

City of Falcon Heights
Regular Meeting of the City Council
City Hall
2077 W. Larpenteur Avenue

June 24, 1998
A G E N D A

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL: GEHRZ ___ GIBSON TALBOT ___ HUSTAD ___
 JACOBS ___ KUETTEL ___ HOYT ___ ASLESON ___
 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: June 10, 1998
- E. CONSENT AGENDA:
 - 1. Disbursements
 - a. General disbursements through 6/18/98, \$138,657.78
 - b. Payroll, 6/1/98 to 6/15/98, \$11,184.70
 - 2. Licenses
 - 3. Step increase for Parks/Public Works Superintendent
 - 4. Acknowledgement of City Administrator's appointment as President of the Association of Metropolitan Municipalities (AMM)
 - 5. Adopt change in regular council meeting date from July 22, 1998 to July 29, 1998
 - 6. Appointment of the city administrator to the University of Minnesota Master Planning Advisory Committee
 - 7. Request for variance of 4 feet in the required five foot rear yard setback for the construction of a garage at 1457 W. Hoyt Avenue, Chapter 9-2.04 subd. 1 (c)
 - 8. Consideration of Ordinance 98-04, amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks
- F. PUBLIC HEARING
 - 1. Public hearing on proposed assessments for the 1998 Hoyt Avenue project
- G. POLICY AGENDA
 - 1. Consideration of Resolution 98-15 adopting the 1998 Hoyt Avenue assessment roll
 - 2. Report on the 1997 audit (comprehensive annual financial report)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

City of Falcon Heights
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- B. ROLL CALL: GEHRZ ___ GIBSON TALBOT ___ HUSTAD ___
 JACOBS ___ KUETTEL ___ HOYT ___ ASLESON ___
 ATTORNEY ___ ENGINEER ___
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES: June 10, 1998 (Tab #1)
- E. CONSENT AGENDA:
 - 1. Disbursements (Tab #2)
 - a. General disbursements through 6/18/98, \$138,657.78
 - b. Payroll, 6/1/98 to 6/15/98, \$11,184.70
 - 2. Licenses (Tab #3)
 - 3. Step increase for Parks/Public Works Superintendent (Tab #4)
 - 4. Acknowledgement of City Administrator's appointment as President of the Association of Metropolitan Municipalities (AMM) (Tab #5)
 - 5. Adopt change in regular council meeting date from July 22, 1998 to July 29, 1998 (Tab #6)
 - 6. Appointment of the city administrator to the University of Minnesota Master Planning Advisory Committee (Tab #7)
 - 7. Request for variance of 4 feet in the required five foot rear yard setback for the construction of a garage at 1457 W. Hoyt Avenue, Chapter 9-2.04 subd. 1 (c) (Tab #8)
 - 8. Consideration of Ordinance 98-04, amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks (Tab #9)
- F. PUBLIC HEARING
 - 1. Public hearing on proposed assessments for the 1998 Hoyt Avenue project (Tab #10)
- G. POLICY AGENDA
 - 1. Consideration of Resolution 98-15 adopting the 1998 Hoyt Avenue assessment roll (Tab #11)
 - 2. Report on the 1997 audit (comprehensive annual financial report) (Tab #12)
- H. INFORMATION AND ANNOUNCEMENTS:
- I. ADJOURN

DRAFT

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 10, 1998**

Mayor Gehrz convened the meeting at 7:00 p.m.

PRESENT

Gehrz, Jacobs, Kuettel. Also present was Hoyt.

ABSENT

Hustad and Gibson Talbot.

COMMUNITY FORUM

There was no one wishing to take advantage of the community forum.

MINUTES OF APRIL 27, 1998

Minutes were approved by unanimous consent.

CONSENT AGENDA APPROVED

Councilmember Kuettel moved to approve the following consent agenda.
The motion passed unanimously.

1. Disbursements
2. Licenses
3. Accept resignation of Clem Kurhajetz as fire chief and appoint Nick Baumann as fire chief to fill remainder of the term
4. Accept sealcoating bid from Allied Blacktop Company for the northeast quadrant
5. Approval for planning consultant expenditures

ADJOURNMENT

The meeting adjourned at 7:05 p.m. to a workshop.

Susan L. Gehrz, Mayor

Susan Hoyt
Acting Recording Secretary

CONSENT 1
Meeting Date: 6/24/98

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

- a. General disbursements through June 18, 1998, \$138,657.78
- b. Payroll, June 1, 1998 to June 15, 1998, \$11,184.70

ACTION REQUESTED: Approval

a.

APPROVAL OF BILLS
PERIOD ENDING: 6/17/98

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	ELECTION SYSTEM/SOFTWARE	99 VOING MACH MAINT CT	-----	520.00
	HOWARD GREEN COMPANYC.	PROJ 802050J HOYT	-----	486.55
	NORTHWEST YOUTH & FAMILY	7/98 TEEN COURT SVCS	-----	4,682.10
	*** TOTAL FOR DEPT 00			5,688.65
	FOCUS NEWS	HOYT ASSESSMENT HEARING	LEGISLAT	103.50
	*** TOTAL FOR DEPT 11			103.50
	CARLA ASLESON	LILLIE NEWSPAPER	ADMINIST	1.50
	CARLA ASLESON	MILEAGE	ADMINIST	4.88
	AMERICAN OFFICE PRODUCTS	BINDERS/TONER/PAPER	ADMINIST	126.56
	BANK CARD CENTER-FBS	SCANNER TNG CLASS	ADMINIST	129.00
	ICMA RETIREMENT TRUST 457	6/98 CARLA	ADMINIST	200.00
	INSTY-PRINTS PLUS	ENVELOPES	ADMINIST	336.84
	INSTY-PRINTS PLUS	6 COLOR COPIES	ADMINIST	9.53
36333	MN DEPARTMENT OF REVENUE	6/15 ST WITHHOLDINGS	ADMINIST	713.61
36334	PERA	PERA 6/15 WITHHOLDINGS	ADMINIST	1,374.32
	PHILLIPS, PATRICIA	COFFEE FOR CITY HALL	ADMINIST	17.97
	RAMSEY COUNTY	6/98 INS PREMIUMS	ADMINIST	3,094.89
	ASSOC. OF METROPOLITAN	A.M.M. ANNUAL MEETING EX	ADMINIST	30.00
	BRODERICK, BERNARD	DELIVERYS	ADMINIST	9.88
	*** TOTAL FOR DEPT 12			6,048.98
	CARLA ASLESON	MILEAGE	ELECTION	6.50
	ELECTION SYSTEM/SOFTWARE	98 VOTING MACH MAINT CT	ELECTION	520.00
	RAMSEY COUNTY	POSTAL VERIFICATION CARD	ELECTION	10.56
	*** TOTAL FOR DEPT 15			537.06
	BANK CARD CENTER-FBS	FOOD-NEW RESIDENT RECEIPT	COMMUNIC	151.42
	DAN BLACK	ENTERTANMENT-CURTIS FIEL	COMMUNIC	150.00
	DAHLGREN SHARDLOW & UBAN	U OF M WOMENS SOCCER	COMMUNIC	835.03
	INSTY-PRINTS PLUS	THANK YOU VOLUNTEERS	COMMUNIC	18.74
	NORTH SUBURBAN	98 CABLE TV	COMMUNIC	5,518.70
	*** TOTAL FOR DEPT 16			6,673.89
	CARLA ASLESON	MILEAGE	PLANNING	5.11
36332	UNIVERSITY OF MINNESOTA	DATA SEARCH	PLANNING	25.00
	*** TOTAL FOR DEPT 17			30.11
	ST. ANTHONY VILLAGE	7/98 POLICE SVCS	POLICE	28,028.33
	*** TOTAL FOR DEPT 22			28,028.33
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING FIRE DEPT	FIRE FIG	36.76
	JANKE, KATHLEEN	6/98 CLEAING FIRE HALL	FIRE FIG	80.00
	MIKE OSBORN	PHOTOGRAPHS FIRE FIGHTER	FIRE FIG	75.39
	USWEST COMMUNICATIONS	TELE 6/1/98	FIRE FIG	176.59
	*** TOTAL FOR DEPT 24			368.74
	BROWNING-FERRIS IND.	6/98 REFUSE HAULING	CITY HAL	194.17
	GRAINGER, W. W., INC.	TISSUE 2 PLY	CITY HAL	31.78
	NSP	GAS 6/2	CITY HAL	27.97
	OXYGEN SERVICE COMPANY	OXYGEN/ACETYLENETANKRENT	CITY HAL	9.00
	USWEST COMMUNICATIONS	TELE 6/1/98	CITY HAL	630.99

