

**CITY OF FALCON HEIGHTS**  
**Regular Meeting of the City Council**  
**City Hall**  
**2077 W. Larpenteur Ave.**

**AGENDA**  
**August 9, 2000**

- A. CALL TO ORDER: 7 p.m.
- B. ROLL CALL:       GEHRZ \_\_\_\_ HUSTAD \_\_\_\_ KUETTEL \_\_\_\_  
                          LINDSTROM \_\_\_\_ TALBOT \_\_\_\_  
                          WORTHINGTON \_\_\_\_ PHILLIPS \_\_\_\_  
                          ATTORNEY \_\_\_\_ ENGINEER \_\_\_\_
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES:   July 26, 2000
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
  - 1.     General disbursements through 8/3/00, \$47,931.58  
       Payroll, 7/16/00 to 7/31/00, \$14,051.60
  - 2.     Licenses
  - 3.     Approval of election judges for the September 12 Primary Election
  - 4.     Approval of election judges for the November 7 General Election
  - 5.     Appointment of firefighters
  - 6.     Approval of expenditure for new uniforms for the Fire Department
- G. INFORMATION AND ANNOUNCEMENTS
- H. ADJOURN TO WORKSHOP

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                          LINDSTROM \_\_\_\_ TALBOT \_\_\_\_  
                          WORTHINGTON \_\_\_\_ PHILLIPS \_\_\_\_  
                          ATTORNEY \_\_\_\_ ENGINEER \_\_\_\_
- C. COMMUNITY FORUM
- D. APPROVAL OF MINUTES:   July 26, 2000 **(Tab #1)**
- E. PUBLIC HEARING: None
- F. CONSENT AGENDA:
  - 1.     General disbursements through 8/3/00, \$47,931.58  
       Payroll, 7/16/00 to 7/31/00, \$14,051.60   **(Tab #2)**
  - 2.     Licenses **(Tab #3)**
  - 3.     Approval of election judges for the September 12 Primary Election **(Tab #4)**
  - 4.     Approval of election judges for the November 7 General Election **(Tab #5)**
  - 5.     Appointment of firefighters **(Tab #6)**
  - 6.     Approval of expenditure for new uniforms for the Fire Department **(Tab #7)**
- G. INFORMATION AND ANNOUNCEMENTS
- H. ADJOURN TO WORKSHOP

City of Falcon Heights  
City Council Minutes  
July 26, 2000

**DRAFT**

The meeting was called to order by Mayor Gehrz at 6:00 p.m.

PRESENT: Gehrz, Hustad, Kuettel, Lindstrom, Talbot. Also present: Heather Worthington, City Administrator, Roland Olson, City Finance Director

ABSENT: Deputy Clerk Phillips

COMMUNITY FORUM: There was no one present wishing to speak.

MINUTES: The minutes of July 12, 2000 were approved.

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

CONSENT AGENDA:

1. General disbursements and payroll
2. Adoption of an ordinance amending Chapter 9 of the city code defining permitted and conditional uses in the business districts
3. Request to approve payment of \$250.00 to Ted Kellogg, 1808 Asbury, for costs incurred during sewer work on his property
4. Request to participate in the St. Anthony Park/Como Park Fall Clean-up.

ADJOURN

The meeting adjourned at 6:20 p.m. to a budget workshop.

Respectfully submitted,

Heather Worthington  
City Administrator

CONSENT 1  
Meeting Date: 8/9/00

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 8/3/00, \$47,931.58
2. Payroll, 7/16/00 to 7/31/00, \$14,051.60

