



CITY OF FALCON HEIGHTS  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue

AGENDA  
May 13, 2009

- A. CALL TO ORDER: 7:00 PM
- B. ROLL CALL:           LINDSTROM  HARRIS  KUETTEL   
                              LONG  MERCER-TAYLOR   
                              MILLER
- C. PRESENTATIONS:
  - 1. Presentation of 2008 Audit, Matt Mayer, CPA Partner, Kern, DeWenter, Viere LTD HARRIS  
MOVED APPROVAL 5-0
  - 2. Resolution Establishing May 26, 2009 as Barbara Lukermann Day   KUETTEL MOVED  
APPROVAL 5-0
- D. APPROVAL OF MINUTES:   April 22, 2009 APPROVED
- F. PUBLIC HEARINGS:
- F. CONSENT AGENDA: KUETTEL MOVED APPROVAL 5-0
  - 1. General Disbursements through 5/13/09: \$81,683.96  
Payroll through 5/13/09: \$14,415.88
  - 2. City License Renewal
  - 3. City Hall Summer Hours
- G: POLICY ITEMS
  - 2. 2010-2012 Police Contract with St. Anthony Police Department TABLED
  - 3. Assistance to Firefighters Grant Application - Fire Truck Replacement LONG MOVED  
APPROVAL 5-0
- K. INFORMATION/ANNOUNCEMENTS:
- L. COMMUNITY FORUM:
- M. ADJOURNMENT: ADJOURNED AT 8:00PM

**ITEM:**                    **General Disbursements and Payroll**

**SUBMITTED BY:**    **Roland Olson, Finance Director**

**REVIEWED BY:**     **Justin Miller, City Administrator**

**EXPLANATION:**

General Disbursements through 5/21/09: \$46,406.44

Payroll through 5/15/09: \$14,324.36

**ATTACHMENTS:**

General disbursements and payroll

**ACTION REQUESTED:**

Approval

PACKET: 00313 Payables May 8-May 20

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
=====						
01-00255	AMERICAN OFFICE PRODUCTS					
I-100837I		TAGS & TAPE	66.12			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		TAGS & TAPE		101 4112-70100-000	SUPPLIES	66.12
		=== VENDOR TOTALS ===	66.12			
=====						
01-00250	AMERIPRIDE LINEN&APPAREL					
I-1000187801		LINEN CLEANING	35.35			
5/21/2009	APBNK	DUE: 5/21/2009 DISC: 5/21/2009		1099: N		
		LINEN CLEANING		101 4124-82011-000	LINEN CLEANING	35.35
		=== VENDOR TOTALS ===	35.35			
=====						
01-05220	ANDERSON, HELGEN, DAVIS & NISS					
I-200905201802		MAY/09 PROSECUTIONS	2,500.00			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		MAY/09 PROSECUTIONS		101 4123-80200-000	LEGAL FEES	2,500.00
		=== VENDOR TOTALS ===	2,500.00			
=====						
01-00939	BATTERIES PLUS					
I-29-182223		C.H. BASEMENT EXIT LIGHT	17.07			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		C.H. BASEMENT EXIT LIGHT		101 4131-87010-000	CITY HALL MAINTENANCE	17.07
		=== VENDOR TOTALS ===	17.07			
=====						
01-00892	BEARCOM					
I-3856113		BATTERIES FOR CELL PHONES	125.44			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		BATTERIES FOR CELL PHONES		101 4124-87029-000	REPAIR OTHER EQUIPMENT	125.44
		=== VENDOR TOTALS ===	125.44			
=====						
01-03001	CAMPBELL KNUTSON					
I-200905131786		APRIL/09 LEGALS	479.00			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		APRIL/09 LEGALS		101 4114-80200-000	LEGAL FEES	479.00
		=== VENDOR TOTALS ===	479.00			

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01-05003 JOSEPHINE CHARVE

I-200905131791		PLOT FEE REFUNDED	25.00			
5/13/2009	APBNK	MANUAL CK# 074837 5/11/2009		1099: N		
		PLOT FEE REFUNDED		203 34500-000	COMMUNITY GARDEN PLOT FE	25.00
=== VENDOR TOTALS ===			25.00			

