

MEETING TO COMMENCE AT 6:00 P.M.

AGENDA

MAPLEWOOD CITY COUNCIL

6:00 P.M., Monday, September 28, 1992
Council Chambers, Municipal Building
Meeting No. 92-18

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF MINUTES

1. Minutes of Council/Manager Meeting September 10, 1992
2. Minutes of Meeting 92-17 (September 14, 1992)

E. APPROVAL OF AGENDA

EA. PRESENTATIONS

F. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items. If a member of the City Council wishes to discuss an item, that item will be removed from the Consent Agenda and will be considered separately.

1. Approval of Claims
2. Financial Transfers to Close Rejected Improvement Projects
3. Lot Division Time Extension: 1230 E. Sterling St. (Ski Jump)
4. Conditional Use Permit Review: 1255 Cope Avenue. (Northern Hydraulics)
5. Shoreland Ordinance Grant
6. Authorization to Place Sewer Connection Costs on Taxes: 2240 Hazelwood

G. PUBLIC HEARINGS

1. 6:00 P.M., Continuation of Proposed Community Center Project_____
2. 7:00 P.M., County Road C, T.H.61 - Hazelwood, Project 89-04 (4 Votes)_____
3. 8:00 P.M., Conditional Use Permit: Highway 61 (Carnival Play Systems)_____
4. 8:15 P.M., House Moving: County Road C (Thone Builders)_____
5. 8:30 P.M., 2696 Hazelwood Avenue. (First Evangelical Free Church)

Conditional Use Permit Revision_____

Design Review_____

6. 8:45 P.M., 743 N. Century Ave. (Holiday Station Store)

Conditional Use Permit _____

Design Review _____

7. 9:00 P.M., Single and Double Dwelling Setback Ordinance (1st Reading) _____

H. AWARD OF BIDS

I. UNFINISHED BUSINESS

1. Building Plan Review Procedure Ordinance (1st Reading) _____

2. Assessment Objections: Projects 86-27; 87-01; 88-12; and 90-14 _____

3. Full Time Police Officer _____

J. NEW BUSINESS

1. Resident Request - No Parking on McKnight _____

2. Parking Design Approval and Site Plan Change Related to Tax Increment - Maplewood Mall

3. Tax Exempt Financing - HealthEast _____

4. Attorney Presentations: Resolution of Amended Assessment _____

K. VISITOR PRESENTATIONS

L. COUNCIL PRESENTATIONS

1. _____

2. _____

3. _____

4. _____

M. ADMINISTRATIVE PRESENTATIONS

1. _____

2. _____

N. ADJOURNMENT

**COUNCIL/MANAGER MEETING
OF THE
CITY COUNCIL OF THE CITY OF MAPLEWOOD**

**4:30 p.m., Thursday, September 10, 1992
Maplewood Room, City Hall**

MINUTES

A. CALL TO ORDER

The Council/Manager meeting of the Maplewood City Council was held in the Maplewood Room, City Hall. The meeting was called to order by Mayor Bastian at 4:34 p.m.

B. ROLL CALL

Mayor Gary Bastian	Present
Councilperson Dale Carlson	Present
Councilperson Fran Juker	Present
Councilperson George Rossbach	Present
Councilperson Joseph Zappa	Present

Others Present:

City Manager Michael McGuire
Assistant City Manager Gretchen Maglich
Finance Director Daniel Faust
Assistant Finance Director Rick Hangsleben

C. APPROVAL OF AGENDA

The agenda was amended as follows:

E. DISCUSSION TOPICS

6. OTHER BUDGET-RELATED ITEMS

a. North St. Paul/Maplewood Police Department

Councilmember Zappa moved that the agenda be approved as amended. The motion was seconded by Mayor Bastian and approved.

Ayes: All

D. 1993 BUDGET OVERVIEW

City Manager McGuire and Finance Director Faust presented a summary of the proposed 1993 Budget. There was some discussion about possible changes to the budget due to the contract with Landfall for police services; cancellation of some public works improvement projects; and reduction of park service levels.

E. DISCUSSION ITEMS

1. Fire Department Contracts

City Manager McGuire reported that since the Fire Departments did not submit the required budget request documentation, the proposed 1993 Budget includes the same amount of money for the Fire Department contracts as was spent in 1992. It was the consensus of the City Council that the 1993 payments be the same as the 1992 amounts until such time the Fire Departments submit the correct information.

2. Contribution to Firefighters' Relief Association

City Manger McGuire reported that the cities of Maplewood, Oakdale and Landfall are still negotiating with the Firefighters' Relief Association through regular meetings and continuing actuarial studies for defined contribution vs. defined benefit plans. In addition, he stated that the proposed 1993 Budget includes the same amount for the City's contribution as 1992.

3. Utility Charges 1992 vs. 1993

Finance Director Faust presented the recommended increases in utility rates for 1993 including water (hydrant charge), sewer service, and recycling charge. There was some discussion about the costs associated with recycling, and Council again requested that representatives from Ramsey County and NSP attend a Council/Manager meeting to provide more information.

4. Use of Charitable Gambling Proceeds

Assistant City Manager Maglich presented the report on possible uses of the 10% of net profits fund. Following some discussion, it was the consensus of the City Council that within the next two weeks, each Councilmember would submit to the City Manager a list of projects that they would like to see funded with the charitable gambling proceeds. Staff was directed to verify the legality of those possible expenditures.

Mayor Bastian left the meeting at 7:13 p.m.

5. Truth-In-Taxation Requirements

Assistant Finance Director Hangsleben reviewed the calendar of dates for proposed property taxes, public hearings and final property taxes for payable 1993.

6. Other Budget-Related Items

a. North St. Paul/Maplewood Police Department

City Manager McGuire reported on the recent talks with North St. Paul about consolidating the police departments of North St. Paul and Maplewood.

F. CERTIFICATION OF DATES FOR PUBLIC HEARING ON PROPOSED 1993 BUDGET AND PROPERTY TAXES

Councilperson Zappa moved that the City's public hearing on the 1993 Budget be scheduled for Thursday, December 10, 1992, 7:00 p.m., and the continuation hearing, if necessary, be held on Wednesday, December 16, 7:00 p.m. at City Hall. The motion was seconded by Councilperson Carlson and approved.

Ayes: Carlson, Rossbach and Zappa
Nays: Juker
Absent: Bastian

G. ADOPTION OF PROPOSED PROPERTY TAX LEVY PAYABLE IN 1993

Councilperson Zappa introduced the following resolution and moved its adoption:

92-09-109

WHEREAS, State law requires that the City Council give preliminary approval of a proposed tax levy for 1992 payable in 1993 by September 15, 1992; and

WHEREAS, the City Council has reviewed the Proposed 1993 Budget and has determined that the proposed tax levy payable in 1993 is the maximum amount that will be levied.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA THAT the proposed tax levy for 1992 payable in 1993 in the amount of \$7,415,200 is hereby given preliminary approval.

The motion was seconded by Councilperson Carlson and approved.

Ayes: Carlson, Juker, Rossbach and Zappa
Nays: None
Absent: Mayor Bastian

G. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

F. CONSENT AGENDA

Councilmember Zappa moved, seconded by Councilmember Rossbach; ayes - all, to approve the Consent Agenda items 1, 2, 4, and 5 as recommended. (Item 3 to be moved to become J-5).

1. Approval of Claims

Approved the following claims:

<u>ACCOUNTS PAYABLE:</u>	\$ 653,860.31
	<u>\$ 444,151.86</u>
	\$1,098,012.17
 <u>PAYROLL:</u>	 \$ 201,952.27
	<u>\$ 41,728.59</u>
	\$ 243,680.86
	<u>\$1,341,693.03</u>

Checks #23467 - #23552
Dated 8-13-92 thru 8-31-92
Checks #18255 - #18424
Dated 9-14-92
Total per attached voucher/check register
Payroll Checks #28182 thru #28351
Dated 8-28-92
Payroll Deduction Checks #28356 thru #28371 dated 8-28-92
Total Payroll
GRAND TOTAL

2. Suburban Area Chamber of Commerce Resolution of Support

92 - 09 - 110

RESOLUTION OF SUPPORT

WHEREAS, the Suburban Area chamber of Commerce has served our area for over fifteen years; and

WHEREAS, the Suburban Area Chamber of Commerce is the only business and professional organization in our area studying business and legislative issues from the single suburban perspective; and

WHEREAS, the Suburban Area Chamber of Commerce provides a forum for the exchange of ideas and dialogue among our city leaders, businesses, schools and surrounding communities; and

WHEREAS, the Suburban Area Chamber of Commerce is a positive voice for our City and the surrounding suburban area.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Gary Bastian, on behalf of the City Council of the City of Maplewood, declare our support for the Suburban Area Chamber of Commerce as an independent voice for business in our community.

3. Change of Manger: Olive Garden

Moved to J-5

4. Conditional Use Permit Review: 1285 Cope Avenue (Englewood Shops)

Approved renewal of the Conditional Use Permit at 1285 Cope Avenue, to be reviewed again in five years.

5. Final Payment: Footprint Lake - Project 87-32

92 - 09 - 111

ACCEPTANCE OF PROJECT

WHEREAS, the City Engineer for the City of Maplewood has determined that Footprint Lake Storm Sewer, City Project 87-32, is complete and recommends acceptance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that city Project 87-32 is complete and maintenance of these improvements is accepted by the City. Release of any retainage in the amount of \$92,245.87 less \$40,000.00 as agreed liquidated damages for late completion, is hereby authorized.

G. PUBLIC HEARINGS

1. 7:00 P.M., Proposed Community Center Project

- a. Mayor Bastian convened the meeting for a public hearing regarding the proposed Community Center Project.
- b. Assistant City Manager Maglich presented the staff report.
- c. City Attorney Kelly explained the procedure for public hearings.
- d. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Emil Sturzenegger, 2481 Londin Lane (Conemara) - (No)
Ralph Gear, 2505 Minnehaha (No)
Tobin, 1930 Kingston (No)
Pokorny, 2314 Nebraska (Had Questions)
Les Axdahl, 2209 Payne Avenue (No - also presented a letter)
William A. Thompson, 1939 Flandrau (Had Questions)
Steve Ganish, 2191 Stanich (In favor)
Lee Jasinski, 2358 Linwood Ave. (Against)
Sharon Krause, 2400 Linwood Ct. (Against)
Steve Gunn, 1206 Lealand (In favor)
Pat Svendsen, 1133 Ripley Ave. E (In favor)
(ADA and Senior Citizen Committee)
Shawn Jones, Heritage Center - 3rd year student at Hamline (In Favor)
Marie Spielman, 1991 Stanich Ct. (In favor)
Bob Casci, 2018 Dieter Street (Against)

- e. 1 Hour having passed, the Hearing was continued to September 28, 1992 from 6:00 to 7:00 P.M.

Mayor Bastian called for a 5-minute recess.
Mayor Bastian reconvened the meeting at 8:23 P.M.

2. 7:30 P.M. (8:24 P.M.), Assessment Hearing - Holloway Ave., Project 87-14
 - a. Mayor Bastian convened the meeting for a public hearing regarding assessments for Project 87-14, Holloway Avenue.
 - b. Assistant City Manager Maglich presented the staff report.
 - c. City Attorney Kelly explained the procedures for the public hearing.
 - d. Director of Public Works Haider presented the specifics of the report.
 - e. Mayor Bastian opened the public hearing, calling for proponents or opponents. No one appeared.
 - f. Mayor Bastian closed the public hearing.
 - g. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 112

ADOPTION OF ASSESSMENT ROLL - PROJECT 87-14

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of Holloway Avenue, east from Beebe Road, north to Furness Street, as described in the files of the City Clerk as Project 87-14, and has amended such proposed assessment as it deems just,

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of nineteen (19) years, the first of the installments to be payable on or after the first Monday in January 1993, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1992. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.

4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Rossbach

Ayes - all

3. 7:40 P.M.(8:30 P.M.), Assessment Hearing - Roselawn Ave., Jackson-Rice, Project 87-01
 - a. Mayor Bastian convened the meeting for a public hearing regarding assessments for Project 87-01, Roselawn Avenue, Jackson to Rice.
 - b. Assistant City Manager Maglich presented the staff report.
 - c. City Attorney Kelley explained the procedures for the public hearing.
 - d. Director of Public Works Haider presented the specifics of the report.
 - e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following person was heard:

Jerry Anderson, 1908 Rice Street (18-29-22-32-0021)
 - f. Mayor Bastian closed the public hearing.
 - g. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 113

ADOPTION OF ASSESSMENT ROLL - PROJECT 87-01

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of Roselawn Avenue, Jackson Street to Rice Street, as described in the files of the City Clerk as Project 87-01, and has amended such proposed assessment as it deems just,

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of nineteen (19) years, the first of the installments to be payable on or after the first Monday in January 1993, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1992. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Juker

Ayes - all

4. 7:50 P.M. (8:38 P.M.), Assessment Hearing - TH61-County Road B Storm Sewer, Project 90-14
 - a. Mayor Bastian convened the meeting for a public hearing regarding assessments for TH61 - County Road B Storm Sewer, Project 90-14.
 - b. Assistant City Manager Maglich presented the staff report.
 - c. Director of Public Works Haider presented the specifics of the report.
 - d. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Jody and Gregory McElroys, 1258 E. County Road B
 Joe Cychilski, owner of property at Lealand and Duluth
 John Westlund, 1237 Lealand
 Kay Fehring (09-29-22-44-0076)
 - e. Mayor Bastian closed the public hearing.

- f. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 114

ADOPTION OF ASSESSMENT ROLL - PROJECT 90-14

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of TH61 - County Road B Storm Sewer, as described in the files of the City Clerk as Project 90-14, and has amended such proposed assessment as it deems just,

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of nineteen (19) years, the first of the installments to be payable on or after the first Monday in January 1993, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1992. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Rossbach

Ayes - all

5. 8:00 P.M. (8:56 P.M.), Assessment Hearing - Beam Ave., West of TH61: Project 88-12

- a. Mayor Bastian convened the meeting for a public hearing regarding assessments for Beam Avenue west of TH61, Project 88-12.
- b. Assistant City Manager Maglich presented the staff report.
- c. City Attorney Kelly previously explained the procedures for the public hearing.
- d. Director of Public Works Haider presented the specifics of the report.
- e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Mike Hawkes, 2957 Frank Street (04-29-22-13-0030)
Louis Gilland, 2994 Carey Heights Drive
Tom McGraw
Resident (O'Brien) 2961 Edward Street
Dave Sells

- f. Mayor Bastian closed the public hearing.
- g. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 115

ADOPTION OF ASSESSMENT ROLL - PROJECT 88-12

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of Beam Avenue, TH 61 to County Road D, as described in the files of the City Clerk as Project 90-14, and has amended such proposed assessment as it deems just,

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

- 1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
- 2. Such assessment shall be payable in equal annual installments extending over a period of nineteen (19) years, the first of the installments to be payable on or after the first Monday in January 1993, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1992. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
- 3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying

additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.

4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Juker

Ayes - Councilmembers Carlson, Juker,
Rossbach, Zappa
Nays - Mayor Bastian

6. **8:30 P.M. (9:27 P.M.), Assessment Hearing - Larpenteur Ave., I-35E - Edgerton: Project 86-27**
 - a. Mayor Bastian convened the meeting for a public hearing regarding assessments for Larpenteur Avenue, I-35E to Edgerton, Project 86-27.
 - b. Assistant City Manager Maglich presented the staff report.
 - c. City Attorney Kelly explained the procedures for the hearing.
 - d. Director of Public Works Haider presented the specifics of the report.
 - e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Stella Nelson, 1706 Edgemont (17-29-22-33-0024)
 - f. Mayor Bastian closed the public hearing.
 - g. Councilmember Rossbach introduced the following Resolution and moved its adoption:

92 - 09 - 116

ADOPTION OF ASSESSMENT ROLL - PROJECT 86-27

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of Larpenteur Avenue east from I-35E to Edgerton Street (CSAH 58), as described in the files of the City Clerk as Project 90-14, and has amended such proposed assessment as it deems just,

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of nineteen (19) years, the first of the installments to be payable on or after the first Monday in January 1993, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1992. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Rossbach

Ayes - all

7. 9:00 P.M. (9:45 P.M.), Northwood Village:

- a. Mayor Bastian convened the meeting for a public hearing regarding the Northwood Village development.
- b. Assistant City Manager Maglich presented the staff report.
- c. Director of Community Development Olson presented the specifics of the report.

- d. Commissioner Gerke presented the Planning Commission Report.
- e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:
 - Mario Cochiarella, the developer
 - Bonnie Ziemet, 2241 Birmingham - also represented
 - Jeff Williams, Barclay Street
- f. Mayor Bastian closed the public hearing.

Land Use Plan

- g. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 117

LAND USE CHANGE PLAN

WHEREAS, the Director of Community Development started a change to the City's land use plan from RM (residential medium-density) to RL (residential low-density).

WHEREAS, this change applies to the property located between Birmingham Street and the railroad right-of-way between County Road B and Cope Avenue.

WHEREAS, the history of this change is as follows:

1. The Planning Commission held a public hearing on August 17, 1992. City staff published a hearing notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended to the City Council that the plan amendment be approved.
2. The City Council discussed the plan amendment on September 14, 1992. They considered reports and recommendations from the Planning Commission and City staff.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described change for the following reason:

1. The developer is proposing to develop this site for single dwellings.
2. The City has zoned the site R-1 (single-dwelling residential).
3. The surrounding properties have single dwellings.
4. This change would reduce the allowable density and traffic from this property.

Seconded by Councilmember Rossbach

Ayes - all

Street and Alley Vacation

- h. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 118

VACATION RESOLUTION

WHEREAS, Maplewood Development, Inc. applied for the vacation of the following-described street: The part of Lark Avenue which is between the northerly extensions of the east and west lines of Block 6 of Sabin Addition to Gladstone.

WHEREAS, the history of this vacation is as follows:

1. A majority of the property owners abutting this street signed a petition for this vacation;
2. The Planning Commission discussed this vacation on August 22, 1992. They recommended that the City Council approve this vacation.
3. The City Council held a public hearing on September 14, 1992. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves this vacation, public interest in the property will go to the following abutting properties:

Lots 12 through 22, Block 3 and Lots 1 through 12, Block 6, Sabins Addition to Gladstone.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described vacation for the following reasons:

1. It is in the public interest.
2. The City does not need this right-of-way because the developer will be dedicating new street rights-of-way on the final plat.

Seconded by Councilmember Rossbach

Ayes - all

- i. Councilmember Zappa introduced the following Resolution and moved its adoption:

92- 09 - 119

VACATION RESOLUTION

WHEREAS, Maplewood Development, Inc. applied for the vacation of the

following-described street:

The part of Laurie Road, which lies between the southerly extension of Lots 13-22, Block 6 of Sabin Addition to Gladstone.

WHEREAS, the history of this vacation is as follows:

1. A majority of the property owners abutting this street signed a petition for this vacation;
2. The Planning Commission discussed this vacation on August 22, 1992. They recommended that the City Council approve this vacation.
3. The City Council held a public hearing on September 14, 1992. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves this vacation, public interest in the property will go to the following abutting properties:

Lots 13-22, Block 6 and Lots 4-14, Block 11, Sabin Addition to Gladstone.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described vacation for the following reasons:

1. It is in the public interest.
2. The City does not need this right-of-way, because the developer will be dedicating a new street rights-of-way on the final plat.

Seconded by Councilmember Rossbach

Ayes - all

j. Councilmember Zappa introduced the following Resolution and moved its adoption:

92 - 09 - 120

VACATION RESOLUTION

WHEREAS, Maplewood Development, Inc. applied for the vacation of the following-described street:

The part of Sandhurst Avenue which is between the southerly extensions of the west line of Block 11 in the Sabin Addition to Gladstone and the east line of Lot 22 of Block 11 in Sabin Addition to Gladstone.

WHEREAS, the history of this vacation is as follows:

1. A majority of the property owners abutting this street signed a petition for this vacation;
2. The Planning Commission discussed this vacation on August 22, 1992.

They recommended that the City Council approve this vacation.

3. The City Council held a public hearing on September 14, 1992. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves this vacation, public interest in the property will go to the following abutting properties:

Lots 15-22, Block 11 and Lots 7-11, Block 14, Sabin Addition to Gladstone.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described vacation for the following reasons:

1. It is in the public interest.
2. The City does not need this right-of-way, because the developer will be dedicating new street rights-of-way on the final plat.

This vacation is subject to retaining a permanent drainage and utility easement over, across and through the following-described property. To wit:

That part of the vacated Sandhurst Avenue right-of-way lying westerly of and between, the southerly extension of the East line of Lot 17, Block 11, Sabin Addition to Gladstone and the County Road B right-of-way.

Seconded by Councilmember Rossbach Ayes - all

- k. Councilmember Zappa introduced the following Resolution and moved its adoption:

**92 - 09 - 121
VACATION RESOLUTION**

WHEREAS, Maplewood Development, Inc. applied for the vacation of the following-described alley:

The alley in Block 3, Sabin Addition to Gladstone, Ramsey County.

WHEREAS, the history of this vacation is as follows:

1. A majority of the property owners abutting this alley signed a petition for this vacation;
2. The Planning Commission discussed this vacation on August 22, 1992. They recommended that the City Council approve this vacation.
3. The City Council held a public hearing on September 14, 1992. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written

statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves this vacation, public interest in the property will go to the following abutting properties:

Lots 1-22, Block 3, Sabin Addition to Gladstone.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described vacation for the following reasons:

1. It is in the public interest.
2. The City has no plans to build an alley in this location. The developer will be dedicating new street rights-of-way on the final plat.

This vacation is subject to the retention of a drainage and utility easement over the alley.

Seconded by Councilmember Rossbach

Ayes - all

Preliminary Plat

1. Councilmember Zappa moved to approve the Northwood Village preliminary plan subject to the following conditions:
 1. The City Engineer approving final grading, utility, drainage, erosion control and street plans. The developer shall increase the size of the water main to eight inches on the utility plan. The erosion control plan shall be consistent with the Ramsey Soil and Water Conservation District Erosion and Sediment Control Handbook.
 2. The developer shall sign an agreement with the City that guarantees that the developer will complete all public improvements and meet all City requirements. This agreement shall include the developer having NSP install up to three street lights at the discretion of the City Engineer.
 3. The Director of Community Development approving a tree plan, based on the City's environmental protection ordinance. The Director must approve this plan before the developer does any site grading or the City approves the final plat.
 4. Show drainage and utility easements along all property lines. These easements shall be ten feet wide along the front and rear property lines and five feet wide along the side property lines.
 5. Change the property lines on Lots 2, 3 and 4. This change shall be so the property lines are perpendicular to Laurie Road and radial to the Ide Street cul-de-sac.
 6. Change the property line between Lots 20 and 21. This change shall be so the property line is radial to the cul-de-sac.

7. Change the name of Laurie Avenue to Laurie Road.
8. Remove the house and two garages on Lots 1 and 2.
9. Remove the house and garage on Lots 17 and 19.
10. Change the right-of-way at the transition point with the cul-de-sacs to meet City standards.
11. Show a 30' wide utility and drainage easement parallel to County Road B on Lot 7.

Seconded by Councilmember Rossbach

Ayes - Mayor Bastian, Councilmembers
Carlson, Zappa
Nays - Councilmembers Juker, Rossbach

H. AWARD OF BIDS

1. Parks Tree Plantings: Project 92-3P

- a. Assistant City Manager Maglich presented the staff report.
- b. Director of Parks & Recreation Odegard presented the specifics of the report.
- c. Mayor Bastian asked if anyone wished to speak before the Council regarding this matter. No one appeared.
- d. Councilmember Rossbach moved to award the bid for plantings in the parks to Midland Nursery in the amount of \$105,208.00, and authorized entering into a contract with Midland Nurseries. Funds for the plantings have been approved previously by City Council action.

Seconded by Councilmember Carlson

Ayes - Mayor Bastian, Councilmembers
Carlson, Rossbach
Nays - Councilmembers Juker, Zappa

I. UNFINISHED BUSINESS

1. Assessment Objection - McKnight/Highwood: Project 90-10

- a. Assistant City Manager Maglich presented the staff report.
- b. Director of Public Works Haider presented the specifics of the report.
- c. Mayor Bastian asked if anyone wished to speak before the Council regarding this matter. No one appeared.
- d. Councilmember Zappa moved to adopt the staff recommendations regarding appeals to the assessments for Project 90-10 as follows:

Dennis Davidson, 830 Dorland Road
13-28-22-22-0077

No Adjustment

Carl and Patricia Maidment, 824 McKnight Road S.
13-28-22-22-0076

No Adjustment

Robert F. Nelson, Highwood Avenue
13-28-22-32-0016

No Adjustment

Sharon Lamb, 980 McKnight Road S.
13-28-22-32-0012

No Adjustment to Amount
Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Robert and Kay Hoskins, 1020 McKnight Road S.
13-28-22-32-0013

Reduce assessment by 1 sanitary sewer unit; 1 sanitary sewer service - New Amount: \$4,550.00 (Previous Amount \$8,050.00) Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Richard N. Bolinger, 1070 McKnight Road S.
13-28-22-32-0020

Reduce assessment by 1 sanitary sewer unit; 1 sanitary sewer service - New Amount: \$4,550.00 (Previous Amount \$8,050.00) Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Brian M. Rembish, 1090 McKnight Road S.
13-28-22-33-0003

No Adjustment to Amount
Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Joe and Delores Wendl, 1060 McKnight Road S.
13-28-22-32-0019

No Adjustment to Amount
Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Thu-Van Tran, 939 Schaller Drive
13-28-22-23-0039

No Adjustment

Ralph J. and Paula J. Curella, 1100 McKnight Road S.
13-28-22-33-0005

No Adjustment to Amount
Council granted variance allowing delay of hookup until 6-30-98 unless repair to individual disposal system is required before then.

Seconded by Councilmember Juker

Ayes - Councilmembers Carlson, Juker, Rossbach, Zappa

Nays - Mayor Bastian

Councilmember Juker moved to extend the meeting to 11:00 P.M.

Seconded by Councilmember Zappa

Ayes - all

2. Metro 2015 Report

- a. Assistant City Manager Maglich presented the staff report.
- b. Commissioner Gerke presented the Planning Commission report.
- c. Councilmember Zappa moved to send the letter, as presented, to the Metropolitan Council.

Seconded by Councilmember Carlson

Ayes - all

3. Kennel License: Reconsideration - 1994 Winthrop

- a. Assistant City Manager Maglich presented the staff report.
- b. Councilmember Zappa moved to deny the application for the kennel license.

Seconded by Councilmember Rossbach

Ayes - Councilmember Zappa
Nays - Mayor Bastian, Councilmembers
Carlson, Juker, Rossbach

- c. Mayor Bastian moved to approve the kennel license for 2994 Winthrop subject to staff recommendations.

Seconded by Councilmember Juker

Ayes - Mayor Bastian, Councilmembers
Carlson, Juker, Rossbach
Nays - Councilmember Zappa

4. I-494 Interchange: Reconsideration

- a. Assistant City Manager Maglich presented the staff report.
- b. Councilmember Carlson reported on the meeting he attended with the Woodbury officials.
- c. Mayor Bastian asked if anyone wished to speak before the Council regarding this matter. The following were heard:

James English, 2578 Linwood
Lee Jasinski, 2358 Linwood Avenue
Bob Hoskins, 1020 So. McKnight
Mary Martin, 2334 Carver
Rod Miller, 2370 Linwood Court
Pat Kittrich, 2399 Linwood Court
Resident (Kirsch), 2380 Linwood Court
Jim Eily, 2410 Linwood Court
Shirley Knause, 2100 Linwood Court

- d. Councilmember Zappa moved to oppose Woodbury's new Alternative A for the

I-494 Interchange.

Motion failed for lack of a second.

e. Mayor Bastian moved to table this item until litigation is completed.

Seconded by Councilmember Carlson

Ayes - Mayor Bastian, Councilmembers
Carlson, Juker, Rossbach
Nays - Councilmember Zappa

Councilmember Zappa moved to reconsider the motion to extend the meeting.

Seconded by Councilmember Rossbach

Ayes - all

5. Building Plan Review Procedure Ordinance (1st Reading)

a. Assistant City Manager Maglich presented the staff report.

b. Mayor Bastian moved to table this item to the September 28 meeting.

Seconded by Councilmember Carlson

Ayes - all

J. NEW BUSINESS

1. Single and Double Dwelling Setback Ordinance (1st Reading)

a. Assistant City Manager Maglich presented the staff report.

b. Mayor Bastian moved to table this item until the September 28 meeting.

Seconded by Councilmember Juker

Ayes - all

2. Full-Time Police Officer

a. Assistant City Manager Maglich presented the staff report.

b. Councilmember Zappa moved to table this item until the September 28 meeting.

Seconded by Councilmember Rossbach

Ayes - Mayor Bastian, Councilmembers
Carlson, Rossbach, Zappa
Nays - Councilmember Juker

3. Part-Time Dispatcher

a. Assistant City Manager Maglich presented the staff report.

b. Councilmember Juker moved to fill the part-time dispatcher position.

Seconded by Councilmember Rossbach

Ayes - all

4. Service for Al Jirovec, 2480 Linwood

- a. Assistant City Manager Maglich presented the staff report.
- b. Mr. Jirovec requested the Council to extend the project to provide service to his home.
- c. Councilmember Zappa moved to approve extension of service to Mr. Jirovec's property.

Seconded by Councilmember Carlson Ayes - all

5. Change of Manager, Olive Garden

- a. Assistant City Manager Maglich presented the staff report.
- b. Councilmember Zappa moved to approve the license for Terry O'Neil as Manager for the Olive Garden.

Seconded by Councilmember Rossbach Ayes - all

K. VISITOR PRESENTATIONS

1. George Supan

- a. Mr. Supan requested the Council to stop the large trucks traveling on Hazelwood Street.
- b. Council directed staff to check on this matter and why trucks are using Hazelwood Street, including restriction of permits.