APPROVAL OF BILLS
 PERIOD ENDING: 6/17/98_

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 31				893.91
	GOPHER STATE ONE-CALL	UTILITY LOCATES	STREETS	14.00
	GRAINGER, W. W., INC.	SAFETY EYEWEAR/GLOVES	STREETS	98.96
	RENT ALL MINNESOTA INC	WOODCHIPPER RENTAL	STREETS	144.18
	CONSTRUCTION BULLETIN	ADV BIDS 1998 SEAL COAT	STREETS	58.00
*** TOTAL FOR DEPT 32				315.14
	HOWARD GREEN COMPANYC.	1998 SEAL COATING	ENGINEER	910.73
*** TOTAL FOR DEPT 33				910.73
	GREEN VALLEY NURSERY	PLANTING TREES	TREE PRO	238.56
*** TOTAL FOR DEPT 34				238.56
	ICMA RETIREMENT TRUST 457	6/98 MAERTZ	PARK & R	100.00
	ICMA RETIREMENT TRUST 457	6/98 TRESTVAN	PARK & R	100.00
	MN RECREATION/PARK ASSOC.	98 MEMBERSHIP CAROL K.	PARK & R	70.00
	MN RECREATION/PARK ASSOC.	98 MEMBERSHIP BILL M.	PARK & R	125.00
	NSP	ELECT/GAS 6/9	PARK & R	53.68
	NSP	ELECT/GAS 6.2	PARK & R	511.02
	NORTH HGHTS HARDWARE HANK	TRIMMER HEAD	PARK & R	22.35
	ON SITE SANITATION	PORTABLE TOILET RENTAL	PARK & R	68.65
	USWEST COMMUNICATIONS	TELE 6/10	PARK & R	61.58
	D-ROCK CENTER & SMALL ENG	2 YDS FINE SAND	PARK & R	38.34
*** TOTAL FOR DEPT 41				1,150.62
	DEBRA NONEMAKER	REFUND-TENNIS CLASS CLSD	PARK PRO	24.00
	SPORTMART INC.	SOCCERBALLS/REC SUPPLIES	PARK PRO	198.31
	KRISTIN WOLVERTON	WORKSHOP FEES/MILEAGE	PARK PRO	32.70
*** TOTAL FOR DEPT 50				255.01
	NSP	4/17 TO 6/2 ELECT	STREET L	26.82
	NSP	5/7 TO 6/8	STREET L	8.50
	NSP	5/5 TO 6/5	STREET L	23.11
	NSP	ELECT 6/2	STREET L	136.49
	NSP	ELECT 6/5	STREET L	56.41
*** TOTAL FOR DEPT 54				251.33
	BANK CARD CENTER-FBS	GARAGE SALE ADS	SOLID WA	59.00
*** TOTAL FOR DEPT 56				59.00
	B & H PHOTO-VIDEO INC	SONY VHS HIFI EDITNG VCR	GENERAL	1,026.90
*** TOTAL FOR DEPT 63				1,026.90
	CERTIFIED LABORATORIES	CERTALEX FOR SEWERS	SANITARY	587.71
	METROPOLITAN COUNCIL	7/98 SS CHARGES	SANITARY	19,495.33
	NSP	ELECT 6/5	SANITARY	136.00
*** TOTAL FOR DEPT 75				20,219.04
	BANK CARD CENTER-FBS	PRAIRIE GRASS- FOR LARP	LARPENTE	117.00
	FRICKE & SONS SOD, INC.	SOD FOR LARP STREETSCPE	LARPENTE	79.57
	JAY BROTHERS INC	PYMT #5 (SIGNS)BALANCE	LARPENTE	14,799.45
	KILLMER ELECTRIC CO, INC.	PYMT # 6	LARPENTE	28,581.70

APPROVAL OF BILLS
 PERIOD ENDING: 6/17/98_

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	HOWARD GREEN COMPANYC.	PROJ 330025M LARP	LARPENTE	3,817.38
	HOWARD GREEN COMPANYC.	PROJ 330043M LARP	LARPENTE	358.05
36335	STONEWEAR COMPOSITE STONE	STONE PLANTERS LARP AVE	LARPENTE	16,878.00
	*** TOTAL FOR DEPT 82			64,631.15
	BERNARDY, CONNIE LANNERS	JUNE 16/30 PROF SVCS	MCAD	1,227.13
	*** TOTAL FOR DEPT 84			1,227.13
	*** TOTAL FOR BANK 01			138,657.78
	*** GRAND TOTAL ***			138,657.78

C H E C K R E G I S T E R

CHECK TYPE	CHECK DATE	EMPLOYEE NAME NUMBER	CHECK NUMBER	CHECK AMOUNT
COM	6 12 98	30 NICHOLAS BAUMANN	28631	37.62
COM	6 12 98	32 RAYMOND BROWN	28632	62.92
COM	6 12 98	34 CLEMENT KURHAJETZ	28633	103.79
COM	6 12 98	35 LEO LINDIG	28634	44.96
COM	6 12 98	40 KEVIN ANDERSON	28635	118.78
COM	6 12 98	42 MICHAEL D. CLARKIN	28636	169.12
COM	6 12 98	45 JAMES D. FULLER	28637	57.38
COM	6 12 98	47 NATHANIEL HEROLD	28638	12.93
COM	6 12 98	60 TERRY D. IVERSON	28639	46.20
COM	6 12 98	63 RACHELLE L. MARVIN	28640	81.78
COM	6 12 98	66 ALFRED HERNANDEZ	28641	99.51
COM	6 12 98	70 JUSTIN T. NOVAK	28642	90.68
COM	6 12 98	72 JOHN R. WOLFSBERGER	28643	66.95
COM	6 12 98	73 JEREMY HUTCHISON	28644	129.88
COM	6 12 98	74 MARK J. ALLEN	28645	138.30
COM	6 12 98	75 JOSEPH P. KRAJEWSKI	28646	151.52
COM	6 12 98	76 STEVEN M. HOY	28647	90.21
COM	6 12 98	77 BARBARA J. LEMAY	28648	173.65
COM	6 12 98	1002 SUSAN HOYT TAFF	28649	1325.18
COM	6 12 98	1003 TERRY IVERSON	28650	1028.74
COM	6 12 98	1005 CAROL KRIEGLER	28651	647.16
COM	6 12 98	1007 PATRICIA PHILLIPS	28652	830.30
COM	6 12 98	1010 CARLA ASLESON	28653	1025.65
COM	6 12 98	1013 WILLIAM MAERTZ	28654	999.87
COM	6 12 98	1032 TWAROSKI, ANITA	28655	152.38
COM	6 12 98	1033 DAVE TRETSVEN	28656	752.86
COM	6 12 98	1057 KRISTIN L. WOLVERTON	28657	375.84
COM	6 12 98	1088 DONALD R. MEISSNER	28658	608.46
COM	6 12 98	1107 RICHARD P. TALBOT III	28659	48.03
COM	6 12 98	1123 ABRAHAM T. CYR	28660	48.48
COM	6 12 98	1136 ROLAND O. OLSON	28661	870.32
COM	6 12 98	1147 GEORGE BURNS	28662	405.72
COM	6 12 98	1148 RACHEL J SEVERSON	28663	341.50
COM	6 12 98	1149 WILLIAM J MONCRIEF	28664	48.03

COMPUTER CHECKS	11184.70
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

****TOTALS**** 11184.70

CONSENT 2
Meeting Date: 6/24/98

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

REVIEWED BY: Carla Asleson, AA/Planner

EXPLANATION/SUMMARY:

TREE TRIMMING/TREATING AND REMOVING

Northeast Tree & Timber #3699

GENERAL CONTRACTOR

Leske Co. #3700

ACTION REQUESTED: Approval

CONSENT 3
Date: 6/24/98

ITEM: Step increase for Parks/Public Works Superintendent

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and Action Requested. The Parks/Public Works Superintendent's 18 month employment anniversary is July 2, 1998. In accordance with the city's compensation policy, this employee is due for a step increase from step two (\$17.58/hour) to step three (\$18.46/hour). Bill Maertz has met the performance standards as Parks/Public Works Superintendent.

ACTION REQUESTED: Approve progression of Bill Maertz, Parks/Public Works Superintendent, to step three of the compensation schedule, \$18.46 per hour.

CONSENT 4
DATE: 6/24/98

ITEM: Acknowledgement of City Administrator's appointment
as President of the Association of Metropolitan Municipalities
(AMM)

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to acknowledge the city administrator's commitment to be president of the Association of Metropolitan Municipalities over the coming year. The administrator has served on the AMM board for the past six years and was vice president in 1997-98. The city benefits from her involvement in a variety of issues and for the contacts with experts in various local issues. The administrator places Falcon Heights issues as a priority over AMM business.