01-03117 CITY OF LITTLE CANADA

I-200905201799		1ST QTR BLDS INSPECTOR	7,500.00			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		1ST QTR BLDS INSPECTOR		101 4117-81210-000	BUILDING INSPECTORS	7,500.00
=== VENDOR TOTALS ===			7,500.00			

01-03122 CITY OF ST PAUL

I-109567		ASPHALT MIX	64.60			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		ASPHALT MIX		101 4132-75000-000	BITUMINOUS PATCHING	64.60
I-109743		APRIL/09 FUEL	173.38			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		APRIL/09 FUEL		101 4124-74000-000	MOTOR FUEL & LUBRICANTS	173.38
I-109759		WATER USED - SEWER JETTING	85.32			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		WATER USED - SEWER JETTING		601 4601-87100-000	TELEVISIONING AND JETTING	85.32
I-200905131787		2009 SUMMER GUIDE	790.21			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		2009 SUMMER GUIDE		101 4116-70420-000	NEWSLETTERS/INFORMATION	790.21
=== VENDOR TOTALS ===			1,113.51			

01-03042 COACHING SYSTEMS, LLC

I-10998		FIRE RESPONSE DRIVING BOOKS	248.45			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		FIRE RESPONSE DRIVING BOOKS		101 4124-86020-000	TRAINING	248.45
=== VENDOR TOTALS ===			248.45			

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POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-04084		FIRE EQUIPMENT SPECIALTIES				
I-6175		REPAIR EQUIPMENT	314.09			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		REPAIR EQUIPMENT		101 4124-87029-000	REPAIR OTHER EQUIPMENT	314.09
=== VENDOR TOTALS ===			314.09			
=====						
01-05166		GRAINGER, W. W., INC.				
I-200905201801		C.H. MAINT	37.95			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		REPAIR KIT - MEN'S BATHROOM		101 4131-87010-000	CITY HALL MAINTENANCE	22.36
		C.H. ROOF TOP UNIT- AIR FILTER		101 4131-87010-000	CITY HALL MAINTENANCE	15.59
=== VENDOR TOTALS ===			592.77			
=====						
01-05137		HEALTHPARTNERS MEDICAL GP				
I-200905131794		HEP B SHOTS FOR J. ADAMS	21.00			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		HEP B SHOTS FOR J. ADAMS		101 4124-86200-000	MEDICAL EXAMINATIONS	21.00
=== VENDOR TOTALS ===			21.00			
=====						
01-05370		KERN, DEWENTER, VIERE LTD				
I-95485		BALANCE OF ANNUAL AUDIT FEE	4,000.00			
5/21/2009	APBNK	DUE: 5/21/2009 DISC: 5/21/2009		1099: N		
		BALANCE OF ANNUAL AUDIT FEE		101 4113-80310-000	AUDIT	4,000.00
=== VENDOR TOTALS ===			4,000.00			
=====						
01-05404		KURHAJETZ, CLEM				
I-200905141795		MEETING SNACK & RECEIPT BOOK	30.75			
5/14/2009	APBNK	DUE: 5/14/2009 DISC: 5/14/2009		1099: N		
		CAPITAL CITY MEETING SNACKS		101 4124-89000-000	MISCELLANEOUS	18.00
		RECEIPT BOOK		101 4124-70100-000	SUPPLIES	12.75
=== VENDOR TOTALS ===			30.75			

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 DISCOUNT G/L ACCOUNT -----ACCOUNT NAME----- DISTRIBUTION  
 =====

01-05512 LEAGUE OF MN CITIES

I-130150 2009 MN MAYORS ASSOC CONF 85.00  
 5/14/2009 APBNK DUE: 5/14/2009 DISC: 5/14/2009 1099: N  
 2009 MN MAYORS ASSOC CONF 101 4111-86100-000 CONFERENCES/EDUCATION/TR 85.00  
 === VENDOR TOTALS === 85.00

01-05440 LOFFLER COMPANIES, INC

I-1014419 COPIER MAINT MAY 22-AUGUST 22 547.81  
 5/13/2009 APBNK DUE: 5/13/2009 DISC: 5/13/2009 1099: N  
 COPIER MAINT MAY 22-AUGUST 22 101 4112-87000-000 REPAIR OFFICE EQUIPMENT 547.81  
 === VENDOR TOTALS === 547.81