L. COUNCIL PRESENTATIONS

M. ADMINISTRATIVE PRESENTATIONS

N. ADJOURNMENT OF MEETING

Lucille E. Aurelius
City Clerk

AGENDA REPORT

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager
FROM: Finance Director *R. Must*
RE: APPROVAL OF CLAIMS
DATE: September 18, 1992

It is recommended that the Council approve payment of the following claims:

ACCOUNTS PAYABLE:

\$ 840,883.54	Checks # 23526 thru # 23631 Dated 8-27-92 thru 9-17-92
<u>\$ 120,527.84</u>	Checks # 18436 thru # 18536 Dated 9-28-92
\$ 961,411.38	Total per attached voucher/check register

PAYROLL:

\$ 199,952.92	Payroll Checks # 28400 thru # 28560 dated 9-11-92
<u>\$ 42,235.93</u>	Payroll Deduction check # 28565 thru # 28582 dated 9-11-92
\$ 242,188.85	Total Payroll
<u>\$ 1,203,600.23</u>	GRAND TOTAL

Attached is a detailed listing of these claims.

lz

Attachments

FINANCE/APPRCLM.AGN

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
23526	030660	08/26/92	ANIMAL CONTROL SERVICES, INC.	ANIMAL CONTROL	2,214.87	2,214.87
23527	120325	08/25/92	CELLULAR ONE	TELEPHONE	42.02	42.02
23528	410950	08/26/92	KEYE PRODUCTIVITY CENTER	TRAVEL & TRAINING	125.00	125.00
23529	030820	08/26/92	ANOKA-RAMSEY COMMUNITY COLLEGE	TRAVEL & TRAINING	295.00	295.00
23530	661150	08/26/92	NORTHEAST SOCCER ASSOCIATION	SOCCER CLINIC INSTRUCTORS	601.00	601.00
23531	541400	08/26/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	727.00	727.00
23532	541400	08/26/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	15,447.07	15,447.07
23533	140400	08/27/92	CLERK OF DISTRICT COURT	CNTY DRIVERS LIC FEES PAYABLE	128.50	128.50
23553	661750	09/01/92	NORTHERN STATES POWER	UTILITIES	82.30	
				UTILITIES	99.84	
				UTILITIES	74.52	
				UTILITIES	86.05	
				UTILITIES	82.23	
				UTILITIES	135.52	
				UTILITIES	84.44	
				UTILITIES	116.44	
				UTILITIES	142.18	903.52
23554	541400	09/01/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	16,173.38	16,173.38
23555	541400	09/01/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	998.00	998.00
23556	061120	09/01/92	BARBER CONSTRUCTION	LAND IMPROVEMENT CONTRACTS PAYABLE-RETAINAGE	30,583.86 1,529.20-	29,054.66
23557	320500	09/01/92	GROUP HEALTH INC.	HCMA DEDUCTION PAY A/R INSURANCE CONTINUANCE HEALTH LIFE DENTAL INSURANCE	2,940.42 487.01 11,659.81	15,087.24
23558	530100	09/01/92	MEDICA CHOICE	HCMA DEDUCTION PAY PHP INS DEDUCTIONS PAYABLE A/R INSURANCE CONTINUANCE HEALTH LIFE DENTAL INSURANCE	1,969.00 153.52 532.07 15,048.73	17,703.32
23559	551100	09/01/92	MN MUTUAL LIFE INSURANCE	HCMA DEDUCTION PAY LIFE INSURANCE PAYABLE A/R INSURANCE CONTINUANCE HEALTH LIFE DENTAL INSURANCE	332.74 384.74 23.64 881.98	1,623.10
23560	180110	09/01/92	D.C.A.	MONTHLY ADMIN. FEE	276.00	276.00
23561	501400	09/01/92	MADISON NATIONAL LIFE	L.T.D. INSURANCE	1,686.33	1,686.33

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
23562	722200	09/01/92	PUBLIC EMPLOYEE	LIFE INSURANCE PAYABLE	297.00	297.00
23563	660295	09/02/92	NORMANDALE COMMUNITY COLLEGE	ADMISSIONS TO JAPANESE GARDEN	25.00	25.00
23564	190010	09/02/92	DECISION RESOURCES,LTD	FEES - CONSULTING	3,635.00	3,635.00
23565	661750	09/02/92	NORTHERN STATES POWER	UTILITIES	149.31	
				UTILITIES	114.29	
				UTILITIES	203.45	
				UTILITIES	78.20	
				UTILITIES	85.39	
				UTILITIES	159.39	
				UTILITIES	183.91	
				UTILITIES	170.82	
				UTILITIES	172.26	1,317.02
23566	882900	09/02/92	TWO GUYS FROM ITALY	LUNCH ADULT TRIP	242.00	242.00
23567	541400	09/02/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	770.50	770.50
23568	541400	09/02/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	17,030.25	17,030.25
23569	290380	09/02/92	FRID, DOUGLAS JAMES AND	SPECIAL ASSESSMENTS CURRENT	592.60	592.60
23570	140400	09/03/92	CLERK OF DISTRICT COURT	CNTY DRIVERS LIC FEES PAYABLE	165.00	165.00
23571	541400	09/03/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	18,432.50	18,432.50
23572	541400	09/03/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	546.50	546.50
23573	570145	09/03/92	MORIS, PHIL	DEPOSITS PAYABLE	1,000.00	
				INTEREST ON INVESTMENTS	66.03	1,066.03
23574	712113	09/03/92	PLATZER, ROBERT	DEPOSITS PAYABLE	1,000.00	1,000.00
23575	460542	09/03/92	LEAGUE OF MN HUMAN RIGHTS COMM	TRAVEL & TRAINING	90.00	90.00
23576	061100	09/03/92	BANNIGAN & KELLY P.A.	LEGAL SERVICE	10,340.53	
				LEGAL & FISCAL	42.50	
				LEGAL & FISCAL	595.00	
				LEGAL & FISCAL	57.50	
				LEGAL & FISCAL	42.50	
				LEGAL & FISCAL	297.50	
				LEGAL & FISCAL	582.50	
				LEGAL & FISCAL	361.25	
				LEGAL & FISCAL	212.50	
				LEGAL & FISCAL	42.50	12,574.28
23577	120325	09/04/92	CELLULAR ONE	TELEPHONE	42.02	42.02
23578	540875	09/04/92	MINN. DEPT.OF PUBLIC SAFETY	TRAVEL & TRAINING	20.00	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				TRAVEL & TRAINING	40.00	60.00
23579	021240	09/04/92	AMERICAN INSTITUTE	TRAVEL & TRAINING	895.00	895.00
23580	661750	09/04/92	NORTHERN STATES POWER	UTILITIES	4,507.07	
				UTILITIES	3.14	
				UTILITIES	3.14	
				UTILITIES	4.47	
				UTILITIES	3.14	
				UTILITIES	3.14	
				UTILITIES	4.47	
				UTILITIES	3.14	
				UTILITIES	9.43	
				UTILITIES	3.14	4,544.28
23581	190400	09/04/92	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYABLE	33.00	33.00
23582	541400	09/04/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	922.50	922.50
23583	541400	09/04/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	14,759.38	14,759.38
23584	110250	09/08/92	C.W.HOULE INC.	AWARDED CONSTRUCTION CONTRACTS CONTRACTS PAYABLE-RETAINAGE	227,472.51 11,373.62-	216,098.89
23585	630762	09/08/92	NATIONAL LEAGE OF CITIES	TRAVEL & TRAINING	455.00	
				TRAVEL & TRAINING	380.00	835.00
23586	541400	09/08/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	810.50	810.50
23587	541400	09/08/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	19,474.90	19,474.90
23588	842500	09/08/92	STATE FARM INSURANCE	A/R - AMBULANCE BILLS	230.00	230.00
23589	881310	09/09/92	TWIN CITY AREA LABOR	TRAVEL TRAINING	60.00	60.00
23590	560600	09/09/92	MN STREET SUPT. ASSOCIATION	TRAVEL TRAINING	100.00	100.00
23591	510100	09/09/92	MAPLE LEAF OFFICIALS ASSN.	SPORTS OFFICIALS	7,163.50	7,163.50
23592	042010	09/09/92	ASIAN GANG INVESTIGATION ASSN.	TRAVEL TRAINING	50.00	50.00
23593	350950	09/09/92	HOLIDAY INN EAST	TRAVEL TRAINING	125.00	125.00
23594	531650	09/09/92	METRO WASTE CONTROL COMMISSN	SEWAGE TREATMENT	161,811.00	161,811.00
23595	541440	09/09/92	MINN. STATE TREASURER STAX	SURCHARGE TAX PBL. S.A.C. RETAINER	2,164.95 43.32-	2,121.63
23596	541400	09/09/92	MINN. STATE TREASURER	STATE DRIVERS LIC.	973.00	973.00
23597	541400	09/09/92	MINN. STATE TREASURER	MOTOR VEH LIC.	26,544.74	26,544.74

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
23599	140400	09/10/92	CLERK OF DISTRICT COURT	DNTY DRIVERS LIC.	132.50	132.50
23600	660801	09/10/92	NORTH ST. PAUL PRAYER BREADFAS	TRAVEL TRAINING	7.00	7.00
23601	831600	09/10/92	SPS OFFICE PRODUCTS	SUPPLIES OFFICE	88.11	88.11
23602	661750	09/10/92	NORTHERN STATES POWER	UTILITIES	16.39	
				UTILITIES	16.39	
				UTILITIES	7.03	
				UTILITIES	10.76	
				UTILITIES	57.96	
				UTILITIES	29.61	
				UTILITIES	6.81	
				UTILITIES	7.03	
				UTILITIES	333.87	485.85
23603	541400	09/10/92	MINN. STATE TREASURER	STATE DRIVERS LIC.	430.00	430.00
23604	541400	09/10/92	MINN. STATE TREASURER	MOTOR VEH LIC.	24,854.63	24,854.63
23605	661750	09/11/92	NORTHERN STATES POWER	UTILITIES	36.00	
				UTILITIES	723.21	
				UTILITIES	52.81	
				UTILITIES	34.43	
				UTILITIES	145.71	
				UTILITIES	6.81	
				UTILITIES	6.81	
				UTILITIES	30.32	
				UTILITIES	16.65	
				UTILITIES	133.26	1,186.01
23606	451880	09/11/92	LARRY QUIGLEY CONST	DEPOSITS PAYABLE	1,000.00	
				INTEREST ON INVESTMENTS	25.48	1,025.48
23607	190400	09/11/92	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYABLE	57.00	57.00
23608	541400	09/11/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	923.00	923.00
23609	541400	09/11/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	25,660.08	25,660.08
23610	131500	09/11/92	CITY COUNTY EMPLOYEE	CREDIT UNION DEDUCT PAYABLE	252.00	252.00
23611	722200	09/11/92	PUBLIC EMPLOYEE	PERA DEDUCTION PAYABLE	11,119.21	
				PERA CONTRIBUTIONS	14,405.78	25,524.99
23612	341706	09/14/92	HERITAGE BANK	F.I.C.A. PAYABLE	9,121.13	
				FEDERAL INCOME TAXES PAYABLE	22,161.81	
				FICA CONTRIBUTIONS	9,121.13	40,404.07
23613	560100	09/14/92	MN STATE COMMISSIONER	STATE INCOME TAX PAYABLE	9,239.67	9,239.67

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
23614	450123	09/14/92	L.E.L.S.	UNION DUES PAYABLE	25.00	25.00
23615	130200	09/14/92	CHANHASSAN DINNER THEATRE	DEPOSIT FOR ADULT TRIP	243.80	243.80
23616	910500	09/14/92	VASKO RUBBISH REMOVAL	RUBBISH REMOVAL	521.86	521.86
23617	410441	09/14/92	KELLY TEMPORARY SERVICES	TEMPORARY SECRETARIAL SERVICE	299.00	299.00
23618	910500	09/14/92	VASKO RUBBISH REMOVAL	GARBAGE PICK UP	231.11	231.11
23619	661750	09/14/92	NORTHERN STATES POWER	UTILITIES	1,161.46	
				UTILITIES	363.99	
				UTILITIES	244.09	
				UTILITIES	20.99	
				UTILITIES	7.69	
				UTILITIES	55.42	
				UTILITIES	107.87	
				UTILITIES	249.51	
				UTILITIES	40.96	
				UTILITIES	126.01	2,377.99
23620	661750	09/14/92	NORTHERN STATES POWER	UTILITIES	179.64	
				UTILITIES	8.63	
				UTILITIES	236.17	
				UTILITIES	120.28	
				UTILITIES	176.94	
				UTILITIES	147.31	
				UTILITIES	13.11	
				UTILITIES	28.61	
				UTILITIES	16.76	927.45
23621	661750	09/14/92	NORTHERN STATES POWER	UTILITIES	41.87	
				UTILITIES	115.07	
				UTILITIES	133.26	
				UTILITIES	32.00	322.20
23622	541400	09/14/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	711.00	711.00
23623	541400	09/14/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	16,089.09	16,089.09
23624	341706	09/14/92	HERITAGE BANK	WAGE DEDUCTION	637.50	637.50
23625	541400	09/15/92	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	11,483.54	11,483.54
23626	541400	09/15/92	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	570.00	570.00
23627	430200	09/16/92	KNOTTS BEERY RESTR.	PROGRAM LUNCHEON	380.70	380.70
23628	501575	09/16/92	MALL OF AMERICA	ADULT TRIP	188.00	188.00
23629	541400	09/16/92	MINN. STATE TREASURER	DRIVERS LICENSE	826.50	826.50

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
23630	541400	09/16/92	MINN. STATE TREASURER	MOTOR VEH LIC.	8,926.00	8,926.00
23631	140400	09/17/92	CLERK OF DISTRICT COURT	CNTY DRIVERS LIC.	154.50	154.50
18436	010464	09/28/92	AT & T	TELEPHONE TELEPHONE	161.28 31.80	193.08
18437	010575	09/28/92	ACE HARDWARE	SUPPLIES - EQUIPMENT SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL MAINTENANCE MATERIAL SUPPLIES - JANITORIAL MAINTENANCE MATERIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL SUPPLIES - JANITORIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL	34.68 57.55 74.59 17.83 15.07 1.81 4.76 12.70 128.36 28.74 6.16 .29 3.82 125.22 52.68 142.98 53.76 180.69	941.69
18438	020400	09/28/92	AIR SIGNAL, INC.	PAGER RENTAL PAGER SERVICE PAGER SERVICE PAGER MAINTENANCE/RENTAL MONTHLY PAGER	67.80 4.53 16.04 13.21 6.32	107.90
18439	021200	09/28/92	AMERICAN FASTENER	SIGNS & SIGNALS	72.31	72.31
18440	021725	09/28/92	AMTECH EQUIPMENT MAINTENANCE	REPAIR & MAINT/EQUIPMENT	81.50	81.50
18441	030660	09/28/92	ANIMAL CONTROL SERVICES, INC.	ANIMAL SERVICE & FEES	2,392.64	2,392.64
18442	031100	09/28/92	APPEARANCE PLUS	REPAIR MAINT VEHICLE REPAIR MAINT VEHICLE REPAIR MAINT VEHICLE REPAIR MAINT VEHICLE	3.00 57.00 18.00 6.00	84.00
18443	040915	09/28/92	ARNALS AUTO SERVICE	REPAIR MAINT VEH. REPAIR MAINT VEH. REPAIR & MAINT/VEHICLE REPAIR & MAINT/VEHICLE	285.25 262.54 637.66 355.25	1,540.70
18444	061120	09/28/92	BARBER CONSTRUCTION	LAND IMPROVEMENT CONTRACTS PAYABLE-RETAINAGE LAND IMPROVEMENT	45,442.28 2,642.23- 7,402.41	50,202.46

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
18445	070100	09/28/92	BEACON PRODUCTS	BEACON SPORTS PRODUCTS, INC.	665.00	665.00
18446	071067	09/28/92	BERRY BEARING COMPANY	SUPPLIES VEHICLE	98.90	98.90
18447	071550	09/28/92	BIG BEN RESTAURANT	PROGRAM SUPPLIES	908.76	908.76
18448	080325	09/28/92	BLACKSTONE, GAIL	VEHICLE ALLOWANCE TRAVEL & TRAINING	58.24 62.01	120.25
18449	080900	09/28/92	BOARD OF WATER COMMISSIONERS	UTILITIES UTILITIES UTILITIES UTILITIES UTILITIES UTILITIES UTILITIES	65.82 45.24 25.69 32.46 15.72 528.12 12.91	725.96
18450	090568	09/28/92	BRAUER & ASSOCIATES, LTD	FEES - CONSULTING	763.23	763.23
18451	090573	09/28/92	BRAUN INTERTEC ENGINEERING, INC	FEES - CONSULTING	718.47	718.47
18452	101400	09/28/92	BUILDERS SQUARE	MAINTENANCE MATERIAL	98.25	98.25
18453	101900	09/28/92	BUSINESS RECORDS CORP., MN	BUSINESS RECORDS CORP BUSINESS RECORDS CORP BUSINESS RECORDS CORP	13,630.00 30.00 34.24	13,694.24
18454	120375	09/28/92	CEMSTONE PRODUCTS COMPANY	MAINTENANCE MATERIAL MAINTENANCE MATERIAL	1,296.76 104.90	1,401.66
18455	131400	09/28/92	CITIZENS LEAGUE	SUPPLIES - OFFICE	10.00	10.00
18456	140205	09/28/92	CLEAN STEP RUGS	RUG CLEANING	28.65	28.65
18457	150035	09/28/92	COHANES, ANTHONY	TRAVEL & TRAINING	13.10	13.10
18458	151525	09/28/92	CONCRETE FORM ENGINEERS, INC.	OUTSIDE RENTAL - EQUIPMENT	125.00	125.00
18459	152400	09/28/92	COPY EQUIPMENT, INC.	SUPPLIES - EQUIPMENT SUPPLIES - OFFICE	47.45 18.47	65.92
18460	180110	09/28/92	D.C.A.	MISC. CONTRACTUAL SERVICES	2,240.20	2,240.20
18461	181800	09/28/92	DAVIES WATER EQUIPMENT	SMALL TOOLS	72.73	72.73
18462	181857	09/28/92	DAVIS LOCK & SAFE	SUPPLIES - EQUIPMENT	20.64	20.64
18463	190060	09/28/92	DEGE GARDEN CENTER	PROGRAM SUPPLIES	10.63	10.63
18464	190130	09/28/92	DESCO, JAMES T.	PROGRAM REGISTRATION	85.00	85.00

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

JR SER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT	
18465	210360	09/28/92	DORLE, TAMARA	PROGRAM REGISTRATION FEES	100.00	100.00
18466	290450	09/28/92	FROYSLAND, DAN	PROGRAM REGISTRATION	95.00	95.00
18467	300500	09/28/92	G & K SERVICES	UNIFORMS & CLOTHING	132.35	
			UNIFORMS & CLOTHING	23.31		
			UNIFORMS & CLOTHING	82.64		
			UNIFORMS & CLOTHING	376.43	614.73	
18468	300600	09/28/92	G.A.B. BUSINESS SERVICE	JUDGEMENTS & LOSSES	331.27	331.27
18469	301060	09/28/92	GALLIGHER, PATRICIA	PROGRAM REGISTRATION FEES	25.00	25.00
18470	302100	09/28/92	GENUINE PARTS COMPANY	SUPPLIES VEHICLE	52.06	52.06
18471	302900	09/28/92	GLENWOOD INGLEWOOD	WATER COOLER/EQUIP. RENTAL	48.65	48.65
18472	310500	09/28/92	GOPHER BEARING CO.	VEHICLE SUPPLIES	119.88	119.88
18473	341325	09/28/92	HENNEN, EUGENE	PROGRAM REGISTRATION	85.00	85.00
18474	350877	09/28/92	HOGAN, NANCY	PROGRAM REGISTRATION	25.00	25.00
18475	400600	09/28/92	J.L. SHIELY CO.	MAINTENANCE MATERIAL	970.53	970.53
18476	400950	09/28/92	JEAN THORNE TEMPORARY SERVICE	TEMPORARY CLERICAL SERVICE	172.80	172.80
18477	401800	09/28/92	JOLLY'S, INC.	PROGRAM SUPPLIES	23.28	23.28
18478	410420	09/28/92	KELLER ELECTRIC INC.	KELLER ELECTRIC CO.	1,790.00	1,790.00
18479	410425	09/28/92	KELLER FENCE CO.	REMOVE AND RELOCATE FENCING	754.00	754.00
18480	410441	09/28/92	KELLY TEMPORARY SERVICES	SECRETARIAL SERVICE	299.00	299.00
18481	450607	09/28/92	LAKE COUNTRY CHAPTER ICBO	TRAVEL & TRAINING BOOKS	250.00 76.00	326.00
18482	460610	09/28/92	LEHNE'S SERVICE INC	SCRAP TIRES LOADED	364.25	364.25
18483	480450	09/28/92	LOCKRIDGE, JAMES	S.A.C. PAYABLE	700.00	700.00
18484	480675	09/28/92	LORD FLETCHERS RESTAURANT	ADULT LUNCHEON TRIP	396.68	396.68
18485	500775	09/28/92	M.T.E. INC.	PURCHASE OF COMPUTER HARD DRIVE	319.52	319.52
18486	501505	09/28/92	MAGLICH, GRETCHEN B.	PROGRAM SUPPLIES	10.64	
			TRAVEL & TRAINING	7.50		
			VEHICLE ALLOWANCE	59.36		
			PROGRAM SUPPLIES	14.89	92.39	

CITY OF MAPLEWOOD
 VOUCHER/CHECK REGISTER
 FOR PERIOD 09

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 09/18/92 11:31

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
18487	511600	09/28/92	MASYS CORP	REPAIRS MTNCE	2,031.39	2,031.39
18488	520500	09/28/92	MCGUIRE, MICHAEL	VEHICLE ALLOWANCE	400.00	400.00
18489	530500	09/28/92	MENARDS	MAINTENANCE MATERIAL	5.30	5.30
18490	540320	09/28/92	MIDWEST FENCE & MFG.	MIDWEST FENCE	8,821.24	8,821.24
18491	541910	09/28/92	MINNESOTA CLE	TRAVEL TRAINING	185.00	
				TRAVEL TRAINING	185.00	
				TRAVEL TRAINING	185.00	
				TRAVEL TRAINING	185.00	740.00
18492	570050	09/28/92	MOBILE EMERGENCY SYSTEMS, INC.	REPAIR MAINT RADIO	181.00	181.00
18493	570500	09/28/92	MOTOROLA, INC	REPAIR & MAINT/RADIO	976.43	
				REPAIR MAINT RADIO	94.56	1,070.99
18494	610750	09/28/92	MUNSON, CARL	PROGRAM REGISTRATION FEES	20.00	20.00
18495	630080	09/28/92	NTX COMPUTERS	EQUIPMENT - OFFICE	1,026.96	
				EQUIPMENT - OFFICE	517.92	1,544.88
18496	640500	09/28/92	NELSON, CAROL M.	TRAVEL & TRAINING	30.25	30.25
18497	640550	09/28/92	NELSON, JEAN	VEHICLE ALLOWANCE	21.66	21.66
18498	661105	09/28/92	NORTH STAR TURF, INC.	MAINTENANCE MATERIAL	3,578.40	
				MAINTENANCE MATERIAL	119.28	3,697.68
18499	661180	09/28/92	NORTHERN AIRGAS INC.	SUPPLIES - EQUIPMENT	38.40	38.40
18500	661750	09/28/92	NORTHERN STATES POWER	CHARGES FOR DAMAGE DONE	453.09	453.09
18501	680600	09/28/92	OCTOPUS CAR WASH	REPAIR MAINT VEHICLE	142.50	
				REPAIR MAINT VEHICLE	22.50	
				REPAIR MAINT VEHICLE	7.50	
				REPAIR MAINT VEHICLE	22.50	
				REPAIR MAINT VEHICLE	30.00	225.00
18502	690205	09/28/92	OLD LOG THEATRE	THEATER TICKETS - ADULT TRIP	423.00	423.00
18503	691650	09/28/92	OSTREM, LOIS	PROGRAM REGISTRATION FEES	25.00	25.00
18504	711500	09/28/92	PHOTOS TO GO	PHOTO DEVELOPING	19.96	
				PHOTO DEVELOPING-ANIMAL CONTRL	5.21	
				DEVELOP FILM	14.48	
				PHOTO DEVELOPING	52.50	
				PHOTO DEVELOPING	4.03	
				PHOTO DEVELOPING	4.10	100.28

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 09

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
18505	721365	09/28/92	PROMOTION SPECIALTIES	SUPPLIES - OFFICE	181.00	181.00
18506	741200	09/28/92	RAINBOW FOODS	PROGRAM SUPPLIES	16.20	
				PROGRAM SUPPLIES	23.92	
				PROGRAM SUPPLIES	19.01	
				PROGRAM SUPPLIES	33.21	92.34
18507	742120	09/28/92	RAMSEY COUNTY	PAINT STRTS,XWALKS,ARROWS,ETC.	5,702.17	
				OUTSIDE ENGINEERING FEES	172.04	
				OUTSIDE ENGINEERING FEES	346.76	6,220.97
18508	742515	09/28/92	RANGER INDUSTRIAL CORP.	MAINTENANCE MATERIAL	160.58	160.58
18509	761200	09/28/92	ROAD RESCUE	REPAIR & MAINT/EQUIPMENT	941.18	
				SUPPLIES - VEHICLE	19.17	960.35
18510	770302	09/28/92	RUMPLA, LEE	PROGRAM REGISTRATION FEES	25.00	25.00
18511	770800	09/28/92	RYCO SUPPLY CO.	SUPPLIES JANITORIAL	63.79	63.79
18512	780175	09/28/92	S&S SALES CORPORATION	VEHICLES	444.74	444.74
18513	780350	09/28/92	S.E.H.	OUTSIDE ENGINEERING FEES	766.01	
				OUTSIDE ENGINEERING FEES	3,295.82	
				OUTSIDE ENGINEERING FEES	41,913.81	45,975.64
18514	780402	09/28/92	SPS OFFICE PRODUCTS	SUPPLIES - OFFICE	34.30	34.30
18515	831050	09/28/92	SOUTHAM BUSINESS COMMUNICATION	PUBLISHING	324.36	324.36
18516	831600	09/28/92	SPS OFFICE PRODUCTS	SUPPLIES OFFICE	8.73	8.73
18517	840275	09/28/92	ST.JOHN'S HOSPITAL	COPIES OF REPORT	3.75	3.75
18518	840300	09/28/92	ST.PAUL BOOK & STATION	UNIFORMS & CLOTHING	21.51	
				PROGRAM SUPPLIES	64.65	86.16
18519	840400	09/28/92	ST.PAUL CITY OF	PHOTO FINISHING	41.27	41.27
18520	841310	09/28/92	ST. PAUL WATER UTILITY	MAINTENANCE MATERIAL	195.73	195.73
18521	843300	09/28/92	STEICHENS	PROGRAM SUPPLIES	304.42	304.42
18522	843575	09/28/92	STREICHERS GUNS	SUPPLIES VEHICLE	174.43	
				SUPPLIES - EQUIPMENT	82.37	256.80
18523	850315	09/28/92	SUBURBAN PRINTING	BUSINESS CARDS	28.00	28.00
18524	850350	09/28/92	SUBURBAN RATE AUTHORITY	SUBSCRIPTIONS & MEMBERSHIPS	1,312.50	1,312.50
18525	851575	09/28/92	SYSTEMS SUPPLY, INC.	SUPPLIES - EQUIPMENT	141.14	

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				SUPPLIES - EQUIPMENT	38.60	179.74
18526	860080	09/28/92	T.A. SCHIFSKY & SONS, INC	MAINTENANCE MATERIAL	2,523.73	
				MAINTENANCE MATERIAL	511.20	3,034.93
18527	860650	09/28/92	TARGET STORES-CPC, A/R	SUPPLIES JANITORIAL	32.84	
				MISCELLANEOUS COMMODITIES	73.62	
				SUPPLIES EQUIPMENT	19.98	
				MISCELLANEOUS COMMODITIES	32.38	
				PROGRAM SUPPLIES	133.06	
				SUPPLIES OFFICE	41.43	
				SUPPLIES OFFICE	29.81	
				PROGRAM SUPPLIES	53.82	
				SUPPLIES - EQUIPMENT	7.48	
				SUPPLIES OFFICE	3.73	
				SUPPLIES OFFICE	3.72	
				PROGRAM SUPPLIES	25.39	
				PROGRAM SUPPLIES	15.02	
				PROGRAM SUPPLIES	21.80	
				PROGRAM SUPPLIES	201.68-	292.40
18528	880750	09/28/92	TROY CHEMICAL INDUSTRIES	SUPPLIES - JANITORIAL	12.00	12.00
18529	890600	09/28/92	U.H.L. INC.	SUPPLIES EQUIPMENT	148.05	148.05
18530	900100	09/28/92	UNIFORMS UNLIMITED	UNIFORMS & CLOTHING	215.73	
				UNIFORMS & CLOTHING	151.06	
				UNIFORMS & CLOTHING	94.36	
				UNIFORMS & CLOTHING	187.96	649.11
18531	910500	09/28/92	VASKO RUBBISH REMOVAL	RUBBISH REMOVAL	346.13	346.13
18532	911350	09/28/92	VIKING ELECTRIC SUPPLY	MAINTENANCE MATERIAL	195.21	195.21
18533	911600	09/28/92	VIKING SAFETY PRODUCTS	SUPPLIES EQUIPMENT	100.59	
				UNIFORMS CLOTHING	111.61	212.20
18534	912100	09/28/92	VIRTUE PRINTING	SUPPLIES - OFFICE	170.45	170.45
18535	950120	09/28/92	WOOD, WILLIAM	S.A.C. PAYABLE	700.00	700.00
18536	950325	09/28/92	WORD PERFECT MAGAZINE	SUBSCRIPTIONS & MEMBERSHIPS	24.00	24.00
				TOTAL CHECKS		961,411.38

CITY OF MAPLEWOOD
 EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
 FOR THE CURRENT PAY PERIOD

0001

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028400	09/11/92	JOSEPH ZAPPA	267.63
0028401	09/11/92	DALE CARLSON	267.63
0028402	09/11/92	GEORGE ROSSBACH	267.63
0028403	09/11/92	GARY W BASTIAN	304.15
0028404	09/11/92	FRANCES L JUKER	267.63
0028405	09/11/92	MICHAEL A McGUIRE	3,286.22
0028406	09/11/92	THERESE CARLSON	1,071.20
0028407	09/11/92	GAIL BLACKSTONE	2,036.93
0028408	09/11/92	GRETCHEN MAGLICH	1,792.39
0028409	09/11/92	GINA CASAREZ	805.30
0028410	09/11/92	DAVID J JAHN	1,097.88
0028411	09/11/92	LYLE SWANSON	1,101.14
0028412	09/11/92	LARRY J CUDE	297.32
0028413	09/11/92	ANDREA J OSTER	1,166.10
0028414	09/11/92	WILLIAM MIKISKA	185.63
0028415	09/11/92	DANIEL F FAUST	2,369.82
0028416	09/11/92	LINDA ZICK	912.50
0028417	09/11/92	DEBORAH DEHN	706.72
0028418	09/11/92	RICHARD HANGSLEBEN	1,405.30
0028419	09/11/92	ALANA K MATHEYS	1,251.70
0028420	09/11/92	DELORES A VIGNALD	1,229.31
0028421	09/11/92	CHELEN GORE	216.00
0028422	09/11/92	BRUCE ANDERSON	1,040.50
0028423	09/11/92	LUCILLE E AURELIUS	2,069.06
0028424	09/11/92	BETTY D SELVOG	224.31
0028425	09/11/92	PATRICIA FRY	664.46
0028426	09/11/92	LOIS BEHM	1,271.70

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

0002

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028427	09/11/92	CONNIE L KELSEY	727.88
0028428	09/11/92	LORRAINE S VIETOR	1,121.30
0028429	09/11/92	PATRICIA A HENSLEY	660.78
0028430	09/11/92	CAROL JAGOE	1,059.69
0028431	09/11/92	JEANETTE E CARLE	1,093.60
0028432	09/11/92	SANDRA OLSON	940.81
0028433	09/11/92	MARY KAY PALANK	954.66
0028434	09/11/92	KENNETH V COLLINS	2,359.94
0028435	09/11/92	CAROLE L RICHIE	1,199.24
0028436	09/11/92	JOANNE M SVENDSEN	1,521.49
0028437	09/11/92	ELAINE FULLER	576.17
0028438	09/11/92	CAROL F MARTINSON	1,319.46
0028439	09/11/92	ANTHONY G CAHANES	2,034.46
0028440	09/11/92	ROBERT D NELSON	2,034.46
0028441	09/11/92	VERNON T STILL	1,546.87
0028442	09/11/92	DONALD W SKALMAN	1,802.10
0028443	09/11/92	RAYMOND J MORELLI	1,546.87
0028444	09/11/92	SCOTT L STEFFEN	2,187.76
0028445	09/11/92	DAVID L ARNOLD	1,802.10
0028446	09/11/92	JOHN J BANICK	1,746.70
0028447	09/11/92	JOHN C BOHL	1,741.16
0028448	09/11/92	DALE K CLAUSON	1,546.87
0028449	09/11/92	RICHARD M MOESCHTER	1,546.87
0028450	09/11/92	JOHN H ATCHISON	1,546.87
0028451	09/11/92	JAMES YOUNGREN	1,846.46
0028452	09/11/92	WILLIAM F PELTIER	1,802.10
0028453	09/11/92	KEVIN RABBETT	1,081.24

CITY OF MAPLEWOOD
 EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
 FOR THE CURRENT PAY PERIOD

0003

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028454	09/11/92	THOMAS J SZCZEPANSKI	1,628.54
0028455	09/11/92	VIRGINIA DOWDLE	1,065.91
0028456	09/11/92	CABOT V WELCHLIN	1,588.94
0028457	09/11/92	RICHARD J LANG	1,546.87
0028458	09/11/92	DALE RAZSKAZOFF	1,546.87
0028459	09/11/92	MICHAEL RYAN	1,835.37
0028460	09/11/92	MICHAEL J HERBERT	1,756.49
0028461	09/11/92	RICHARD C DREGER	1,517.84
0028462	09/11/92	GREGORY L STAFNE	1,576.45
0028463	09/11/92	RONALD D BECKER	1,546.87
0028464	09/11/92	KEVIN R HALWEG	2,251.25
0028465	09/11/92	DERRELL T STOCKTON	1,546.87
0028466	09/11/92	PAUL G PAULOS-JR.	1,473.69
0028467	09/11/92	RICK A BOWMAN	1,641.52
0028468	09/11/92	FLINT D KARIS	1,569.21
0028469	09/11/92	STEPHEN J HEINZ	1,569.21
0028470	09/11/92	JOHN FRASER	1,609.26
0028471	09/11/92	DAVID M GRAF	1,617.74
0028472	09/11/92	DAVID J THOMALLA	1,982.02
0028473	09/11/92	STEVEN PALMA	1,574.10
0028474	09/11/92	ROBERT E VORWERK	1,633.22
0028475	09/11/92	JOSEPH A BERGERON	1,579.21
0028476	09/11/92	JAMES MEEHAN	1,670.10
0028477	09/11/92	JON A MELANDER	1,617.74
0028478	09/11/92	SARAH SAUNDERS	1,034.66
0028479	09/11/92	JAMES M EMBERTSON	1,733.70
0028480	09/11/92	DUANE J WILLIAMS	1,499.22