ACTION REQUESTED: Approval

APPROVAL OF BILLS  
 PERIOD ENDING: \_\_8-3-00

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	US BANK TRUST NATL ASSOC	96 TIF BOND FEES	-----	258.75
	MINNESOTA STATE TREASURER	2ND QTR BLDG SURCHARGES	-----	754.99
	*** TOTAL FOR DEPT 00			1,013.74
	LEAGUE OF MINNESOTA HUMAN	HUMAN RIGHTS COMM DUES	LEGISLAT	55.00
	*** TOTAL FOR DEPT 11			55.00
39062	MN CITY/COUNTY MANAGEMENT	00 MEMBERSHIP	ADMINIST	77.00
39059	MN DEPARTMENT OF REVENUE	7/31 ST WITHHOLDINGS	ADMINIST	798.63
	NCPERS GROUP LIFE INS	8/00 PHILLIPS	ADMINIST	12.00
39061	OFFICE MAX CREDIT PLAN	MANILA FOLDERS/POCKETFIL	ADMINIST	32.66
39060	PERA	7/31 PERA WITHHOLDINGS	ADMINIST	978.80
39056	RAMSEY CTY HISTORICAL SOC	HISTORICAL SOCIETY EVENT	ADMINIST	50.00
	LYNN & ASSOCIATES	STAFFING ISSUES	ADMINIST	150.00
	*** TOTAL FOR DEPT 12			2,099.09
	KERN, DEWENTER, VIERE LTD	GASB # 34 ISSUES	FINANCE	305.00
	ROLAND OLSON	MILEAGE REIMBURSEMENT	FINANCE	32.50
	*** TOTAL FOR DEPT 13			337.50
39053	A TO Z RENTAL	BASEBALL SPEED PITCH	COMMUNIC	161.00
	KARNA BLOOMQUIST	MILEAGE REIMB	COMMUNIC	32.50
39055	CASH	BALLONS-ICE CREAM SOCIAL	COMMUNIC	50.46
39050	CLOVER SUPER FOODS	ICE CREAM FOR SOCIAL	COMMUNIC	267.86
39051	CUB FOODS	CAKES - ICECREAM SOCIAL	COMMUNIC	259.70
	MIKE ECKBERG	DELIVERS FLYERS - SOCIAL	COMMUNIC	200.00
	INSTY-PRINTS PLUS	ST FAIR POSTING SIGNS	COMMUNIC	21.78
	MCI WORLDCOM RES SVC	LONG DISTANCE CHRGS	COMMUNIC	11.82
39049	MGM LIQUOR	ROOTBEER/ICECREAM SOCIAL	COMMUNIC	229.00
	TARGET	ICE CREAM SOCIAL SUPPLIE	COMMUNIC	74.21
39054	KRISTIN WOLVERTON	MISC ICECREAM SUPPLIES	COMMUNIC	120.54
	*** TOTAL FOR DEPT 16			1,428.87
	DAHLGREN SHARDLOW & UBAN	CAPITAL REGION WATERSHED	PLANNING	561.65
	PARSONS TRANSPORATION GRP	COMM PARK PLANNING/DESIG	PLANNING	1,649.23
	ROWEKAMP ASSOCIATES INC	GIS TECH SUPPORT	PLANNING	475.00
	*** TOTAL FOR DEPT 17			2,685.88
	NSP	CIVIL DEFENSE SIREN ELEC	EMERGENC	6.28
	*** TOTAL FOR DEPT 21			6.28
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING	FIRE FIG	41.77
	AMERIPRIDE LINEN&APPAREL	LINEN CLEANING	FIRE FIG	37.94
	BEARCOM	PAGER REPAIR	FIRE FIG	25.00
	FIRE EQUIPMENT SPECIALTIE	SCBA HYDRO TEST	FIRE FIG	179.50
	FIRE EQUIPMENT SPECIALTIE	HYDRO TESTS & REPAIRS	FIRE FIG	131.65
	INSTY-PRINTS PLUS	BUSINESS CARD/KEVIN KELLY	FIRE FIG	54.65
	KURHAJETZ, CLEM	K-12 BLADES	FIRE FIG	96.30
	KURHAJETZ, -CLEM	BOTTLED WATER	FIRE FIG	5.72
	MED-COMPASS	MEDICAL EXAMS FIRE FIGHT	FIRE FIG	976.00
	OXYGEN SERVICE COMPANY	02 AND AIR	FIRE FIG	53.69
	SANDBERG, LAUREL	REISSUE LOST PAYROLL CK	FIRE FIG	48.08
	SUPERAMERICA	FUEL	FIRE FIG	23.56