01-05789 DAN MALONE

I-200905181796 KID SMART SAFETY CLASS-INST 296.00  
 5/13/2009 APBNK DUE: 5/13/2009 DISC: 5/13/2009 1099: N  
 KID SMART SAFETY CLASS-INST 201 4201-87700-000 INSTRUCTOR-SPECIALTY CLA 296.00  
 === VENDOR TOTALS === 296.00

01-05582 MENARDS

I-200905131785 SUPPLIES 303.01  
 5/13/2009 APBNK DUE: 5/13/2009 DISC: 5/13/2009 1099: N  
 SUPPLIES 601 4601-70100-000 SUPPLIES 38.95  
 SHOP SUPPLIES 101 4131-70110-000 SUPPLIES 26.71  
 SHOP SUPPLIES 101 4131-70110-000 SUPPLIES 155.15  
 ROLLER TO PAINT STR LIGHTS 101 4132-87120-000 STREET LIGHT MAINTENANCE 14.86  
 FENCE MATERIALS 203 4203-70100-000 SUPPLIES 67.34  
 === VENDOR TOTALS === 303.01

01-05585 METROPOLITAN AREA MANAGEMENT A

I-200905181797 MAMA MEETING EXPENSE 25.00  
 5/13/2009 APBNK DUE: 5/13/2009 DISC: 5/13/2009 1099: N  
 MAMA MEETING EXPENSE 101 4112-86100-000 CONFERENCES/EDUCATION/AS 25.00  
 === VENDOR TOTALS === 25.00

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=====						
01-05695		MIDWEST TRENCHLESS TECHNOLOGIE				
I-4167		JETTING & ROOT TREATMENT	15,513.96			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		COMMERICAL JETTING		601 4601-87100-000	TELEVISIONING AND JETTING	14,848.96
		ROOT TREATMENT		601 4601-87300-000	ROOT TREATMENT	665.00
		=== VENDOR TOTALS ===	15,513.96			
=====						
01-05973		NORTH SUBURBAN ACCESS CO.				
I-09-946		JAN-MARCH 2009 PROGRAMMING	270.00			
5/14/2009	APBNK	DUE: 5/14/2009 DISC: 5/14/2009		1099: N		
		JAN-MARCH 2009 PROGRAMMING		101 4116-85050-000	CABLE TV	270.00
		=== VENDOR TOTALS ===	270.00			
=====						
01-06054		ORCHARD TRUST COMPANY				
I-200905211805		MAY/09 DEF COMP	100.00			
5/21/2009	APBNK	DUE: 5/21/2009 DISC: 5/21/2009		1099: N		
		MAY/09 DEF COMP		101 21709-000	OTHER PAYABLE	100.00
		=== VENDOR TOTALS ===	100.00			
=====						
01-06065		OXYGEN SERVICE COMPANY				
I-03112671		AIR TANK RENTALS	54.76			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		AIR TANK RENTALS		101 4124-70100-000	SUPPLIES	54.76
		=== VENDOR TOTALS ===	54.76			
=====						
01-05223		PAUL HALLER				
I-200905201800		REFUND-PARK RENTAL	81.75			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		REFUND-PARK RENTAL		201 34340-000	NON-RESIDENT FEE	81.75
		=== VENDOR TOTALS ===	81.75			
=====						
01-06945		QWEST				
I-200905131789		LANDLINE COMMUNITY PARK	116.00			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		LANDLINE COMMUNITY PARK		101 4141-85011-000	TELEPHONE - LANDLINE	116.00
		=== VENDOR TOTALS ===	116.00			