ACTION REQUESTED:

Acknowledge administrator's appointment as AMM president for 1998-1999.

CONSENT 5
DATE: 6/24/98

ITEM: Adopt change in regular council meeting date from July 22, 1998 to July 29, 1998

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and action requested. The council is being asked to formally change its regularly scheduled July 22, 1998 meeting date to July 29, 1998 due to conflicts in scheduling for councilmembers and staff.

The cancellation and change of date will be posted.

ACTION REQUESTED:

Adopt change in regular council meeting date from July 22, 1998 to July 29, 1998.

CONSENT 6
DATE: 6/24/98

ITEM: Appointment of the city administrator to the University of Minnesota
Master Planning Advisory Committee

SUBMITTED BY: Mayor Gehrz

EXPLANATION/DESCRIPTION:

Summary and action requested. The mayor is requesting the council to formally appoint the city administrator, Susan Hoyt, to the University of Minnesota Master Planning Advisory Committee. Susan filled this function during the preparation of the master plan in 1994 through 1996. The committee is being reconfigured. The University of Minnesota President Mark Yudof has accepted the city's nomination.

ACTION REQUESTED:

Appoint the city administrator, Susan Hoyt, to be the city's representative on the University of Minnesota Master Planning Advisory Committee.

CITY OF FALCON HEIGHTS
CITY COUNCIL RESOLUTION

Date: June 24, 1998

RESOLUTION APPROVING A VARIANCE FOR 1457 W. HOYT
AVENUE

On June 24, 1998, the Falcon Heights city council granted the following variance request for 1457 W. Hoyt Avenue, legally known as the W 10 ft of Lot 17 and all of Lot 16, Block 7, Cable's Hamline Heights Add.:

Chapter 9-2.04 subd. 1 (c) requiring a five foot rear yard setback in an R-1 zoning district.

A variance of four feet to allow the construction of a new garage at a rear yard setback of one foot where a minimum of five feet is required in the zoning code.

The city council adopted the following findings for granting the variance at 1457 W. Hoyt Avenue:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property.
- e. That the amended variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;

- g. That a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the chapter were carried out;
 - h. That the variance is not sought principally to increase financial gain of the owner of the property and that a substantial hardship to the owner would result from a denial of the variance.
-

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
June 24, 1998
Date

Attested by: _____

City Clerk
June 24, 1998
Date

ITEM: Consideration of Ordinance 98-04, amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks

PREPARED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Planning Commission
Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

NOTE: This item is scheduled to be heard by the planning commission at its June 23, 1998 meeting.

Summary and Action Requested. The city council is being asked to consider an ordinance amending Chapter 9-2.04 subd. 1(c) of the zoning code to permit garages at a one foot interior side yard and one foot rear yard setback for garages on corner lots adjacent to alleys that use the public street for access. This is the same setback that many garages with access from the alley and not on a corner lot currently have in the neighborhood. There have been three requests for variances for this configuration in the past two years and there are several more opportunities for this configuration to occur when garages on corner lots and on alleys are rebuilt. Therefore, the staff recommends adopting an ordinance amending the zoning code to permit this configuration.

Background

The zoning code allows garages to be built at a one foot rear and interior side yard setback when the garage meets the following conditions:

- the garage is accessed from an alley, not a public street; and
- the garage is located in the rear 28 feet of the lot; and
- the garage door is perpendicular to the alley

(garages built at an interior side yard setback of less than three feet must meet special firewall requirements in the building code)

Corner lots which use the street for access to the garage are required under the code to have a five foot rear and interior side yard setback because they are not accessed from the alley. The phrase "not a public street" was included so that this section could not be applied to properties in neighborhoods with traditional street access instead of alley access. It was not intended to require corner lots with side street access to have garage setbacks greater than the other garages on the same alley.

Request to Adopt an Ordinance Amending the Zoning Code

There have been two variances granted for corner lots with street access to be built at setbacks of less than five feet and another request is forthcoming. There are other corner lot properties in the Northome neighborhood that would need variances to reconstruct or expand the existing garages at a setback of less than five feet. Given that the situation no longer appears to be unique to one or two properties, it is appropriate for the planning commission to consider an ordinance amending the zoning code.

Proposed Zoning Code Changes

The proposed changes would allow corner alley properties using street access to have one foot rear and interior side yard setbacks, provided that they meet the same conditions as an interior alley lot (in rear 28 feet of the lot and door perpendicular to the alley.) It would not allow the lesser setback for interior lots that have driveway access from the front of the property.

Attachment

- Proposed Ordinance 98-04

Action Requested:

- Adoption of Ordinance 98-04.

CITY OF FALCON HEIGHTS

ORDINANCE

Date June 24, 1998

AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY CODE RELATED TO GARAGE
SETBACKS

The City Council of the City of Falcon Heights does hereby ordain:

SECTION 1. Chapter 9-2.04 subd. 1 (c) is hereby amended as follows:

c. Accessory buildings, other than garages, in a residential district may be located not less than five feet from an interior side or rear lot line unless the accessory structure is located in the rear twenty percent of the lot, in which case they can be located not less than one foot from the interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:

(1) the garage meets all of the following:

- (i) is ~~accessed from~~ located on an alley, ~~not a public street and is accessed from the alley or from a public street abutting an alley on a corner lot;~~
- (ii) is located in the rear 28 feet of the lot, and
- (iii) is oriented such that the vehicular access door is perpendicular to the alley; or

(2) the garage meets all of the following:

- (i) is detached from the principal structure,
- (ii) is accessed from a driveway off of a public street, not an alley,
- (iii) is replacing an existing garage that is located less than five feet from the side lot line; and
- (iv) is located a minimum of five feet to the rear of the principal structure on the nearest adjoining property that is closest to the garage; or is located at least 10 feet from any portion of the principal structure on the nearest adjoining property.

If all the conditions of section 9-2.04 subd. 1 c. (1) are met, the garage can be located not less than one foot from an interior side or rear lot line.

If all of the conditions of section 9-2.04 subd. 1 c. (2) are met, the garage can be located at the same side yard setback as the existing garage that is being replaced, except that the new garage shall not be located less than two feet from the side lot line. The replacement garage does not have to be in the same location as the existing garage.

The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in Section 9-4.01, Subd. 4(b) (20% of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall not have a minimum corner side yard setback requirement less than 15 feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.

SECTION 2. This ordinance shall be effective upon passage and official publication.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor

June 24, 1998

Date

Attested by: _____

City Clerk

June 24, 1998

Date

PUBLIC HEARING

Date: 6/24/98

ITEM DESCRIPTION: Public hearing on proposed assessments for the 1998 Hoyt Avenue project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner

EXPLANATION/SUMMARY:

Summary and Action Requested. Hold required public hearing regarding assessment amounts for the Hoyt Avenue project.

Goal 2: To maintain and promote the assets of the city's unique neighborhoods including commercial, residential, and open space uses for present and future generations.

Strategy 4: Maintaining the city's infrastructure.

Action Item: Implement scheduled street improvement projects

Background. Notices regarding this public hearing were published in the Focus newspaper and mailed to each affected property owner two weeks prior to the hearing date, as required by law. Individual property owners' notices detailed the amount of assessment that is proposed to be due and that the property owner may pre-pay the assessment without interest before July 24, 1998. The notice also outlined the means by which a property owner may protest his assessment amount: either by submitting a written objection to the clerk before the hearing or to the mayor at the time of the hearing. To date, no written objections to assessment amounts have been received.

The assessment rates for this project were established previously by the city council. These rates are: \$26.50/front foot for street reconstruction and \$14.51/front foot for streetlight improvements benefiting residential properties, and \$20.85/front foot for streetlight improvements benefiting tax exempt properties. Properties on corner lots that were assessed for a 1993 street reconstruction will not be assessed for the Hoyt Avenue street reconstruction.

ATTACHMENT: Sample Hearing Notice

ACTION REQUESTED:

- Hear report from City Engineer on the improvement and proposed assessments
- Open public hearing (no earlier than 7:00 p.m.) and receive testimony
- Close public hearing

Falcon Heights, MN 55108

Property Identification Number:
Property Address:

CITY OF FALCON HEIGHTS ASSESSMENT INFORMATION ENCLOSED

The 1998 Hoyt Avenue improvement project is now underway. Enclosed you will find information on the public hearing and assessment amount owed for this improvement. The materials enclosed are in a format required by law. While these documents are important and should be read carefully, they can be summarized as follows:

THE AMOUNT OF ASSESSMENT THAT YOU OWE FOR THIS PROPERTY:

Street Improvement: \$2,067.00
Streetlight Improvement: \$1,131.78
TOTAL ASSESSMENT AMOUNT: \$3,198.78

PUBLIC HEARING TO BE HELD ON THIS ASSESSMENT:

June 24, 1998, on or after 7:00 p.m., Falcon Heights City Hall, 2077 W. Larpenteur Avenue

IF YOU WISH TO PROTEST YOUR ASSESSMENT AMOUNT, YOU MUST EITHER:

- Submit a written statement of protest to the City Clerk prior to the hearing (this may be done by mail); or
- Attend the public hearing on June 24th and submit a written protest at that time.