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

0004

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028481	09/11/92	JANET L RABINE	1,623.80
0028482	09/11/92	JULIE A STAHNKE	1,389.83
0028483	09/11/92	SCOTT K BOYER	1,838.47
0028484	09/11/92	CAROL NELSON	1,802.10
0028485	09/11/92	JOSEPH FEHR	1,614.35
0028486	09/11/92	SHAWN THOLEN	663.60
0028487	09/11/92	JAYME L FLAUGHER	1,232.50
0028488	09/11/92	JUDITH WEGWERTH	765.70
0028489	09/11/92	KENNETH G HAIDER	2,359.94
0028490	09/11/92	JUDY M CHLEBECK	1,232.50
0028491	09/11/92	WILLIAM PRIEFER	1,335.66
0028492	09/11/92	GERALD W MEYER	1,270.67
0028493	09/11/92	MICHAEL R KANE	1,619.70
0028494	09/11/92	BRYAN NAGEL	1,228.68
0028495	09/11/92	DAVID P LUTZ	1,229.14
0028496	09/11/92	JAMES DARST	867.70
0028497	09/11/92	HENRY F KLAUSING	1,267.70
0028498	09/11/92	JOHN SCHMOOCK	1,199.70
0028499	09/11/92	RONALD J HELEY	1,248.82
0028500	09/11/92	ERICK D OSWALD	1,263.89
0028501	09/11/92	RONALD L FREBERG	1,247.06
0028502	09/11/92	WILLIAM C CASS	1,900.50
0028503	09/11/92	RANDAL LINDBLOM	1,352.97
0028504	09/11/92	JAMES G ELIAS	1,482.10
0028505	09/11/92	JOHN DU CHARME	1,104.50
0028506	09/11/92	DENNIS L PECK	1,482.10
0028507	09/11/92	WILLIAM PRIEBE	1,927.54

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

0005

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028508	09/11/92	BRUCE A IRISH	1,974.91
0028509	09/11/92	WALTER M GEISSLER	1,495.74
0028510	09/11/92	THERESA METZ	1,260.50
0028511	09/11/92	JOHN R LOFGREN	1,048.50
0028512	09/11/92	ROBERT D ODEGARD	2,124.27
0028513	09/11/92	LOIS J BRENNER	1,210.90
0028514	09/11/92	BARBARA A KRUMMEL	571.05
0028515	09/11/92	PAULINE STAPLES	1,866.10
0028516	09/11/92	LUTHER JONES	83.20
0028517	09/11/92	MARGARET KUNDE	122.51
0028518	09/11/92	ROBERT S ANDERSON	1,202.67
0028519	09/11/92	DENNIS P LINDORFF	1,222.10
0028520	09/11/92	WILLIAM GARRY	1,199.70
0028521	09/11/92	ROLAND B HELEY	1,245.30
0028522	09/11/92	MARK CARLE	396.75
0028523	09/11/92	MARK A MARUSKA	1,739.10
0028524	09/11/92	JAMES SCHINDELDECKER	1,165.30
0028525	09/11/92	DAVID WIEDL	122.85
0028526	09/11/92	MATTHEW KIMLINGER	333.50
0028527	09/11/92	MYLES R BURKE	1,267.70
0028528	09/11/92	LEE STOERZINGER	92.00
0028529	09/11/92	JAY BRENNER	650.00
0028530	09/11/92	RICHARD E STARK	46.00
0028531	09/11/92	CRAIG MISKELL	396.00
0028532	09/11/92	DAVID CHAMPLIN	65.00
0028533	09/11/92	SANDRA LEARNED	27.50
0028534	09/11/92	ROY G WARD	419.02

CITY OF MAPLEWOOD
 EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
 FOR THE CURRENT PAY PERIOD

0006

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CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028535	09/11/92	DOUGLAS J TAUBMAN	1,531.70
0028536	09/11/92	JANET M GREW HAYMAN	537.05
0028537	09/11/92	JEAN NELSON	559.99
0028538	09/11/92	JUDITH A HORSNELL	798.65
0028539	09/11/92	ANN E HUTCHINSON	1,310.90
0028540	09/11/92	RITA MACY	39.88
0028541	09/11/92	LYNE FISHER	177.63
0028542	09/11/92	KATHLEEN M DOHERTY	1,188.51
0028543	09/11/92	MARIE BARTA	1,110.58
0028544	09/11/92	GEOFFREY W OLSON	2,124.27
0028545	09/11/92	NANCY MISKELL	491.43
0028546	09/11/92	JOYCE L LIVINGSTON	648.30
0028547	09/11/92	TROY LANGER	292.00
0028548	09/11/92	KENNETH ROBERTS	1,396.50
0028549	09/11/92	THOMAS G EKSTRAND	1,705.35
0028550	09/11/92	MARJORIE OSTROM	1,742.90
0028551	09/11/92	NICHOLAS N CARVER	1,437.30
0028552	09/11/92	ROBERT J WENGER	1,455.70
0028553	09/11/92	EDWARD A NADEAU	1,266.10
0028554	09/11/92	LAVERNE S NUTESON	1,712.50
0028555	09/11/92	ROGER W BREHEIM	1,288.47
0028556	09/11/92	DAVID B EDSON	1,312.54
0028557	09/11/92	DAVID GERMAIN	1,242.90
0028558	09/11/92	DENNIS M MULVANEY	1,362.90
0028559	09/11/92	GEORGE C SPREIGL	1,248.50
0028560	09/11/92	ELIZABETH J WEILAND	934.04
0028561 VOID	09/11/92	MAPLEWOOD STATE BANK	#1 22,161.81

CITY OF MAPLEWOOD
 EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
 FOR THE CURRENT PAY PERIOD

0007

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0028562 VOID	09/11/92	MN STATE COMM OF REVENUE	9,381.95
0028563 VOID	09/11/92	FIRST MINNESOTA (FICA)	9,121.13
0028564 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	4,983.48
0028565	09/11/92	ICMA RETIREMENT TRUST-457	10,002.84
0028566 VOID	09/11/92	FIRST MINNESOTA	318.75
0028567 VOID	09/11/92	CITY OF MAPLEWOOD (HCMA)	3,197.86
0028568	09/11/92	CITY & COUNTY EMP CR UNION	29,762.00
0028569 VOID	09/11/92	UNITED WAY OF ST. PAUL AREA	111.00
0028570 VOID	09/11/92	COMMERCIAL LIFE INSURANCE	190.50
0028571	09/11/92	MN STATE RETIREMENT SYSTEM	286.00
0028572 VOID	09/11/92	PUBLIC EMP. RETIREMENT ASSOC.	148.50
0028573	09/11/92	AFSCME 2725	620.84
0028574	09/11/92	METRO SUPERVISORY ASSOC	20.00
0028575	09/11/92	MN. MUTUAL LIFE INS. 19-3988	273.00
0028576 VOID	09/11/92	DCA	28.17
0028577 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	415.55
0028578 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	5,772.31
0028579	09/11/92	L.E.L.S.	675.00
0028580	09/11/92	L.E.L.S.	175.00
0028581	09/11/92	RAMSEY CO SUPPORT & COLLECT	400.00
0028582	09/11/92	L.E.L.S.	21.25
0028583 VOID	09/11/92	MEDICA CHOICE	76.76
0028584 VOID	09/11/92	FIRST MINNESOTA (FICA)	9,120.59
0028585 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	5,278.02
0028586 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	541.78
0028587 VOID	09/11/92	PUBLIC EMP RETIREMENT ASSOC	8,658.33
GROSS EARNINGS AND DEDUCTIONS			321,695.34

AGENDA REPORT

Action by Council:

Endorsed_____

Modified_____

Rejected_____

Date_____

TO: City Manager
FROM: Finance Director *Raust*

RE: FINANCIAL TRANSFERS TO CLOSE REJECTED IMPROVEMENT PROJECTS

DATE: September 21, 1992

INTRODUCTION

It is proposed that transfers totaling \$173,896.25 be made from the General Fund to eliminate the deficits and close several funds for improvement projects that have been rejected by the City Council.

BACKGROUND

When an engineering feasibility study is ordered for a public improvement project, a fund is created to account for the cost of the study. When study costs are incurred, a cash deficit is created in the project fund. The project fund is charged interest on the cash deficit equal to the interest rate earned on City investments. If the project is approved, the cost of the engineering feasibility study and interest expense is included in the total project costs and financed by special assessments or other funding sources. If a project is rejected, the cost of the engineering feasibility study and interest expense is financed by the General Fund. This is done by a transfer of money from the General Fund to the project fund at the time the project fund is closed. The General Fund can be reimbursed if the project is reconsidered at a later date.

Transfers from the General Fund to eliminate cash deficits and close several funds for improvement projects rejected by the City Council are needed for the following amounts:

- \$90,767.37 Project 85-08, Edgerton/Roselawn Storm Sewer
- 51,415.74 Project 88-09, Carey Heights Drive
- 17,373.38 Project 90-12, Harvestor Storm Sewer
- 11,165.95 Project 90-13, Duluth-English Storm Sewer
- 3,173.81 Project 92-13, Hazelwood, County Road C - Beam

It is recommended that the Council approve transfers and budget adjustments for the amounts listed above. All of these transfers were included in the financial projections for the 1993 Budget.

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: Lot Division Time Extension
LOCATION: 1230 Sterling Street South (Ski-Jump Property)
DATE: September 18, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

Mr. Tom Harrington is requesting that the City Council approve a time extension for a lot division. Mr. Harrington represents the St. Paul Educational Foundation. They own the ski club property. The Foundation wants to create a 180- x 200-foot lot to sell the existing house at 1230 Sterling Street. (See the map on page 4.)

BACKGROUND

The City Council approved the lot division and a subdivision code variation on September 23, 1991. One of the conditions for the lot division was that the owner record the deeds within one year, unless the City approves a time extension. (See the minutes on pages 4 and 5.)

DISCUSSION

The Educational Foundation is completing the conditions the City required for the lot division. (See their letter on page 6.) They expect to record the deeds by January 1, 1993. There is no reason to deny the time extension.

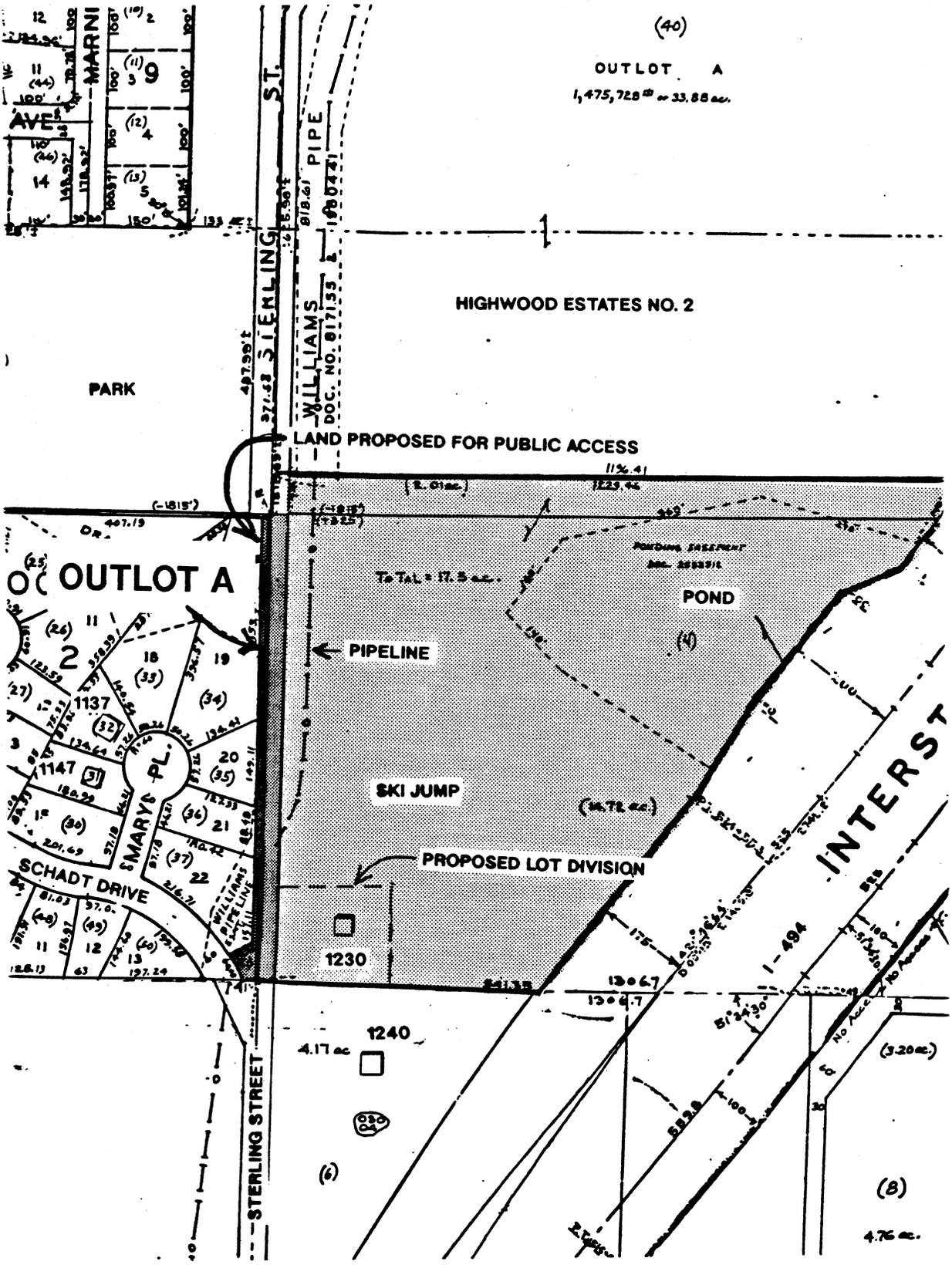
RECOMMENDATION

Approve a time extension until January 1, 1993 for the lot division at 1230 South Sterling Street.

mb\mem\1230Ster
go/b-3:memo26b.mem (13-28)

Attachments:

1. Location Map
2. Property Line Map
3. September 23, 1991 Council minutes
4. Statement from the Saint Paul Educational Foundation



PROPERTY LINE MAP

 PROPERTY IN QUESTION

 LAND PROPOSED FOR PUBLIC OWNERSHIP



3. The City Council held a public hearing on September 23, 1991. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves these vacations, public interest in the property will go to the following properties:

The North one-half of the vacated Burke Avenue and all of Block 17, Sabin Addition to Gladstone, Ramsey County, Minnesota (PIN 15-29-22-21-0084); and

The South one-half of the vacated Burke Avenue accruing to and the North 94 feet of Lots 1 through 4, Block 24, Sabin Addition to Gladstone, Ramsey County, Minnesota (PIN 15-29-22-21-0092).

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described easement vacations for the following reasons:

1. It is in the public interest.
2. There is no need for these easements because the City acquired other easements to replace these.

Seconded by Councilmember Rossbach

Ayes - all

7/23/91

(~~28~~)

13/28

2. 7:10 p.m. (7:22 p.m.), Lot Division and Subdivision Code Variation: 1230 Sterling St.

- a. Mayor Bastian convened the meeting for a public hearing regarding a request for a lot division at 1230 Sterling Street.
- b. Assistant City Manager Maglich presented the staff report.
- c. Director of Community Development Olson presented the specifics of the report.
- d. Commissioner Fischer presented the Planning Commission Recommendation.
- e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following appeared:

Tom Harrington, President of St. Paul Educational Foundation

f. Mayor Bastian closed the public hearing.

g. Councilmember Zappa introduced the following Resolution and moved its adoption:

91 - 09 - 121

SUBDIVISION CODE VARIATION RESOLUTION

WHEREAS, the St. Paul Educational Foundation applied for a variation from the subdivision code to split off a 180- by 200-foot lot for the existing house.

WHEREAS, the legal description of the property is:

In Section 13, Township 28, Range 22, the South 74 feet of the North 1815 feet of the West 1/2 of the S.E. 1/4 and also, the South 825 feet of the S.W. 1/4 of the S.E. 1/4 (subject to roads and highways). This property is also known as 1230 Sterling Street South.

WHEREAS, Section 30-8 of the Maplewood Code of Ordinances requires all lots to abut on a publicly dedicated and maintained street.

WHEREAS, the applicant is proposing to create a lot abutting on public property that is not a dedicated and maintained street.

WHEREAS, the history of this variation is as follows:

1. The Planning Commission discussed this variation of September 3, 1991. They recommended that the City Council approve the variation.
2. The City Council held a public hearing on September 23, 1991. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described variation for the following reasons:

1. It is in keeping with the spirit and intent of the Subdivision Code.
2. The proposed lots meet all City size standards.
3. The owners are not proposing any development.
4. Existing driveways provide access to the two proposed lots.

This approval shall be subject to the following conditions:

1. The owners placing a deed restriction on the northerly lot that would prohibit any additional building without getting City approval.
2. The owner deeding Outlot A of the Maplewood Highlands Addition and the west 33 feet of their property to the City.
3. The owner recording the deeds for the lot division within one year, unless the City approves a time extension.

Seconded by Councilmember Rossbach

Ayes - all

THE SAINT PAUL EDUCATIONAL FOUNDATION, INC
2278 Timberlea Drive
Woodbury, MN 55125

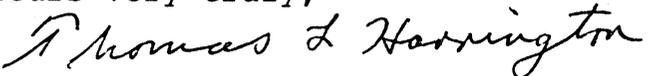
September 10, 1992

Mr. Geoff Olson, Community Development Director
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

Dear Mr. Olson:

This is to request a three month time extension for recording the deeds as covered by the Council action on September 23, 1991 (copy enclosed). The final details of this transaction are virtually completed, and we fully expect to be able to file the deeds within the three month period.

Yours very truly,



Thomas L. Harrington, President
Saint Paul Educational Foundation

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Conditional Use Permit Review
LOCATION: 1255 Cope Avenue
PROJECT: Northern Hydraulics
DATE: September 18, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

The City Council should review the conditional use permit (CUP) at 1255 Cope Avenue. The CUP allows a commercial building within 350 feet of a residential district.

BACKGROUND

September 24, 1990: The City Council approved this CUP.

June 24, 1991: The Council revised this CUP to change the store hours and require the owner to replace weeds and dead grass with sod. Northern Hydraulics sodded their lot as the Council required.

September 23, 1991: The Council reviewed the CUP and required a review in one year.

DISCUSSION

Marna Gerke (1252 Cope Court) recently complained about Northern Hydraulics. Ms. Gerke said that Northern Hydraulics had been displaying materials outside their building, had parked a semi-trailer on the site for several days and had lights that glare. (See her letter on page 6.)

I talked to Pete Solum of Northern Hydraulics about these complaints. Mr. Solum said that since Ms. Gerke's complaint, they repainted the fronts of the light lenses black to stop the glare. He said they sometimes move materials outside while they unload trucks. They do this because the building does not have enough space. He said that since they got rid of a large tractor, the exterior storage should not be a problem anymore. They used the semi-trailer for a week-long sale for extra storage space. The semi-trailer has been removed.

RECOMMENDATION

Review the conditional use permit at 1255 Cope Avenue again in one year.

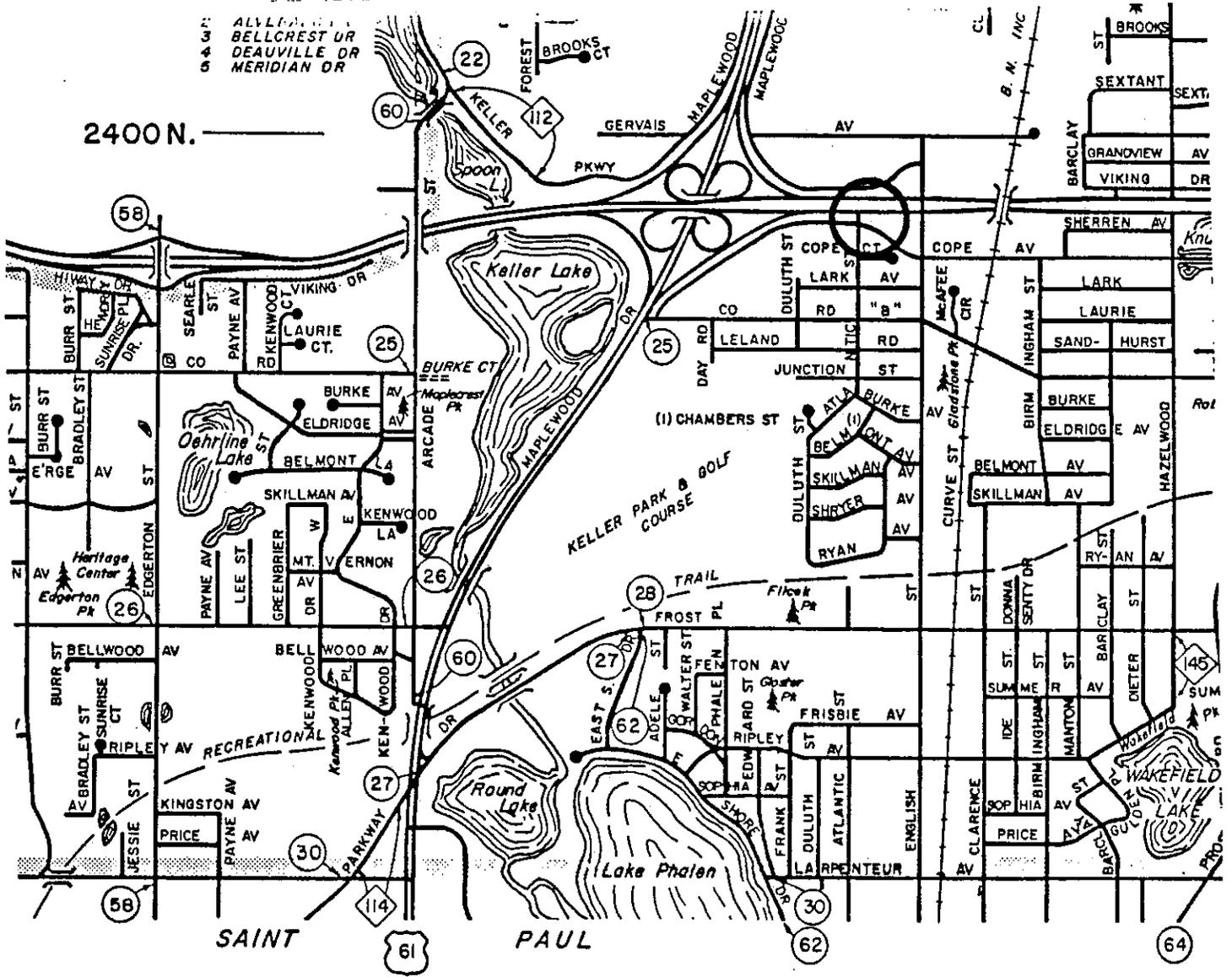
go\b-3:hydraul.mem (9)

Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Letter

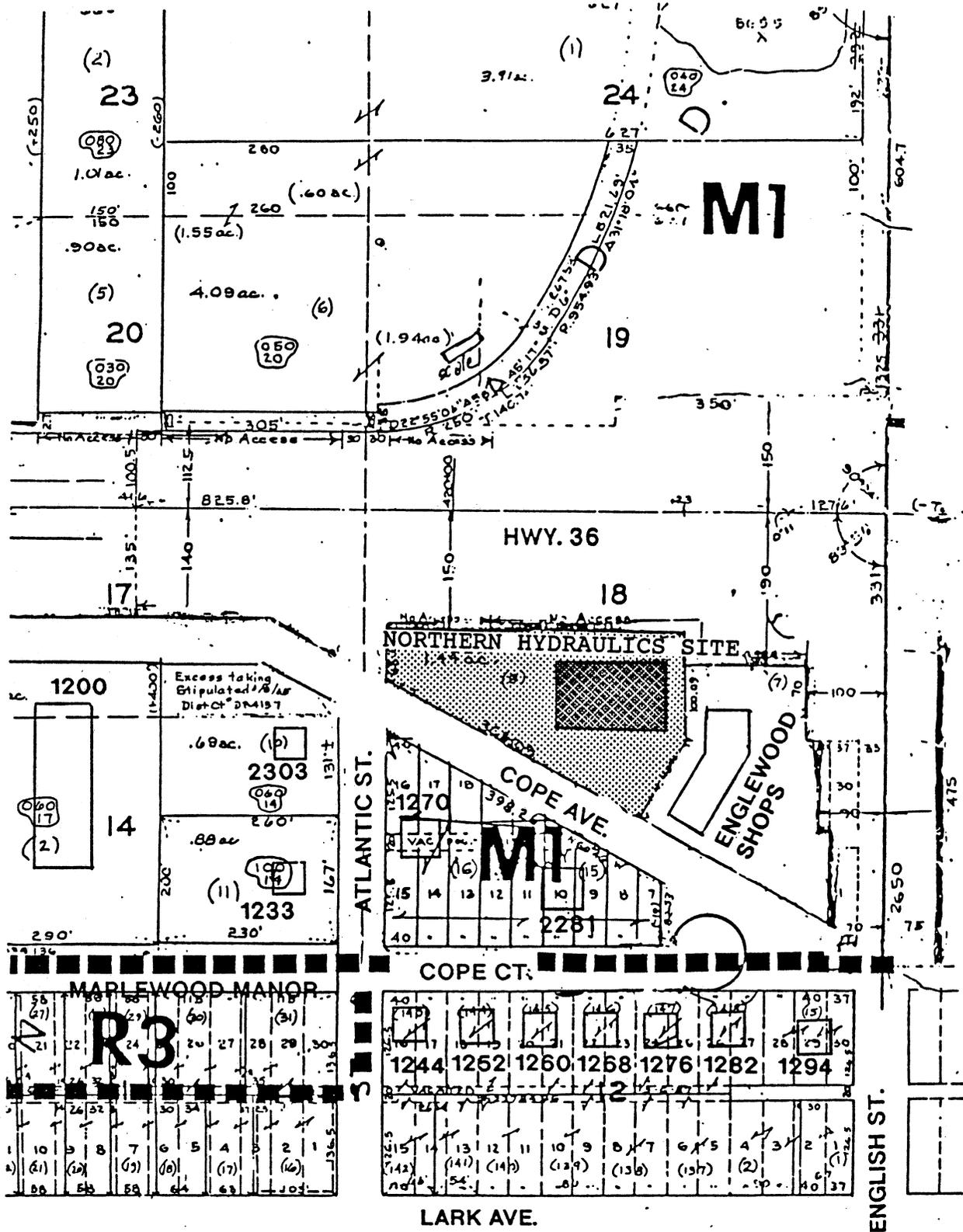
2 ALLEMAN DR
 4 BELLCREST DR
 5 DEAUVILLE DR
 MERIDIAN DR

2400 N.

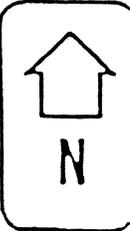


LOCATION MAP

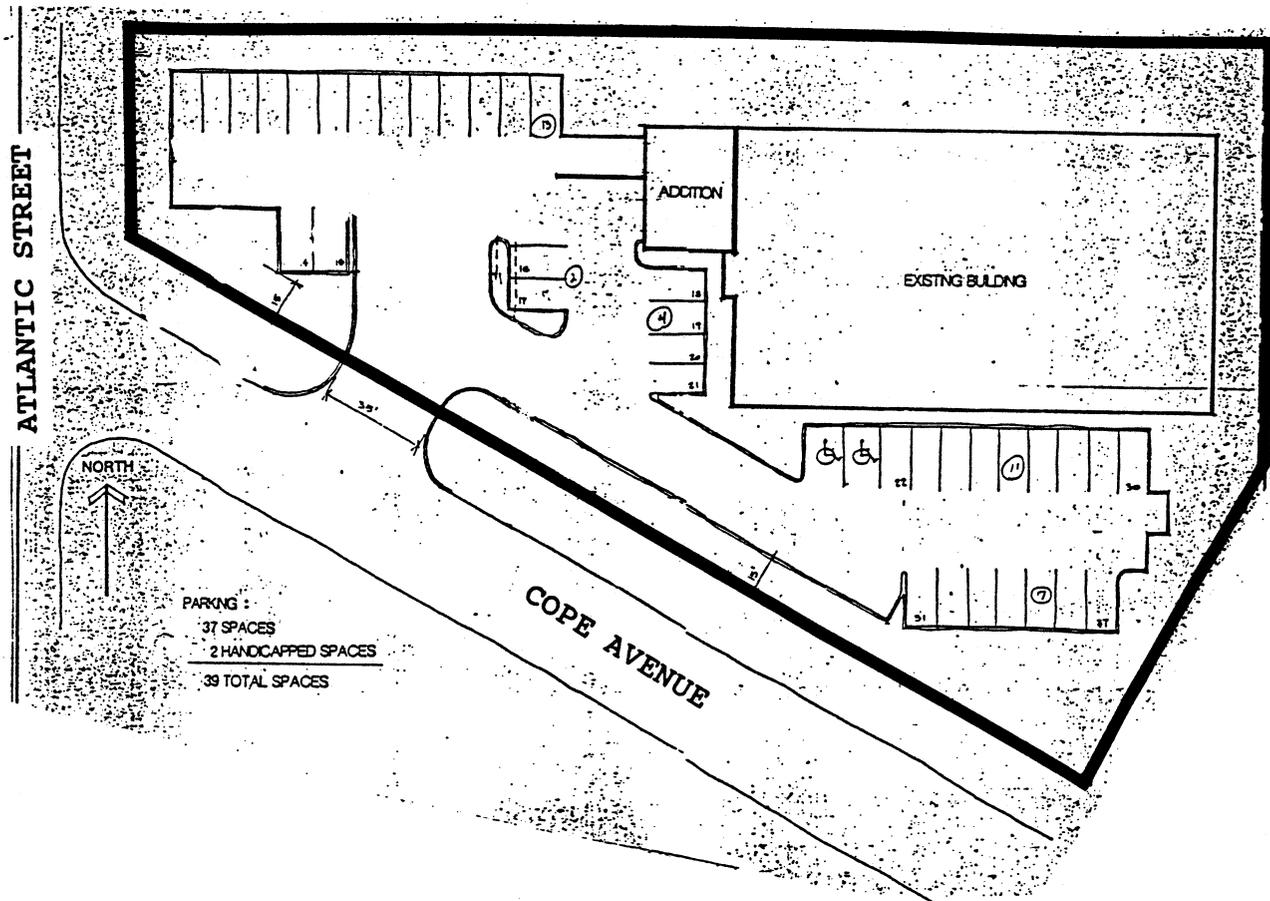




PROPERTY LINE / ZONING MAP



HIGHWAY 36



PARKING :
37 SPACES
2 HANDICAPPED SPACES
39 TOTAL SPACES

APPROVED SITE PLAN



September 1, 1992

SEP - 2

City of Maplewood
1830 E. County Rd. B.
Maplewood, MN 55109

Attn: Mr. Ken Roberts

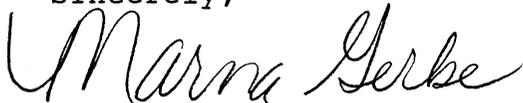
Dear Mr. Roberts:

A couple of weeks ago I wrote to you inquiring as to whether or not the outdoor storage of trailers, lawn tractors and a full-size tractor was permissible at Northern Hydraulics - 1255 Cope Avenue. I also mentioned that at that time a semi-trailer had been located in their parking lot for several days. All of these are not permissible from my understanding. This letter is simply to make you aware that the largest of these items, the semi-trailer, is still parked in their lot, not having been moved whatsoever since its arrival. I am assuming this large white semi-trailer with Northern's logo is used as 1) either advertising or 2) storage of merchandise. In either case it is backed up to their dock directly against the building, lending credence toward its being used as extra storage - outdoor.

On a further note related to your letter of 8/30/91 to Pete Solum of Northern, Inc, the 3 lights located on the south of the building were painted black to alleviate the glare. That paint has now worn off, and it would be pleasing if they could be re-painted before the onset of fall and winter when the lighting is more noticeable, minus foilage lessening the brightness. I did jot a note to John Rose at Northern's corporate office requesting this.

My office number is 627-4356, and home 483-3803 if a phone call is convenient and time-saving for you.

Sincerely,



Marna Gerke
1252 Cope Ave. E.
Maplewood, MN 55109

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Director of Community Development
SUBJECT: Shoreland Ordinance Grant
DATE: September 18, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

I am requesting that the City Council approve the attached resolution. This resolution requests a grant of up to \$5,000 from the State. The grant would pay for the costs of updating the City's shoreland ordinance. The State is requiring that Maplewood update its shoreland ordinance by September 1, 1994.

RECOMMENDATION

Approve the attached resolution.

go\b-3:shorgran.mem (5.1)
attachment: resolution

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
SHORELAND GRANT APPLICATION

WHEREAS, the State, as provided by Minnesota Statutes 103F.201-221 and Minnesota Rules parts 6120.2500 through 6120.3900 pertaining to Statewide Standards for "Management of Shoreland Areas"; and

WHEREAS, the State is authorized by the Laws of 1991, Chapter 254, Section 5, Subd 3 to provide grant assistance for Cities to adopt a shoreland management ordinance consistent with statewide standards.

NOW THEREFORE, subject to available funding, it is hereby requested by the City of Maplewood that an agreement be entered into by the State of Minnesota, acting by and through the Commissioner of Natural Resources and the City of Maplewood, to provide grant money assistance up to \$5,000.00 matching fund dollars, for the purposes of adopting a shoreland management ordinance consistent with statewide standards.

BY: _____

Mayor

DATE: _____

MEMORANDUM

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: City Clerk
DATE: September 23, 1992
RE: SANITARY SEWER CONNECTION - 2240 HAZELWOOD

On October 23, 1991 the City Council approved Mrs. Judy Baier's request to place the costs of connecting her home to sanitary sewer on her real estate taxes due to hardship. The work has been completed and statements from the sewer installer submitted.