APPROVAL OF BILLS  
 PERIOD ENDING: 8-3-00

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 24				1,673.86
	BOARD OF WATER COMMISSNRS	H2O	CITY HAL	567.42
	BOARD OF WATER COMMISSNRS	S.S.	CITY HAL	320.08
	GRAINGER, W. W., INC.	TOWELS AND TISSUE	CITY HAL	198.99
	M-75 BUILDING MAINTENANCE	7/00 CLEANING SVCS	CITY HAL	285.31
	NSP	GAS TO 7/30	CITY HAL	42.07
	SUBURBAN HARDWARE	BULBS/KEY/BRUSH/MARKER/M	CITY HAL	58.89
	VERIZON WIRELESS	MOBILE PHONE CHARGES	CITY HAL	23.00
*** TOTAL FOR DEPT 31				1,495.76
	D-ROCK CENTER LANDSCAPE	BLACK DIRT	STREETS	41.54
	D-ROCK CENTER LANDSCAPE	RED MULCH	STREETS	23.96
39057	HAMLIN HOYT SERVICE INC	REAR BRAKES ON 90FORD PU	STREETS	168.82
	GRAINGER, W. W., INC.	ST LITE BULBS	STREETS	155.47
	KNOX LUMBER CO.	WOODEN STAKES FOR STFAIR	STREETS	20.12
	MUSKA ELECTRIC CO.	REPAIR STREE LITES/LARP	STREETS	399.42
	NSP	ELECT TO 7/30	STREETS	78.60
	NSP	ELECT TO 7/30	STREETS	8.87
	NSP	ELECT TO 7/30	STREETS	89.80
	SUBURBAN HARDWARE	CAP FOR WATER TANK	STREETS	5.85
	UNITED RENTALS	RENTAL OF WOOD CHIPPER	STREETS	213.01
*** TOTAL FOR DEPT 32				1,205.46
	HOWARD GREEN COMPANYC.	GENERAL SVCS	ENGINEER	122.14
	HOWARD GREEN COMPANYC.	NORTHOME STREET ANALYSIS	ENGINEER	510.00
*** TOTAL FOR DEPT 33				632.14
	GREEN VALLEY NURSERY	1 TREE PLANTED	TREE PRO	48.99
	MARGOLIS BROTHERS	PLANTED ASH & LOCUST TRE	TREE PRO	372.75
*** TOTAL FOR DEPT 34				421.74
	BOARD OF WATER COMMISSNRS	H2O	PARK & R	68.06
	BOARD OF WATER COMMISSNRS	SS	PARK & R	44.71
	HARMON GLASS & GLASING	4 WINDOW REPLACEMENT	PARK & R	1,740.00
	GRAINGER, W. W., INC.	DUST MOPS AND LAMP BULBS	PARK & R	67.19
	ICMA RETIREMENT TRUST 457	8/00 MAERTZ	PARK & R	100.00
	ICMA RETIREMENT TRUST 457	8/00 TRETSEVEN	PARK & R	100.00
	KNOX LUMBER CO.	DUST MOPS AND GLOVES	PARK & R	103.25
	NSP	CURTIS PROTECTIVE LITES	PARK & R	22.83
	NSP	COMM PARK PROTECTIVE LIT	PARK & R	21.53
	PARKING MARKING INC	PARKING LOT MARKING COMM	PARK & R	200.00
	SUBURBAN HARDWARE	BULBS/SPARK PLUG/CLEANER	PARK & R	146.83
	SUPERAMERICA	FUEL	PARK & R	379.46
	USWEST COMMUNICATIONS	TELE TO 7/22	PARK & R	57.83
*** TOTAL FOR DEPT 41				3,051.69
39058	KARNA BLOOMQUIST	COOKING CLASS SUPPLIES	PARK PRO	15.32
	KARNA BLOOMQUIST	COOKING CLASS SUPPLIES	PARK PRO	35.61
39055	CASH	COOKING CLASS SUPPLIES	PARK PRO	104.00
39055	CASH	DUCT TUPE FOR PARKS PROG	PARK PRO	3.72
	TARGET	ART CLASS SUPPLIES	PARK PRO	64.06
*** TOTAL FOR DEPT 50				222.71
	E-Z RECYCLING, INC.	7/00 RECYCLING	SOLID WA	2,559.40