Written protests should include the property owner's name, address, and reason for protesting the amount of assessment.

YOU HAVE TWO OPTIONS WITH RESPECT TO THIS PAYING THIS ASSESSMENT:

1. If you pay the entire assessment amount to the city before July 24, 1998, you will not owe any interest. Payments may be mailed to: City of Falcon Heights, 2077 W. Larpenteur Avenue, Falcon Heights, MN 55113, made in person at City Hall between the hours of 8:00 a.m. and 4:30 p.m., or left in the after hours drop box located at city hall.
2. If your full assessment amount is not received by the city by July 24, it will be placed with applicable interest on your property tax statement. The interest rate on the assessment is seven percent (7%) per year, with payments made over the next ten (10) years.

You may pay off the entire amount owed, with applicable interest, at any time after July 24, 1998 through the Ramsey County Department of Records and Revenue (266-2020).

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

STATE OF MINNESOTA
CITY OF FALCON HEIGHTS

Falcon Heights, MN 55108

Property Identification Number:

Property Address:

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Falcon Heights City Council will meet on or after 7:00 p.m on June 24, 1998 at Falcon Heights City Hall to pass upon the proposed assessment for improvements to Hoyt Avenue. It is proposed that the cost of the Improvement be assessed against those properties in Falcon Heights that abut Hoyt Avenue between Fulham Street and Cleveland Avenue.

The amount to be specially assessed against your particular lot, piece, or parcel of land is \$3,198.78. You may at any time prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid within 30 days from this adoption of the assessment. You may at any time thereafter pay to the Ramsey County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the next succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is seven percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is \$55,249.22. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

Under Minnesota Statutes, Sections 435.193 to 435.195 the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the ordinance (resolution) adopted under it may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on this property.

Hearing impaired persons or other persons with disabilities who require auxiliary aids or special accommodations at the hearing should contact Carla Asleson at 644-5050 by June 15, 1998.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

/s/ Carla Asleson
City Clerk, Falcon Heights

HOYT AVENUE IMPROVEMENT ASSESSMENTS

RESOLUTION DATE: June 24, 1998
 REGULAR INTEREST RATE OF: 7.00%
 ESTIMATED ASSESSMENT: \$3,198.78 10 YEAR ASSESSMENT

1ST YEARS INTEREST CALCULATION:

$$\frac{\text{Number of days left in year}}{\text{Number of days in year}} \times \frac{\text{Interest rate}}{1}$$

$$\frac{190}{365} \times \frac{0.07}{1} = 0.036438$$

0.03644 Interest for days left in year
 0.07000 Regular interest rate
 0.10644 First year interest rate (6/24/98 through 12/31/99)

10 YEAR

Taxes Paid in 1999	Principal pymt	\$319.88
	Interest pymt	\$340.47
	Total:	\$660.35
Taxes Paid in 2000	Principal pymt	\$319.88
	Interest pymt	\$201.52
	Total:	\$521.40
Taxes Paid in 2001	Principal pymt	\$319.88
	Interest pymt	\$179.13
	Total:	\$499.01
Taxes Paid in 2002	Principal pymt	\$319.88
	Interest pymt	\$156.74
	Total:	\$476.62
Taxes Paid in 2003	Principal pymt	\$319.88
	Interest pymt	\$134.35
	Total:	\$454.23
Taxes Paid in 2004	Principal pymt	\$319.88
	Interest pymt	\$111.98
	Total:	\$431.84
Taxes Paid in 2005	Principal pymt	\$319.88
	Interest pymt	\$89.57
	Total:	\$409.44
Taxes Paid in 2006	Principal pymt	\$319.88
	Interest pymt	\$67.17
	Total:	\$387.05
Taxes Paid in 2007	Principal pymt	\$319.88
	Interest pymt	\$44.78
	Total:	\$364.66
Taxes Paid in 2008	Principal pymt	\$319.88
	Interest pymt	\$22.39
	Total:	\$342.27
Total Principal		\$3,198.78
Total Interest		\$1,348.09
TOTAL PAYMENTS FOR 10 YEAR PLAN:		\$4,546.87

Note: This sheet is for reference only. Some numbers may differ on your tax statement due to rounding.

POLICY 1
Date: 6/24/98

ITEM DESCRIPTION: Consideration of Resolution 98-15 adopting the 1998 Hoyt Avenue assessment roll

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

Summary and Action Requested. Following the public hearing, a resolution needs to be passed adopting the assessment roll. If the council wishes to change an assessment amount on one or more properties, it must be done prior to the passage of the resolution. The proposed assessment rates are \$26.50/front foot for street reconstruction and \$14.51/front foot for streetlight improvements benefiting residential properties and \$20.85/front foot for streetlight improvements benefiting tax exempt property. Property owners may pre-pay their assessment without interest through July 24, 1998.

Goal 2: To maintain and promote the assets of the city's unique neighborhoods, including commercial, residential, and open space uses for present and future generations.

Strategy 4: Maintaining the city's infrastructure.

Action Item: Implement scheduled street improvement projects.

ATTACHMENTS:

- Resolution 98-15, adopting the assessment roll
- Proposed assessment roll

ACTION REQUESTED: Adoption of Resolution 98-15.

No. 98-15

CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: June 24, 1998

RESOLUTION ADOPTING ASSESSMENT OF 1998 HOYT AVENUE IMPROVEMENT
PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the city council of the City of Falcon Heights has met and heard and passed upon all objections to the proposed assessments for the 1998 improvements of Larpenteur Avenue; and

WHEREAS, the properties proposed to be assessed include those properties abutting Hoyt Avenue between Fulham Street and Cleveland Avenue.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FALCON HEIGHTS, MINNESOTA:

The city finds that each parcel of land named in the assessment is benefitted by the proposed improvements in the amount of the assessment the city proposed to levy against it in the assessment.

The city accepts the assessment and levies a special assessment against each parcel of land named in the assessment in the amount in the assessment.

The special assessment shall be payable in equal annual installments of principal extending over a period of ten (10) years. The special assessment shall bear interest at a rate of seven percent (7%) per annum from the date of this resolution. The first installment of principal shall be due and payable on or before the first Monday in the first January following the date of this resolution, together with interest which has accrued through December 31 of the preceding year.

Each owner of property that is subject to this special assessment may, at any time before certification of the assessment to the county auditor, pay to the city the principal amount plus accrued interest then owing, providing the city shall not charge interest if the entire assessment is paid within thirty (30) days of the date of this resolution. At any time on or before November 15 of each year in which the assessment is outstanding, a property owner may prepay the assessment by paying to the city an amount equal to the principal then outstanding, plus interest through December 31 of the year in which the property owner prepays. Any prepayment made after November 15 must include interest through December 31 of the following year.

The city directs the city clerk to transmit a certified copy of this resolution to the county auditor for Ramsey County, with instructions to extend the assessment on the appropriate tax lists of the county, and collect and pay over to the city the assessment in the same manner as other municipal taxes.

Adopted by the city council of the City of Falcon Heights this 24th day of June, 1998.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
June 24, 1998
Date

