on how to structure future contracts for police services. B. Soliciting alternatives: <i>See Deliverable #4</i> 	\$7,500

	Deliverable	Cost
3	Task Force Recommendations Implementation	\$7,500
	A. Recommend how the City can implement the recommendations found in the Falcon Heights Task Force on Inclusion and Policing by:	
	a. Analyzing the current recommendations that were adopted by the City Council on May 24, 2017	
	B. Determine which of the recommendations have been completed or addressed to date.	
	C. Develop a report of actionable steps that can be undertaken in the current or future police contracts to address the Task Force recommendations.	
TOTAL		\$37,500

Optional Services

	Deliverable	Cost
4	Soliciting alternatives – Section 2.b	
	A. Explore alternatives to the current contract for police services	\$3,000
	B. On behalf of the City, coordinate requests for policing services including:	
	a. Drafting of documents	\$3,500
	b. Distribution of documents	\$2,500
	c. Solicitation of policing services:	
	i. Outreach	\$6,000
	ii. Evaluation	to
	iii. Selection	12,000
	iv. Technical assistance as requested by City	
TOTAL		\$15,000 to 21,000

Appendix: Contractor Biography and Professional Vitae

Dr. Matthew D. Bostrom **President, Center for Values-Based Initiatives**

Matt Bostrom began his law enforcement career in 1982. He served with the Saint Paul Police Department as Police Officer, Sergeant, Lieutenant, Commander, Senior Commander, Chief of Staff, and Assistant Chief of Operations, and retired as Ramsey County Sheriff in 2017.

Matt was twice nominated as National Sheriff of the Year and both times he was awarded the Medal of Merit from the National Sheriffs' Association. Some of his accomplishments include reorganizing the department to improve effectiveness and efficiency by focusing on the vision, mission, values, and beliefs; co-founding the Criminal Justice Coordinating Council; launching professional standards, comprehensive training, and cooperative hiring initiatives; and engaging with the community to build relationships and prevent crime.

The hallmark of Matt's service as Sheriff was a focus on increasing the level of trust between the community and police officers. Through listening to the community, he learned of their desire for police departments to hire for character and train for competence. In response, he launched a recruitment and hiring initiative that centered on selecting women and men who possessed four observable character traits: trustworthy, truthful, responsible, and respectful. This initiative increased community trust and improved police officer work habits including sick time usage, discipline, and commendations.

In addition to graduating from the FBI National Academy, Matt received his formal education at the University of Northwestern (Bachelor of Science), University of Saint Thomas (Master of Arts), Hamline University (Doctor of Public Administration), and Doctor of Philosophy (PhD in Criminology) at the University of Oxford. The Centre for Criminology at the University of Oxford invited Matt to develop a replicable model for increasing police trust by identifying and aligning the community's values with those of the police. It is through the operationalization of these shared values in police officer recruitment, selection, and training that can lead to increased trust between police officers and the communities they serve.

Matt has 10 years of experience as an adjunct professor at Saint Mary's University, the University of Northwestern, and Hamline University. He co-authored *Character-Based Police Officer Selection* for the United States Department of Justice and his dissertation topics include *The Influence of Higher Education on Police Officer Work Habits* and *Increasing Police Trust through Normative Alignment*.

Specialties: Government Administration, Public Safety, Criminal Justice, Higher Education, Non-Profit Boards, and Athletic Coaching

Email: Matt@centerforvalues.com

Cell: 1.651.775.3345

Website: centerforvalues.com



Professional Vitae

Matthew D. Bostrom

1000 University Avenue West, Suite 222

Saint Paul, Minnesota 55104

651-775-3345

matt@centerforvalues.com

Education

- 2017 – 2020 **Doctor of Philosophy in Criminology**
Thesis: Increasing Police Trust Through Normative Alignment
University of Oxford; Oxford, England
- 1997 - 2003 **Doctor of Public Administration**
Dissertation: The Impact of Higher Education on Police Officer Work Habits
Hamline University; Saint Paul, Minnesota
- 1993 - 1996 **Master of Education in Curriculum and Instruction**
University of Saint Thomas; Saint Paul, Minnesota
- 1990 - 1992 **Bachelor of Science in Organizational Administration**
Magna cum Laude
University of Northwestern; Saint Paul, Minnesota

Employment Experience

- 02/17 – present **President**
Center for Values-Based Initiatives, LLC
Research, development, and implementation of values-based employee recruitment, selection, training, and organizational development

Exemplar Projects

- State of Minnesota – Department of Public Safety
 - Community Policing and Character-Based Law Enforcement Initiative
- Plano (TX) Police Department
 - Increasing Police Trust Through Normative Alignment
 - Values-Based Police Officer Selection
 - Strategic Plan Development
- Los Angeles County Sheriff's Department
 - Increasing Police Trust Through Normative Alignment

Employment Experience (continued)