APPROVAL OF BILLS  
 PERIOD ENDING: 8-3-00

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
*** TOTAL FOR DEPT 56				2,559.40
	FACILITY SYSTEMS, INC.	FABRIC PANEL FOR OFFICE	GENERAL	163.58
	MUSKA ELECTRIC CO.	BOLLARD LIGHT/CITY HALL	GENERAL	675.00
*** TOTAL FOR DEPT 63				838.58
	BRAUN PUMP & CONTROLS	ALARM REPAIR/LIFT STATIO	SANITARY	130.00
	METROPOLITAN COUNCIL	1 SAC GIBBS FARM	SANITARY	1,039.50
	METROPOLITAN COUNCIL	2 SACS 2 TOWNHOUSE UNITS	SANITARY	2,178.00
	NSP	ELECT TO 7/30	SANITARY	16.74
	SUBURBAN HARDWARE	PLUMBING SUPPLIES	SANITARY	0.85
*** TOTAL FOR DEPT 75				3,365.09
	KERN, DEWENTER, VIERE LTD	AUDITORS HELP-TIF REPORT	TIF #1	135.00
*** TOTAL FOR DEPT 77				135.00
	EHLERS AND ASSOCIATES	DEVELOPMENT MEETINGS	TIF #2	1,218.75
	KERN, DEWENTER, VIERE LTD	AUDITORS HELP-TIF REPORT	TIF #2	135.00
*** TOTAL FOR DEPT 78				1,353.75
	HOWARD GREEN COMPANYC.	PAVILION	LARPENTE	85.00
	HOWARD GREEN COMPANYC.	ARONA STREET TO HAMLINE	LARPENTE	280.00
	PARSONS TRANSPORATION GRP	PAVILION	LARPENTE	472.30
*** TOTAL FOR DEPT 82				837.30
	BERNARDY, CONNIE LANNERS	AUG 1-15 PROF SVCS	MCAD	1,288.49
*** TOTAL FOR DEPT 84				1,288.49
	HOWARD GREEN COMPANYC.	NE STREETS/PROJ ADM	NE QUAD	640.00
*** TOTAL FOR DEPT 86				640.00
	HOWARD GREEN COMPANYC.	ALLEY PROJECT	2000 ALL	19,684.25
*** TOTAL FOR DEPT 87				19,684.25
	WILLIAM MAERTZ	TUITION REIMBURSEMENT	CONTINGE	900.00
*** TOTAL FOR DEPT 92				900.00
*** TOTAL FOR BANK 01				47,931.58
*** GRAND TOTAL ***				47,931.58

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	7 28 00	6 SUSAN GEHRZ	30336	301.22
COM	7 28 00	11 JOHN HUSTAD	30337	202.05
COM	7 28 00	12 LAURA A. KUETTEL	30338	277.05
COM	7 28 00	13 PETER C. LINDSTROM	30339	277.05
COM	7 28 00	14 RICHARD P. TALBOT JR	30340	277.05
COM	7 28 00	34 CLEMENT KURHAJETZ	30341	276.20
COM	7 28 00	35 LEO LINDIG	30342	64.64
COM	7 28 00	42 MICHAEL D. CLARKIN	30343	94.67
COM	7 28 00	66 ALFRED HERNANDEZ	30344	124.67
COM	7 28 00	74 MARK J. ALLEN	30345	55.41
COM	7 28 00	1007 PATRICIA PHILLIPS	30346	1011.11
COM	7 28 00	1013 WILLIAM MAERTZ	30347	1298.11
COM	7 28 00	1033 DAVE TRETSEVEN	30348	927.12
COM	7 28 00	1057 KRISTIN L. WOLVERTON	30349	901.38
COM	7 28 00	1089 KATHLEEN A. CIERNIA	30350	301.07
COM	7 28 00	1102 AUSTIN M. PETERSON	30351	482.06
COM	7 28 00	1103 DIANE MEYER	30371	243.11
COM	7 28 00	1136 ROLAND O. OLSON	30352	1010.02
COM	7 28 00	1143 COLIN B. CALLAHAN	30353	479.34
COM	7 28 00	1152 KARNA M BLOOMQUIST	30354	498.24
COM	7 28 00	1153 MARK P BORSHEIM	30355	346.03
COM	7 28 00	1169 JAY PAUL KURTIS	30356	448.30
COM	7 28 00	1170 ERIC J BLOMQUIST	30357	377.06
COM	7 28 00	1171 CARRIE J. KLEIN	30358	259.67
COM	7 28 00	1173 ELIZABETH M. POSTIGO	30359	384.76
COM	7 28 00	1175 LAURA M SUPPES	30360	125.85
COM	7 28 00	1176 MICHAEL P ECKBERG	30361	284.22
COM	7 28 00	1185 HEATHER M WORTHINGTON	30362	1373.26
COM	7 28 00	1186 CAROLINE E DAYKIN	30363	332.72
COM	7 28 00	1187 SUSAN ENGEL	30364	141.48
COM	7 28 00	1188 NICOLE S GRAHAM	30365	169.23
COM	7 28 00	1189 JEFFREY C OLSON	30366	131.77
COM	7 28 00	1190 COLLEEN SPANGENBERG	30367	325.53
COM	7 28 00	1191 ANNE M STEMPER	30368	250.15