Attested by: _____

City Clerk
June 24, 1998

1998 Hoyt Avenue Assessments

Property Address	PIN Number	Front Footage	Street Assessment	Streetsight Assessment	Total Assessment	Notes on Street Assessment
2100 Larpenteur Avenue	20-29-23-11-0239	250.00	\$0.00	\$5,212.50	\$5,212.50	Assessed for Larpenteur
2099 Hoyt Avenue	20-29-23-11-0038	95.00	\$2,517.50	\$1,378.45	\$3,895.95	
2105 Hoyt Avenue	20-29-23-11-0039	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2111 Hoyt Avenue	20-29-23-11-0040	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2117 Hoyt Avenue	20-29-23-11-0041	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2123 Hoyt Avenue	20-29-23-11-0042	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2129 Hoyt Avenue	20-29-23-11-0043	72.00	\$1,908.00	\$1,044.72	\$2,952.72	
2135 Hoyt Avenue	20-29-23-11-0024	73.45	\$1,946.43	\$1,065.75	\$3,012.18	
2141 Hoyt Avenue	20-29-23-11-0265	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2147 Hoyt Avenue	20-29-23-11-0264	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2153 Hoyt Avenue	20-29-23-11-0263	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2159 Hoyt Avenue	20-29-23-11-0028	70.00	\$1,855.00	\$1,015.70	\$2,870.70	
2165 Hoyt Avenue	20-29-23-11-0029	70.00	\$0.00	\$1,015.70	\$1,015.70	Assessed for Coffman
1564 Burton Street	20-29-23-12-0079	108.00	\$0.00	\$1,567.08	\$1,567.08	Assessed for Burton
2203 Hoyt Avenue	20-29-23-12-0073	60.00	\$0.00	\$870.60	\$870.60	Assessed for Northrop
2225 Hoyt Avenue	20-29-23-12-0060	75.00	\$0.00	\$1,088.25	\$1,088.25	Assessed for Northrop
2243 Hoyt Avenue	20-29-23-12-0057	60.00	\$0.00	\$870.60	\$870.60	Assessed for Vincent
1564 Vincent Street	20-29-23-12-0044	60.00	\$0.00	\$870.60	\$870.60	Assessed for Vincent
2271 Hoyt Avenue	20-29-23-12-0038	60.00	\$0.00	\$870.60	\$870.60	
2279 Hoyt Avenue	20-29-23-12-0039	60.00	\$1,590.00	\$870.60	\$2,460.60	
2285 Hoyt Avenue	20-29-23-12-0040	60.00	\$1,590.00	\$870.60	\$2,460.60	
2291 Hoyt Avenue	20-29-23-12-0041	60.00	\$1,590.00	\$870.60	\$2,460.60	
1564 Fulham Street	20-29-23-12-0025	60.00	\$0.00	\$870.60	\$870.60	Assessed for Fulham
TOTAL		1827.45	\$27,147.93	\$28,101.29	\$55,249.22	

Res Street Rate: \$26.50/front foot

Res Light Rate: \$14.51/front foot

Tax Exempt Light Rate: \$20.85/front foot

POLICY 2
DATE: 6/24/98

ITEM: Report on the 1997 audit (comprehensive annual financial report)

SUBMITTED BY: David Hinnenkamp, Auditor, Kern, DeWenter and Viere
Jennifer Bauer, Auditor, Kern DeWintre and Viere

REVIEWED BY: Susan Hoyt, City Administrator
Roland Olson, City Accountant

EXPLANATION/DESCRIPTION:

Summary and action requested. The auditor will summarize the key points from the city's 1997 audit for the city council and comment on the city's financial health. The city staff met with the auditors to go over the report in detail prior to the final preparation and report. Roland Olson, the city accountant, prepares much of the data included in the city's comprehensive annual financial report (CAFR).

ATTACHMENTS:

The Comprehensive Annual Financial Report

ACTION REQUESTED:

Hear report on the 1997 audit

Ask questions and comment.

ITEM: Request for variance of 4 feet in the required five foot rear yard setback for the construction of a garage at 1457 W. Hoyt Avenue, Chapter 9-2.04 subd. 1 (c)

SUBMITTED BY: Tim Carbonneau, Property Owner

PREPARED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Planning Commission
Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

NOTE: The planning commission is scheduled to review this item at their June 23, 1998 meeting.

Summary and Action Requested. The city council is being asked to approve a variance of four feet in the required rear yard setback to replace an existing garage with a new double garage one foot from the rear property line rather than the required five feet (see attachment 1.) The property is a corner lot with access off of the public street rather than off of the abutting alley. This is the third request that the city has received of this nature and, therefore, the reason for the proposed amendment to the zoning code also considered in this agenda. The staff no longer believes that this situation is so unusual or unique to require a variance to construct a garage with a one foot rear yard setback. However, even if the zoning code is amended to permit this configuration for garages on corner lots that abut alleys in the future, in order to be sure that Mr. Carbonneau can construct his garage in a timely fashion, the staff recommends that a variance be approved.

A. REQUEST FOR VARIANCE

Mr. Tim Carbonneau, owner of 1457 W. Hoyt Avenue, is requesting a variance of four feet in the required rear yard setback to build a garage one foot from the rear lot line rather than the five feet required in the zoning code. His existing single car garage (which would be demolished) already has a one foot rear yard setback. The existing driveway, which accesses Pascal Street, would be used for the new garage, along with some additional concrete to accommodate the new width. The interior side yard setback of 8 feet does not require a variance. The garage's size also meets code and does not require a variance.

B. CHARACTERISTICS OF THE PROPERTY

The property is a corner lot located on Hoyt Avenue and Pascal Street abutting an alley. The garage is accessed from Pascal Street rather than from the alley.

C. ZONING CODE REQUIREMENTS

The zoning code requires that garages on alleys have interior side and rear setbacks of five feet, unless all of the following criteria are met, in which case the minimum setback is one foot.

- Garage is accessed from an alley, not a public street; and
- Entire garage is located within the rear 28 feet of the lot; and
- Garage is oriented such that the vehicle access door is perpendicular to the alley.

D. ANALYSIS

Site Related Issues

The required five foot setback is not necessary for a public safety reason because the property is accessed from the public street and not from the alley. The required five foot rear yard setback is not needed as a buffer between this property and its neighbor to the north because the property abuts an alley, not another residential property.

Uniqueness of the Property

This property is unique in that has access to both the alley and a public street. The zoning code regulations were written with the assumption that persons with garages on alleys would use the alley for access. This garage could be built at a one foot setback if alley access were used and the garage door was perpendicular to the alley. Property owners have the choice of alley access or street access when they have corner lot property.

Compatibility with neighborhood design

Many of the garages in the Northome neighborhood have rear yard setbacks of less than five feet because they were able to meet the zoning code requirements for size, location of the door, and alley access. If this variance is granted and the proposed garage built, it will not be out of character with the rest of the garages on the alley.

E. COMMENTS FROM NEIGHBORS

Letters regarding the proposed garage addition were sent to the two abutting property owners. As of this writing, no comments have been received on the proposed project.

F. STAFF RECOMMENDATION

Staff is recommending approval of this variance for the following reasons:

1. The property is unique in that it has alley access, but uses the street for garage entry rather than the alley. The property owner has an existing driveway to Pascal Street and the opportunity to use street access.
2. Building the garage at a one foot rear yard setback is consistent with the setbacks of other garages on the alley.
3. The variance will not cause a safety problem, as the five foot rear yard setback was written to allow for alley access to garages and this property has street access.

G. ATTACHMENTS

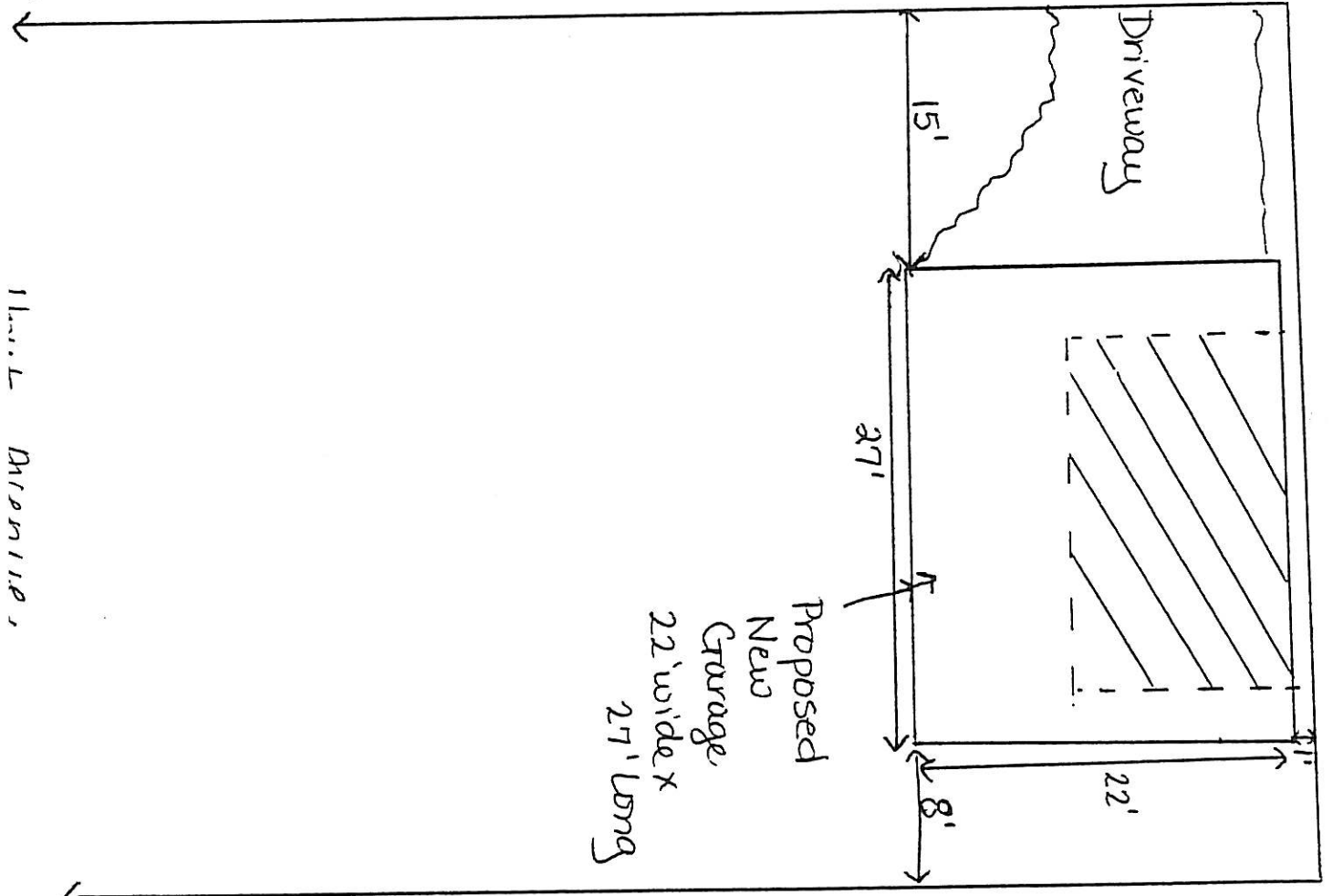
1. Site plan of property showing proposed garage
2. Setback requirements for garages on alleys (sketch)
3. Standards for granting a variance
4. Proposed Resolution 98-16