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POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----		DISTRIBUTION
=====							
01-06185	RAMSEY COUNTY						
I-PUBW-9404		RAMSEY CTY WORKERS-GARDEN	320.43				
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N			
		RAMSEY CTY WORKERS-GARDEN		203 4203-89000-000	MISCELLANEOUS		320.43
=== VENDOR TOTALS ===			320.43				
=====							
01-05107	ROTARY CLUB OF ROSEVILLE						
I-200905131792		MEMBERSHIP DUES & EXPENSES	280.00				
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N			
		MEMBERSHIP DUES & EXPENSES		101 4112-86100-000	CONFERENCES/EDUCATION/AS		280.00
=== VENDOR TOTALS ===			280.00				
=====							
01-06301	SAMS CLUB DISCOVER CARD						
I-200905201798		SUPPLIES	467.94				
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N			
		PAPER TOWELS & SUPPLIES		101 4131-70110-000	SUPPLIES		81.36
		MEALS FOR COMM GARDEN CREW		203 4203-70100-000	SUPPLIES		42.83
		PRO-POXY 400		601 4601-70100-000	SUPPLIES		173.75
		PAINT FOR STREET LIGHT POLES		101 4132-70120-000	SUPPLIES		170.00
=== VENDOR TOTALS ===			467.94				
=====							
01-06525	SUBURBAN ACE HARDWARE						
I-200905211806		SUPPLIES	118.41				
5/21/2009	APBNK	DUE: 5/21/2009 DISC: 5/21/2009		1099: N			
		STAKE WOOD & BINDER TWINE		101 4131-70110-000	SUPPLIES		28.50
		SUPPLIES		101 4132-70120-000	SUPPLIES		17.03
		TURF BUILDER		101 4141-87120-000	FACILITIES & GROUND MAIN		15.96
		STRAP TARP TIEDOWN		101 4132-70120-000	SUPPLIES		21.19
		SUPPLIES - BATHROOM REPAIRS		101 4131-87010-000	CITY HALL MAINTENANCE		11.48
		SUPPLIES		101 4131-70110-000	SUPPLIES		24.25
=== VENDOR TOTALS ===			118.41				
=====							
01-06931	U.S. POSTMASTER						
I-200905131788		BULK MAIL FEE	185.00				
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N			
		BULK MAIL FEE		101 4112-70500-000	POSTAGE		185.00
=== VENDOR TOTALS ===			185.00				

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=====						
01-07120	JEFF WICK					
-----						
I-200905201804		REISSUE LOST CHECKS	135.75			
5/20/2009	APBNK	DUE: 5/20/2009 DISC: 5/20/2009		1099: N		
		REISSUE LOST CHECK #74260		101 4124-61510-000	DRILL COMPENSATION	64.18
		REISSUE LOST CHECK #74381		101 4124-61510-000	DRILL COMPENSATION	71.57
		=== VENDOR TOTALS ===	135.75			
=====						
01-07900	WILS					
-----						
I-200905131793		WILS MEMBERSHIP	25.00			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		WILS MEMBERSHIP		201 4201-86100-000	CONFERENCES/EDUCATION	25.00
		=== VENDOR TOTALS ===	25.00			
=====						
01-05870	XCEL ENERGY					
-----						
I-200905131790		ELECTRIC	2,332.79			
5/13/2009	APBNK	DUE: 5/13/2009 DISC: 5/13/2009		1099: N		
		ELECTRIC		101 4141-85020-000	ELECTRIC/GAS	9.24
		ELECTRIC		101 4132-85020-000	STREET LIGHTING	42.06
		ELECTRIC		101 4132-85020-000	STREET LIGHTING	2,074.20
		ELECTRIC		101 4141-85020-000	ELECTRIC/GAS	62.72
		ELECTRIC		101 4132-85020-000	STREET LIGHTING	10.86
		ELECTRIC		101 4132-85020-000	STREET LIGHTING	106.27
		ELECTRIC-GAZEBO		101 4141-85020-000	ELECTRIC/GAS	18.20
		ELECTRIC		101 4132-85020-000	STREET LIGHTING	9.24
		=== VENDOR TOTALS ===	2,332.79			
		=== PACKET TOTALS ===	38,327.16			

federal withholding	4,681.99
state withholding	764.71
icma wire transfer	352.00
pera wire transfer	<u>2,280.58</u>
	46,406.44

EMP #	NAME	AMOUNT
01-1002	JUSTIN J MILLER	2,480.15
01-1136	ROLAND O OLSON	1,300.00
01-2154	MAUREEN A ANDERSON	110.82
01-1038	DEBORAH K JONES	1,619.43
01-0040	KEVIN ANDERSON	111.14
01-0085	DANIEL S JOHNSON-POWERS	1.09
01-0087	MICHAEL A MCKAY	88.88
01-0101	DALE E HUFF	136.45
01-0106	SCOTT A TESCH	34.63
01-0121	JESSICA L ADAMS	83.74
01-1030	TIMOTHY J PITTMAN	300.00
01-1033	DAVE TRETSVEN	1,414.84
01-1143	COLIN B CALLAHAN	976.36