COMPUTER CHECKS	14051.60
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

\*\*\*\*TOTALS\*\*\*\* 14051.60



CONSENT 2  
Meeting Date: 8/9/00

ITEM DESCRIPTION: Licenses

SUBMITTED BY: Pat Phillips, Licensing Coordinator

EXPLANATION/SUMMARY:

**MECHANICAL CONTRACTOR**

E.L.K. Mechanical HVAC Inc. #00-832

American Burner Service Inc. #00-833

**GENERAL CONTRACTOR**

DeMars Signs Inc. #00-911

ACTION REQUESTED: Approval

ITEM DESCRIPTION: Approval of election judges for the September 12  
Primary Election

SUBMITTED BY: Kathy Ciernia, Election Administrator

**EXPLANATION/SUMMARY:**

State statutes require that the city council formally approve the hiring of election judges. The following individuals have agreed to serve on September 12, 2000.

**PRECINCT ONE:**

Tai Shigaki  
Carolyn Ritchie (6 am-2 pm)  
Mary Hill (6 am-2 pm)  
Melda Miller (2 pm-closing)  
Pat Loos (2 pm-closing)  
Claralyn Howard (2 pm-closing)  
Val Gyurci (6 am-2 pm)  
Irene Struck (2 pm-closing)

**PRECINCT TWO:**

Beverly Dobin (6am-2 pm)  
Betty Trent (2 pm-closing)  
William Downing  
Florence Richards  
Gladys Brown (6 am-2 pm)  
Margaret Barrett (2 pm-closing)  
Kathy Baldwin (2 pm-closing)

Emergency/On call:

Sally Jernberg

**ACTION REQUESTED:** Approval of election judges

**ITEM DESCRIPTION:** Approval of election judges for the November 7, 2000  
General Election

**SUBMITTED BY:** Kathy Ciernia, Election Administrator

**EXPLANATION/SUMMARY:**

State statutes require that the city council formally approve the hiring of election judges. The following individuals have agreed to serve on November 7, 2000.

**PRECINCT ONE:**

Tai Shigaki  
Carolyn Ritchie (6 am-2 pm)  
Mary Hill (6 am-2 pm)  
Delaine Meyer (2 pm-closing)  
Pat Loos (2 pm-closing)  
Claralyn Howard (2 pm-closing)  
Val Gyurci (6 am-2 pm)  
Irene Struck (6 am-2 pm)  
Donna Reynolds (2 pm-closing)  
Jane Dehlin (6am-2 pm)  
Melda Miller )2 pm-closing)

**PRECINCT TWO:**

Beverly Dobin  
Betty Trent (2 pm-closing)  
William Downing (6 am-2 pm)  
Florence Richards  
Gladys Brown (6 am-2 pm)  
Margaret Barrett (2 pm-closing)  
Kathy Baldwin (2 pm-closing)  
Marty Everest (6 am-2 pm)  
Mary Kirkeby (2 pm-closing)

**Emergency/On call:** Sally Jernberg

**ACTION REQUESTED:** Approval of election judges

**Consent 5**  
**Date: 8/9/00**

**ITEM: Appointment of firefighters**

**SUBMITTED BY: Clem Kurhajetz, Fire Chief**

**REVIEWED BY: Heather Worthington, Administrator**

**EXPLANATION/DESCRIPTION:**

The Council is being asked to approve the appointment of the following firefighters to the fire department, pending passing the physical and all other requirements:

Ricky Revering  
Hernan Moncada  
Trapper Lappe  
Mike McKay  
Richard Hinrichs

**ACTION REQUESTED:**

Approve the appointment of the firefighters above, pending passing the physical and all other requirements.