01/11 – 01/17

Sheriff

Ramsey County Sheriff's Office

Minnesota's first law enforcement agency established in 1849; 400 full-time employees and 500 volunteers; law enforcement services to urban community of 500,000 residents in a metropolitan area of over 2.5 million residents; full police service to seven contract communities including pretrial detention center (jail), court services, and crime prevention through educational partnerships with residents, schools, and businesses

Vision and Core Values

- Provide safety through community policing
- Restore trust through fiscal responsibility
- Collaborate with local law enforcement
- Encourage diversity to reflect the community
- Improve service through technology
- Connect with youth to build for the future

Accomplishments and Administration

- Reorganized the department to improve effectiveness and efficiency by focusing on the vision, mission, values, and beliefs
- Co-founded the Criminal Justice Coordinating Council
- Launched professional standards, comprehensive training, and diverse hiring initiatives
- Engaged with community to build relationships and prevent crime
- See numerous other accomplishments in Year at a Glance documents

11/06 – 12/10

Assistant Chief/Commander

Saint Paul Police Department

Chief of Homeland Security and Support Services Division

Homeland Security and Support Service Division: Special Events and Planning; Special Weapons and Tactics (SWAT); Emergency Management; Bomb Unit; Capital Improvement Budget; Technology Services; Records Management; Community and Volunteer Service; Crime Prevention; Fleet Management; Building Engineers (200 personnel); budget of \$10-20M

Accomplishments and Administration

- Directed 2008 Republican National Convention Security Plan (6,000 Public Safety Personnel and \$50M Budget)
- Organized Large-Scale Community Events (More than 1M Attendees)
- Coordinated City-Wide Closed-Circuit Television System
- Administered Joint Powers Agreements with 115 Agencies
- Oversaw Construction of Police Substation
- AFSCME Liaison

Employment Experience (continued)

- 04/06 – 11/06 **Assistant Chief**
Saint Paul Police Department
- Chief of Operations Division*
Operations Division: The City's Three Patrol Districts; City-Wide Services; Focusing Our Resources for Community Empowerment (FORCE); Emergency Communications Center (350 Personnel and \$40-50M Budget)
- Accomplishments and Administration*
- Administered Saint Paul Police Department's Largest Division
 - Founded Certificate in Public Safety Administration Program at Hamline University Graduate School of Management
 - Coordinated Emergency Communication Center Merger
 - Managed 800mhz Radio System Conversion
- 07/04 – 03/06 **Senior Commander**
Saint Paul Police Department
- Chief of Staff: Office of the Chief of Police*
Office of the Chief: Homeland Security; Internal Affairs; Inspection; Special Investigations; Training, Personnel; Payroll; Health and Wellness; Firearms and Defensive Tactics; Employee Assistance; Background Investigations; Watch Commander
- Accomplishments and Administration*
Directed U.S. Department of Justice Character-Based Selection and Training Model
- 02/03 – 06/04 **Emergency Preparedness Coordinator**
Saint Paul Department of Fire and Safety Services
- Coordinator: City of Saint Paul Homeland Security and Emergency Management*
- Accomplishments and Administration*
- Developed City of Saint Paul Emergency Operations Plan
 - Coordinated City of Saint Paul Homeland Security Reorganization
 - Managed Emergency Operations Center
 - Administered U.S. Department of Homeland Security Grant Funding for \$7.8 Million Urban Area Security Initiative
- 09/00 – 02/03 **Commander**
Saint Paul Police Department
- Commander: Patrol Operations Command for Central District*
Director: Training, Personnel, Payroll, and Information Technology
Watch Commander: Department Operations in Absence of Chief of Police

Employment Experience (continued)

06/99 – 09/00

Lieutenant

Saint Paul Police Department

Executive Project Manager: Multimillion-Dollar Technology Grants from Department of Justice

Accomplishments and Administration

- Developed Electronic Records Management Systems Integration
- Coordinated Patrol Laptop Computers
- Administered Wireless Hand-Held Communication Devices for Foot Patrol, Bicycle, Motorcycle Units

01/99 – 06/99

Lieutenant

Saint Paul Police Department

Director: Community and Volunteer Services

Accomplishments and Administration

- Directed Citywide Festival and Special Event Planning
- Administered Employee Assistance Program
- Managed Reserve Officer Program

08/94 – 01/99

Sergeant

Saint Paul Police Department

Supervisor: Drug Abuse Resistance Education Officers, School Liaison Officers, Bike Patrol, Central and Eastern District Patrol Shifts

08/93 – 01/94

Sergeant

Saint Paul Police Department

Investigator: Juvenile Crimes

11/82 – 08/93

Saint Paul Police Officer

Saint Paul Police Department

Patrol Officer: Patrol, Evidence Technician, D.A.R.E. Officer, Field Training Officer