TOTAL PRINTED: 13 8,657.53

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
1016	ABERNATHY, LISA A	R	5/12/2009	1,391.57	074838
1136	OLSON, ROLAND O	R	5/12/2009	500.00	074839
1142	HERZOG, PATRICK J	R	5/12/2009	315.25	074840
0034	KURHAJETZ, CLEMENT	R	5/12/2009	123.52	074841
0066	HERNANDEZ, ALFRED	R	5/12/2009	63.88	074842
0074	ALLEN, MARK J	R	5/12/2009	64.18	074843
0086	HINRICHS, RICHARD H	R	5/12/2009	59.34	074844
0095	POESCHL, MICHAEL J	R	5/12/2009	98.82	074845
0097	GAFFNEY, PATRICK	R	5/12/2009	98.82	074846
0104	VANN, VINCENT A	R	5/12/2009	64.42	074847
0105	FEHRENBACH, ANTON M	R	5/12/2009	125.72	074848
0112	LESKE, CHRIS M	R	5/12/2009	49.40	074849
0117	EISCHEN, RONALD B	R	5/12/2009	54.26	074850
0119	WICK, JEFFREY M	R	5/12/2009	79.19	074851
0120	HAWTHORNE, ROCHELLE L	R	5/12/2009	19.86	074852
0122	RADIC, CHRISTOPHER M	R	5/12/2009	79.39	074853
2172	ARCAND, MICHAEL W	R	5/12/2009	49.64	074854
1145	SCARDIGLI, ANTHONY N	R	5/12/2009	157.69	074855
1030	PITTMAN, TIMOTHY J	R	5/12/2009	1,656.97	074856
2121	RAJCIC, KAREN E	R	5/12/2009	300.14	074857
2178	JORDAN, JOSHUA L	R	5/12/2009	314.77	074858

REGULAR CHECKS:	21	5,666.83
DIRECT DEPOSIT REGULAR CHECKS:	13	8,657.53
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	34	14,324.36

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

**ITEM:**                    **City License Renewals**

**SUBMITTED BY:**   **Lisa Abernathy -Deputy Clerk**

The Following individuals have applied for a Mechanical Contractors License for 2009. Staff has received the necessary documents for licensure.

- Four Seasons Air Specialist Inc.

**ITEM:**                    **Commission Appointment**

**SUBMITTED BY:**    **Peter Lindstrom, Mayor**

**EXPLANATION:**

I recommend that the following individual be appointed to the Falcon Heights Planning Commission:

- David Black

**ACTION REQUESTED:**

Approval.

CITY OF FALCON HEIGHTS  
COMMISSION APPLICATION

DATE: 4/26/09

NAME: DAVID BLACK

ADDRESS: 1887 ARONA ST.

PHONE: (H) \_\_\_\_\_ (W) \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

HOW LONG AT ABOVE ADDRESS? 27 YEARS

IN WHAT CAPACITY DO YOU WISH TO SERVE? PLANNING COMMISSION

REASON YOU WISH TO SERVE ON ABOVE: I BELIEVE EVERYONE SHOULD SERVE THEIR COMMUNITY IN SOME WAY. THIS IS AN AREA WHERE I HAVE INTEREST AND EXPERIENCE, AND I HAVEN'T VOLUNTEERED IN THE CITY FOR MANY YEARS

PRIOR PUBLIC (OR RELATED) SERVICE: VOLUNTEER: F.H. PLANNING COMMISSION (1984-90), LARSENTEUR/SNELING REDEVELOPMENT COMMITTEES (1983-1984), CITIZENS LEAGUE MEMBER (1982-PRESENT) - 2 STUDY COMMITTEES

OTHER RELEVANT BACKGROUND (OR COMMENTS): EMPLOYMENT:  
CITY OF NEW BRIGHTON - ASST COMMUNITY DEVEL DIR. (2000-09)  
CITY OF WEST ST. PAUL - ECONOMIC DEVELOPMENT COORDINATOR (1998-2000)  
CITY OF ST. PAUL - ECONOMIC DEVELOPMENT SPECIALIST (1990-94)  
PREVIOUS WORK IN REAL ESTATE SALES, CITY PLANNING

**ITEM:**                    **Cooperative Agreement with Capitol Region Watershed District for City Hall Parking Lot Reconstruction**

**SUBMITTED BY:**    **Justin Miller, City Administrator**

**EXPLANATION:**

In late 2008, the City of Falcon Heights submitted a grant application to the Capitol Region Watershed District (CRWD) to help offset certain costs associated with our city hall parking lot reconstruction project. The reconstruction is planned to use porous pavement, which is better for the environment but more costly than traditional asphalt pavement. The grant request is to intended to help offset these additional costs.