**Consent 6**  
**Date: 8/9/00**

**ITEM: Approval of expenditure for new uniforms for the Fire Department**

**SUBMITTED BY: Clem Kurhajetz, Fire Chief**

**REVIEWED BY: Heather Worthington, Administrator**

**EXPLANATION/DESCRIPTION:**

The Council is being asked to approve expenditures for the following uniform components. Two bids were received, and we are recommending that the lower bid from Conqueror be accepted:

	<i>Conqueror</i>	<i>Uniforms Unlimited</i>
Shirt, long sleeved	28.75/ea.	27.55/ea
Shirt, short sleeved	25.15/ea	24.95/ea
Pants	43.15/ea	59.95/ea
Blazer coat	279.85/ea	289.95/ea
Tie (Black)	4.45/ea	4.95/ea
Hat (8-point)	28.75/ea	no quote
Blazer sweater	56.65/ea	65.95/ea
Patches—sewing	.85/ea (4)	.85/ea (4)
<b>Total per person</b>	<b>\$470.15</b>	<b>\$476.70</b>
<b>Grand Total</b>	<b>\$8,462.70</b>	<b>\$8,580.60</b>

**ACTION REQUESTED:**

Approve the expenditure of \$8,462.70 from the 2000 Public Safety Capital Improvement Budget for new uniforms for the Fire Department.



CITY OF  
**FALCON HEIGHTS**

*Workshop*

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2077 W. LARPELLE AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (651) 644-5050 FAX (651) 644-8675

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**MEMORANDUM**

**TO: Mayor Gehrz, Councilmembers Hustad, Kuettel, Lindstrom and Talbot**

**FROM: Heather Worthington, Administrator** *HW*

**RE: Wednesday Workshop**

At the last U of M St. Paul Campus Land Use Task Force meeting, we learned more about the University's plans regarding the recreational sports fields, and the proposed sites for these facilities. We will have a short (20 minutes) workshop to discuss this, and the possibility of adopting a noise ordinance to deal with some of the potential issues related to further development by the University.

I have attached a copy of St. Paul's noise ordinance. In recent years they have done quite a bit of work to this part of the code, in order to deal with a variety of noise issues, including noise from Midway Stadium. I think this is a good ordinance in terms of measurement and enforcement capability. There are several things we should think about:

1. What kind of noise do we want to regulate?
2. Where is the noise likely to come from?
3. Who will monitor the noise (in St. Paul it is their Licensing and Inspections Dept., but the Police Dept. also has decibel meters in their squad cars to measure noise from loud parties, etc...)
4. What is the cost of monitoring the noise (purchase of a decibel meter, someone to operate it, etc...)

Please feel free to call me if you need some more background, or have questions prior to the meeting.

Thanks!

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HOME OF THE MINNESOTA STATE FAIR AND THE U OF M ST. PAUL CAMPUS

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PRINTED ON RECYCLED PAPER

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**Chapter 293. Noise Regulations\***

\***Administrative Code reference**--Procedure for public hearing regarding public nuisances, Ch. 91.

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**Sec. 293.01. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

- (1) *PCA definitions adopted.* Pursuant to Minnesota Statutes, Section 471.62, the definitions contained in the Minnesota Pollution Control Agency Air Quality Division Noise Pollution Control Rules, Section 7010.0020, are hereby adopted by reference.
  - (2) *Construction.* Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.
  - (3) *Demolition.* Dismantling or intentional removal of structures, utilities, public or private right-of-way surfaces or similar property.
  - (4) *Division.* The City of Saint Paul Department of Community Services, Division of Public Health.
  - (5) *Domestic power tools.* Any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower, or powered snow removal equipment, or other similar device commonly used outdoors, except for the manufacture, commercial repair or prolonged testing of such tools.
  - (6) *Noisy assembly.* A noisy assembly under this chapter means any gathering of more than one (1) person in a private residence which creates excessive noise. Any such gathering between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of a structure or building in which it is located or in the hallway or apartment adjacent shall be prima facie evidence that the noise is excessive.
  - (7) *Sound level (or noise level).* The A-weighted sound pressure level, expressed in dBA, obtained by the use of a sound level meter having characteristics as specified in the ANSI Standard S1.4-1983.
- (Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87; Ord. No. 17586, § 1, 9-1-88)

**Sec. 293.02. Noisy assembly.**

- (a) No person shall knowingly remain at a noisy assembly.
  - (b) No person shall permit real estate under his/her control to be used for a noisy assembly.
- (Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.03. Motor vehicles.**

No person shall operate a motor vehicle in the city in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency Rules, Sections 7010.1000 through 7010.1600.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.04. Horns, audible signaling.**