H. ACTION REQUESTED

- Adopt Resolution 98-16, approving the requested variance of 4 feet in the required rear yard setback in chapter 9-2.04 subd. 1 (c) of the zoning code, which states that this property meets the standards for granting a variance, specifically 9-15.03 subd 4 (g), that the property is unique and that a hardship would result if the strict letter of the chapter were carried out.

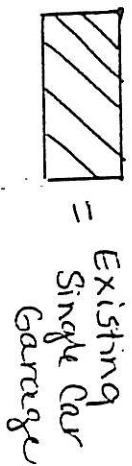
Pascal Street

Alley

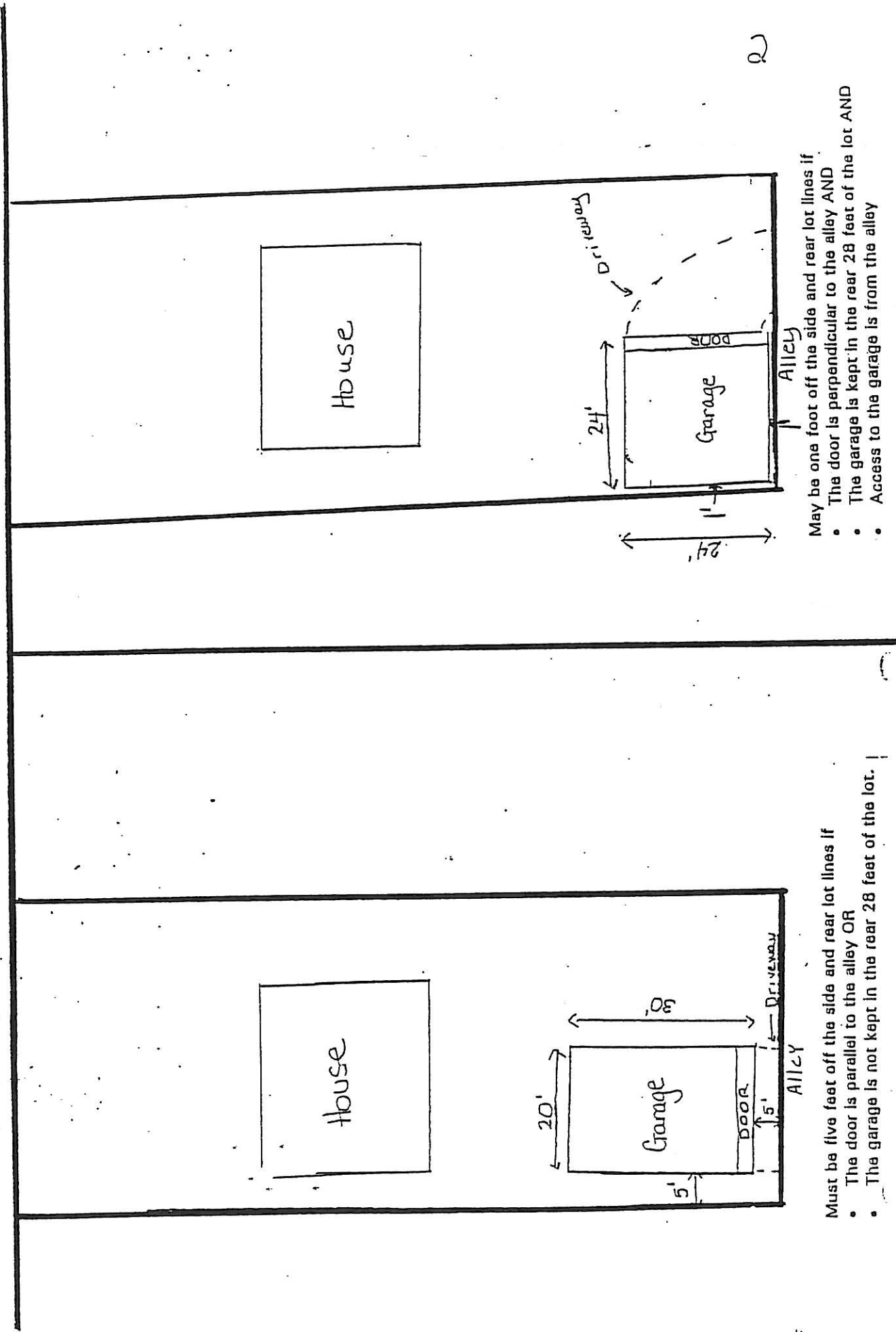


11th St Avenue

neighbor property



SETBACK REQUIREMENTS FOR GARAGES ON ALLEYS



- May be one foot off the side and rear lot lines if
- The door is perpendicular to the alley AND
 - The garage is kept in the rear 28 feet of the lot AND
 - Access to the garage is from the alley

- Must be five feet off the side and rear lot lines if
- The door is parallel to the alley OR
 - The garage is not kept in the rear 28 feet of the lot.

9-15.03.Variances

Subdivision 4. Standards for Granting of Variance. No variance shall be granted unless the City Council shall make without qualification on the basis of evidence presented at the meeting the following findings:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property;
- e. That the variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;
- g. Whether the shape, topographical condition or other similar characteristic of the tract is such as to distinguish it substantially from all of the other properties in the zoning district of which it is a part, or whether a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the Chapter were carried out;
- h. Whether the variance is sought principally to increase financial gain to the owner of the property, and to determine whether a substantial hardship to the owner would result from a denial of the variance;

CITY OF FALCON HEIGHTS
CITY COUNCIL RESOLUTION

Date: June 24, 1998

RESOLUTION APPROVING A VARIANCE FOR 1457 W. HOYT
AVENUE

On June 24, 1998, the Falcon Heights city council granted the following variance request for 1457 W. Hoyt Avenue, legally known as the W 10 ft of Lot 17 and all of Lot 16, Block 7, Cable's Hamline Heights Add.:

Chapter 9-2.04 subd. 1 (c) requiring a five foot rear yard setback in an R-1 zoning district.

A variance of four feet to allow the construction of a new garage at a rear yard setback of one foot where a minimum of five feet is required in the zoning code.

The city council adopted the following findings for granting the variance at 1457 W. Hoyt Avenue:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property.
- e. That the amended variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;

- g. That a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the chapter were carried out;
 - h. That the variance is not sought principally to increase financial gain of the owner of the property and that a substantial hardship to the owner would result from a denial of the variance.
-

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
June 24, 1998
Date

Attested by: _____

City Clerk
June 24, 1998
Date

ITEM: Consideration of Ordinance 98-04, amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks

PREPARED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Planning Commission
Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

NOTE: This item is scheduled to be heard by the planning commission at its June 23, 1998 meeting.

Summary and Action Requested. The city council is being asked to consider an ordinance amending Chapter 9-2.04 subd. 1(c) of the zoning code to permit garages at a one foot interior side yard and one foot rear yard setback for garages on corner lots adjacent to alleys that use the public street for access. This is the same setback that many garages with access from the alley and not on a corner lot currently have in the neighborhood. There have been three requests for variances for this configuration in the past two years and there are several more opportunities for this configuration to occur when garages on corner lots and on alleys are rebuilt. Therefore, the staff recommends adopting an ordinance amending the zoning code to permit this configuration.