Specialized Training

2008	Presidential State of the Union Address – Security Planning United States Secret Service; Washington, DC
2007	United Nations General Assembly – Security Planning New York Police Department; New York, New York
2007	Foreign Ministers Summit – Security Planning Norwegian National Police; Oslo, Norway
2007	2004 Democratic National Convention – After Action Report Police Department; Boston, Massachusetts
2007	2004 Republican National Convention – After Action Report Police Department; New York, New York
2005	Federal Bureau of Investigation – National Academy United States Department of Justice; Quantico, Virginia
2004	State of Minnesota Emergency Manager’s Certification Division of Homeland Security and Emergency Management
2003	Office of Domestic Preparedness WMD Incident Command Center for Domestic Preparedness; Anniston, Alabama
2003	Department of Homeland Security After-Action Lessons Learned Pentagon; Arlington, Virginia

International Experience

- England (Increasing Community/Police Trust Through Normative Alignment, College of Policing)
- Malaysia (Transforming the Police: Towards Ethical Policing, Kuala Lumpur)
- Israel (National Security Preparedness, Israel Police Service)
- Canada (Comparative Public Administration Studies in Ottawa, Ontario)
- Norway (Foreign Ministers’ Summit in Oslo)
- Peru (National Police Academy in Lima)
- Turkey (National Police Academy in Ankara)
- Ukraine (Internal Police Administration in Kiev)

Community Leadership

- Minnesota Character Council (Board Member)
- Caux Roundtable (Fellow)
- Drug Abuse Resistance Education (Board Member)
- Union Gospel Mission (Past President)

Teaching Experience

- 2011 – 2016 **Instructor**
Minnesota Bureau of Criminal Apprehension
Teach courses in the management certification program
- 2008 – 2016 **Adjunct Professor**
University of Northwestern – Saint Paul
Teach undergraduate level criminal justice courses
- 2005 – 2012 **Assistant Professor**
Saint Mary's University
Teach graduate level public safety administration courses
- 2003 – 2009 **Adjunct Professor**
Hamline University
Teach graduate level public administration courses and seminars

Awards and Publications

- The Influence of Higher Education of Police Officer Work Habits, *The Police Chief* (October 2005)
- Character-Based Selection and Training, *United States Department of Justice Community Oriented Policing Services* (2006)
- Preparedness Award, Association of Minnesota Emergency Managers (2009)
- Hall of Fame, Upper Eastside Football Association (2010)
- 45 Commendations Including Unit Citations, Letters of Recognition, and Ribbons for Distinguished Service
- Twice nominated as National Sheriff of the Year and both times awarded the Medal of Merit from the National Sheriffs' Association (2014, 2015)

Previous and Current Memberships

- FBI-National Academy Alumni Association (FBI-NAAA)
- International Association of Chiefs of Police (IACP)
- Latino Police Officers' Association (LPOA)
- Minnesota Asian Police Officers' Association (MNAPOA)
- Minnesota Police and Peace Officers Association (MPPOA)
- Minnesota Sheriffs' Association (MSA)
- National Sheriffs' Association (NSA)
- Police Executive Research Forum (PERF)

COMMUNITY SERVICE

- Boys Coach (Baseball, Basketball, Football)
- Girls Coach (Soccer, Softball)
- Saint Paul Police Athletic League

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

April 12, 2023

No. 23-32

**RESOLUTION APPROVING OF AGREEMENT WITH THE CENTER FOR VALUE-BASED
INITIATIVES FOR POLICE CONTRACT CONSULTING SERVICES**

WHEREAS, City Staff released an RFP for Police Contract Analysis and Consulting Services on July 15, 2022; and

WHEREAS, the RFP for Police Contract Analysis closed on August 15, 2022; and

WHEREAS, in total, the City received two proposals from consultants: one from a local retired law enforcement executive, and one from a national police consulting firm; and

WHEREAS, the City Council reviewed the proposals during workshops on September 14, 2022 and September 21, 2022; and

WHEREAS, the majority of the council preferred the proposal that was submitted by the Center for Value-Based Initiatives (CVBI); and

WHEREAS, the CVBI proposal included an optional provision to assist the City in soliciting responses for a future police services contract; and

WHEREAS, the contract cost will be \$21,000.00 for 2023, with a performance commission of 5% of savings of a future contract or \$25,000, whichever is less in 2024; and

WHEREAS, funds were not allocated in the 2023 Budget to cover these expenses; and

WHEREAS, a transfer of \$21,000 from the General Fund Reserves to the General Fund will be required to accommodate this request; and

WHEREAS, both the consultant and the City anticipate the project will be completed by the end of 2023.

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

1. That the Agreement with The Center for Value-Based Initiatives is approved by the City Council of the City of Falcon Heights.
2. The City Council approves a budget amendment to transfer \$21,000 from General Fund Reserves to the General Fund.

Moved by:

Approved by: _____
Randall C. Gustafson
Mayor

GUSTAFSON ___ In Favor
MEYER
LEEHY ___ Against
WASSENBERG
WEHYEE

Attested by: _____
Jack Linehan
City Administrator