Council authorization is requested to send the necessary resolution to Ramsey County to certify \$7,650.00 to Mrs. Baier's real estate taxes and to pay Woodbury Mechanical to install the sewer to the home. The amount \$7,650.00 consists of:

Cash Connection Charge - 75' x \$35.00	\$2,625.00
Woodbury Mechanical	4,400.00
S.A.C.	<u>625.00</u>
TOTAL	\$7,650.00

Approval of this action is requested.

LA/pf

AGENDA REPORT

Action by Council:
Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Assistant City Manager *Gretchen Maglich*
RE: CONTINUATION OF THE PUBLIC HEARING: PROPOSED COMMUNITY CENTER PROJECT
DATE: September 21, 1992

INTRODUCTION

On September 14, 1992, the City Council conducted a public hearing about the proposed community center project. Due to the time constraints of the agenda, the public hearing was held for one hour and fifteen minutes and then recessed until 6:00 p.m., Monday, September 28.

BACKGROUND

The City Council requested some additional information for the continuation of the public hearing: the estimated increase in City taxes payable in 1994 on a home valued at \$120,000 and \$150,000 due to the construction of the center; and the results of the community survey conducted by Decision Resources, Ltd. in mid-September regarding the community center. Staff has also included a summary of the public comment sheets that we received near the model in the lobby.

Estimated increases in property taxes

The following numbers are estimates of the increase in City property taxes due to the construction of the proposed center.

A \$60,000 valued home	\$ 4
A \$80,000 valued home	\$ 7
A \$100,000 valued home	\$10
A \$120,000 valued home	\$13
A \$150,000 valued home	\$17

The actual amount will be affected by changes in the City's tax base, HACA, fiscal disparities, timing of bond sales, interest rates on the bonds, and factors that determine the annual tax increment revenues for the six tax increment districts.

Second Community Survey

On August 10, 1992, the City Council authorized Decision Resources, Ltd. to conduct a second telephone survey of Maplewood residents. The survey instrument consisted of 97 questions about City services, development, road design, assessment policies, and the community center. In total, 400 residents were randomly selected to received a phone call based on the City's 13 planning neighborhoods. For the purpose of this report, only the results of the questions about the community center will be summarized.

There were nine questions about the community center in the survey. The community center section from the survey is provided below.

As you may know, the City of Maplewood is considering building a community center.

- | | | |
|--|------------------------------|-----|
| 1. Do you favor or oppose the construction of a Maplewood Community Center? And do you feel strongly that way? | STRONGLY FAVOR | 26% |
| | SOMEWHAT FAVOR | 34% |
| | SOMEWHAT OPPOSE | 11% |
| | STRONGLY OPPOSE | 16% |
| | DON'T KNOW/REFUSED | 14% |

If "SUPPORT" or "OPPOSE," ask:

2. Why do you feel that way:

NO ANSWER, 2%; NEEDED, 37%; GOOD FOR CITY, 10%; COST HIGH, 9%; NO NEED, 21%; GOOD FOR KIDS, 15%; NEED MORE INFORMATION, 6%.

The Maplewood Community Center is the largest project that has ever been considered by the City of Maplewood. As currently designed, it includes two gymnasiums, a leisure and exercise pool, meeting rooms, senior and teen areas, a 300-seat performing arts theater, exercise and weight facilities, banquet facilities with a catering kitchen, running/walking track, and multi-purpose activity room for such things as arts and crafts, dance, and aerobics.

The estimated cost of the proposed community center project is \$13 million, which includes the cost of land and building construction. Of that amount, approximately \$7 million would be available through tax increment funds. To cover the remaining \$6 million, the yearly property tax increase on an average \$80,000 home would be approximately \$7.

- | | | |
|--|-------------------------|-----|
| 3. Would you support or oppose this property tax increase for the construction of the community center? Do you feel strongly that way? | STRONGLY SUPPORT . . . | 29% |
| | SUPPORT | 32% |
| | OPPOSE | 15% |
| | STRONGLY OPPOSE | 18% |
| | DON'T KNOW/REFUSED . . | 6% |

The community center will be located on White Bear Avenue just south of County Road B adjacent to City Hall. Based on our previous discussion of the facilities to be included, please tell me how many members of this household would probably....

- | | |
|--|---|
| 4. Visit the community center on a frequent, at 5%; least weekly, basis? | 0, 68%; 1, 10%; 2, 12%; 3, 4, 3%; 5, 3%; 6, 1%. |
|--|---|

5. Visit the community center on an occasional, 0, 50%; 1, 14%; 2, 17%; 3, 9%; perhaps monthly, basis? 4, 7%; 5,3%; 6,1%.

If a community center were built, the City would face two choices on charging user fees. First, the City could subsidize the operation of the center through general tax revenue and keep user fees low. Or, second, the City could require the facility to be self-sufficient, requiring much higher user fees.

6. Which course of action would you favor--should the City subsidize operating costs through general tax revenues or not?
- | | |
|------------------------------|-----|
| SUBSIDIZE | 37% |
| DON'T SUBSIDIZE | 51% |
| DON'T KNOW/REFUSED | 13% |

To cover the operating costs of the community center, the City may charge moderate fees to athletic facility users. In this way, operating expenses incurred by the City could be decreased.

It might be helpful to discuss comparable fees. The family membership at the YMCA costs \$685 yearly, while U.S. Swim and Fitness membership costs \$648. Cities tend to charge less. Chaska charges its families \$175 yearly, while the Shoreview yearly family membership fees are \$323.

7. Would the charge of a moderate fee for a daily pass to use facilities, such as the swimming pools, gymnasiums, and arts and crafts rooms, significantly decrease your use of those facilities, or not?
- | | |
|------------------------------|-----|
| YES | 23% |
| NO | 53% |
| DEPENDS ON FEE | 14% |
| DON'T KNOW/REFUSED | 11% |

The City might offer individual memberships to recreational facility users. Members would have unlimited access to all facilities.

8. How much would you be willing to pay yearly for an individual membership. Let's say, would you be willing to pay \$_____? (Depending on response, choose next higher or lower category.) How about \$_____?
- | | |
|------------------------------|-----|
| NOTHING | 38% |
| \$50 | 17% |
| \$75 | 7% |
| \$100 | 12% |
| \$125 | 4% |
| \$150 | 4% |
| \$175 | 1% |
| \$200 | 5% |
| DON'T KNOW/REFUSED | 14% |

The City might also offer family memberships to recreational facility users. Members would have unlimited access to all facilities.

9. How much would you be willing to pay yearly for a family membership. Let's say, would you be willing to pay \$_____? (Depending on response, choose the next higher or lower category.) How about \$_____?
- | | |
|------------------------------|-----|
| NOTHING | 35% |
| \$50 | 10% |
| \$100 | 10% |
| \$150 | 9% |
| \$200 | 10% |
| \$250 | 4% |
| \$300 | 4% |
| \$350 | 5% |
| DON'T KNOW/REFUSED | 13% |

Dr. Bill Morris summarized the findings and made some comparisons to the 1989 survey results. His report is attached.

There are five main categories of questions: **construction of a center, property tax increase, subsidizing the operations with general tax revenue, daily user fees, and annual memberships.** In general, there was a positive and supportive attitude about the construction of a community center. Sixty percent (60%) favored the construction while 27% opposed it. Sixty-one percent (61%) would favor the property tax increase, and 33% would oppose it. Fifty-one percent (51%) opposed the idea of the City subsidizing the operations through general tax revenue, and 37% favored subsidization. Fifty-three percent (53%) of the residents would attend the center despite a daily user fee, and 23% would be affected by a moderate fee. A \$150 family membership to the center would attract 32% of the households, and by lowering the cost of the membership to \$100, ten percent more households would join.

Dr. Morris compared the results of the 1989 survey with the latest survey. "In comparison with the 1989 Maplewood Residential Survey, support for the concept of a community center has increased by 4%, while opposition has increased by 2%. The rationales for each position have remained unchanged from the earlier study.

When faced with a specific project, rather than the open-ended center described in 1989, potential usership decreased by ten percent--at 73% in the earlier study.

Opinions about the subsidization of operations through the use of general tax revenue remain virtually unchanged from the earlier survey--a majority oppose the use of tax money for this purpose. In addition, the percentage of residents who would not be impacted by the charge of a moderate daily fee for the use of athletic facilities remain fairly constant. However, there was a doubling--from 12% to 23%--of residents who would definitely decrease their use of the community center, and a halving of residents--from 27% to 14%--who stated it depended on the size of the fee.

Interests in the purchase of a community center membership has also declined. In 1989, 21% of the sample reported they would buy an individual membership if the cost were no more than \$75; currently, that figure is 33%. In 1989, 44% volunteered they would be willing to purchase a family membership if the cost were, at most, \$150; in this recent survey, 32% reported the same inclination. Clearly, there is more fee sensitivity among residents in this survey than in the 1989 reading."

Results of "YOUR OPINION COUNTS" - Comment form available to the public near the model being displayed in the lobby

When the City Council accepted the preliminary design from the architectural firm of AKR, they directed staff to display the model in the lobby and solicit comments from the public about the project. As of Monday, September 21, the following comments had been received:

In Favor of the Center: 41 forms

Reasons for the support: Use by children; family is using Shoreview facility now; focal point for residents is needed; activities for all age groups needed; existing facilities are full to capacity.

Not in Favor of the Center: 84 forms

Reasons for not supporting the project: Too costly; tough economic times; facilities are currently available in schools and parks; taxes are too high; seniors on a fixed income and can't afford more taxes; location is inaccessible. Forty-four of the forms were from residents living on Londin Lane.

In Favor but want a smaller project: 3 forms

Unrelated or Anonymous: 15 forms

Phone Calls

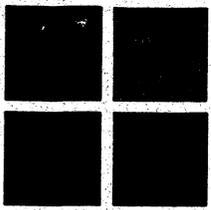
Four phone calls were received in Manager's Office offering their name, address and opinion. They stated that they were unable to attend the meetings. The four comments were in favor of the project.

RECOMMENDATION

The City Council has two options - not to proceed with the project or to go ahead with it.

1. If the Council votes not to go forward with the project, there would be no further recommended action.
2. If the City Council votes to proceed with the proposed project, they should:
 - A. Direct staff to request proposals for a construction management firm; and
 - B. Direct the Mayor and the City Manager to enter into an agreement with the architectural firm of Ankeny, Kell, and Richter for the design development in accordance with the previously negotiated fee structure.

tmc



Decision Resources Ltd.

TO: Maplewood City Council and Staff
FROM: Dr. Bill Morris
DATE: September 21, 1992
SUBJECT: Residential Opinions and Attitudes about the Community Center

Current Findings:

These remarks are based upon the recently completed survey of 400 randomly selected Maplewood residents.

The reactions of residents to the Community Center are generally positive and supportive:

1. A two-to-one majority favors the Community Center in concept.

60% favored the construction of a Maplewood Community Center, while 27% opposed it. Among those holding strong opinions, there is a 26% to 16% split in favor of the Center.

Supporters mentioned that the facility is needed, and that it would be good for the City and good for children. Opponents cite the lack of need and the high cost.

2. When the proposed facility is described and the consequences of a six million dollar property tax increase are detailed, residents split solidly in favor of the Community Center.

61% would favor the property tax increase, while 33% would oppose it. Strong supporters outnumber strong opponents to the tax increase by a 29% to 18% split.

3. 63% of the household in the city reported the presence of at least one member who would visit the Community Center on at least an occasional, perhaps monthly, basis.

32% of the households contained a resident who would frequent the Center at least weekly, while 50% of the households reported a member who would visit the Center on a more occasional schedule.

4. A 51% majority opposed the subsidization of the operations of the Center through general tax revenue.

37% favored subsidization, while 13% were undecided.

5. A moderate daily fee to use athletic and arts/crafts facilities would not impact 53% of the residents of Maplewood in their visits to the Center.

23% were definitely affected by a moderate fee, 14% reported it would depend on the fee size, while 11% were unsure. Among frequent users, only ten percent felt their use of the facility would be diminished.

6. 33% of the residents would buy an individual membership to the Community Center if it cost no more than \$75.00. 50% would buy a membership if it cost no more than \$50.00. 38% were uninterested in a membership at any price.

A \$150.00 family membership to the Community Center would attract 32% of the households in the city. Lowering the cost of the pass to \$100.00 would augment this potential audience by ten percent.

Comparisons with the 1989 Survey:

In comparison with the 1989 Maplewood Residential Survey, support for the concept of a Community Center has increased by 4%, while opposition has increased by 2%. The rationales for each position have remained unchanged from the earlier study.

When faced with a specific project, rather than the open-ended Center described in 1989, potential usership decreased by ten percent -- at 73% in the earlier study.

Opinions about the subsidization of operations through the use of general tax revenue remain virtually unchanged from the earlier survey -- a majority oppose the use of tax money for this purpose. In addition, the percentage of residents who would not be impacted by the charge of a moderate daily fee for the use of athletic facilities remained fairly constant. However, there was a doubling -- from 12% to 23% -- of residents who would definitely decrease their use of the Community Center, and a halving of residents -- from 27% to 14% -- who stated it depended on the size of the fee.

Interests in the purchase of a Community Center membership has also declined. In 1989, 21% of the sample reported they would buy an individual membership if the cost were no more than \$75.00; currently, that figure is 33%. In 1989, 44% volunteered they would be willing to purchase a family membership if the cost were at most \$150.00; in this recent survey, 32% reported the same inclination. Clearly, there is more fee sensitivity among residents in this survey than in the 1989 reading.

AGENDA REPORT

Action by Council:

TO: City Manager
FROM: Assistant City Engineer Bruce Irish
SUBJECT: County Road C-TH 61 to Hazelwood, Project 89-04—Public Hearing
DATE: September 21, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

Introduction

A resolution is attached to order this project. A public information meeting is scheduled on Thursday, September 24, 1992, from 3 to 6 p.m. Attached is a copy of the project summary that was mailed with the notice of public hearing.

Background

A copy of the August 18, 1992, agenda report is attached for reference.

Recommendation

It is recommended that the attached resolution be adopted.

BAI

jc
Attachments

RESOLUTION

ORDERING IMPROVEMENT AFTER PUBLIC HEARING

WHEREAS, after due notice of public hearing on the construction of bituminous street, concrete curb and gutter, storm sewer, sidewalk, utility modifications, and bridge on County Road C from TH 61 to Hazelwood Street, City Project 89-04, a hearing on said improvement in accordance with the notice duly given was duly held on Monday, September 28, 1992, and the council has heard all persons desiring to be heard on the matter and has fully considered the same;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, as follows:

1. That it is advisable, expedient and necessary that the City of Maplewood construct bituminous street, concrete curb and gutter, storm sewer, sidewalk, utility modifications, and bridge on County Road C from TH 61 to Hazelwood Street, City Project 89-04, as described in the notice of hearing thereof, and orders the same to be made.

2. The mayor is authorized to execute cooperative agreements with Ramsey County and Minnesota Department of Transportation to implement this project.

3. The project budget is amended to \$571,000. The project financing shall be as follows:

Special assessments	\$150,250
Off-system MSA transfer	297,750
General obligation	<u>123,000</u>
	\$571,000



CITY OF
MAPLEWOOD

1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109

DEPARTMENT OF PUBLIC WORKS

612-770-4550

September 16, 1992

Dear Property Owner:

An informal public information session will be held on **Thursday, September 24, 1992**, between the hours of **3 p.m. and 6 p.m.** in the council chambers at city hall, 1830 East County Road B in Maplewood.

Representatives from Ramsey County and the city's engineering department will be present during this open house period to explain the general purpose and nature of the proposed Project 89-04: County Road C reconstruction from Trunk Highway 61 to Hazelwood Avenue.

It is hoped that we may be able to explain and answer any questions that you may have concerning your property so that you will be well informed should you attend the public hearing on September 28, 1992.

Department of Public Works

COUNTY ROAD C--TH 61 TO HAZELWOOD
CITY PROJECT 89-04
PROJECT SUMMARY

Proposed Improvements

The existing road is to be entirely removed. It would be replaced with a street that is 40-feet wide from curb to curb. This would provide for a 12-foot wide travel lane for east and west traffic and a striped 8-foot wide shoulder on each side of the road. No parking restrictions are proposed on the shoulders. The street would be bituminous (asphalt) with concrete curb and gutters. A 5-foot wide concrete sidewalk is proposed next to the south right-of-way line. A typical existing and proposed cross section is shown on the reverse side.

Driveways will be restored with the same material to existing width, subject to 12-foot wide minimum and 22-foot wide maximum. A 5-foot wide concrete driveway apron will be constructed for each driveway. All disturbed turf will be replaced with sod. All existing clay tile sanitary sewer services will be replaced within the right of way. Existing utilities will be adjusted/repared as necessary at no cost to match the new roadway. A storm sewer system will be constructed.

At Trunk Highway 61, the width of County Road C will be widened to provide for turn lanes. The frontage road north of County Road C will be reconstructed to the east to alleviate problems of the existing intersection. The Minnesota Department of Transportation proposed to construct a "Park and Ride" lot on the southwest corner of TH 61 and County Road C as part of the project.

Financing

Assessments are proposed within the area shown on the drawing on the reverse side. Assessment rates are proposed as follows:

Residential street assessment	\$1185.00/unit
Residential storm sewer assessment	525.00/unit
Commercial storm sewer assessment	0.10/SF

At these rates, the assessment recovery is \$150,250. A summary of city costs and financing follows:

Cost:

Payable to Ramsey County	\$475,600.00
Engineering and indirect costs	<u>95,400.00</u>
Total cost	\$571,000.00

Financing:

Street assessment 80 units @ 1185/unit =	\$94,800.00
Storm sewer assessment 74 units @ 525/unit =	38,850.00
Commercial storm sewer 166,246 SF @ 0.10/SF =	16,600.00
Off-system MSA transfer	297,750.00
General obligation	<u>123,000.00</u>
Total financing	\$571,000.00

Additional Information

Additional information may be obtained by attending the informal public information meeting any time between 3 and 6 p.m. on Thursday, September 24, 1992. The meeting will be held in the council chambers of city hall at 1830 East County Road B. If you are unable to attend the meeting and have questions, please call Bruce Irish at 770-4550.

AGENDA REPORT

TO: City Manager
FROM: Assistant City Engineer
SUBJECT: County Road C—TH 61 to Hazelwood, City Project 89-04--Schedule Public Hearing
DATE: August 18, 1992

Introduction

In September 1989 this project was ordered at a public hearing. Due to delay in obtaining federal funds to replace the bridge and other causes, the project was not built. Ramsey County expects required funds to be available for 1993 construction. The county has proposed the attached cooperative agreement. It is requested that a public hearing be scheduled to reauthorize the project.

Background

The plans for the project are on file in the engineering department. A copy of the study report is attached.

Budget Impact

Assessments are proposed within the area shown on the attached drawing. Properties proposed to be assessed are listed on the attached spreadsheets. Assessment rates are proposed as follows:

Residential street assessment	\$1185.00/unit
Residential storm sewer assessment	\$ 525.00/unit
Commercial storm sewer assessment	\$ 0.10/SF

At these rates, the assessment recovery is \$150,250. This is 26.3 percent of the total project cost of \$571,000. Municipal State Aid funds in the amount of about \$297,750 are available to pay for roadway-related items under an off-system transfer. The balance of project cost is proposed to be paid by general obligation taxes. This is permitted because the assessment recovery exceeds 20 percent. A table summary of financing follows.

Cost:		
	Payable to Ramsey County	\$475,600.00
	Engineering and indirect costs	<u>95,400.00</u>
	Total cost	\$571,000.00

Financing:		
	Street assessment 80 units @ 1185/unit =	\$ 94,800.00
	Storm sewer assessment 74 units @ 525/unit =	38,850.00
	Commercial storm sewer 166,246 SF @ 0.10/SF =	16,600.00
	Off-system MSA transfer	297,750.00
	General obligation	<u>123,000.00</u>
	Total financing	\$571,000.00

Recommendation

It is recommended that a public hearing be scheduled for 7 p.m. on September 28, 1992.

BAI

jw
Attachments

RESOLUTION

ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the city engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of County Road C—TH 61 to Hazelwood, City Project 89-04, by construction of street with concrete curb and gutter, new bridge, storm sewer, sidewalk and appurtenances, and

WHEREAS, the said city engineer has prepared the aforesaid report for the improvement herein described:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, as follows:

1. The report of the city engineer advising this council that the proposed improvement on County Road C—TH 61 to Hazelwood, City Project 89-04 by construction of street with concrete curb and gutter, new bridge, storm sewer, sidewalk and appurtenances is feasible and should best be made as proposed, is hereby received.

2. The council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$571,000.

3. A public hearing will be held in the council chambers of the city hall at 1830 East County Road B on Monday, the 28th day of September, 1992, at 7 p.m. to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.



Ramsey County Department of Public Works

Paul L. Kirkwold,
Director and County Engineer

Administration
Land Survey

**350 St. Peter St.
Suite 270
St. Paul
MN/55102
(612) 298-4127
FAX 292-6515**

Engineering
Operations

3377 N. Rice St.
Shoreview
MN/55126
(612) 484-9104
FAX 482-5232

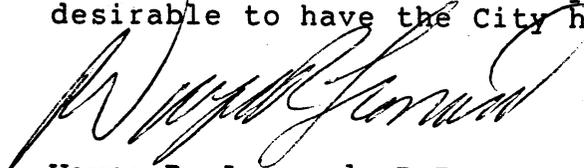
July 28, 1992

Kenneth Haider
City Engineer
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

County Road C - T.H. 61 to Hazelwood
Agreement 92016
S.A.P. 62-623-34 & 35
S.P. 62-623-36 Br. 62554
S.P. 6222-118 (T.H. 61-1) Park & Ride
S.A.P. 138-010-05

Accompanying is a draft of our proposed cooperative agreement for this project along with a set of bridge plans. Road plans were previously submitted with a copy of our July 17, 1992 letter to Mn/DOT requesting they prepare the three party agreement needed for the project. We have submitted the right of way certificate for the bridge and believe that Mn/DOT is now reviewing the detail plans prior to scheduling a letting. If you have any revisions needed in the road plans, please advise us. We have reviewed the road plans and will advise our consultant, SEH, to submit them to Mn/DOT for approval with your comments. The cost estimates should be updated and the bituminous and testing items reviewed to assure they conform to the latest practice. Also, a review of the standard plates is probably needed.

We propose to have this project constructed in 1993 with approvals and bids this fall and early winter. Would you please schedule this project for review, approval, right of way acquisition, funding, etc. We probably will get well into the plan approval process before we see the Mn/DOT three party agreement; however, I feel we know what it needs to cover sufficiently to proceed at this time. It would be desirable to have the City hearings and approval by September.


Wayne R. Leonard, P.E.
Special Projects Engineer

WRL:m

enc.

cc: Len Newquist, SEH

RAMSEY COUNTY
COOPERATIVE AGREEMENT
WITH CITY OF MAPLEWOOD

Agreement between
the County of Ramsey
and the City of Maplewood

ROAD 23 COUNTY ROAD C
S.A.P. 62-623-34
S.A.P. 62-623-35
Account 47428
Bridge 62554 over B.N. Ry.
S.P. 62-623-36
T.H. 61 N.E. Frontage Road
S.A.P. 138-010-05
Park & Ride Site
S.P. 6222-118 (T.H. 61-1)

County Road C
T.H. 61 to Hazelwood
Reconstruction, Bridge
Replacement at Burlington
Northern Right of Way,
N.E. Frontage Road at
T.H. 61 Reconstruction to
Kohlman Avenue and Overlay
to T.H. 61 and Park and Ride
Development in S.W. Corner
of T.H. 61.

Estimated Amount Receivable
from City of Maplewood:

Bridge	\$	0.00
Park & Ride		0.00
Sign/EVP		590.00
Frontage Road		14,983.64
Storm Sewer		94,371.68
Utility Improve.		68,499.00
Conc. Walk		30,603.30
Conc. Curb "C"		40,940.10
Road 24'		225,612.46
Total		\$475,600.18

Attachments:

Engineers Estimates
Construction Cost Participation
Cost Participation Summary

THIS AGREEMENT, by and between the City of Maplewood, Minnesota, a municipal corporation, hereinafter referred to as the "City," and Ramsey County, a political subdivision of the State of Minnesota, hereinafter referred to as the "County";

WITNESSETH:

WHEREAS, the County and the City desire to construct and rebuild County Road C, from T.H. 61 to Hazelwood Street, replace Bridge 7279 over the Burlington Northern Railway, reconstruct and relocate the Northeast Frontage Road at County Road C and T.H. 61 from County Road C to Kohlman Avenue and overlay the Northeast Frontage Road from Kohlman Avenue North to T.H. 61, cooperate with the Minnesota Department of Transportation in the construction of a Park and Ride site in the Southwest quadrant of the intersection of T.H. 61 and County Road C, construct a storm water sedimentation basin adjacent to T.H. 61 in the Kohlman Lake Wetlands, replace the traffic signal at the T.H. 61 and County Road C intersection and interconnect the new signal to the T.H. 61 and Beam Avenue signal; and

WHEREAS, County Road C from 512 feet west of T.H. 61 to 100 feet east of Hazelwood Street and the Northeast Frontage Road from County Road C to T.H. 61 and the sedimentation pond in the Kohlman Lake area and the Park and Ride site and the signal are in the City; and

WHEREAS, the work contemplated under this agreement has been divided into two separate plans which provide for the bridge replacement and road reconstruction; and

WHEREAS, this road project, from 512 feet west of T.H. 61 to 100 feet east of Hazelwood Street - except for that portion from 36 feet east to 591 feet east of Elm Street, has been designated by Mn/DOT as eligible for certain construction costs reimbursement from the County State Aid Highway funds and identified as S.A.P. 62-623-34; and

WHEREAS, this road project from 36 feet east to 591 feet east of Elm Street, except for Bridge 62554, has been designated by the Mn/DOT as eligible for certain construction costs reimbursement from the County State Aid Highway funds and identified as S.A.P. 62-623-35; and

WHEREAS, the replacement of Bridge 7274 over the Burlington Northern right of way with Bridge 62554 has been designated by the Minnesota Department of Transportation as eligible for certain construction costs reimbursement from the Federal and State Bridge Replacement and County State Aid Highway (CSAH) funds and identified as S.P. 62-623-36 Bridge 62554; and

WHEREAS, the County will have a separate Maintenance and Operation agreement with the Burlington Northern Railway concerning the bridge; and

WHEREAS, the cost participation for the Park & Ride site in the southwest quadrant of the intersection of County Road C and T.H. 61 is being covered by a separate agreement between Mn/DOT, the City and the County; and

WHEREAS, the signal system at the intersection of County Road C and T.H. 61, and any necessary modifications to it, is covered by an existing agreement between Mn/DOT and the County; and

WHEREAS, plans for this project S.P. 62-623-36, Bridge 62554, S.A.P. 62-623-34 and S.A.P. 62-623-35 showing proposed alignment, profiles, grades and cross sections for the improvement of County State Aid Highway 23 within the limits of the City as a County State Aid Highway project have been presented to the City; and

WHEREAS, the grading provisions require acquisition of certain right of way and temporary construction and slope easements prior to construction; and

WHEREAS, the projects include, in addition to other things, right of way acquisition, grading, paving, concrete curb and gutters, walks, storm sewer, sedimentation pond, Frontage Road reconstruction and overlay, Park and Ride site development, bridge replacement, signal replacement and interconnect and City utility improvements and adjustments; and

WHEREAS, the Minnesota Department of Transportation will determine allowable credit for storm sewer outfall lines previously constructed prior to the project, and the resulting portion of this storm sewer system eligible for County State Aid and Municipal State Aid Highway funds.

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

1. The County shall prepare or cause to be prepared through its consultant, SEH, necessary plans, specifications and proposals, take bids and recommend award of a contract for the construction of Bridge 62554 to be awarded by the Minnesota Department of Transportation; the County shall perform the construction inspection.

2. Upon completion of Bridge 62554, The County shall own and maintain the bridge; however, the Burlington Northern Railway or its assignees shall be responsible for usage and operation for the rail opening and shall provide normal maintenance and access for that usage.

3. The County shall prepare or cause to be prepared through its consultant, SEH, the necessary plans, descriptions and estimates and with the approval of the City and the Minnesota Department of Transportation acquire the necessary rights of way for the bridge replacement from the Burlington Northern Railway in accordance with procedures for reimbursement from State Aid funds. County acquired right of way from the Burlington Northern Railway will include provisions to perpetuate the existing drainage of the tracks but will not include provisions for the City utility crossing of the Railway right of way.

4. Right of way required for the Bridge construction is estimated to be 100% eligible for CSAH funds reimbursement and this portion shall be paid by the County.

5. Temporary right of way across the Burlington Northern Railway required for the County Road C bypass construction is also eligible for CSAH funds reimbursement and this portion shall be paid by the County.

6. The County shall have a separate agreement with the Burlington Northern Railway for the construction, maintenance and operation of the bridge.

7. The County shall prepare or cause to be prepared through its consultant, SEH, the necessary plans, specifications and proposals, take bids, and with concurrence of Mn/DOT and the City, award a contract for the roadway construction; S.A.P. 62-623-34 & 35 the County shall perform the construction inspection.

8. The City shall acquire and pay for all rights of way and easements required for the construction of the road projects within the City except those on County-owned and State property.

9. All County Road C rights of way and temporary easements will be in the name of the County, and parking and other regulations

will be controlled by the County. Any rights of way which cannot be negotiated will be acquired through eminent domain proceedings and thereafter assigned by the City to the County.

10. The City shall pay to the County the cost of emergency vehicle pre-emption system modifications required at the T.H. 61 signal system as provided under existing signal agreements. Mn/DOT and the County will pay the remainder of the signal modification cost and the interconnect to Beam Avenue.

11. Maintenance and operation of the T.H. 61 signal system shall be as provided under existing signal agreements.

12. The City shall pay to the County its cost of the N.E. Frontage Road improvements as provided in a separate three party agreement with Mn/DOT.

13. Ownership, operation and maintenance of the N.E. Frontage Road shall be as provided in the separate three party agreement with Mn/DOT.

14. The storm sewer system as shown in the plans and specifications including the sedimentation pond, is estimated to be eligible for construction cost reimbursement by County State Aid funds plus funds from Mn/DOT for the Park and Ride site. The County shall pay for that portion of the storm sewer system determined to be eligible for County State Aid and Mn/DOT funds reimbursement.

15. The City shall pay for the construction cost of the portion of the storm sewer system which is attributable to contributing area from the City outside the road right of way and not eligible for reimbursement from County State Aid Highway or Mn/DOT funds.

16. Upon completion of the project, the County shall own and maintain the storm sewer catchbasins and leads and the City shall own and maintain the storm sewer trunk lines. Laterals and drains servicing property outside the road right of way shall also be owned and maintained by the City. The City shall maintain the sedimentation pond.

17. The City shall pay to the County 75% of the cost of concrete curb and gutters constructed on County right of way within the City except for replacement of existing concrete curb and gutters.

18. The City shall pay to the County 100% of the cost of concrete walk constructed within the City except for replacement of existing walks, medians and walk included in the bridge.

19. The City shall pay to the County 100% of the cost of City utility extensions or improvements provided in the plan.

20. The City shall assist the County in the inspection of the sanitary sewer and watermain construction. The City shall lead discussions with the City of St. Paul Board of Water Commissioners on interpretation and administration of the plans and specifications relating to the waterworks facilities within the City.

21. All City utilities or facilities modified or added to those provisions presently made in the plans and specifications may be incorporated in the construction contract by supplemental agreement and shall be paid for as specified in the supplemental agreement.

22. Upon completion of the work on the sanitary and watermain systems, the City shall own and maintain the systems.

23. The County shall pay one hundred percent (100%) of the cost of roadway improvement west of Engineers Station 12+76.8 where the improvement is more than two travel lanes wide except as provided above.

24. The County shall pay one hundred percent (100%) of the cost of the center twenty-four feet (two twelve-foot travel lanes) except as provided above.

25. The City shall pay to the County seventy-five percent (75%) of all costs for County Road C construction east of Engineers Station 12+76.8 not otherwise provided for above and the County shall pay the remaining twenty-five percent (25%). These items of the roadway improvements outside the center twenty-four feet are identified in the plan statement of estimated quantities under the Maplewood MSAP 138-020-06 column and in the Engineers Estimate construction costs.

26. Quantity and cost distribution identified above are shown in the engineer's estimate. Actual costs shall be based on the contractor's unit prices and the quantities constructed.

27. Preliminary plans reviewed at the public hearing and final plans and specifications are hereby in all things approved.

28. All liquidated damages assessed the contractor in connection with the work performed on the project shall result in a credit shared by Mn/DOT, the City and the County in the same proportion as their respective total share of construction work is to the total construction cost without any deduction for liquidated damages.

29. The City shall pay ten percent (10%) of its share of the construction cost, as determined by the contract proposed to be awarded, to the County as a preliminary engineering fee. This fee shall be due after receipt of bids and prior to award of the construction contract.

30. In addition to the preliminary engineering fee, the City shall pay eight percent (8%) of its share of the construction cost, as determined by the final contract amounts, to the County as a construction engineering fee. This fee shall be due upon notification to the City of the estimated final amounts due to the contractor.