Background

The zoning code allows garages to be built at a one foot rear and interior side yard setback when the garage meets the following conditions:

- the garage is accessed from an alley, not a public street; and
- the garage is located in the rear 28 feet of the lot; and
- the garage door is perpendicular to the alley

(garages built at an interior side yard setback of less than three feet must meet special firewall requirements in the building code)

Corner lots which use the street for access to the garage are required under the code to have a five foot rear and interior side yard setback because they are not accessed from the alley. The phrase "not a public street" was included so that this section could not be applied to properties in neighborhoods with traditional street access instead of alley access. It was not intended to require corner lots with side street access to have garage setbacks greater than the other garages on the same alley.

Request to Adopt an Ordinance Amending the Zoning Code

There have been two variances granted for corner lots with street access to be built at setbacks of less than five feet and another request is forthcoming. There are other corner lot properties in the Northome neighborhood that would need variances to reconstruct or expand the existing garages at a setback of less than five feet. Given that the situation no longer appears to be unique to one or two properties, it is appropriate for the planning commission to consider an ordinance amending the zoning code.

Proposed Zoning Code Changes

The proposed changes would allow corner alley properties using street access to have one foot rear and interior side yard setbacks, provided that they meet the same conditions as an interior alley lot (in rear 28 feet of the lot and door perpendicular to the alley.) It would not allow the lesser setback for interior lots that have driveway access from the front of the property.

Attachment

- Proposed Ordinance 98-04

Action Requested:

- Adoption of Ordinance 98-04.

CITY OF FALCON HEIGHTS

ORDINANCE

Date June 24, 1998

AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY CODE RELATED TO GARAGE
SETBACKS

The City Council of the City of Falcon Heights does hereby ordain:

SECTION 1. Chapter 9-2.04 subd. 1 (c) is hereby amended as follows:

c. Accessory buildings, other than garages, in a residential district may be located not less than five feet from an interior side or rear lot line unless the accessory structure is located in the rear twenty-percent of the lot, in which case they can be located not less than one foot from the interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:

(1) the garage meets all of the following:

- (i) is accessed from ~~located on~~ an alley, ~~not a public street and is accessed from the alley or from a public street abutting an alley on a corner lot;~~
- (ii) is located in the rear 28 feet of the lot, and
- (iii) is oriented such that the vehicular access door is perpendicular to the alley; or

(2) the garage meets all of the following:

- (i) is detached from the principal structure,
- (ii) is accessed from a driveway off of a public street, not an alley,
- (iii) is replacing an existing garage that is located less than five feet from the side lot line; and
- (iv) is located a minimum of five feet to the rear of the principal structure on the nearest adjoining property that is closest to the garage; or is located at least 10 feet from any portion of the principal structure on the nearest adjoining property.

If all the conditions of section 9-2.04 subd. 1 c. (1) are met, the garage can be located not less than one foot from an interior side or rear lot line.

If all of the conditions of section 9-2.04 subd. 1 c. (2) are met, the garage can be located at the same side yard setback as the existing garage that is being replaced, except that the new garage shall not be located less than two feet from the side lot line. The replacement garage does not have to be in the same location as the existing garage.

The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in Section 9-4.01, Subd. 4(b) (20% of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall not have a minimum corner side yard setback requirement less than 15 feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.

SECTION 2. This ordinance shall be effective upon passage and official publication.

Moved by: _____

GEHRZ In Favor
GIBSON TALBOT
HUSTAD Against
JACOBS
KUETTEL

Approved by: _____

Mayor

June 24, 1998

Date

Attested by: _____

City Clerk

June 24, 1998

Date

ITEM DESCRIPTION: Public hearing on proposed assessments for the 1998 Hoyt Avenue project

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner

EXPLANATION/SUMMARY:

Summary and Action Requested. Hold required public hearing regarding assessment amounts for the Hoyt Avenue project.

Goal 2: To maintain and promote the assets of the city's unique neighborhoods including commercial, residential, and open space uses for present and future generations.

Strategy 4: Maintaining the city's infrastructure.

Action Item: Implement scheduled street improvement projects

Background. Notices regarding this public hearing were published in the Focus newspaper and mailed to each affected property owner two weeks prior to the hearing date, as required by law. Individual property owners' notices detailed the amount of assessment that is proposed to be due and that the property owner may pre-pay the assessment without interest before July 24, 1998. The notice also outlined the means by which a property owner may protest his assessment amount: either by submitting a written objection to the clerk before the hearing or to the mayor at the time of the hearing. To date, no written objections to assessment amounts have been received.

The assessment rates for this project were established previously by the city council. These rates are: \$26.50/front foot for street reconstruction and \$14.51/front foot for streetlight improvements benefiting residential properties, and \$20.85/front foot for streetlight improvements benefiting tax exempt properties. Properties on corner lots that were assessed for a 1993 street reconstruction will not be assessed for the Hoyt Avenue street reconstruction.

ATTACHMENT: Sample Hearing Notice

ACTION REQUESTED:

- Hear report from City Engineer on the improvement and proposed assessments
- Open public hearing (no earlier than 7:00 p.m.) and receive testimony
- Close public hearing

Falcon Heights, MN 55108

Property Identification Number:
Property Address:

CITY OF FALCON HEIGHTS ASSESSMENT INFORMATION ENCLOSED

The 1998 Hoyt Avenue improvement project is now underway. Enclosed you will find information on the public hearing and assessment amount owed for this improvement. The materials enclosed are in a format required by law. While these documents are important and should be read carefully, they can be summarized as follows:

THE AMOUNT OF ASSESSMENT THAT YOU OWE FOR THIS PROPERTY:

Street Improvement: \$2,067.00
Streetlight Improvement: \$1,131.78
TOTAL ASSESSMENT AMOUNT: \$3,198.78

PUBLIC HEARING TO BE HELD ON THIS ASSESSMENT:

June 24, 1998, on or after 7:00 p.m., Falcon Heights City Hall, 2077 W. Larpenteur Avenue

IF YOU WISH TO PROTEST YOUR ASSESSMENT AMOUNT, YOU MUST EITHER:

- Submit a written statement of protest to the City Clerk prior to the hearing (this may be done by mail); or
- Attend the public hearing on June 24th and submit a written protest at that time.

Written protests should include the property owner's name, address, and reason for protesting the amount of assessment.

YOU HAVE TWO OPTIONS WITH RESPECT TO THIS PAYING THIS ASSESSMENT:

1. If you pay the entire assessment amount to the city before July 24, 1998, you will not owe any interest. Payments may be mailed to: City of Falcon Heights, 2077 W. Larpenteur Avenue, Falcon Heights, MN 55113, made in person at City Hall between the hours of 8:00 a.m. and 4:30 p.m., or left in the after hours drop box located at city hall.
2. If your full assessment amount is not received by the city by July 24, it will be placed with applicable interest on your property tax statement. The interest rate on the assessment is seven percent (7%) per year, with payments made over the next ten (10) years.

You may pay off the entire amount owed, with applicable interest, at any time after July 24, 1998 through the Ramsey County Department of Records and Revenue (266-2020).

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

STATE OF MINNESOTA
CITY OF FALCON HEIGHTS

Falcon Heights, MN 55108

Property Identification Number:

Property Address:

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Falcon Heights City Council will meet on or after 7:00 p.m on June 24, 1998 at Falcon Heights City Hall to pass upon the proposed assessment for improvements to Hoyt Avenue. It is proposed that the cost of the Improvement be assessed against those properties in Falcon Heights that abut Hoyt Avenue between Fulham Street and Cleveland Avenue.

The amount to be specially assessed against your particular lot, piece, or parcel of land is \$3,198.78. You may at any time prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid within 30 days from this adoption of the assessment. You may at any time thereafter pay to the Ramsey County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the next succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is seven percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is \$55,249.22. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

Under Minnesota Statutes, Sections 435.193 to 435.195 the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the ordinance (resolution) adopted under it may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on this property.

Hearing impaired persons or other persons with disabilities who require auxiliary aids or special accommodations at the hearing should contact Carla Asleson at 644-5050 by June 15, 1998.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS ASSESSMENT. YOU WILL NOT BE BILLED.