CRWD has agreed to fund up to \$88,000 worth of improvements related to this project. Attached to this report is a cooperative agreement outlining the details of the arrangement. The city attorney has reviewed the document and his suggested changes have been incorporated into this draft.

**ACTION REQUESTED:**

Staff recommends that the Falcon Heights City Council adopt the attached cooperative agreement with Capitol Region Watershed District for improvements related to the city hall parking lot reconstruction.

CAPITOL REGION WATERSHED DISTRICT  
COOPERATIVE AGREEMENT  
WITH CITY OF FALCON HEIGHTS

Agreement between the  
Capitol Region Watershed District  
and the City of Falcon Heights

Re: City Hall Parking Lot Reconstruction  
Cost-share for costs related to pervious pavement and rain garden construction

Attachments: A. Construction Plans and Specifications  
B. Promotion, Monitoring, and Maintenance Plan

THIS AGREEMENT, by and between the City of Falcon Heights, hereinafter referred to as the “City”, and the Capitol Region Watershed District, hereinafter referred to as the “District”.

WITNESSETH:

WHEREAS, the District has an approved Watershed Management Plan which includes funding for implementing Best Management Practices throughout the Watershed District; and

WHEREAS, the District has adopted and approved the 2009 Budget and Workplan which include funding for Special Projects and Grants; and

WHEREAS, the District and the City have worked cooperatively over the past several months to develop an approach that is acceptable to both parties; and

WHEREAS, the City has prepared concept plans and construction plans and specifications for the construction of the City Hall parking lot reconstruction project; and

WHEREAS, the District and the City have a desire to provide a demonstration of pervious pavement and rain gardens to educate residents of the City/District on the benefits of pervious pavement and rain gardens; and

WHEREAS, the District Board of Managers has authorized payment of no more than \$88,000 for the construction costs of the pervious pavement and rain garden; and

WHEREAS, the City is committed to funding the remainder of the construction costs; and

WHEREAS, the City is committed to the on-going maintenance and operation of the pervious pavement and rain garden;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

The City shall engage a contractor to complete the construction of the Falcon Heights City Hall pervious pavement and rain garden consistent with the plans and specifications approved by the District.

The District shall pay the City \$88,000 but not to exceed the City’s actual costs, for items related to the pervious pavement and rain garden as identified in Attachment A of this agreement. . Payment will be in



the form of reimbursement following receipt of documentation from the City that the work has been completed satisfactorily. Payment will be based on actual quantities and cost for each item.

The City is responsible for future maintenance of the pervious pavement and rain garden, as well as the plantings.

The City will cooperate with District staff to determine the effectiveness of the rain gardens and associated structures.

The City will cooperate with District staff to determine the required timing of maintenance of the rain gardens and associated structures.

The City agrees to defend, indemnify, and hold harmless the District against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the City and/or those of the City employees or agents. The District agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement for which the District is responsible caused by or resulting from negligent acts or omissions of the District and/or those of the District employees or agents. All parties to this agreement recognize that liability for any claims arising under this agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any claims or actions filed against either party, nothing in this agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties.

It is understood and agreed by the parties hereto that this agreement shall not be modified or amended except in writing duly signed by each of the parties.

This agreement shall remain in full force and effect until terminated by mutual agreement of the City and the District.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed.

CITY OF FALCON HEIGHTS

CAPITOL REGION WATERSHED DISTRICT

By \_\_\_\_\_  
Peter Lindstrom  
Mayor

By \_\_\_\_\_  
Robert Piram, President  
Board of Managers

By \_\_\_\_\_  
Justin Miller  
City Administrator/Clerk

By \_\_\_\_\_  
Mark Doneux  
Administrator

Date \_\_\_\_\_

Date \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Assistant County Attorney