31. All charges for services such as inspection and supervision within the City by the City of St. Paul Board of Water Commissioners shall be paid for by the City.

32. The City shall not assess or otherwise recover any portion of its cost for this project through levy on County-owned property.

33. The County shall, when a construction contract is proposed to be awarded, prepare a revised estimate and cost participation breakdown based on construction contract unit prices and submit a copy to the City. The City agrees to advance to the Treasurer of Ramsey County an amount equal to the City total construction cost share plus preliminary engineering costs. The contractor shall then be paid by the County.

34. Upon substantial completion of the work, the County shall prepare a revised estimate of cost participation breakdown based upon the contract unit prices and the actual units of work estimated to have been performed and submit a copy to the City. The construction engineering costs to be paid the County by the City shall be based on this estimated final construction cost. The County shall add to the City's estimated final construction costs the preliminary engineering based on the contract as awarded and construction engineering costs, make necessary adjustments for liquidated damages, if any, and deduct City funds previously advanced for the project by the City. The City agrees to pay to the County any amounts due, be it more or less than the estimated sum of the first revised estimate. In the event the calculations show that the City has advanced funds in greater amount than is due the County, the County shall refund the amount to the City without interest.

35. Preliminary plans reviewed at the public hearing and final plans and specifications are hereby in all things approved.

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

CITY OF Maplewood

THE COUNTY OF RAMSEY

By _____
Mayor

Recommended for approval:

By _____
City Manager

Paul L. Kirkwold
Director and County Engineer

Date _____

By: _____
Hal Norgard, Chairperson
Board of County Commissioners

Attest:

By: _____
Chief Clerk-County Board

Date: _____

By: _____
Risk Management

Date: _____

Approved as to Form:

By: _____
Assistant County Attorney

Date: _____

MAPLEWOOD
CONSTRUCTION COST PARTICIPATION
County Road C
T.H. 61 to Hazelwood
S.A.P. 62-623-34 & 35
S.P. 62-623-36 Br. 62554
S.P. 6222-118 (T.H. 61=1)
Agreement 92016

Based on Engineers Estimate dated 1/24/91

Bridge	S.P. 62-623-36 Br. 62554	\$ 0.00
Park & Ride	S.P. 6222-118 (T.H. 61=1)	0.00
Signals	EVP Relocation = \$500 X 100%	500.00
Frontage Road	See Engineers Estimate	12,698.00
Road		
	S.A.P. 62-623-35 Br. Approaches	
	Conc. Curb & Gutter B-624	
	900 L.F. @ \$6.00 x 75% =	4,050.00
	4" Concrete Walk	
	2,530 S.F. @ \$1.50 x 100% =	3,795.00
	Outside Center 24'	
	\$34,392 x 75% - See Engineers Estimate	25,799.00
	S.A.P. 62-623-34 County Road C	
	Utility Imprsr. - See Engineers Estimate	58,050.00
	Conc. Curb & Gutter B-624	
	6,810 L.F. @ \$6.00 x 75%	30,645.00
	4" Conc. Walk	
	14,760 S.F. @ \$1.50 x 100%	22,140.00
	Storm Sewer	
	County Road C - Est. 70% County 30% City*	
	\$170,282 x 30% = \$51,084.60	
	Frontage Rd. - Est. 90% Mn/DOT & 10% City*	
	\$19,008 x 10% = \$ 1,900.80	
	Outfall Line & Pond - Est. 20% Mn/DOT,	
	60% county & 20% City*	
	\$134,956 x 20% = <u>\$26,991.20</u>	

City Storm Sewer Estimate = \$79,976.60

* Storm Sewer cost participation has not been reviewed by Mn/DOT hydraulics. Percentage splits shown are for purpose of demonstrating method of calculation only.

WRL:m
7/92

**MAPLEWOOD
CONSTRUCTION COST PARTICIPATION
Agreement 92016**

OUTSIDE CENTER 24' EAST OF STATION 12+76.8

	S.A.P. 62-623-34			Outside Center 24'	
Mobilization	0.85	58,600	49,810	.23	13,478
Common Excavation	28,900	3.00	86,700	11,560	34,680
Granular Borrow	10,760	5.00	53,800	4,304	21,520
Select Topsoil	1,440	7.00	10,080	1,152	8,064
Backhoe	30	90.00	2,700	8	720
Water	150	12.00	1,800	60	720
Class 4 Agg.	120	12.00	1,440	40	480
Class 6 Agg.	5,750	12.00	69,000	1,547	18,564
41 Wear	1,990	24.00	47,760	535	12,840
31 Binder	1,730	19.00	32,870	465	8,835
31 Base	4,605	19.00	87,495	1,239	23,541
Tack	2,050	1.50	3,075	552	828
6" Conc. Walk	1,830	2.00	3,660	1,540	3,080
6" Conc. Dr.	900	20.00	18,000	838	16,760
Sod	11,950	1.50	17,925	9,560	14,340
Ret. Wall	2,530	16	40,480	2,530	40,480
Traffic Control	0.75	8000	6,000	.20	<u>1,600</u>
					\$220,530
					<u>x.75</u>
					\$165,398

**MAPLEWOOD
COST PARTICIPATION SUMMARY
County Road C
T.H. 61 to Hazelwood
S.A.P. 62-623-34 & 35
S.A.P. 138-010-05
Agreement 92016**

Based on Engineers Estimate dated 1/24/91

<u>Item</u>	<u>Constr.</u> <u>Cost</u>	<u>Prelim.</u> <u>Eng. 10%</u>	<u>Constr.</u> <u>Eng. 8%</u>	<u>Total</u>
Bridge	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Park & Ride	0.00	0.00	0.00	0.00
Signal EVP	500.00	50.00	40.00	590.00
Frontage Road	12,698.00	1,269.80	1,015.84	14,983.64
Storm Sewer	79,976.00	7,997.60	6,398.08	94,371.68
Utility Improvement	58,050.00	5,805.00	4,644.00	68,499.00
Concrete Walk	25,935.00	2,593.50	2,074.80	30,603.30
Concrete Curb "C"	34,695.00	3,469.50	2,775.60	40,940.10
Road > 24'	<u>191,197.00</u>	<u>19,119.70</u>	<u>15,295.76</u>	<u>225,612.46</u>
TOTALS	\$403,051.00	\$40,305.10	\$32,244.08	\$475,600.18

Due at Contract Award \$443,356.10

WRL:m
7/92

STUDY REPORT
FOR
COUNTY ROAD C
FROM TRUNK HIGHWAY 61 TO HAZELWOOD STREET
IN MAPLEWOOD
RAMSEY COUNTY, MINNESOTA

Recommended for Approval:

Maplewood _____
Date

Ramsey Cty. Eng. & Dir. of Public Works _____
Date

Prepared by:
SHORT-ELLIOTT-HENDRICKSON, INC.
222 E. Little Canada Road
St. Paul, MN 55117

Prepared for:
Ramsey County Public Works Department
Kenneth E. Weltzin, P.E.
County Engineer and Director of Public Works
350 St. Peter Street
Suite 270
St. Paul, Minnesota 55102

Draft - March, 1989
Final - Sept. 1989

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**FEASIBILITY REPORT
FOR
COUNTY ROAD C FROM
TRUNK HIGHWAY 61 TO HAZELWOOD STREET**

INTRODUCTION

This feasibility report for County Road C from Trunk Highway 61 to Hazelwood Street has been prepared for the Ramsey County Public Works Department by Short-Elliott-Hendrickson, Inc. This report outlines improvements needed for County Road C, alternatives which have been considered, impacts of such improvements estimated costs, and implementation of improvements.

EXISTING FACILITY

Roadway

From T.H. 61 to Hazelwood Street, County Road C is in the City of Maplewood and is approximately 0.8 miles long. (See Figure 1.)

It serves as a feeder facility from local streets to the arterial street network and has a functional classification of collector. Average daily traffic volume is 2500 and projected traffic volume is 4250 for the year 2010.

The current right of way varies from 60 feet to 66 feet. Current land use is primarily residential except for commercial properties at the T.H. 61 intersection.

The posted speed limit is 35 mph. County Road C is a 24 feet wide bituminous roadway with narrow unpaved shoulders of approximately 6 feet.

A frontage road intersects County Road C approximately 50 feet from its intersection with T.H. 61. Right of way is available to relocate the frontage to the east.

The abandoned Burlington Northern Railway passes under County Road C. The vertical sight distance on County Road C at the railway is adequate for approximately 20 mph. The existing bridge on County Road C is 30 feet wide and in poor condition. The bridge is deficient in width and carrying capacity.

There are no provisions for pedestrians. The Hazelwood fire station is located on County Road C just east of Hazelwood Street.

Watermain

A 16 inch ductile Iron Pipe watermain exists 18 feet north of the centerline of County Road C from T.H. 61 to Hazelwood Street. The watermain crosses T.H. 61 through a 30 inch steel casing pipe north of County Road C and at a right angle to T.H. 61. The watermain crosses under the old Burlington Northern Railroad tracks through a 30 inch steel casing approximately 60 feet north of the centerline of County Road C. The watermain was installed in 1973.

Sanitary Sewer

An 8 inch gravity sanitary sewer exists on each side of the old Burlington Railroad tracks between Hazelwood Street and English Street and a 15 inch gravity sewer exists between English Street and T.H. 61. An 8 inch forcemain connects to a 15 inch gravity sanitary sewer at T.H. 61 and crosses under the highway north of County Road C and at a right angle to the highway. A 60 inch gravity interceptor sewer crosses County Road C approximately 350 east of T.H. 61.

Drainage

The existing drainage facilities consist of drainage ditches and culverts on both sides of the roadway. An existing 24 inch culvert crosses T.H. 61 south of County Road C. The culvert discharges storm water into a low area on the southwest corner of T.H. 61 and County Road C.

EXISTING DEFICIENCIES

Roadway

The vertical sight distance at the existing bridge over the abandoned Burlington Northern Railroad is adequate for approximately 20 mph. The current distance from the intersection of County Road C with the north frontage road to T.H. 61 is not adequate to allow for storage of turning vehicles. There are no facilities for pedestrians. There are no turn lanes at T.H. 61 and turning vehicles from opposite directions on County road C can "lock up" creating delays and safety concerns.

Utilities

All properties adjacent to County Road C are served by both sanitary sewer and watermain. However, there are two areas of need to be addressed before roadway improvements are done. The first need is sanitary sewer and water services and lateral extension to serve the area between the railroad bridge and Hazelwood Street. The second need is to connect the existing 15 inch gravity sewer to the 60 inch interceptor sewer near T.H. 61.

Drainage

The drainage deficiencies consist of the lack of adequate storm drainage facilities. Storm water discharge onto private property on the north side of County Road C between Hazelwood Street and the railroad bridge. Storm water runoff from the area between the railroad bridge and English Street discharges onto private property on the north side of County Road C just east of English Street. Flooding occurs on the south side of County Road C at English Street due to the inadequate sized culvert crossing under County Road C and the inadequate capacity of the south ditch west of English Street. Storm water runoff from the north side of County Road C west of English Street discharges onto private property on the north side of County Road C. The existing ditch on the south side of County Road C between English Street and Duluth Street does not have the capacity to handle the existing

drainage. The ditch side slopes in some areas of County Road C are steep enough to create hazardous driving conditions.

Bridge

The bridge over the Burlington Northern Railroad is deficient in width and in carrying capacity. It is eligible for Federal Bridge Replacement funding due to its sufficiency rating of 35.5. A copy of the structure inventory is attached as Figure 15.

RECOMMENDED IMPROVEMENTS

Roadway

Ramsey County recommends that the bridge over the abandoned Burlington Northern Railroad be replaced and the roadway be improved to State Aid Standards. The roadway would be widened to 40 feet with concrete curb and gutter. The concrete curb and gutter will help control storm water drainage. A 40 foot wide roadway will allow for recreational use on the shoulder area, emergency parking and stopping/parking for delivery vehicles (mail, newspaper and bulk package delivery vehicles.) The vertical alignment would be improved because less vertical clearance is needed at the abandoned railroad.

The east frontage road of T.H. 61 north of County Road C will be relocated as shown on Figure 3 and Figure 3A. The relocated frontage road will extend approximately 700 feet to connect to the existing road. The frontage road is proposed to be constructed to a width of 36 feet with concrete curb and gutter. Mn/DOT will pay 100 percent of the cost of the relocated frontage road provided that the City of Maplewood agrees to take over the frontage road when construction is completed.

Turn lanes will be provided on County Road C on both approaches to T.H. 61. The turn lanes are designed to provide for opposing left turns in accordance with Mn/DOT desired practice.

Utilities

About 600 feet of the watermain near the bridge will need to be lowered to accommodate the proposed lowering of the roadway. Eleven sanitary sewer services are proposed to be installed in the area between the railroad bridge and Hazelwood Street. The sewer services will be installed near existing water services. The sewer and water services will provide service to the properties immediately adjacent to County Road C. Five-8 inch sanitary sewer and five-6 inch watermain extensions are proposed to provide service to the undeveloped properties away from County Road C between the railroad bridge and Hazelwood Street. In addition, near T.H. 61 the 15 inch gravity sewer is proposed to be connected to the 60 inch interceptor sewer as shown on Figure 3.

Drainage

The proposed drainage facilities are shown on Figures 3 through 5. The storm sewer is designed based on a 10 year frequency storm. The proposed roadway reconstruction includes the installation of concrete curb and gutter and storm sewer. It is proposed to install storm sewer at the intersection of County Road C and Hazelwood Street and discharge into the drainage ditch on the west side of Hazelwood Street. Storm sewer is proposed to be constructed to drain the low point located between the railroad bridge and Hazelwood Street. The storm sewer is located south of the existing right-of-way to reduce the storm sewer depth. Easements are necessary in order to install the storm sewer as proposed. This storm sewer will continue to discharge water into the old Burlington Northern railroad drainage ditches. Storm sewer is proposed to be constructed to pick up runoff from the new bridge and will run westerly to the intersection of County Road C and the new T.H. 61 frontage road. The storm sewer is proposed to be constructed along the new frontage road to about 300 feet south of Kohlman Avenue where the storm sewer will cross under T.H. 61 and discharge into a proposed sediment basin on the west side of the highway. The sediment basin acts as a

pretreatment facility to remove sediment from the storm water. The basin will be designed to accept runoff from the frontage road/Kohlman Avenue area. An existing 24 inch CMP discharges runoff from the frontage road/Kohlman Avenue area to the wetland on the west side of T.H. 61. The proposed storm sewer crossing of T.H. 61 is sized to accept future flows from the frontage road/Kohlman Avenue area. Storm water will pass through the proposed sediment basin to the existing Ramsey County treatment facility and then into Kohlman Lake.

Two other storm sewer outlets to Kohlman Lake were considered:

1. The first was to cross T.H. 61 at County Road C and discharge into a sediment basin at the southwest corner of T.H. 61 and County Road C intersection. Runoff from the basin would discharge into Kohlman Lake through an existing culvert crossing County Road C near T.H. 61. Runoff from County Road C and development between T.H. 61 and Keller Parkway would be treated in this basin.

This option was rejected since it does not provide pretreatment for runoff from the east side of T.H. 61 north of County Road C. Also the pond needed would be approximately 1.2 acres in size and would limit future development.

2. The second consideration was to cross T.H. 61 at County Road C and discharge into a sediment basin on the northwest corner of T.H. 61 and County Road C intersection. The basin would provide storm water treatment for both the northwest and southwest corners of T.H. 61 and County Road C intersection.

This option was rejected since it does not provide pretreatment for runoff for the area east of T.H. 61 north of County Road C.

RECOMMENDED BRIDGE IMPROVEMENTS

Description of Proposed Facility

Ramsey County recommended that the bridge on County Road C be removed and replaced with a cast-in-place concrete slab bridge structure to provide grade separation (see Figure 6, Cast-In-Place-Concrete Slab Bridge) Alternate. The grade of the road at the bridge location will be lowered to improve sight distances. The structures will be of sufficient width to accommodate two 12 foot lanes, two 10 foot shoulders and one 5 foot sidewalk along the south side. The structure would span over a potential light rail transit corridor with additional clearance for a recreational trail underneath.

BRIDGE ALTERNATIVES CONSIDERED

Alternate Construction Options - Bridge

The option proposed at the location of the existing bridge carrying vehicular traffic over the former Burlington Northern tracks is to replace the bridge with a cast-in-place concrete slab bridge. Other options considered were:

1. Removal of bridge, fill gap with granular material.

With the abandonment of the Burlington Northern railway the bridge is no longer needed to separate vehicles from trains. The gap left by the bridge removal would be filled and a new two lane road would be constructed where the existing bridge was removed. Potential users of a recreational trail would cross County Road C at grade to continue along the trail.

This option was rejected because no provisions could be provided for light rail transit through the corridor. Also, pedestrian/vehicular conflicts would increase at the existing bridge site.

2. Other structure types considered:
 - a) Prestressed "I" Girder Bridge Figures 8 and 9.

- b) Precast Concrete Double TEE Bridge Figures 10 and 11.
- c) Precast Concrete Arch (Earth Filled) Figures 12 and 13.

These structures were rejected because they all are more costly than the preferred alternate. The preferred alternate would allow the maximum lowering of County Road C at the existing location. The improvement in sight distance would provide a safer vehicular/pedestrian facility.

PREFERRED STRUCTURE ALTERNATE

The CAST-IN-PLACE CONCRETE SLAB BRIDGE ALTERNATE is recommended for the following reasons. See Figures 6 and 7, Cast-In-Place-Concrete Slab Bridge Alternate.

- 1) The CAST-IN-PLACE CONCRETE SLAB ALTERNATE and the PRECAST CONCRETE DBL TEE ALTERNATE are the most economical structures for this particular location. However, if adequate soils are present, the PRECAST CONCRETE ARCH would prove to be the most economical using spread foundations.
- 2) Greater maintenance is required for concrete decked structure versus an earth filled structure. Of all the concrete decked structural alternates considered, the CAST-IN-PLACE CONCRETE SLAB ALTERNATE would require the least cost future maintenance.
- 3) A safer vehicular/pedestrian facility could be achieved by lowering the existing vertical curve. The CAST-IN-PLACE CONCRETE SLAB ALTERNATE allows a maximum grade cut of 9.77 feet which is the most of any alternate.

ESTIMATED COSTS
BRIDGE REPLACEMENT
STRUCTURES

	<u>Transit Under</u>	<u>Transit/Trail Under</u>
Precast Conc. Arch Bridge Alt.	\$286,500	\$301,500**
Precast Conc. Double Tee Bridge Alt.	\$254,500	\$283,500*
Cast-in-Place Conc. Slab Bridge Alt.	\$254,500	\$284,000*
Cast-in-Place Deck Prestressed Girder Bridge Alt.	\$278,500	\$308,500*

*Includes \$25,000 for bridge approach panels.

**Does not include additional sidewalk, curb and gutter and roadway section over structure. However, \$50,000 could be saved if soils are adequate for spread foundations.

ESTIMATED COSTS

Cost distribution for this project is estimated in accordance with Ramsey County policy and past practice. The approved Ramsey County policy is attached as Appendix A.

A summary of that policy follows:

<u>Portion of Project</u>	<u>County Participation</u>
- Traveled lanes	- Ramsey County pays 100%.
- Remainder of roadway	- Ramsey County pays 25%.
- Curb & gutter	- Ramsey County pays 25%.
- Sidewalk	- City pays 100%.
- Storm sewer	- Ramsey County pays to the extent that County State Aid funding applies.

The estimated costs based on these policies are:

	Total	County	City	Fed. Bridge Replace.	State Funds
Traveled lanes	257,000	257,000			
Remainder of roadway	69,000		69,000		
Curb & gutter	66,000	16,500	49,500		
Frontage rd.	85,000				85,000 ¹
Storm sewer	255,000	142,800	112,200		
Storm water sediment facility	80,000 ²	20,000	60,000		
Sidewalk	32,000		32,000		
Bridge Removal	30,000	30,000			
Lower Watermain	19,000 ³	19,000			
Misc. utility extensions	29,900 ⁴		29,900		
Bridge Construction	<u>229,000</u>			<u>183,000</u>	<u>46,000</u>
Total Construction	<u>1,159,200</u>	<u>485,300</u>	<u>352,600</u>	<u>183,000</u>	<u>131,000</u>
Preliminary Eng. (10%)	115,200	48,500	35,300	18,300	13,000
Construction Eng. (8%)	<u>92,100</u>	<u>38,800</u>	<u>28,200</u>	<u>14,600</u>	<u>10,500</u>
Total	\$1,359,200	\$572,600	\$416,100	\$215,900	\$154,600

NOTES:

1. The Minnesota Department of Transportation will pay for the entire cost of the frontage road relocation costs if upon completion of construction the City of Maplewood agrees to take over the frontage road.
2. Includes \$30,000 for estimated land costs.
3. Estimated cost to lower/replace 600 feet of watermain and appurtenances near railroad bridge. This cost may increase depending upon grade changes along County Road C.

4. Includes connecting 15" gravity sewer to 60" interceptor and installing eleven sanitary sewer services, five sewer & water stubs between the railroad bridge and Hazelwood Avenue.

PUBLIC AND AGENCY INVOLVEMENT

The City of Maplewood, the Board of Ramsey County Commissioners, and the Minnesota Department of Transportation must approve this project. An informational open house was held on March 16, 1989 to gain public input. The open house is documented in Appendix B. A public hearing is required by the Board of County Commissioners and will be satisfied by having the City of Maplewood hold a hearing. The Ramsey County Regional Transit Authority will be consulted regarding bridge design to accommodate possible future light rail transit.

RIGHT-OF-WAY

All temporary and permanent right-of-way will be acquired by the City of Maplewood. The existing right-of-way is 60 to 66 feet. A minimum 66 foot wide right-of-way is proposed throughout the study area.

ENVIRONMENTAL IMPACTS

No Minnesota Department of Natural Resources (DNR) protected wetlands are affected by this project.

HISTORICAL SIGNIFICANCE

The Minnesota Historical Society has been asked to review the project for sites of historical, architectural, cultural, archeological or engineering significance.

COAST GUARD REQUIREMENTS

This project is exempt from Coast Guard permit requirements.

FLOODPLAIN AND SECTION 404 PERMIT

This project does not involve placing fill in the 100 year floodplain.

WATER QUALITY

Potential water pollution problems on this project may come primarily from erosion of exposed soil during construction. Because of the steep slopes in certain areas of the project, appropriate erosion control measures will be specified in the contract.

This project cannot be accomplished without some disruption to the existing vegetation and there may be some minor soil erosion during the early construction stages. However, construction specifications and special provisions will provide for temporary and permanent means to minimize soil erosion. These means shall include, but not be restricted to, the use of sodding and seeding.

PARKLAND

This project does not involve parkland.

TRAFFIC HANDLING DURING CONSTRUCTION

Local traffic will be carried on existing County Road C and through traffic will be detoured using Beam Avenue and T.H. 36 during construction. The final construction plans will include a traffic control plan to insure the safe and efficient movement of traffic.

TIMELINE

This segment of County Road C is included in the Ramsey County bonding program. Construction could begin in 1990 if all approvals are received.

The City of Maplewood must agree to the design concepts and cost participation before Ramsey County will begin detailed design of the project.

PROJECT MANAGER

The project manager is Wayne Leonard, P.E., Coordinating Engineer, Ramsey County Public Works Department, 3377 Rice Street, St. Paul, MN.

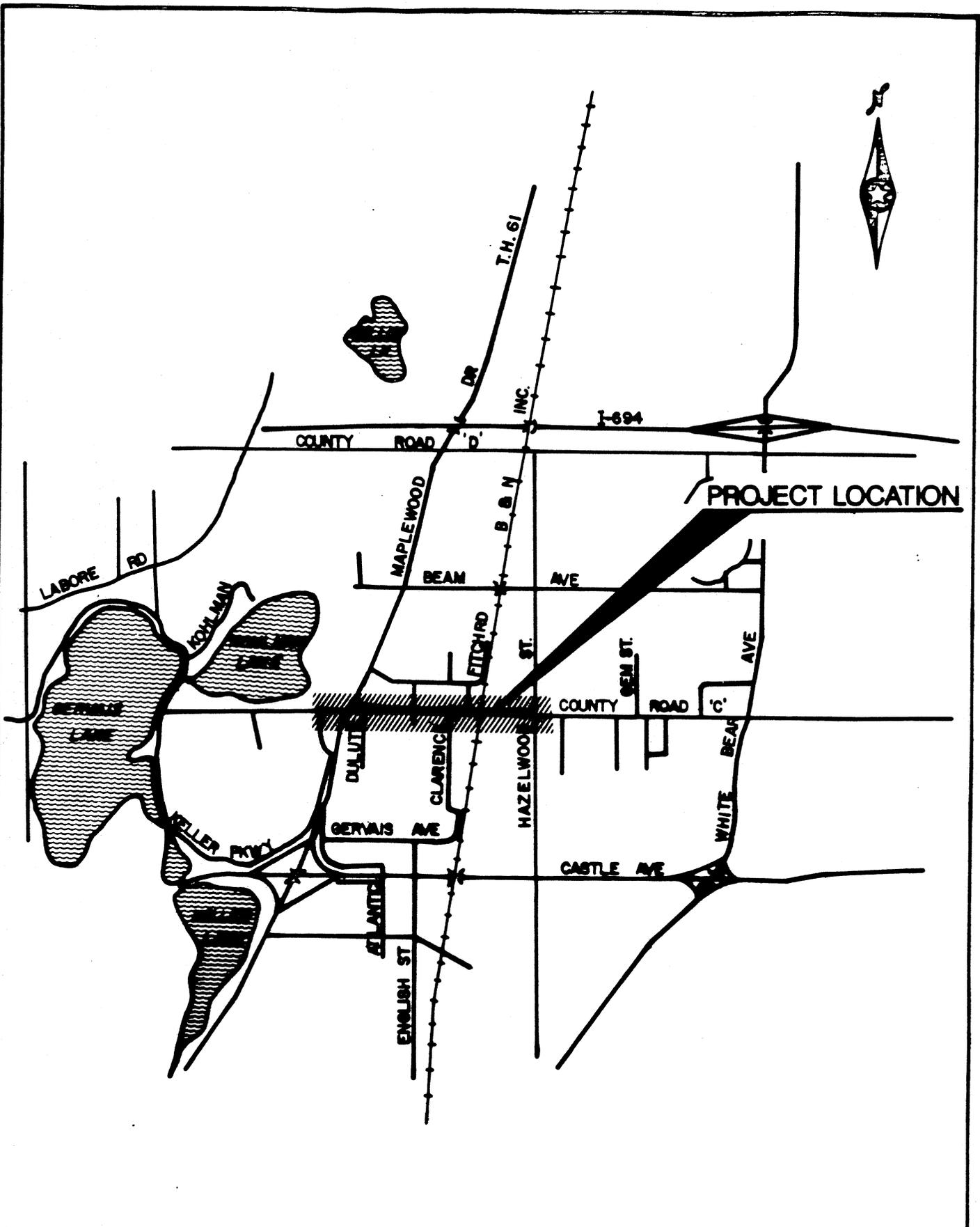
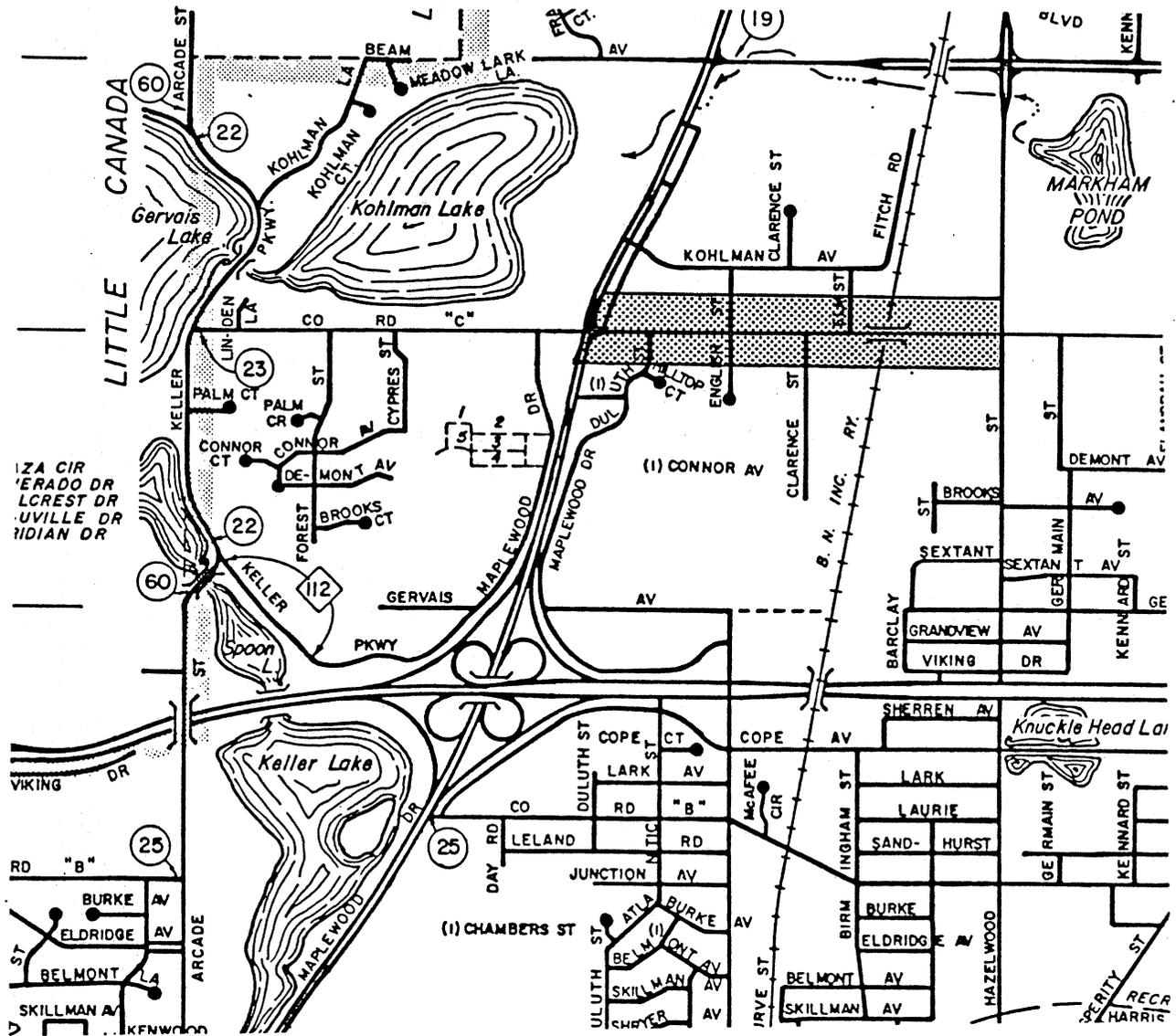


FIGURE 1



MAPLEWOOD, MINNESOTA
 COUNTY ROAD "C"

FILE NO.
 89142
 DRG. NO



GENERAL ASSESSMENT AREA

ASSESSMENT AREA MAP
 PROJECT 89-04 COUNTY ROAD C
 TH 61 TO HAZELWOOD ST

SCALE
 N/A





FEASIBILITY REPORT

PRELIMINARY ASSESSMENT ROLL

PIN	ADDRESS	*1185 / EA. STREET	*525 / EA RES. STORM	\$0.10 / SF COMM. STORM
3-29-22-33-		(14)	(14)	(0)
0043	2648 English			—
0044	1319 "C"			—
0045	1329 "C"			—
0046	1337 "C"			—
0047	1343 "C"			—
0048	1349 "C"			—
0049	1359 "C"			—
0050	VACANT			—
0051	1379 "C"			—
0052	1385 "C"			—
0054	1391 "C"			—
0055	1403 "C"			—
0062	1411 "C"	2	2	—
3-29-22-34-		(12)	(12)	(0)
0009	2645 Hazelwood			—
0010	1519 "C"			—
0013	1495 "C"	2	2	—
0014	1477 "C"	2	2	—
0015	1451 "C"	4	4	—
0022	1505 "C"	2	2	—
4-29-22-43-		(12)	(11)	(32, 234)
0022	2650 Duluth		—	32, 234
0023	1215 "C"			—
0024	1227 "C"			—
0025	1237 "C"			—
0026	1243 "C"			—
0027	1251 "C"			—
0028	1255 "C"			—
0029	1257 "C"			—
0030	1267 "C"			—
0031	1273 "C"			—
0032	1283 "C"	2	2	—
		(38)	(37)	(32, 234)



FEASIBILITY REPORT

Design By WMP Checked By Date 0/11/09

DEPARTMENT OF PUBLIC WORKS 1902 EAST COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109 770-4550

PRELIMINARY ASSESSMENT ROLL

PIN	ADDRESS	\$1185/EA. STREET	\$525 EA. RES. STORM	\$010 / SF COMM. STORM
9-29-22-11-		(14)	(9)	(79, 126)
0001	2607 English	1	1	—
0009	1260 "C"	—	1	—
0010	1270 "C"	1	1	—
0011	1276 "C"	1	1	—
0012	1270 "C"	1	1	—
0013	1260 "C"	1	1	—
0014	1262 "C"	1	1	—
0018	1216 "C"	1	—	17,386
0023	1186 "C"	NO ACCESS	—	NO ACCESS
0035	VACANT	2	2	—
0048	1200 "C"	1	—	10,606
0050	1194 "C"	2	—	24,134
0063	1230 "C"	1	—	12,000 ±
0065	1224 "C"	1	—	15,000
10-29-22-21-		(15)	(15)	(54, 886)
0002	1534 "C"	15	15	—
0006	BN RR	—	—	54,886
10-29-22-22-		(13)	(13)	(0)
0001	1406 "C"	2	2	—
0002	1396 "C"	1	1	—
0003	1386 "C"	1	1	—
0004	1374 "C"	1	1	—
0017	1366 "C"	1	1	—
0018	1360 "C"	1	1	—
0019	1356 "C"	1	1	—
0020	1336 "C"	1	1	—
0021	1330 "C"	1	1	—
0022	1322 "C"	1	1	—
0023	1314 "C"	1	1	—
0024	1306 "C"	1	1	—
		(42)	(31)	(134, 012)
GRAND TOTALS		80 \$94,800	74 \$38,850	166,246 \$16,600

clock Engl. St.
Ass. 79-04 →

clock Engl. St.
Ass. 79-04 →

TOTAL = \$ 150,250.00

D/P NO.
QUANTITY CHECK LIST

COL. 1) = STREET - UNIT

COL. 2) = STORM SEWER - UNIT

COL. 3) = STORM SEWER - S.F.