No person shall sound any signaling device on any vehicle except as a warning of danger.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.04.1. Railroad locomotives, sounding whistles.**

(a) *Statement of legislative finding intent and purpose.* The council finds that the sounding of railroad locomotive whistles at grade crossings is on the increase. The increased use of railroad locomotive whistles at grade crossings throughout the city and especially in residential neighborhoods near railroad grade crossings has created an atmosphere that is conducive neither to the quiet enjoyment of property nor to the peace and dignity of the city. For the purposes of protecting and promoting the safety, welfare and convenience of the public, and the safety, welfare and convenience of the railroad employees operating locomotives in the city, and in conformance with Minn. Stat. § 219.567, the council finds it necessary to establish the following noise regulation pertaining to railroad locomotive whistles.

(b) *Unnecessarily sounding whistles.* No person shall sound or blow any whistle of any locomotive within the city limits, except as a warning of imminent and immediate danger to life or property. The sounding of any locomotive whistle shall be prima facie evidence that it was sounded by the engineer operating the locomotive.

(C.F. No. 98-522, § 1, 7-8-98)



**Sec. 293.05. Exhaust.**

No person shall discharge or permit the discharge of any steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with any applicable state laws and regulations.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.06. Defective vehicles, loads.**

No person shall use any vehicle so out of repair or so loaded as to create an unreasonably loud noise or unnecessary grating, grinding, or rattling so as to unreasonably annoy or disturb other persons.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.07. Radios, paging systems, etc.**

(a) No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, tape or disc player, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet and comfort of any person nearby.

;ml0;

(b)(1) Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of a structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of fifty (50) feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(2) Operation of any such device at any time in a motor vehicle in such a manner as to be plainly audible at a distance of fifty (50) feet from the motor vehicle, shall be prima facie evidence of a violation of this section.

(3) When sound violating this section is produced or reproduced by any such device, that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production of sound violating this section is guilty of the violation.

(4) Violation of this subsection is a misdemeanor. A first violation of this section is punishable by a fine not to exceed two hundred dollars (\$200.00), a second violation is punishable by a fine not to exceed five hundred dollars (\$500.00), and a third violation is punishable by a fine to the maximum amount.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87; C.F. No. 96-642, § 1, 7-3-96)

**Sec. 293.08. Domestic power tools.**

No person shall operate any domestic power tool between the hours of 10:00 p.m. and 7:00 a.m. in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet and comfort of any person nearby. Operation of a domestic power tool during those hours in such a manner as to be plainly audible at the property line of a structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of fifty (50) feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

**Sec. 293.09. Noise source limitations.**

(a) No person shall operate or cause to be operated on any property or properties any source of noise or sound in such manner as to create a sound level outdoors which exceeds the limits set forth for the receiving land use classification in Table 1 below when measured at the point of human activity which is nearest the noise source.

Table 1. Sound Level Restrictions for Receiving Land Use

Classifications As Determined by the Location of the Receiver

Noise Receptor	Land Use Classification	Time	Sound Level Limit
			(One hour L10 dBA)

Class I	I-1, I-2 and I-3	At all times	80 dBA
Class II	R-1 through R-4, RT-1, RT-2 RM-1 through	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	65 dBA 55 dBA
Class III	RM-3, P-1 and PD B-1 through B-5, B-2C and OS-1	At all times	70 DBA

(b) Reserved.

(c) Construction and demolition noise limitations shall be as follows:

(1) No person shall operate or cause to be operated construction or demolition equipment at any construction site in such a manner that the operation exceeds a L10 noise level of eighty-five (85) dBA at a distance of fifty (50) feet measured from the source.

(2) If the construction site is within or abuts residentially zoned property within Class II, the construction or demolition equipment shall observe the noise limits specified in paragraph (b) of this section.

(d) The following noise sources are exempted from the provisions of this section:

(1) Fire, civil defense or other emergency signaling devices.

(2) Authorized emergency vehicles, including police vehicles, fire vehicles and ambulances, and city snowplowing vehicles.

(3) Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt for a period of twenty-four (24) hours after the work has begun.

(4) Domestic power tools, when used between the hours of 7:00 a.m. and 10:00 p.m.

(5) Parades and one-day festivals.

(6) Any festival or exhibition of no more than three (3) days in duration and sponsored or conducted by a neighborhood-based nonprofit organization from the hours of 7:00 a.m. and 10:00 p.m., providing that sound from any stationary electronically powered equipment used in conjunction with the festival or exhibition does not exceed ninety (90) decibels as measured from a distance of fifty (50) feet from the source.

(Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87; Ord. No. 17572, § 1, 7-5-88; Ord. No. 17766, §§ 1, 2, 9-4-90)

#### **Sec. 293.10. Administration.**

(a) *Responsibility of enforcement.* The primary responsibility of enforcing the provisions of sections 293.02 through 293.08 shall be with the police department. The primary responsibility of enforcing the provisions of section 293.09 shall be with the division.

(b) *Noise impact statements.* Any city department or agency may require a noise impact statement in association with any change in zoning classification, in planning of a structure, or in any operation, process, installation or alteration which may be considered as a potential noise source, or in reviewing a request for a variance under this chapter.

(c) *Performances of division.* The division shall also perform the following:

- (1) Prepare for city council approval and keep on file guidelines establishing the test procedures and instrumentation to be utilized.
  - (2) Conduct inspections as required to determine whether violations exist.
  - (3) Review all variance requests and make recommendations to the city council. There is hereby established within the division a dedicated activity to which all receipts and disbursements for noise level variance requests will be recorded.
  - (4) Issue orders for abatement of noises which constitute a violation.
  - (5) Conduct such research, monitoring and other studies related to sound as are necessary or useful in enforcing this chapter.
- (Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87)

#### **Sec. 293.11. Variances.**

(a) *Authority.* The city council shall have authority, consistent with this section, to grant variances from the sound level restrictions contained in section 293.09.

(b) *Application.* Any person seeking a variance shall file an application with the division on a form prescribed by it. The application shall include the following information:

- (1) Name of responsible person.
- (2) Dates during which the variance is requested.
- (3) Location of particular noise source and times of operation.
- (4) Nature of the noise source and equipment involved.
- (5) Reasons why a variance is sought.
- (6) Steps taken to minimize the noise level from the source.
- (7) A noise impact statement, if required by the division.

(c) *Fee.* The application shall be accompanied by the payment of a fee, which fee shall be established and may be amended by city council resolution.

(d) *Notice:*

(1) The division shall notify by mail all property owners within two hundred (200) feet of the source of the proposed variance, measured from the property line of the noise source. If the division finds, however, that more than one hundred fifty (150) property owners are within two hundred (200) feet of noise source, it may, in its discretion, send no more than one hundred fifty (150) notices to such property owners as it determines will be most affected by the noise source. Further, if more than one hundred fifty (150) property owners are determined to be affected, the division shall cause to be published in newspapers of general circulation a notice whose contents shall be in conformance with this chapter and in a form customarily used for governmental announcements. The division may, if feasible, place the notice in community newspapers serving the area. The division shall also notify the city council member(s) and district planning council(s) whose areas are affected.

(2) The notice shall include a statement describing the variance request, the date of the public hearing before the city council on the variance request, and a statement that written comments or objections may be filed with the division within fifteen (15) days of the mailed notice.

(e) *Action on application:*

- (1) Within thirty (30) days of receipt of the application, the city council shall hold a public hearing on the application.
  - (2) After a public hearing, the council may by resolution grant, deny, modify or revoke the variance request.
  - (3) The variance may be granted or modified only if the council finds that full compliance with the requirements of this chapter would constitute an unreasonable hardship on the applicant, on other persons, or on the community. The council shall balance the hardship to the applicant against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected, and any other adverse effects of granting the variance.
  - (4) The variance may be granted subject to conditions, including restricting the hours of operation of the noise source, a time limit for duration of the variance, or attempts the applicant shall make to bring the noise source into compliance with this chapter.
  - (5) Emergency variances, in which immediate work is necessary to restore property to a safe condition or when immediate work is required to protect persons or property from imminent exposure to danger, may not be restricted in hours of operation, and may supply the information stated in the application in paragraph (b) after the work has begun.
- (Ord. No. 16915, 5-20-82; Ord. No. 17448, § 1, 4-28-87; Ord. No. 17614, § 1, 11-22-88)

City of Falcon Heights  
City Council  
Meeting Notice

DATE: Wednesday, September 6, 2000

TIME: 6:00 p.m.

PLACE: City Hall  
2077 W. Larpenteur Avenue

PURPOSE:

A budget workshop for the city council to review the 2001 budget for the general fund.