/s/ Carla Asleson
City Clerk, Falcon Heights

HOYT AVENUE IMPROVEMENT ASSESSMENTS

COLLUTION DATE: June 24, 1998

REGULAR INTEREST RATE OF: 7.00%

ESTIMATED ASSESSMENT: \$3,198.78 10 YEAR ASSESSMENT

1ST YEARS INTEREST CALCULATION:

$$\frac{\text{Number of days left in year}}{\text{Number of days in year}} \times \frac{\text{Interest rate}}{1}$$

$$\frac{190}{365} \times \frac{0.07}{1} = 0.036438$$

0.03644 Interest for days left in year
 0.07000 Regular interest rate
 0.10644 First year interest rate (6/24/98 through 12/31/99)

10 YEAR

Taxes Paid in 1999	Principal pymt	\$319.88
	Interest pymt	\$340.47
	Total:	\$660.35
Taxes Paid in 2000	Principal pymt	\$319.88
	Interest pymt	\$201.52
	Total:	\$521.40
Taxes Paid in 2001	Principal pymt	\$319.88
	Interest pymt	\$179.13
	Total:	\$499.01
Taxes Paid in 2002	Principal pymt	\$319.88
	Interest pymt	\$156.74
	Total:	\$476.62
Taxes Paid in 2003	Principal pymt	\$319.88
	Interest pymt	\$134.35
	Total:	\$454.23
Taxes Paid in 2004	Principal pymt	\$319.88
	Interest pymt	\$111.98
	Total:	\$431.84
Taxes Paid in 2005	Principal pymt	\$319.88
	Interest pymt	\$89.57
	Total:	\$409.44
Taxes Paid in 2006	Principal pymt	\$319.88
	Interest pymt	\$67.17
	Total:	\$387.05
Taxes Paid in 2007	Principal pymt	\$319.88
	Interest pymt	\$44.78
	Total:	\$364.66
Taxes Paid in 2008	Principal pymt	\$319.88
	Interest pymt	\$22.39
	Total:	\$342.27
Total Principal		\$3,198.78
Total Interest		\$1,348.09
TOTAL PAYMENTS FOR 10 YEAR PLAN:		\$4,546.87

Note: This sheet is for reference only. Some numbers may differ on your tax statement due to rounding.

POLICY 1
Date: 6/24/98

ITEM DESCRIPTION: Consideration of Resolution 98-15 adopting the 1998 Hoyt Avenue assessment roll

SUBMITTED BY: Terry Maurer, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

Summary and Action Requested. Following the public hearing, a resolution needs to be passed adopting the assessment roll. If the council wishes to change an assessment amount on one or more properties, it must be done prior to the passage of the resolution. The proposed assessment rates are \$26.50/front foot for street reconstruction and \$14.51/front foot for streetlight improvements benefiting residential properties and \$20.85/front foot for streetlight improvements benefiting tax exempt property. Property owners may pre-pay their assessment without interest through July 24, 1998.

Goal 2: To maintain and promote the assets of the city's unique neighborhoods, including commercial, residential, and open space uses for present and future generations.

Strategy 4: Maintaining the city's infrastructure.

Action Item: Implement scheduled street improvement projects.

ATTACHMENTS:

- Resolution 98-15, adopting the assessment roll
- Proposed assessment roll

ACTION REQUESTED: Adoption of Resolution 98-15.

No. 98-15

CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION

Date: June 24, 1998

RESOLUTION ADOPTING ASSESSMENT OF 1998 HOYT AVENUE IMPROVEMENT
PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the city council of the City of Falcon Heights has met and heard and passed upon all objections to the proposed assessments for the 1998 improvements of Hoyt Avenue; and

WHEREAS, the properties proposed to be assessed include those properties abutting Hoyt Avenue between Fulham Street and Cleveland Avenue.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FALCON HEIGHTS, MINNESOTA:

The city finds that each parcel of land named in the assessment is benefitted by the proposed improvements in the amount of the assessment the city proposed to levy against it in the assessment.

The city accepts the assessment and levies a special assessment against each parcel of land named in the assessment in the amount in the assessment.

The special assessment shall be payable in equal annual installments of principal extending over a period of ten (10) years. The special assessment shall bear interest at a rate of seven percent (7%) per annum from the date of this resolution. The first installment of principal shall be due and payable on or before the first Monday in the first January following the date of this resolution, together with interest which has accrued through December 31 of the preceding year.

Each owner of property that is subject to this special assessment may, at any time before certification of the assessment to the county auditor, pay to the city the principal amount plus accrued interest then owing, providing the city shall not charge interest if the entire assessment is paid within thirty (30) days of the date of this resolution. At any time on or before November 15 of each year in which the assessment is outstanding, a property owner may prepay the assessment by paying to the city an amount equal to the principal then outstanding, plus interest through December 31 of the year in which the property owner prepays. Any prepayment made after November 15 must include interest through December 31 of the following year.

The city directs the city clerk to transmit a certified copy of this resolution to the county auditor for Ramsey County, with instructions to extend the assessment on the appropriate tax lists of the county, and collect and pay over to the city the assessment in the same manner as other municipal taxes.

Adopted by the city council of the City of Falcon Heights this 24th day of June, 1998.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor

June 24, 1998

Date

Attested by: _____

City Clerk

June 24, 1998

1998 Hoyt Avenue Assessments

Property Address	PIN Number	Front Footage	Street Assessment	Streetlight Assessment	Total Assessment	Notes on Street Assessment
2100 Larpenteur Avenue	20-29-23-11-0239	250.00	\$0.00	\$5,212.50	\$5,212.50	Assessed for Larpenteur
2099 Hoyt Avenue	20-29-23-11-0038	95.00	\$2,517.50	\$1,378.45	\$3,895.95	
2105 Hoyt Avenue	20-29-23-11-0039	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2111 Hoyt Avenue	20-29-23-11-0040	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2117 Hoyt Avenue	20-29-23-11-0041	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2123 Hoyt Avenue	20-29-23-11-0042	78.00	\$2,067.00	\$1,131.78	\$3,198.78	
2129 Hoyt Avenue	20-29-23-11-0043	72.00	\$1,908.00	\$1,044.72	\$2,952.72	
2135 Hoyt Avenue	20-29-23-11-0024	73.45	\$1,946.43	\$1,065.75	\$3,012.18	
2141 Hoyt Avenue	20-29-23-11-0265	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2147 Hoyt Avenue	20-29-23-11-0264	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2153 Hoyt Avenue	20-29-23-11-0263	74.00	\$1,961.00	\$1,073.74	\$3,034.74	
2159 Hoyt Avenue	20-29-23-11-0028	70.00	\$1,855.00	\$1,015.70	\$2,870.70	
2165 Hoyt Avenue	20-29-23-11-0029	70.00	\$0.00	\$1,015.70	\$1,015.70	Assessed for Coffman
1564 Burton Street	20-29-23-12-0079	108.00	\$0.00	\$1,567.08	\$1,567.08	Assessed for Burton
2203 Hoyt Avenue	20-29-23-12-0073	60.00	\$0.00	\$870.60	\$870.60	Assessed for Burton
2225 Hoyt Avenue	20-29-23-12-0060	75.00	\$0.00	\$1,088.25	\$1,088.25	Assessed for Northrop
2243 Hoyt Avenue	20-29-23-12-0057	60.00	\$0.00	\$870.60	\$870.60	Assessed for Northrop
1564 Vincent Street	20-29-23-12-0044	60.00	\$0.00	\$870.60	\$870.60	Assessed for Vincent
2271 Hoyt Avenue	20-29-23-12-0038	60.00	\$0.00	\$870.60	\$870.60	Assessed for Vincent
2279 Hoyt Avenue	20-29-23-12-0039	60.00	\$1,590.00	\$870.60	\$2,460.60	
2285 Hoyt Avenue	20-29-23-12-0040	60.00	\$1,590.00	\$870.60	\$2,460.60	
2291 Hoyt Avenue	20-29-23-12-0041	60.00	\$1,590.00	\$870.60	\$2,460.60	
1564 Fulham Street	20-29-23-12-0025	60.00	\$0.00	\$870.60	\$870.60	Assessed for Fulham
TOTAL		1827.45	\$27,147.93	\$28,101.29	\$55,249.22	

Res Street Rate: \$26.50/front foot

Res Light Rate: \$14.51/front foot

Tax Exempt Light Rate: \$20.85/front foot

POLICY 2
DATE: 6/24/98

ITEM: Report on the 1997 audit (comprehensive annual financial report)

SUBMITTED BY: David Hinnenkamp, Auditor, Kern, DeWenter and Viere
Jenniefer Bauer, Auditor, Kern DeWintre and Viere

REVIEWED BY: Susan Hoyt, City Administrator
Roland Olson, City Accountant

EXPLANATION/DESCRIPTION:

Summary and action requested. The auditor will summarize the key points from the city's 1997 audit for the city council and comment on the city's financial health. The city staff met with the auditors to go over the report in detail prior to the final preparation and report. Roland Olson, the city accountant, prepares much of the data included in the city's comprehensive annual financial report (CAFR).

ATTACHMENTS:

The Comprehensive Annual Financial Report

ACTION REQUESTED:

Hear report on the 1997 audit

Ask questions and comment.