COL. 4) = SEWER SERVICE

COL. 5) = WATER SERVICE

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
03-29-22-33-0043	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0044	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0045	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0046	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0047	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0048	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0049	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0050	1.00	1.00	0.00	1.00	0.00
03-29-22-33-0051	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0052	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0054	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0055	1.00	1.00	0.00	0.00	0.00
03-29-22-33-0062	2.00	2.00	0.00	1.00	1.00
03-29-22-34-0009	1.00	1.00	0.00	0.00	0.00
03-29-22-34-0010	1.00	1.00	0.00	0.00	0.00
03-29-22-34-0013	2.00	2.00	0.00	0.00	0.00
03-29-22-34-0014	2.00	2.00	0.00	1.00	0.00
03-29-22-34-0015	4.00	4.00	0.00	3.00	2.00
03-29-22-34-0022	2.00	2.00	0.00	0.00	0.00
04-29-22-44-0022	1.00	0.00	32234.00	0.00	0.00
04-29-22-44-0023	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0024	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0025	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0026	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0027	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0028	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0029	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0030	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0031	1.00	1.00	0.00	0.00	0.00
04-29-22-44-0032	2.00	2.00	0.00	0.00	0.00
09-29-22-11-0001	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0009	0.00	1.00	0.00	0.00	0.00
09-29-22-11-0010	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0011	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0012	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0013	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0014	1.00	1.00	0.00	0.00	0.00
09-29-22-11-0018	1.00	0.00	17386.00	0.00	0.00
09-29-22-11-0035	2.00	2.00	0.00	0.00	0.00
09-29-22-11-0048	1.00	0.00	10606.00	0.00	0.00
09-29-22-11-0050	2.00	0.00	24134.00	0.00	0.00
09-29-22-11-0063	1.00	0.00	12000.00	0.00	0.00
09-29-22-11-0065	1.00	0.00	15000.00	0.00	0.00
10-29-22-21-0002	15.00	15.00	0.00	14.00	4.00
10-29-22-21-0006	0.00	0.00	54886.00	0.00	0.00
10-29-22-22-0001	2.00	2.00	0.00	1.00	1.00
10-29-22-22-0002	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0003	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0004	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0017	1.00	1.00	0.00	0.00	0.00

PROJECT NO. 89-04 CD RD C-TH61 TO HZLWD ST

PAGE 2 OF 2
08-22-1989D/P NO.
QUANTITY CHECK LIST

COL. 1) = STREET - UNIT

COL. 2) = STORM SEWER - UNIT

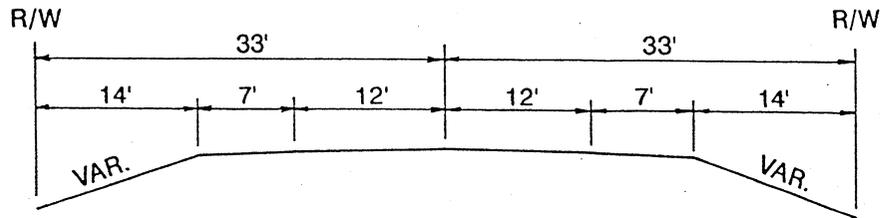
COL. 3) = STORM SEWER - S.F.

COL. 4) = SEWER SERVICE

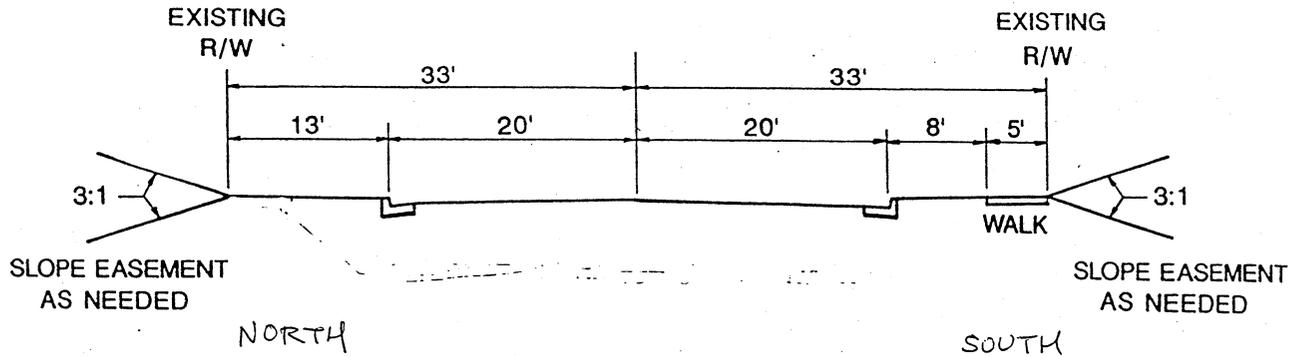
COL. 5) = WATER SERVICE

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
10-29-22-22-0018	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0019	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0020	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0021	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0022	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0023	1.00	1.00	0.00	0.00	0.00
10-29-22-22-0024	1.00	1.00	0.00	0.00	0.00
GRAND TOTALS	80.00	74.00	166246.00	21.00	8.00

EXISTING



PROPOSED



TYPICAL
SECTIONS

COUNTY ROAD C

FIGURE 2



Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: **Conditional Use Permit, Lawn Irrigation Variance and Site Plan Review**
 LOCATION: Highway 61, South of County Road D
 APPLICANT: Carnival Play Systems, Inc.
 PROJECT: Swingset Display Site
 DATE: September 11, 1992

SUMMARY**INTRODUCTION**Request

Carnival Play Systems, Inc. is requesting the City Council approve:

1. A conditional use permit (CUP) to display and sell swingsets and backyard play equipment outdoors.
2. A variance from the requirement for a lawn irrigation system.
3. The site plan.

Project Description

The display yard would be 100- by 100-feet in size. The applicant would install a five-foot-tall chain link fence around the display yard and add two parking spaces next to the existing parking lot. They also would build an 8- by 10-foot storage shed. This sales operation would begin in March and run through the end of summer.

BACKGROUND

August 11, 1992: The Community Design Review Board recommended approval of the variance and site plan.

August 17, 1992: The Planning Commission recommended approval of the CUP.

Criteria for CUP Approval

Section 36-442(a) states the City Council must base their approval on the nine standards. I listed these standards in the resolution on page 11.

Criteria for Variance Approval

Section 367.10, subdivision 6(2) of State law, requires that the City Council make these findings to approve a variance to the zoning code:

1. Strict enforcement would cause undue hardship because of circumstances unique to the property under consideration.
2. The variance would be in keeping with the spirit and intent of the ordinance.

"Undue hardship", as used in connection with the granting of a variance, means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. The plight of the landowner is due to circumstances unique to his property, not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

DISCUSSION

Conditional Use Permit

There are not any residential neighbors that this business would affect. The proposed swingset display would be compatible with the adjacent business to the south - Backyard Building Systems. Both businesses sell typical residential backyard items.

Lawn Irrigation Variance

Water is not available to this site, so the applicant cannot install lawn sprinklers. When the City provides water service, the City Council should require that the operator or property owner install a lawn irrigation system.

RECOMMENDATION

1. Adopt the resolution on page 11, granting a conditional use permit for an outdoor display/sales site for swingsets and backyard play equipment. Approval is subject to the following conditions:
 - a. All construction shall follow the site plan, date-stamped July 17, 1992. The Director of Community Development may approve minor changes.
 - b. The City Council shall review this permit in one year.

- c. The operator shall have a telephone on the site for emergencies.
 - d. If there is not enough parking, the operator or property owner shall provide more paved parking spaces.
 - e. The operator shall not allow parking on Highway 61.
 - f. The operator shall keep the weeds and tall grass cut along the front property line.
 - g. The operator shall provide toilet facilities for employees during business hours.
2. Adopt the resolution on page 12. This resolution approves a variance from the lawn sprinkling requirement, since:
- a. Strict enforcement of the Code would cause the applicant undue hardship, because:
 - (1) The City is not providing this property with public water service.
 - (2) Constructing a water main would be extremely expensive.
 - b. The lack of water main is a circumstance unique to the property, not created by the applicant.
 - c. If the operator hand waters the landscaping, the variance would meet the spirit and intent of the ordinance.
- Approval is subject to:
- a. The operator hand watering the landscaping.
 - b. The property owner installing a lawn irrigation system when the City installs a water main to this property.
3. Approve the site plan on page 8 of the August 24 staff report. The applicant shall:
- a. Repeat this review in two years if the City has not issued a building permit for this project or if the use has not started.
 - b. Add paved parking spaces if a parking shortage develops. The applicant must submit the plan for additional parking to staff for approval.

- c. Install site-security lights.
- d. Submit a landscape plan to staff for approval. This plan shall show as much landscaping as Backyard Building Systems planted.
- e. Stripe the parking spaces.
- f. Submit the building elevations of the storage shed to staff for approval.
- g. Mow the tall weeds along the front lot line.
- h. Get a conditional use permit for outdoor displays and sales and a variance from the lawn sprinkling requirement.
- i. Submit a cash escrow or an irrevocable letter of credit to the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. The City must receive an agreement, signed by the property owner, that will allow the City to complete any unfinished work.
- j. Install a top rail on the chain link fence.

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 10,000 square feet

Existing land use: The proposed display/sales site is undeveloped. The overall acreage has a Naegele billboard and a 15,000-square-foot site used for Backyard Building Systems.

Property Owner: Clarence Lactorin

SURROUNDING LAND USES

North and East: Undeveloped property zone M-1 (light manufacturing)

South: Backyard Building Systems backyard-shed sales yard

West: Highway 61

PLANNING

Land Use Plan designation: BW (business warehousing)

Zoning: M-1

Ordinance requirement:

Section 36-151(b)(4) requires a CUP for the exterior storage, display, sale or distribution of goods or materials....

Section 36-28(c)(9) requires that the developer of any project install a lawn irrigation system....

OTHER AGENCIES

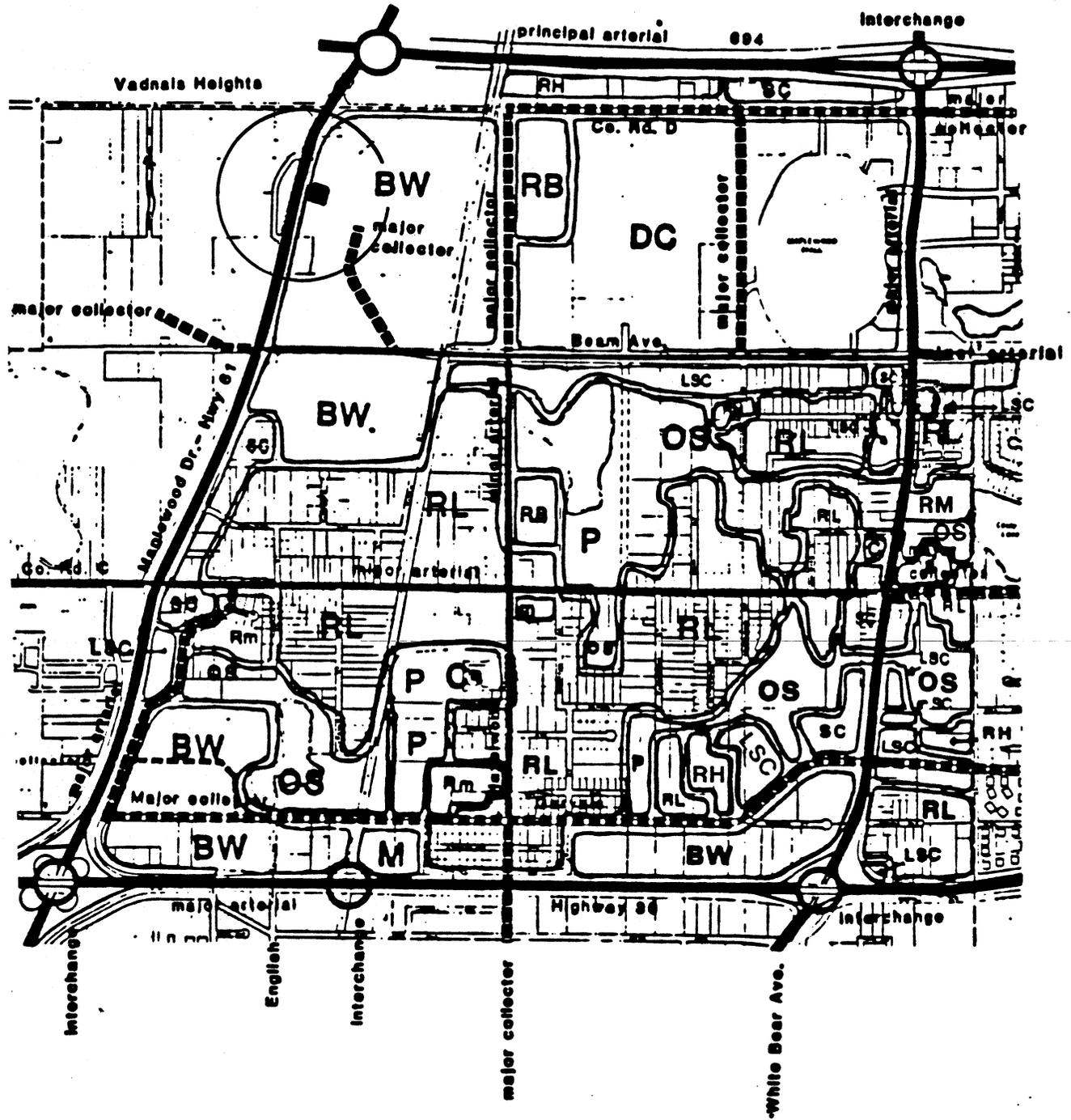
Minnesota Department of Transportation (Mn/Dot)

Mn/Dot requires an entrance permit and a right-turn-lane from Highway 61. Refer to the letter on page 10.

te\carniva4.cup (Section 3) mb\mem\carnival

Attachments:

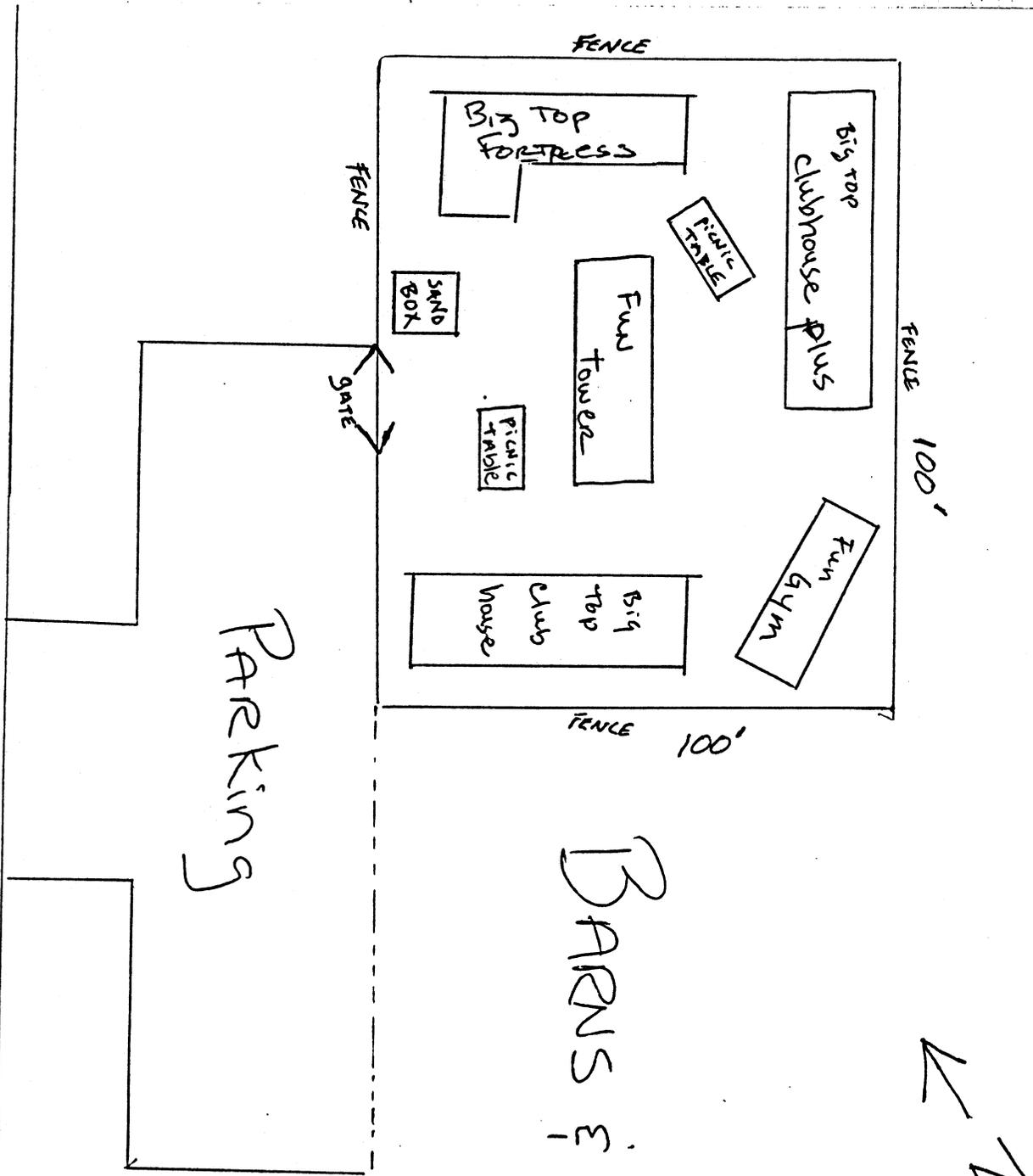
1. Land Use Plan Map
2. Property Line/Zoning Map
3. Site Plan dated July 17, 1992
4. Swingset example
5. Letter from Mn/Dot dated September 1, 1992
6. Conditional Use Permit Resolution
7. Variance Resolution



**LAND USE MAP
HAZELWOOD**



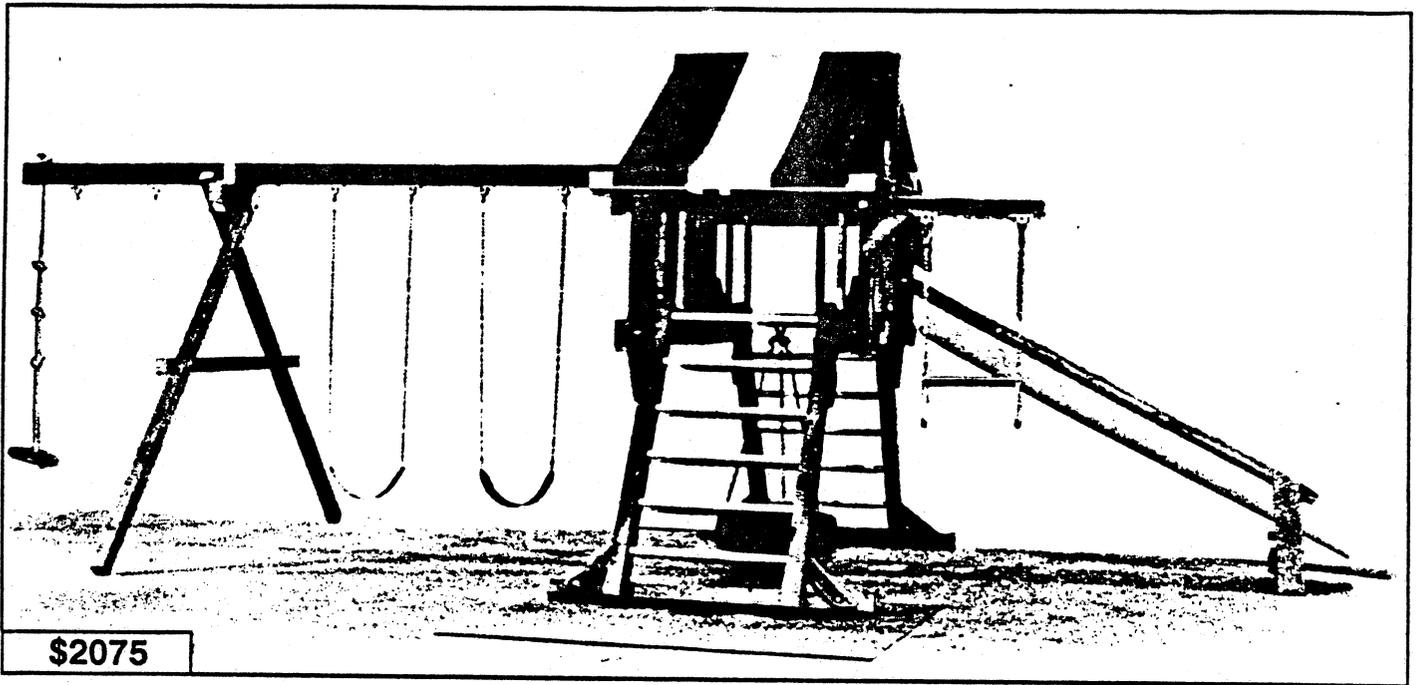
2/1



11111

May 61

JUL 17 1992



\$2075

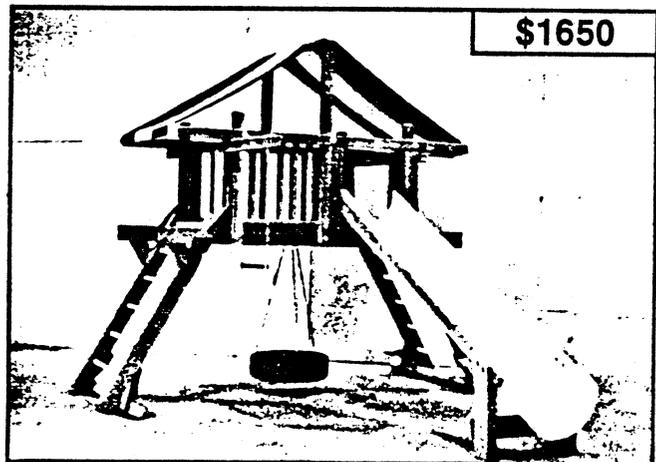
BIG TOP CLUBHOUSE

Dimensions: 12' x 28'
 Deck Height: 5 Feet Approximately
 Warranty: Ten Year Warranty on Wood Structure and Slide.
 Optional: Monkey Bar/Swing Combo (Not Shown)

Features:

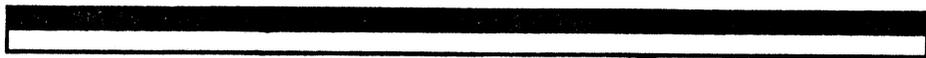
- Ten Foot Polyethylene Tube Slide
- All Construction Heart Redwood Structure
- Two 4 x 6 Angled Climbing Ladders with Vinyl Coated Steel Rungs
- Steel Vinyl Coated Swing Beam Brackets
- Three Pair of Commercial Grade Ductile Iron Swinghangers with Spring Clips
- Two Belt Swings with Vinyl Coated Chain
- Trapeze/Rings Combo

Big Top Clubhouse
 Shown without Swing Beam
 12' x 13' Dimension



\$1650

- Rope and Disc Seat
- Heavy Vinyl Canopy
- Tire Swing with Vinyl Coated Chains and 3 Point Swivel
- Pro-Racer Steering Wheel





Minnesota Department of Transportation

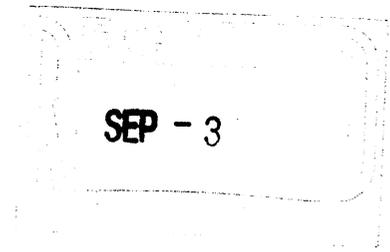
Metropolitan District
Transportation Building
St. Paul, Minnesota 55155

Oakdale Office, 3485 Hadley Avenue North, Oakdale, Minnesota 55128
Golden Valley Office, 2055 North Lilac Drive, Golden Valley, Minnesota 55422

Reply to _____ Oakdale Office
Telephone No. _____ 779-1211

September 1, 1992

Ken Roberts
Community Development Department
City of Maplewood
1830 East County Road B
Maplewood, MN 55109



Dear Ken Roberts:

SUBJECT: Site Plan Review
Carnival Play Systems
East of T.H. 61, South of C.R. D
Maplewood, MN
C.S. 6222

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Carnival Play Systems site plan and offers the following comments for your consideration.

1. Change of use to the existing access from T.H. 61 will require a new entrance permit from Mn/DOT. Don Fashant of our Permits Office may be contacted at 779-1141 for the necessary applications and any questions regarding the permit process.
2. As a shared entrance to T.H. 61 with Building Systems, the existing entrance will also require construction of a right turn lane.

If you have any questions regarding this review please call.

Sincerely,

Ruth Ann Sobnosky
Senior Transportation Planner

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Carnival Play Systems, Inc. applied for a conditional use permit to display and sell swingsets and backyard play equipment outdoors.

WHEREAS, this permit applies to a part of a property about 600 feet north of 2990 Highway 61. The legal description is:

Registered Land Survey No. 262, Tract C.

WHEREAS, the history of this conditional use permit is as follows:

1. The Planning Commission discussed this application on _____, 199_. They recommended that the City Council _____ this permit.
2. The City Council held a public hearing on _____, 199_. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan that the City stamped July 17, 1992. The Director of Community Development may approve minor changes.
2. The City Council shall review this permit in one year.
3. The operator shall have a telephone on the site for emergencies.
4. If there is not enough parking, the operator or property owner shall provide more paved parking spaces.
5. The operator shall not allow parking on Highway 61.
6. The operator shall keep the weeds and tall grass cut along the front property line.
7. The operator shall provide toilet facilities for employees during business hours.

Adopted _____, 199_.

Carni.cup
jl - (mb\mem\carnival)

VARIANCE RESOLUTION

WHEREAS, Carnival Play Systems, Inc. applied for a variance from the zoning ordinance for a part of a property that is about 600 feet north of 2990 Highway 61. The legal description is:

Registered Land Survey No. 262, Tract C

WHEREAS, Section 36-28((c)(9) of the Maplewood Code of Ordinances requires an in-ground lawn irrigation system for all commercial development.

WHEREAS, the applicant is proposing to not install such a system.

WHEREAS, the history of this variance is as follows:

1. This variance was reviewed by the Community Design Review Board August 11, 1992. They recommended that the City Council _____ the variance.
2. The City Council held a public hearing on _____, 1992. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described variance for the following reasons:

1. Strict enforcement of the Code would cause the applicant undue hardship, because:
 - a. The City is not providing this property with public water service.
 - b. Constructing a water main would be extremely expensive.
2. The lack of water main is a circumstance unique to the property, not created by the applicant.
3. If the operator hand waters the landscaping, the variance would meet the spirit and intent of the ordinance.

Approval is subject to:

- a. The operator hand watering the landscaping.
- b. The property owner installing a lawn irrigation system when the City installs a water main to this property.

Adopted on _____, 199_.

the developer does any site grading or the City approves a final plat. All trees to be saved shall be clearly marked on site before any grading is done.

- (4) Show drainage and utility easements along all property lines. These easements shall be ten feet wide along the front and rear property lines and five feet wide along the side property lines.
- (5) Change the property lines on Lots 2, 3 and 4. This change shall be so the property lines are perpendicular to Laurie Road and radial to the Ide Street cul-de-sac.
- (6) Change the property line between Lots 20 and 21. This change shall be so the property line is radial to the cul-de-sac.
- (7) Change the name of Laurie Avenue to Laurie Road.
- (8) Remove the house and two garages on Lots 1 and 2.
- (9) Remove the house and garage on Lots 17 and 19.
- (10) Change the right-of-way at the transition point with the cul-de-sacs to meet City standards.

If the developer decides to final plat part of the preliminary plat, the Director of Community Development may waive any conditions that do not apply to the final plat.

Commissioner Pearson seconded

Ayes--Allenspach,
Anitzberger, Fischer,
Gerke, Pearson, Rossbach,
Sigmundik

The motion passed.

6. NEW BUSINESS

a. Conditional Use Permit: Highway 61 (Carnival Play Systems)

Secretary Olson presented the staff report. Tom Corcoran, representing Carnival Play Systems, said he was in agreement with the recommended conditions of the staff report. Mr. Corcoran said their equipment would be moved off-site and stored for the winter months.

Commissioner Allenspach moved the Planning Commission recommend adoption of the resolution which grants a conditional use permit to display and sell children's play equipment outdoors. Approval is subject to the following conditions:

- (1) All construction shall follow the site plan that the City stamped July 17, 1992. The Director of Community Development may approve minor changes.
- (2) The City Council shall review this permit in one year.
- (3) The operator shall have a telephone on the site for emergencies.
- (4) If there is not enough parking, the operator or property owner shall provide more paved parking spaces.
- (5) The operator shall not allow parking on Highway 61.
- (6) The operator shall keep the weeds and tall grass cut along the front property line.
- (7) The operator shall provide toilet facilities for employees during business hours.

Commissioner Pearson seconded

Ayes--Allenspach,
Anitzberger, Fischer,
Gerke, Pearson, Rossbach,
Sigmundik

The motion passed.

b. ~~Single and Double Dwelling Setback Ordinance~~

~~Secretary Olson presented the staff report and discussed with the Commission the proposed changes to this ordinance.~~

~~Commissioner Pearson moved the Planning Commission recommend approval of the ordinance changing the setback requirements for R-1 (single dwelling), RE (residential estate), R-1S (small-lot single dwelling) and R-2 (double dwelling), including the major changes proposed in the August 10 staff report and the additional wording in the "Front line of the dwelling" section.~~

~~Commissioner Anitzberger~~

~~Ayes--Allenspach, Anitzberger,
Fischer, Gerke, Pearson,
Rossbach, Sigmundik~~

~~The motion passed.~~

c. Metro 2015 Review

Staff presented the Metro 2015 report from the Metropolitan Council. The Commission reviewed the document and made the following comments:

MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 EAST COUNTY ROAD B, MAPLEWOOD, MINNESOTA
AUGUST 11, 1992

1. CALL TO ORDER

Chairperson Moe called the meeting to order at 7 p.m.

2. ROLL CALL

Donald Moe	Present
Marvin Erickson	Present
Michael Holder	Present
Marie Robinson	Present
Bruce Thompson	Present
Scott Wasiluk	Absent

3. APPROVAL OF MINUTES

a. July 28, 1992

Boardmember Robinson moved approval of the minutes of July 28, 1992, as submitted.

Boardmember Erickson seconded Ayes--Moe, Erickson,
Holder, Robinson,
Thompson

4. APPROVAL OF AGENDA

Boardmember Erickson moved approval of the agenda as submitted.

Boardmember Holder seconded Ayes--Moe, Erickson, Holder,
Robinson, Thompson

5. UNFINISHED BUSINESS

6. DESIGN REVIEW

a. Lawn Sprinkling Variance and Design Review - Carnival Play Systems, Inc., Highway 61

Tom Corcoran and Tom Klein, the applicants, were present. They said they are planning to construct a five-foot chain-link fence which will have a top rail on it. Since the site does not have water available, they said they will carry water onto the site to maintain the required landscaping.

Boardmember Thompson moved the Community Design Review Board recommend:

(1) Approval of the site plan shown in the August 5 staff report. The applicant shall:

(a) Repeat this review in two years if the City has not issued a building permit for this project or if the use has not started.

- (b) Add paved parking spaces if a parking shortage develops. The applicant must submit the plan for additional parking to staff for approval.
 - (c) Install site-security lights.
 - (d) Submit a landscape plan to staff for approval. This plan shall show as much landscaping as Backyard Building Systems planted.
 - (e) Stripe the parking spaces.
 - (f) Submit the building elevations of the storage shed to staff for approval.
 - (g) Mow the tall weeds along the front lot line.
 - (h) Get a conditional use permit for outdoor displays and sales and a variance from the lawn sprinkling requirement.
 - (i) Submit a cash escrow or an irrevocable letter of credit to the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. The City must receive an agreement, signed by the property owner, that will allow the City to complete any unfinished work.
- (2) Adoption of the resolution which approves a variance from the lawn sprinkling requirement, since:
- (a) Strict enforcement of the code would cause the applicant undue hardship, because:
 - 1) The City is not providing this property with public water service.
 - 2) Constructing a water main would be extremely expensive.
 - (b) The lack of water main is a circumstance unique to the property, not created by the applicant.
 - (c) If the operator hand waters the landscaping, the variance would meet the spirit and intent of the ordinance.

Approval is subject to:

- (a) The operator hand watering the landscaping.

- (b) The property owner installing a lawn irrigation system when the City installs a water main to this property.

Boardmember Erickson seconded

Boardmember Robinson moved the motion be amended to require a top rail if a fence is constructed.

Boardmember Thompson seconded Ayes--Moe, Erickson,
Holder, Robinson,
Thompson

The amended motion was then voted as follows:

Ayes--Moe, Erickson, Holder, Robinson, Thompson

7. VISITOR PRESENTATIONS

There were no visitor presentations.

8. BOARD PRESENTATIONS

- a. Boardmember Erickson reported on the August 10 City Council meeting.

9. STAFF PRESENTATIONS

- a. Board Member Volunteer for the August 24 Council Meeting:
Mike Holder
- b. Staff reminded the Board of the Commissioners Dinner on Saturday, September 26 at the Best Western Maplewood Inn. Invitations will be mailed.
- c. Staff presented the tentative CDRB agenda for the August 25 meeting.

10. ADJOURNMENT

Meeting adjourned at 7:35 p.m.

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: House Moving
LOCATION: County Road C East of White Bear Avenue
APPLICANT: Thone Builders and Development, Inc.
DATE: August 13, 1992

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

INTRODUCTION

Thone Builders and Development, Inc. is asking that the City Council approve the moving of a house and one-car garage. The house and garage are at 2847 White Bear Avenue. The applicant would like to move them to a lot on County Road C west of 2621 Ariel Street. The house is a 1-1/2 story expansion bungalow sided with white stucco. There is a second-story dormer on the back of the roof with horizontal-lap siding. Refer to the photos on page 7.

CODE REQUIREMENTS

Section 9-64 requires the following findings to approve a building relocation request:

- 1. The proposed building is compatible with those in the neighborhood it would be moved to. A determination of compatibility may be based on comparing the structure's exterior siding, height, mass, age and style of construction to the average home in the neighborhood to which the house is to be moved and the health, safety and welfare of the community.
2. That all City Code requirements can be met.
3. That water runoff from the site will not cause an adverse effect on surrounding properties.
4. Public streets can be protected from damage.

DISCUSSION

This house is compatible with the surrounding homes. Also, moving this house would remove an eyesore from White Bear Avenue.

RECOMMENDATION

Approve the relocation of the house at 2847 White Bear Avenue to the lot west of 2621 Ariel Street, subject to Thone Builders and Development, Inc. doing the following:

1. **Submit an irrevocable letter of credit or cash escrow for 1-1/2 times the estimated cost of completing the construction. The applicant shall complete the work within 90 days of the City issuing the permit. The construction shall meet the Building Code requirements. (Code requirement)**
2. **Sign an agreement to convey title. This agreement shall give the City the right to take possession of the house and property if the required work is not completed within 90 days after the City issues the moving permit. This agreement would allow the City the right to complete the construction required by Code or demolish and remove the structure. The City Attorney shall draft this agreement.**
3. **After the move, regrade and sod the disturbed parts of 2847 White Bear Avenue. Remove the fence from 2847 White Bear Avenue.**
4. **Verify the lot lines with survey pins.**
5. **Repaint all siding and trim.**
6. **Move the house and garage between the hours of 3 and 6 a.m.**

CITIZEN COMMENTS

I surveyed the 14 property owners within 350 feet of this site. Two owners replied from one of the 11 properties. They had no comment.

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 21,178 square feet
Existing land use: Undeveloped
Owner: Nancy J. Gaston

SURROUNDING LAND USES

North: County Road C. Across County Road C is a single dwelling and the Harmony School parking lot.

South: The back yard of 2607 Ariel Street.

West: Undeveloped land owned by Ramsey County. The City shows this land as OS (open space) on the land use plan.

East: Two single dwellings.

PLANNING

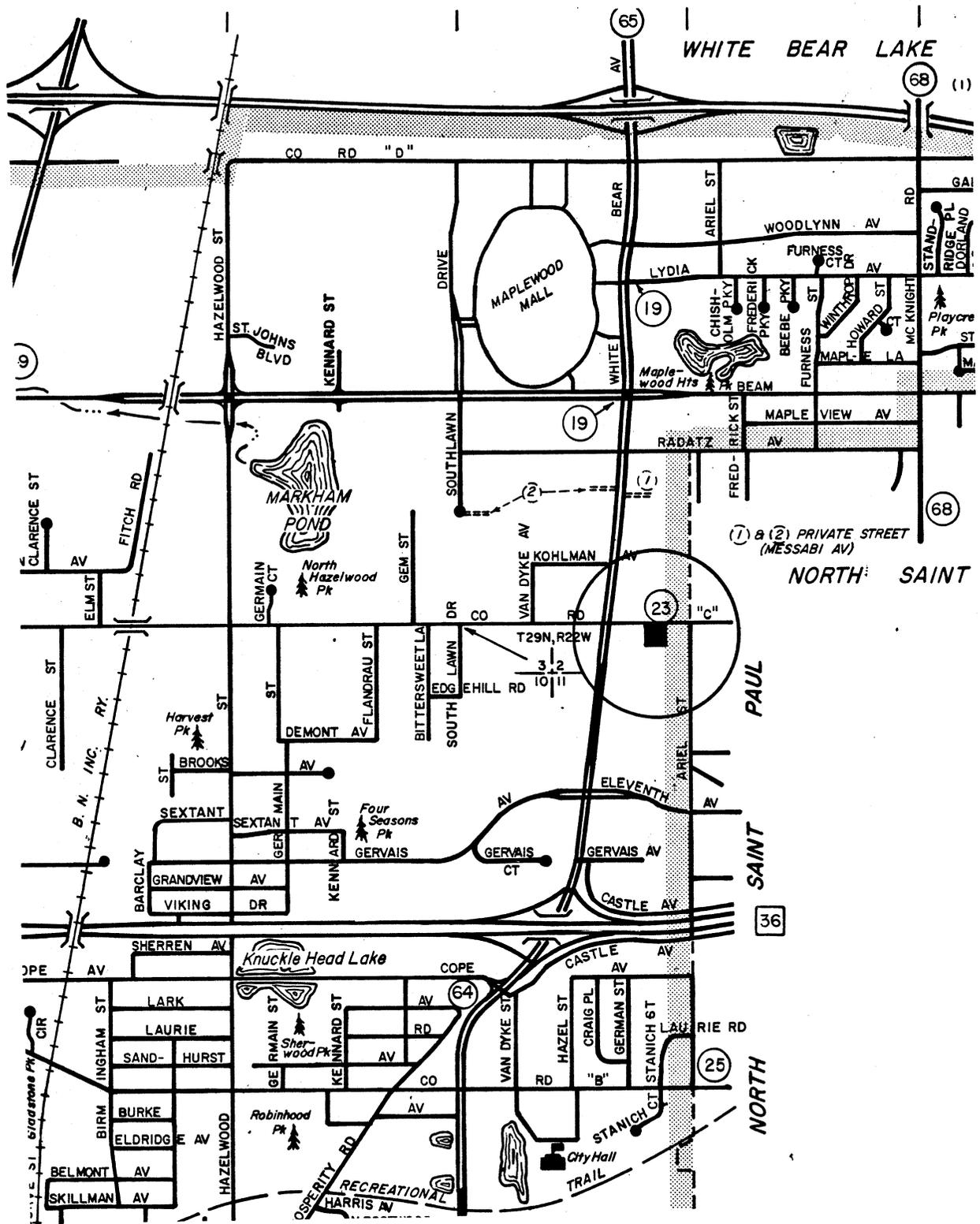
Land Use Plan designation: RL (low-density residential)
Zoning: R-1 (single-dwelling residential)

te\housemov.mem (Section 11)

mb\mem\housemov

Attachments:

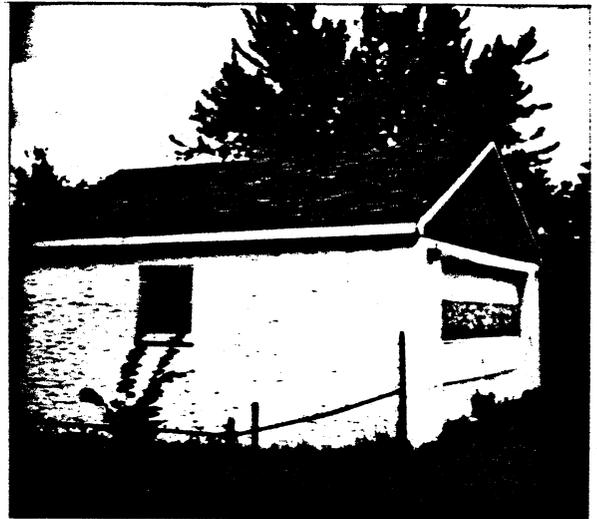
1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. House Photos



LOCATION MAP



2847 WHITE BEAR AVE
MOVING TO 20XX CITY RD C



6. DESIGN REVIEW

a. House Moving - Thone Builders, County Road C

The applicant was not present at the meeting. Staff gave a brief explanation of this request. The Board discussed the stucco exterior of the house and the present zoning of the White Bear Avenue property.

Boardmember Erickson moved approval of the relocation of the house at 2847 White Bear Avenue to the lot west of 2621 Ariel Street, subject to Thone Builders and Development, Inc. doing the following:

- (1) Submit an irrevocable letter of credit or cash escrow for 1 1/2 times the estimated cost of completing the construction. The applicant shall complete the work within 90 days of the City issuing the permit. The construction shall meet the building code requirements.
- (2) Sign an agreement to convey title. This agreement shall give the City the right to take possession of the house and property if the required work is not completed within 90 days after the City issues the moving permit. This agreement would allow the City the right to complete the construction required by code or demolish and remove the structure. The City Attorney shall draft this agreement.
- (3) After the move, regrade and sod the disturbed parts of 2847 White Bear Avenue. Remove the fence from 2847 White Bear Avenue.
- (4) Verify the lot lines with survey pins.
- (5) Repaint all siding and trim.
- (6) Move the house and garage between the hours of 3 and 6 a.m.

Boardmember Thompson seconded

Boardmember Erickson moved to amend the motion, adding condition seven as follows:

- (7) Any damaged stucco shall be repaired before a certificate of occupancy is issued.

Boardmember Thompson seconded

Ayes--Moe, Erickson, Holder,
Robinson, Thompson

The amended motion was voted on as follows:

Ayes--Moe, Erickson, Holder, Robinson, Thompson

b. Site Plan Revision and Conditional Use Permit - Corporate Property Investors, Maplewood Mall

James Selanec was present representing Corporate Property Investors. He explained their request to restripe the lot with nine-foot-wide stalls at a 75-degree angle. Mr. Selanec discussed with the Board the different angular designs considered for parking stalls. Mr. Selanec said any future expansion of the Mall would be seriously affected if the City requires ten-foot-wide stalls for a future expansion instead of the existing nine-foot-wide stalls.

Gary Jackson, General Manager of the Mall, said the manager of the Rosedale shopping mall has not had any complaints on the similar restriping design of that parking lot.

Boardmember Thompson moved the Review Board recommend:

- (1) Approval of the use of nine-foot-wide parking spaces at a 75-degree angle for the Maplewood Mall, because
 - (a) The Mall is currently striped with nine-foot-wide stalls.
 - (b) There is not enough room for additional parking, without building a parking ramp.

Approval is subject to the following condition: The City may require that the Mall restripe their parking to ten-foot-wide stalls when the Mall proposes to build parking ramps.

- (2) Approval of the site plan that the City has stamped August 3, 1992 for the Penny's addition and Mall parking lot. Approval is subject to the applicant doing the following:
 - (a) Repeat this review after two years if the City has not issued a building permit for this project.
 - (b) Restore and sod the boulevard along Southlawn Drive if damaged by the construction.
 - (c) Provide reflectorized stop signs at all exits and a handicap-parking sign for each handicap-parking space.

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Conditional Use Permit Revision and Design Review
 LOCATION: 2696-2730 Hazelwood Avenue
 PROJECT: First Evangelical Free Church
 DATE: September 23, 1992

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

INTRODUCTION

1. The conditional use permit for the planned unit development at 2696-2730 Hazelwood Avenue is due for review. This PUD is for a church, day care center and senior citizen housing project. The City staff is proposing several changes to update the permit conditions.
2. First Evangelical Free Church is asking that the City approve plans for:
 - a. A worship center addition that consists of a 580-seat sanctuary and narthex. This addition would have an exterior of brick, break-off block and metal panels. There would be a brick and metal-panel steeple on the south side.
 - b. A multi-purpose addition on the east side of the existing building. This addition would have an exterior of painted, break-off block. The church would use it for a gymnasium and other purposes.
 - c. A drive and parking for the day-care center to drop off and pick up children. The drive would add two new driveways onto Hazelwood Avenue. The church would move the existing playground and storage shed toward the north lot line.
 - d. Relocated parking. The worship center will replace most of the parking that is in front of the building. The church would expand their parking lot onto the southeast corner of the site. There will be a net increase in parking spaces from 142 spaces now to 202 spaces on the site plan. There would be a new drive from the parking lot to Hazelwood Avenue. The church would move the existing parking lot so it is twenty feet from the south lot line.
 - e. New landscaping. To screen the homes to the south, the church would add landscaping and berming along the south lot line, between the trail and the parking lot.

BACKGROUND

August 13, 1990: The City Council revised the conditional use permit for the planned unit development at 2696-2730 Hazelwood Avenue. This revision was to allow a church and day care center at 2696 Hazelwood Avenue. This PUD also includes senior citizen housing at 2730 Hazelwood Avenue (Hazel Ridge). (See the map on page 7.)

August 12, 1991: The Council reviewed the CUP and decided to review this permit again when the Church had plans for their new sanctuary.

DISCUSSION

Sprinklers

City Code requires that the church install an in-ground sprinkler system. The Church will install this system in the area of the new construction and along the south property line. They want to defer construction of a sprinkler system on the north half of the site. This is reasonable since they plan on future parking on the northeast corner of the site.

Landscaping Along the South Property Line

The church is proposing an attractive building and landscaping. More landscaping or berming is needed along the south end of the parking lot to screen the rear yards of the two lots at the end of Germain Court. This is a code requirement. The other abutting property owner on Hazelwood Avenue has an existing screening fence. This owner, however, is requesting more landscaping as well.

The church proposes to work out the screening needs with the three neighbors south of the proposed parking lot. The church would then submit a revised landscape plan for review. (Refer to the architect's letter on page 17.) The problem, however, is that Code specifically requires a six-foot-tall, 80% opaque screen. Even if the neighbors agree to less screening, the applicant must still apply for a variance.

On-Street Parking Ban

Moving parking from the front of the building to the back of the site will make street parking more attractive than using the parking lot. The police chief recommends that the City post the east side of Hazelwood Avenue for no parking. With three new curb cuts proposed, for a total of five, the street should be kept clear of parked cars. This will improve visibility for cars leaving the driveways. The City has already posted the east side, from County Road C to the Church property, and the west side for no parking.

The Church's architect is proposing that the City limit no parking to the area that is 30 feet to the left and ten feet to the right of each driveway exit. (Refer to the architect's letter on page 17.)

RECOMMENDATION

1. Approve the resolution on page 12. This resolution changes the conditions of the conditional use permit at 2696-2730 Hazelwood Avenue as follows: (I have underlined the additions and crossed out the deletions.)
 - a. All construction shall follow the site plan that the City stamped August 25, 1992. ~~must be in accordance with the approved site plan on Pages 9-11 of the July 13, 1990, staff report.~~ The Director of Community Development may approve minor changes. The City Council may approve major changes. ~~Final plans must be brought back to the City Council for approval.~~
 - b. The proposed construction must be substantially started within one year after the City Council approves this revised permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.

~~This permit shall be subject to review after one year from the date of approval, based on the procedures in City code.~~
 - e. ~~The Director of Community Services shall be notified of any proposed development of the ball diamond prior to scheduling use of the softball/tee-ball facilities for an upcoming season.~~
2. Approve the plans for the First Evangelical Free Church at 2696 Hazelwood Avenue. The City has stamped these plans August 25, 1992. The applicant shall do the following:
 - a. Direct or screen lighting so it is not directly visible from any residential area or public street. Lighting shall not exceed one foot-candle at a residential property line. (Code requirement)
 - b. Repeat this review in two years if the City has not issued a building permit for this project.
 - c. Install reflectorized stop signs at all exits, a handicap-parking sign for each handicap-parking space and an address on the building.

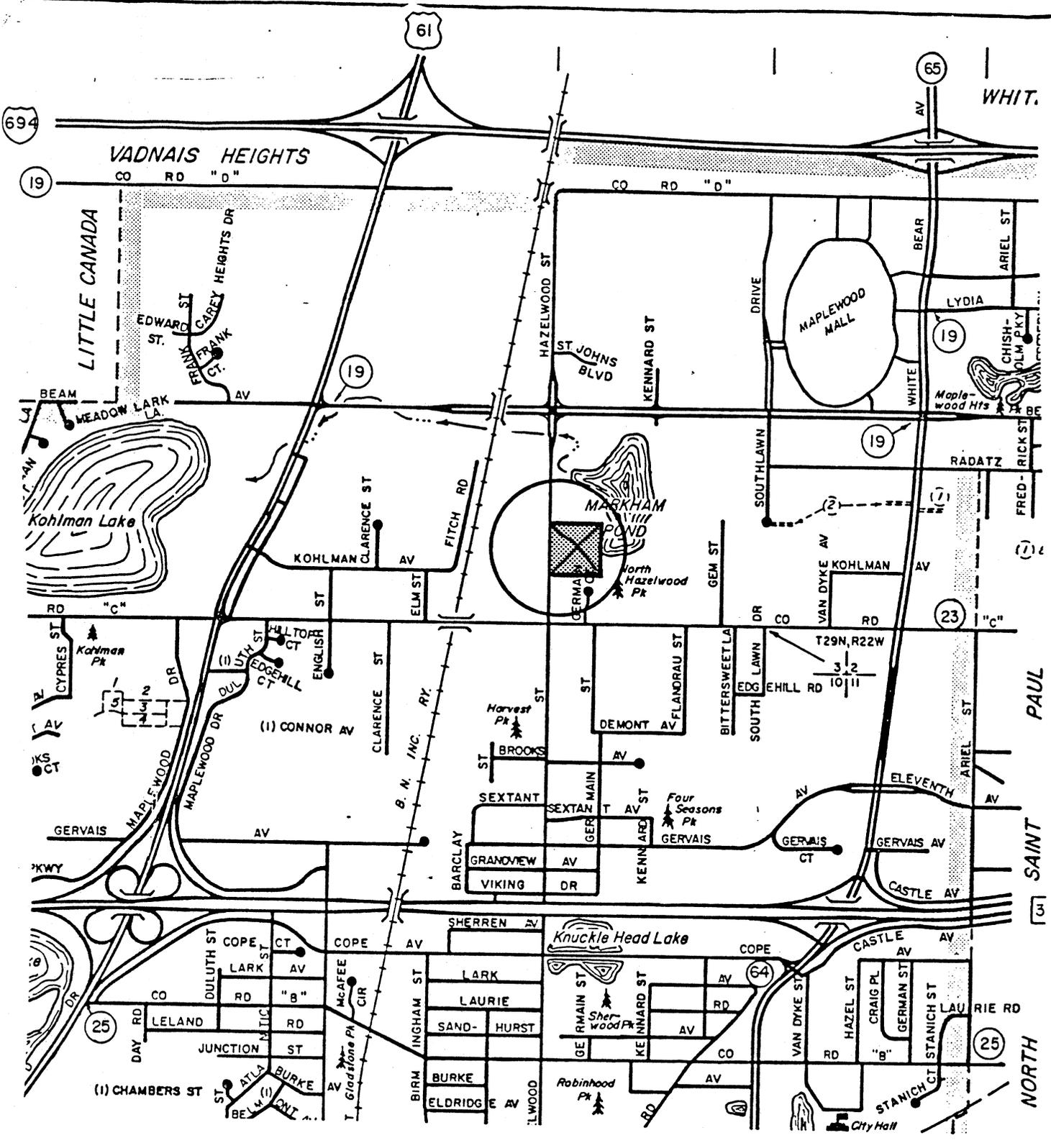
- d. Screen all roof-mounted equipment that will be visible from streets or adjacent property. Submit screening plans to the Design Review Board for approval. (Code requirement)
 - e. Construct a trash dumpster enclosure as required by City Code. The enclosure must match the building color. Submit plans for the enclosure to staff for approval.
 - f. Submit a grading, drainage, utility and erosion control plan to the City Engineer for approval.
 - g. Install an in-ground sprinkler system for the landscaped areas, except the open area at the northeast corner of the site. (Code requirement)
 - h. Submit the plans for all Phase II development to the Design Review Board for approval.
 - i. Submit a revised screening plan for the south lot line to staff for approval. The plan must show enough planting and berming to provide an 80% screen that is at least six feet tall. This screening is required for the rear yards of the two homes at the end of Germain Court. (Code requirement)
 - j. Provide at least a 20-foot setback between the playground and equipment storage shed and the north lot line. (Code requirement)
 - k. Construct concrete curbing around the existing and proposed parking lot and drives. (Code requirement)
 - l. Paint the doors on the north end of the building. (Code requirement)
 - m. Submit a cash escrow or an irrevocable letter of credit to the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. First Evangelical Free Church shall give staff an agreement that allows the City to complete any unfinished work.
3. Make the east side of Hazelwood Avenue, from County Road C to Beam Avenue, a no parking zone. Direct the Public Works Department to put up the appropriate signs.

kd\mem\firstev

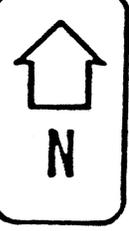
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Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Architectural Perspective
5. Letter from D. Batty and Associates dated August 25, 1992
6. Resolution
7. CDRB Minutes
8. Architect's letter dated September 18, 1992
9. Plans stamped August 25, 1992 (separate attachment)

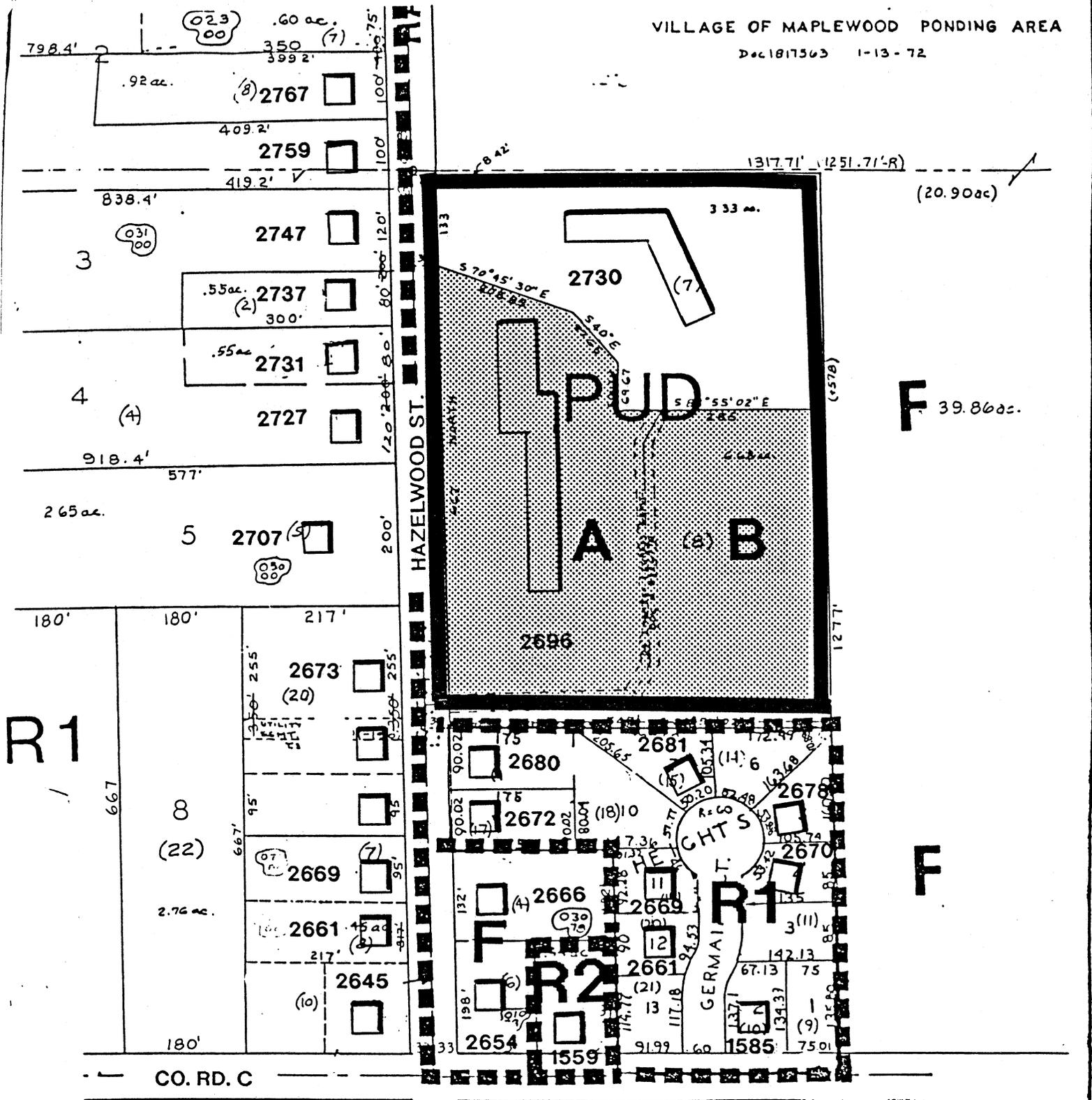


LOCATION MAP



VILLAGE OF MAPLEWOOD PONDING AREA

Dec 18 1973 1-13-72



R1

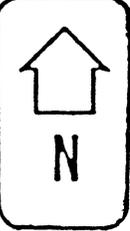
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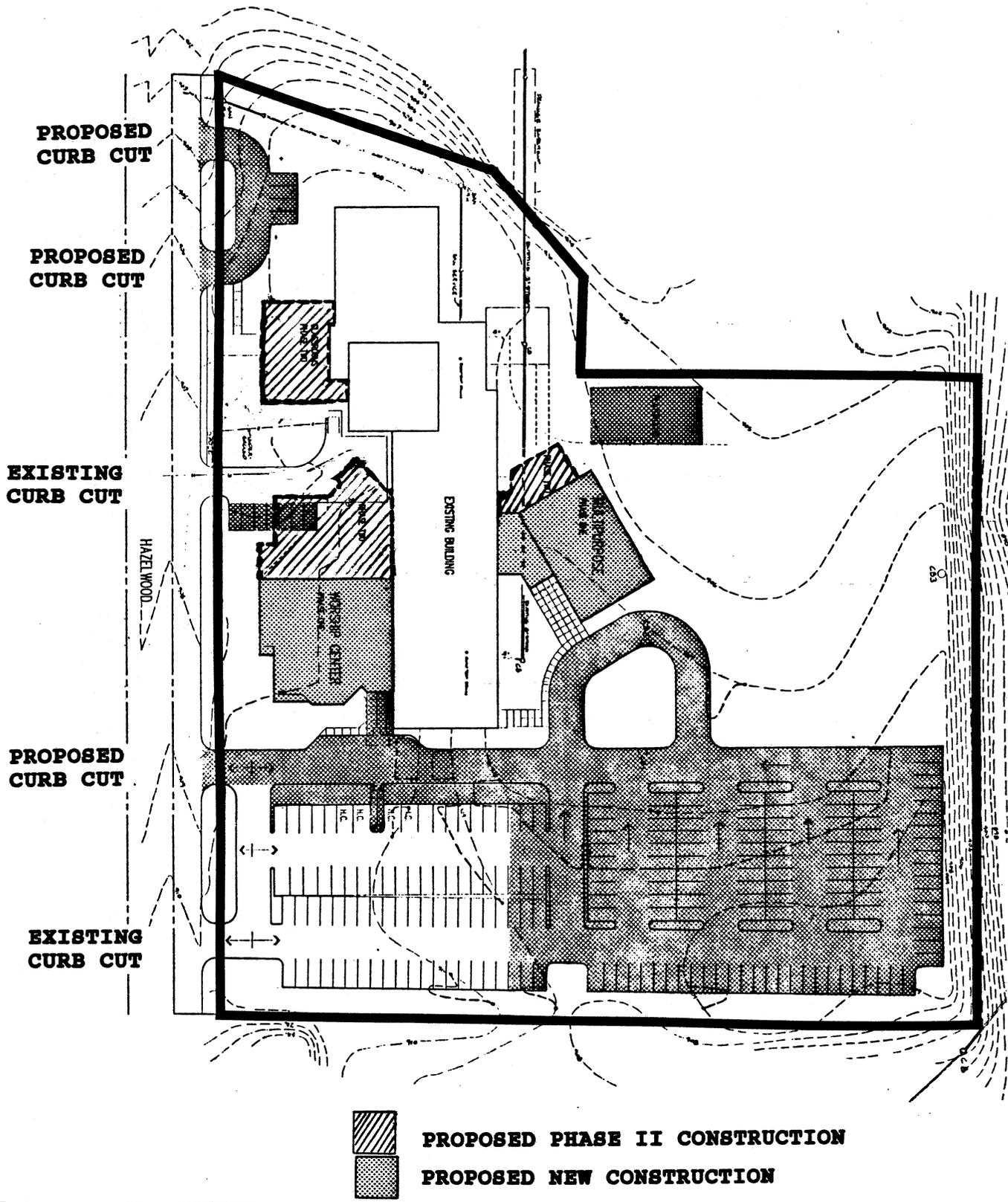
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PROPERTY LINE / ZONING MAP

- R-1 = Single Family Residential
- R-2 = Double Dwelling
- F = Farm Residential

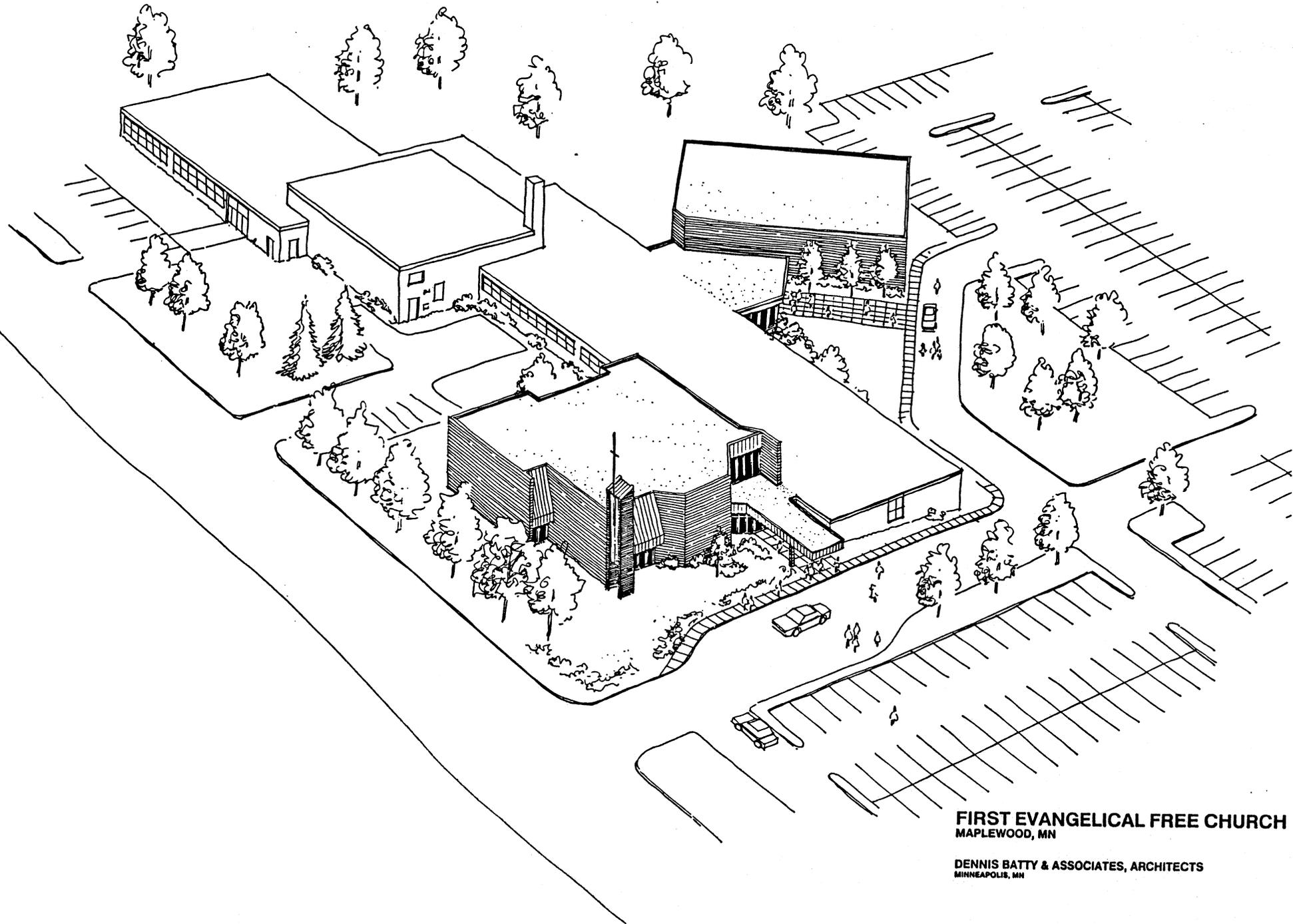
-  Planned Unit Development
-  Church Project





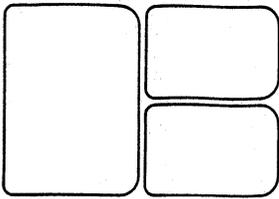
SITE PLAN





FIRST EVANGELICAL FREE CHURCH
MAPLEWOOD, MN

DENNIS BATTY & ASSOCIATES, ARCHITECTS
MINNEAPOLIS, MN



DENNIS BATTY & ASSOCIATES INC. ARCHITECTS

6860 SHINGLE CREEK PARKWAY, MINNEAPOLIS, MINNESOTA 55430

[612] 560-6814

August 25, 1992

Geoff Olson, Director of Community Development
City of Maplewood
1830 E County Road B
Maplewood, MN 55109

RE: First Evangelical Free Church
2696 Hazelwood Street

Dear Mr. Olson,

Enclosed find the application for Community Design Board to review the referenced project. Also find ten sets of plans including:

- Site and Landscape Plan
- Grading and Utility Plan
- Worship Center Exterior Elevation
- Activity Building Exterior Elevations
- Letter and calculations regarding site run off quantities

This site plan identifies the current project and Phase II proposed work. As reviewed in a preliminary meeting with Tom Ecostrand we are not changing the land use and thus have not applied for revision to Pud.

The site and landscape plan identifies the proposed construction for this project. The worship center addition on the west side of the existing building would include 580 seats in a sanctuary and a narthex which would open to the existing classroom building. The activity center in the east will be sized to accommodate basketball, volleyball, and other activities with a separate entrance and also an opening to the existing classroom building.

Parking on the site accomodates the church activities. The parking on the south portion of the property accomodates 203 cars. With sanctuary seating of 580 this gives a ratio of 1:2.8, parking:sanctuary seating. Additionally, there are eleven spaces shown on the north portion of the site; seven in an existing paved area and four spaces to the north. The four spaces with an extended driving area are proposed to accomodate the nursery school to allow parents to pull off of Hazelwood to walk their children into the building or just drop them off. This would be designated one way.

City of Maplewood
August 25, 1992
Page 2

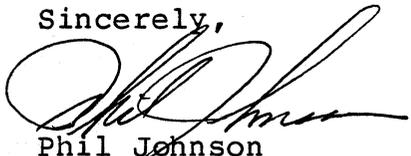
The building elevations identify our proposed exterior treatment of the additions. The exterior materials will incorporate finishes and colors which match the existing building as well as materials and colors which will blend with the existing building.

With this application we request the Design Review Boards consideration and comments on this project. We have included consideration of the City of Maplewood, the needs and requirements of First Evangelical Free Church, and the site and landscaping regulations included in filing requirements. Please schedule this review as soon as possible.

Please call with any questions you may have regarding the project.

Thank you.

Sincerely,



Phil Johnson
Dennis Batty & Associates

PJ/mjb

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, the City of Maplewood approved a conditional use permit for a planned unit development for a church, day care facility and senior housing project.

WHEREAS, this permit applies to 2696-2730 Hazelwood Avenue. The legal description is:

1. PLAT 03031 SECTION 3 TOWN 29 RANGE 22. PART OF N 800 FT OF S 1310 FT OF W 578 FT OF SE 1/4 DESC AS BEG ON EL THEREOF 458.6 FT N OF SE COR THEREOF TH N ON SD EL 341.4 FT TH N 88 DEG 55 MIN 02 SEC W 578 FT TH S 133 FT TH S 88 DEG 55 MIN 02 SEC E 33 FT TH S 70 DEG 45 MIN 30 SEC E 208.85 FT TH S 40 DEG E 97.65 FT TH S 69.67 FT TH S 88 DEG 55 MIN 02 SEC E 285 FT TO BEG (SUBJ TO HAZELWOOD AVE) IN SEC 3 TN 29 RN 22.
2. PLAT 03031 SECTION 3 TOWN 29 RANGE 22. PART OF N 800 FT OF S 1310 FT OF W 578 FT OF SE 1/4 DESC AS BEG ON EL THEREOF 458.6 FT N OF SE COR THEREOF TH S ON SD EL 458.6 FT TH N 88 DEG 55 MIN 02 SEC W 578 FT TH N 667 FT TH S 88 DEG 55 MIN 02 SEC E 33 FT TH S 70 DEG 45 MIN 30 SEC E 208.85 FT TH S 40 DEG E 97.65 FT TH S 69.67 FT TH S 88 DEG 55 MIN 02 SEC E 285 FT TO BEG (SUBJ TO HAZELWOOD AVE & ESMT) IN SEC 3 TN 29 RN 22.

WHEREAS, the history of this conditional use permit is as follows:

1. The City Council approved this permit initially on August 13, 1990.

NOW, THEREFORE, BE IT RESOLVED that the City Council revise the above-described conditional use permit because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of

excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes. The City Council may approve major changes.
2. The proposed construction must be substantially started within one year after the City Council approves this permit or it shall become null and void. The council may grant up to one one-year extension of the permit.

Adopted _____, 1992.

kd/mem\firstev

6. DESIGN REVIEW

a. Building Addition - First Evangelical Free Church, 2696-2730 Hazelwood Avenue

Phillip Johnson, representing Dennis Batty & Associates, said this is proposed to be a one-story addition on the east side of the existing building. Mr. Johnson said the drive for the day-care center is proposed as a one-way drive. Mr. Johnson said the details of the roof-mounted screening will be provided at a later date. He also requested that the requirement for a sprinkler system for the addition area be delayed and phased in at a later time. Mr. Johnson said he would like to meet with the neighbors before submitting a revised screening plan. Mr. Johnson said he is not in agreement with Maplewood Public Safety's request for no-parking on the east side of Hazelwood Street. He said this area is used by parents for parking when dropping off their children at the day-care center. Mr. Johnson said they are proposing to maintain the buff-colored brick and bronze-colored aluminum trim and window framing which is present on the exterior of the existing building.

Boardmember Holder moved the Community Design Review Board recommend:

- (1) Approval of the resolution which changes the conditions of the conditional use permit at 2696-2730 Hazelwood Avenue as follows:
 - (a) All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes. The City Council may approve major changes.
 - (b) The proposed construction must be substantially started within one year after the City Council approves this revised permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.
- (2) Approval of the plans for the First Evangelical Free Church at 2696 Hazelwood Avenue. The City has stamped these plans August 25, 1992. The applicant shall do the following:
 - (a) Direct or screen lighting so it is not directly visible from any residential area or public street. Lighting shall not exceed one foot-candle at a residential property line. (Code requirement)
 - (b) Repeat this review in two years if the City has not issued a building permit for this project.

Community Design Review Board
Minutes of 9-8-92

- (c) Install reflectorized stop signs at all exits, a handicap-parking sign for each handicap-parking space and an address on the building.
- (d) Screen all roof-mounted equipment that will be visible from streets or adjacent property. Submit screening plans to the Design Review Board for approval. (Code requirement)
- (e) Construct a trash dumpster enclosure as required by City code. The enclosure must match the building color. Submit plans for the enclosure to staff for approval.
- (f) Submit a grading, drainage, utility and erosion control plan to the City Engineer for approval.
- (g) Install an in-ground sprinkler system for the landscaped areas, except the open area at the northeast corner of the site. (Code requirement)
- (h) Submit the plans for all Phase II development to the Design Review Board for approval.
- (i) Submit a revised screening plan for the south lot line to staff for approval. The plan must show enough planting and berming to provide an 80% screen that is at least six feet tall. This screening is required for the rear yards of the two homes at the end of Germain Court. (Code requirement)
- (j) Provide at least a 20-foot setback between the playground and equipment storage shed and the north lot line. (Code requirement)
- (k) Construct concrete curbing around the existing and proposed parking lot and drives. (Code requirement)
- (l) Paint the doors on the north end of the building. (Code requirement)
- (m) Submit a cash escrow or an irrevocable letter of credit or negotiate an agreement with the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. First Evangelical Free Church shall give staff an agreement that allows the City to complete any unfinished work.

Community Design Review Board
Minutes of 9-8-92

- (3) Make the east side of Hazelwood Avenue, from County Road C to Beam Avenue, a no-parking zone. Direct the Public Works Department to put up the appropriate signs.

Boardmember Robinson seconded

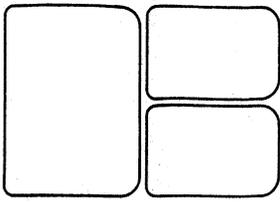
Ayes--Moe, Erickson, Holder,
Robinson, Wasiluk

b. **Building Remodel and New Fuel Islands - In "n" Out Market, 743 N. Century Avenue**

The applicant Ray Muckala was present at the meeting. Mr. Muckala gave a presentation of his proposal. Mr. Muckala said he would be using the same style brick as on the existing building and would be using the same materials for the extension of the canopy as on the existing canopy. Mr. Muckala said he has obtained a Holiday franchise and proposes to change the colors to the same colors used by the Holiday stores. This would include a red and blue stripe below the fascia elevation, stripes underneath the canopy at the top of the posts, and painting the building and canopy fascia black. The windows will be the same as the existing windows with black frames. Mr. Muckala said he does not want to screen the south side of the back storage yard for security reasons.

Boardmember Holder moved the Community Design Review Board recommend:

- (1) Adoption of the resolution which approves a conditional use permit to enlarge the motor fuel station at 743 North Century Avenue. Approval is based on the findings required by ordinance and subject to the following conditions:
 - (a) All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes.
 - (b) The proposed construction must be substantially started within one year after the Council approves this permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.
 - (c) The City Council shall review this permit in one year.
- (2) Approval of the plans that the City has stamped August 25, 1992 for the changes to the motor fuel station at 743 North Century Avenue. The owner shall do the following:



SEP 21

DENNIS BATTY & ASSOCIATES INC. ARCHITECTS

6860 SHINGLE CREEK PARKWAY, MINNEAPOLIS, MINNESOTA 55430

(612) 560-6814

September 18, 1992

Mr. Tom Ekstrand
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

RE: First Evangelical Free Church
Maplewood, MN

Dear Mr. Ekstrand,

Thank you for the consideration of your Design Review Committee on the proposal for building additions at First Evangelical Free Church on September 8, 1992. The following comments review our areas of particular concern and we would appreciate your further examination of these items.

Reference: Recommendation 2g (Memorandum page 3)

The church presently maintains the yards with hoses and individual sprinklers. This is necessary to accomodate the preschool requirements, as well as maintaining the yard to look good. The owner will provide a lawn sprinkler system in the area of the new construction and the landscaped strip at the south property line. The owner would like to defer installation of the sprinkler system on the north half of the property, as well as the north east corner (future parking), until a later date. (See attachment A).

Recommendation 2i

The church will provide berming and planting in the 10' of landscape area between the parking lot curb line and the walkway easement. However, we feel that this will present a security problem, reduce the walks usefulness, provide a hiding place for someone wanting to threaten others, and make the walkway a tunnel or no man's land. We would appreciate the latitude of providing landscaping which is agreeable with the three neighbors most affected, and something we feel will be attractive to the walkway users. This will provide a reasonable amount of head light shield as intended by the code requirement. We will submit such a plan before construction for your review. If this will require a variance please inform me of the timing and procedure.

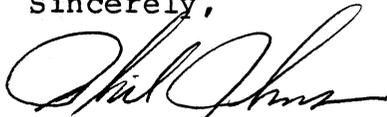
City of Maplewood
September 18, 1992
Page 2

Recommendation 3

As we reviewed at the Design Review Committee Meeting the roadway was built with an extra 8'-10' on the east side and probably used to accomodate bus parking. This extra width makes it possible to safely park on this side of the street. This extra width is used by parents who want to walk their children into the school. We have provided a one way drive and 4 parking places for this, some of the parents will still want to park on the street if the drive and parking areas fill up. This extra width is also used by the neighbors for party guests, etc. The church would like to request that the parking be allowed except for 30' to left and 10' to right of driveway exits. This would allow visibility to access the roadway safely and allow use of the extra width of the roadway in a manner similiar to it's original intent. (See attachment B).

Thank you for your consideration of these items.

Sincerely,

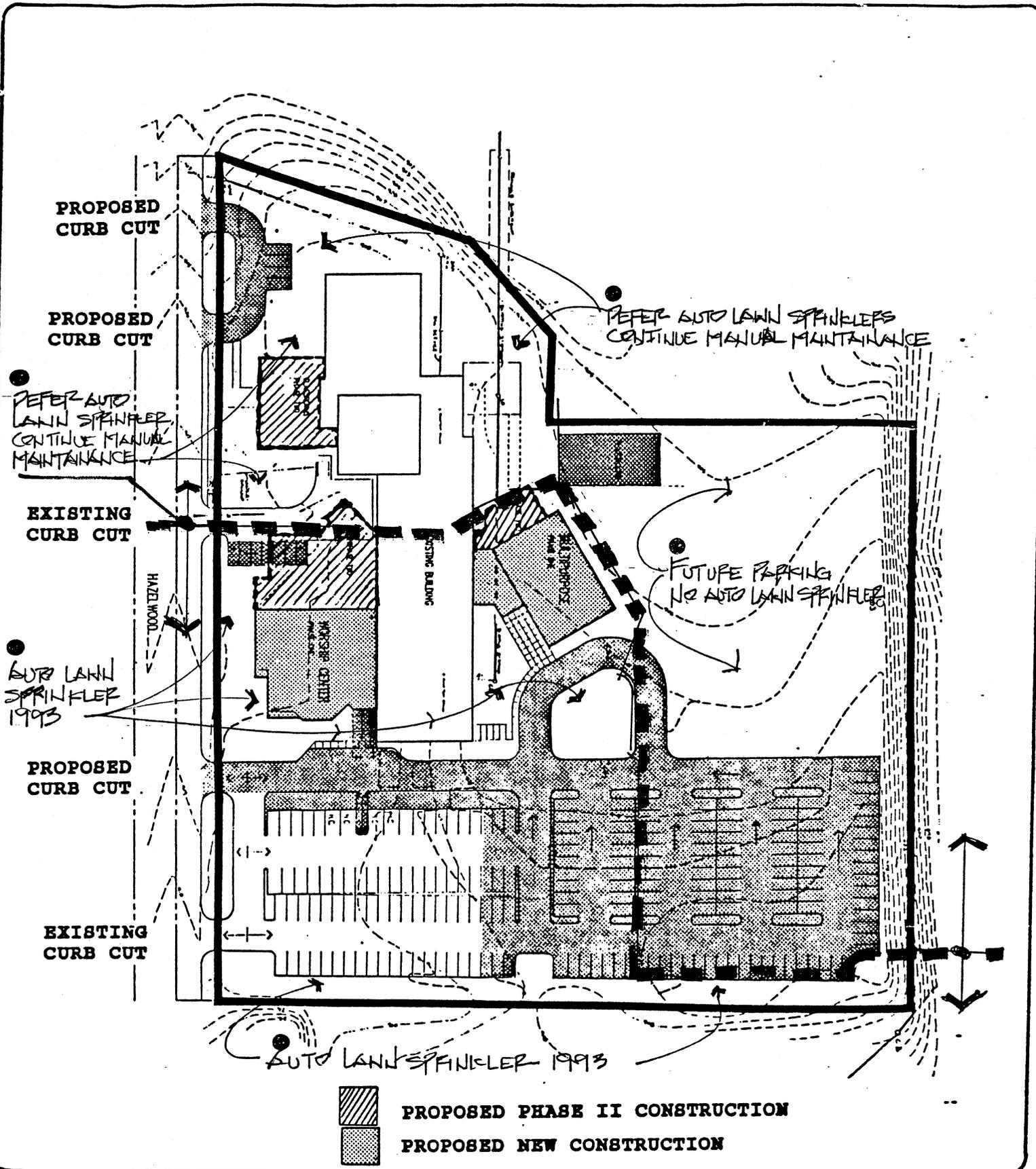


Phil Johnson
Dennis Batty & Associates

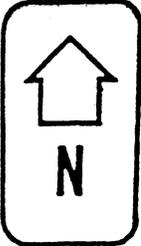
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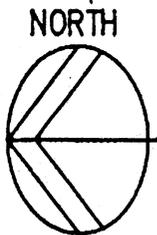
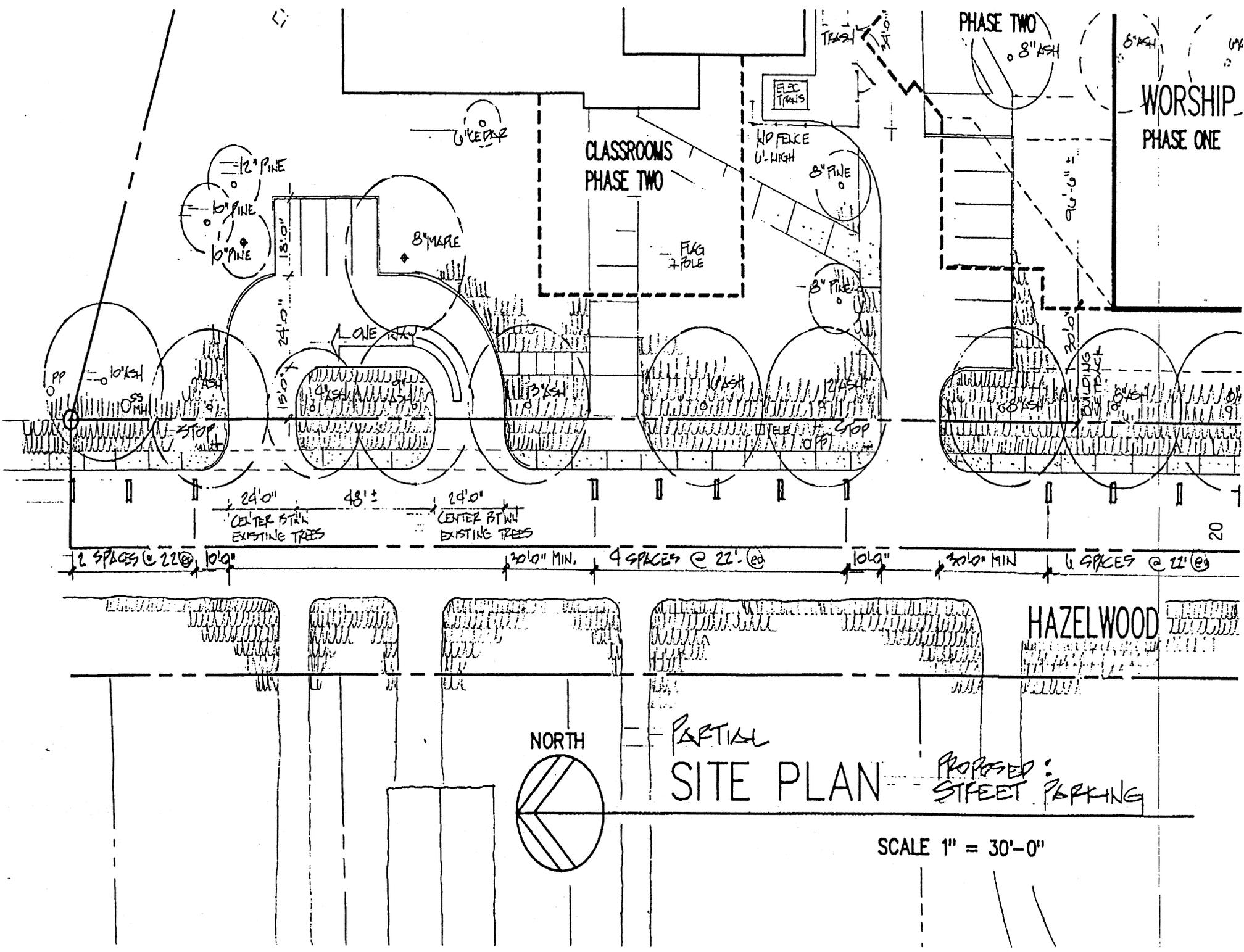
Enc.

cc: Jim Gustafson



SITE PLAN



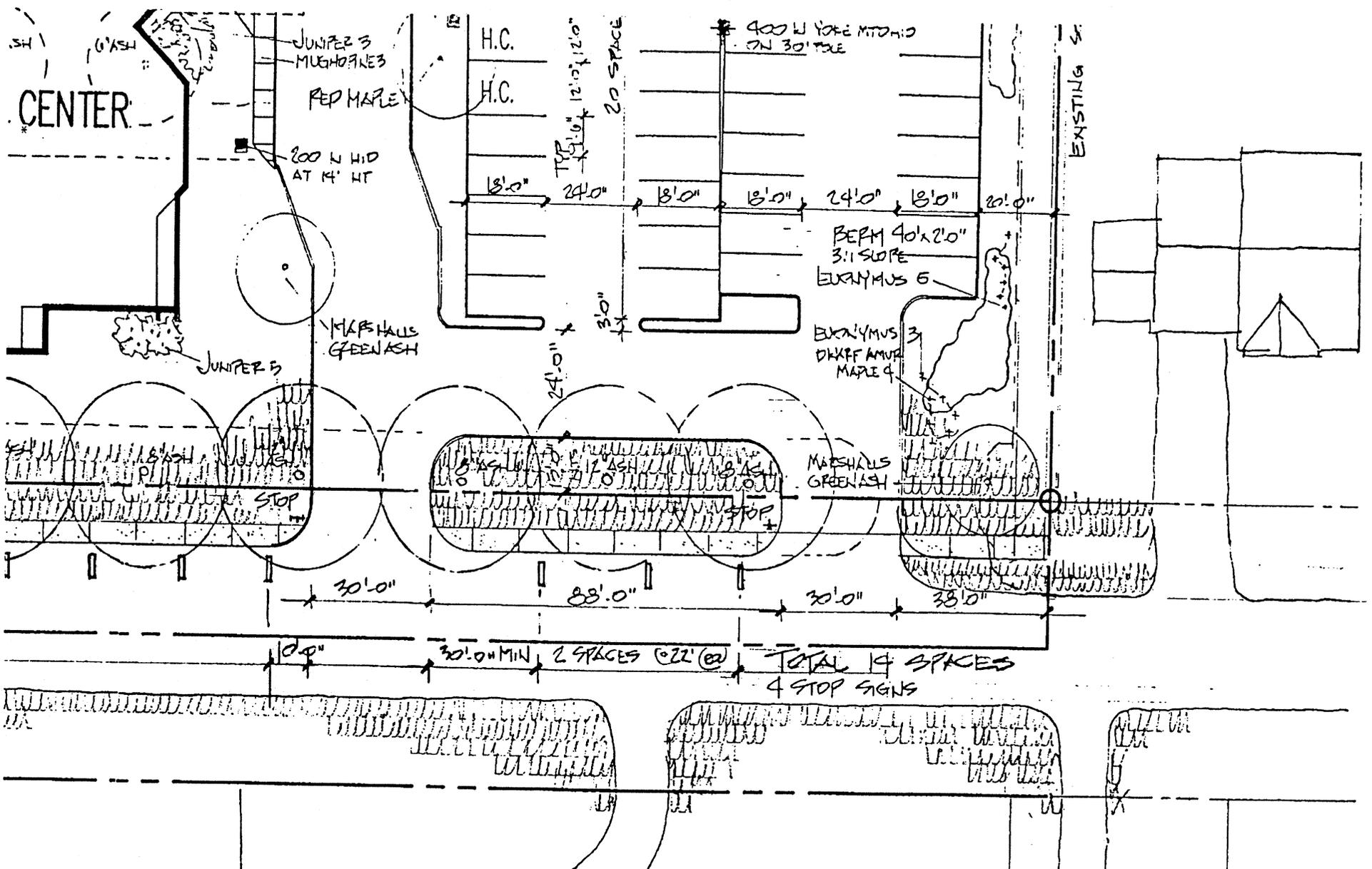


PARTIAL
SITE PLAN

PROPOSED
STREET PARKING

SCALE 1" = 30'-0"

20



FIRST EVANGELICAL FREE CHURCH
 ST. PAUL, MINNESOTA

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Conditional Use Permit and Design Review
 LOCATION: 743 North Century Avenue
 APPLICANT: Ray Muckala
 DATE: September 4, 1992

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY

INTRODUCTION

Requests

Ray Muckala is requesting a conditional use permit (CUP) and approval of plans to enlarge his fuel station as a Holiday station store.

Reason for the CUP

City Code prohibits motor fuel stations within 350 feet of a residential lot line. The entire fuel station site is within 350 feet of residential lot lines. The fuel station is, therefore, a nonconforming use. The Code requires a CUP to enlarge a nonconforming use.

Project Description

Mr. Muckala proposes to:

1. Add two fuel islands between the existing fuel islands and the building. Each island would have two dispensers and could fuel one car on each side.
2. Enlarge the existing pump-island canopy and connect it to the building.
3. Remove the front five feet from the In "n" Out Market. (See the drawings on pages 8 and 10.) Mr. Muckala wants to move the front wall to update the building's appearance and widen the drive. The new facade would be brick to match the building.

BACKGROUND

October 23, 1989: The City Council approved a conditional use permit for a use that is similar to Mr. Muckala's request. The permit allows the service station at 2271 White Bear Avenue (Fleming's Auto Service) to expand, including a convenience store, new

fuel pumps and a new canopy. Fleming's Auto Service, like Mr. Muckala's station, is a nonconforming use. Both are within 350 feet of residential properties.

July 7, 1992: The staff approved plans for a new entrance to Mr. Muckala's convenience store. This entrance is under construction.

DISCUSSION

The intent of City Code is to prevent motor fuel stations from locating near residential neighborhoods. In this case, the changes would not effect the surrounding homes. Mr. Muckala's building buffers the homes to the west from the pumps. Additional traffic from the new pumps would come and go from Century Avenue or Minnehaha Avenue. The new pumps would not add any noise or traffic for the surrounding homes.

The owner should screen the south side of the back storage yard so it is at least 80% opaque. There is a chain-link fence and gate there now. Screening the storage yard would improve the appearance from Minnehaha Avenue. Mr. Muckala has built a decorative fence on the other sides.

RECOMMENDATION

1. Adopt the resolution on page 14. This resolution approves a conditional use permit to enlarge the motor fuel station at 743 North Century Avenue. Approval is based on the findings required by ordinance and subject to the following conditions:
 - a. All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes.
 - b. The proposed construction must be substantially started within one year after the Council approves this permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.
 - c. The City Council shall review this permit in one year.
2. Approve the plans that the City has stamped August 25, 1992 for the changes to the motor fuel station at 743 North Century Avenue. The owner shall do the following:
 - a. Repeat this review in two years if the City has not issued a building permit for this project.
 - b. Install reflectorized stop signs at all exits and a handicap parking sign.

- c. Post "no parking" signs in front of the building between the attendant and the fuel islands.
- d. Submit a cash escrow or an irrevocable letter of credit to the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. The property owner shall give City staff an agreement that will allow the City to complete any unfinished work.

CITIZENS' COMMENTS

I surveyed the 44 property owners within 350 feet of Mr. Muckala's property. Fifteen owners replied. Four were in favor, two objected and nine had no comment.

In Favor

1. I am in favor because of the same reasons stated by the applicant. (A & E Properties of Stillwater)
2. I don't object to this proposal, but I don't think that it will improve traffic flow and reduce congestion. I think it will do the opposite. It will add more congestion to an already very busy intersection. (Erickson, 2670 Minnehaha Avenue)

Opposed

We feel there is enough fuel pumps and traffic now. (Tangen, 763 Mayhill Road)

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 1.27 acres

Existing land use: Maplewood Auto Service and the In "n" Out Market

SURROUNDING LAND USES

North: Century A & W

South: Minnehaha Avenue and McDonald's Restaurant

West: Single Dwellings

East: North Century Avenue and the Freedom Fuel Station

PLANNING

Land Use Plan designation: SC (service commercial)

Zoning: BC (business commercial)

Code Requirements

Section 36-151(b)(9)(c) does not allow motor fuel stations within 350 feet of a residential lot line.

Section 36-17(e) allows the enlargement of a nonconforming use by CUP if it would not affect the development of the parcel as it is zoned.

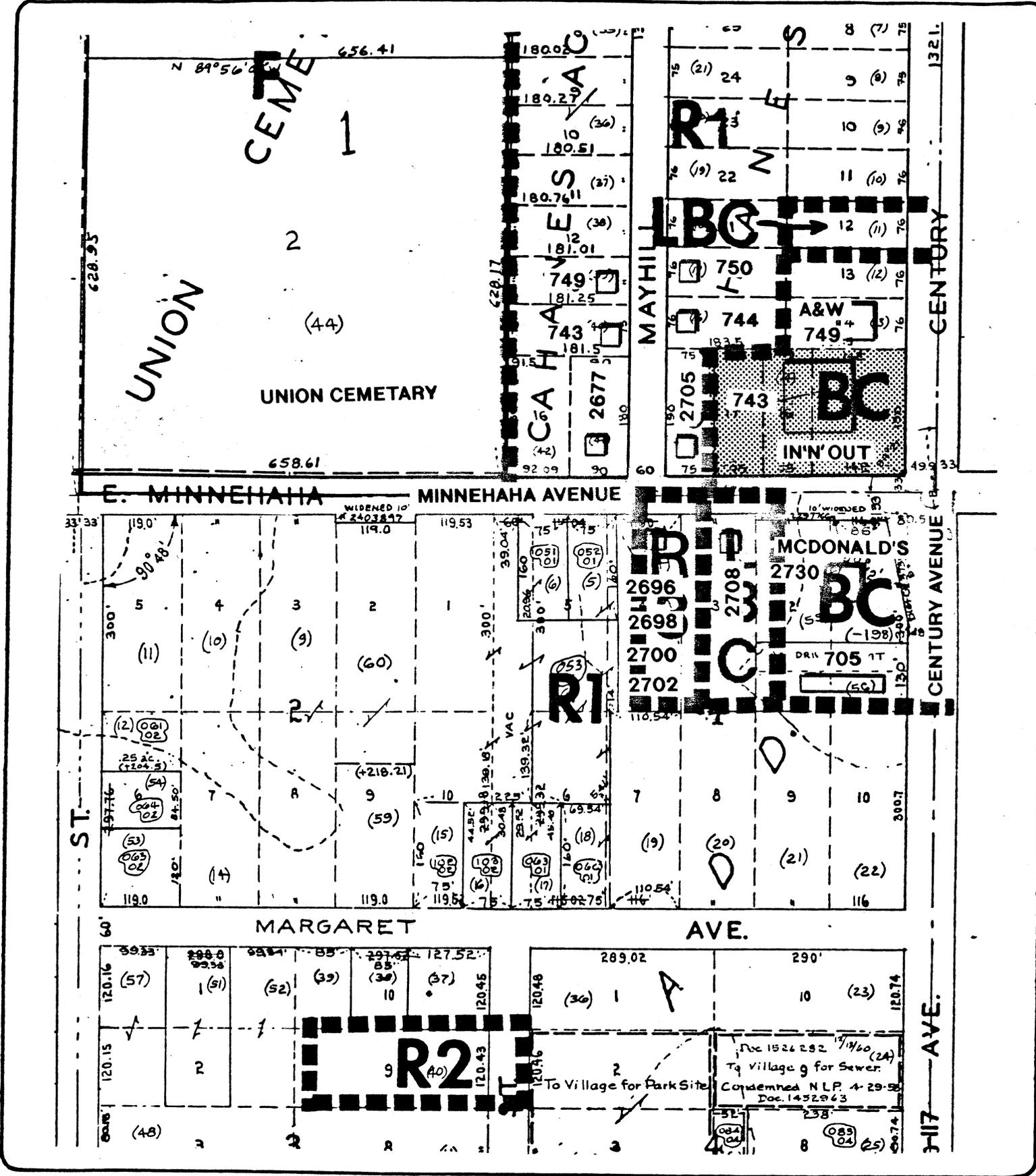
Criteria for Approval

Section 36-442(a) states that the City Council may grant a CUP, subject to the nine standards for approval. Refer to the resolution on pages 14 and 15.

go\b-3:muckala.mem (25)

Attachments:

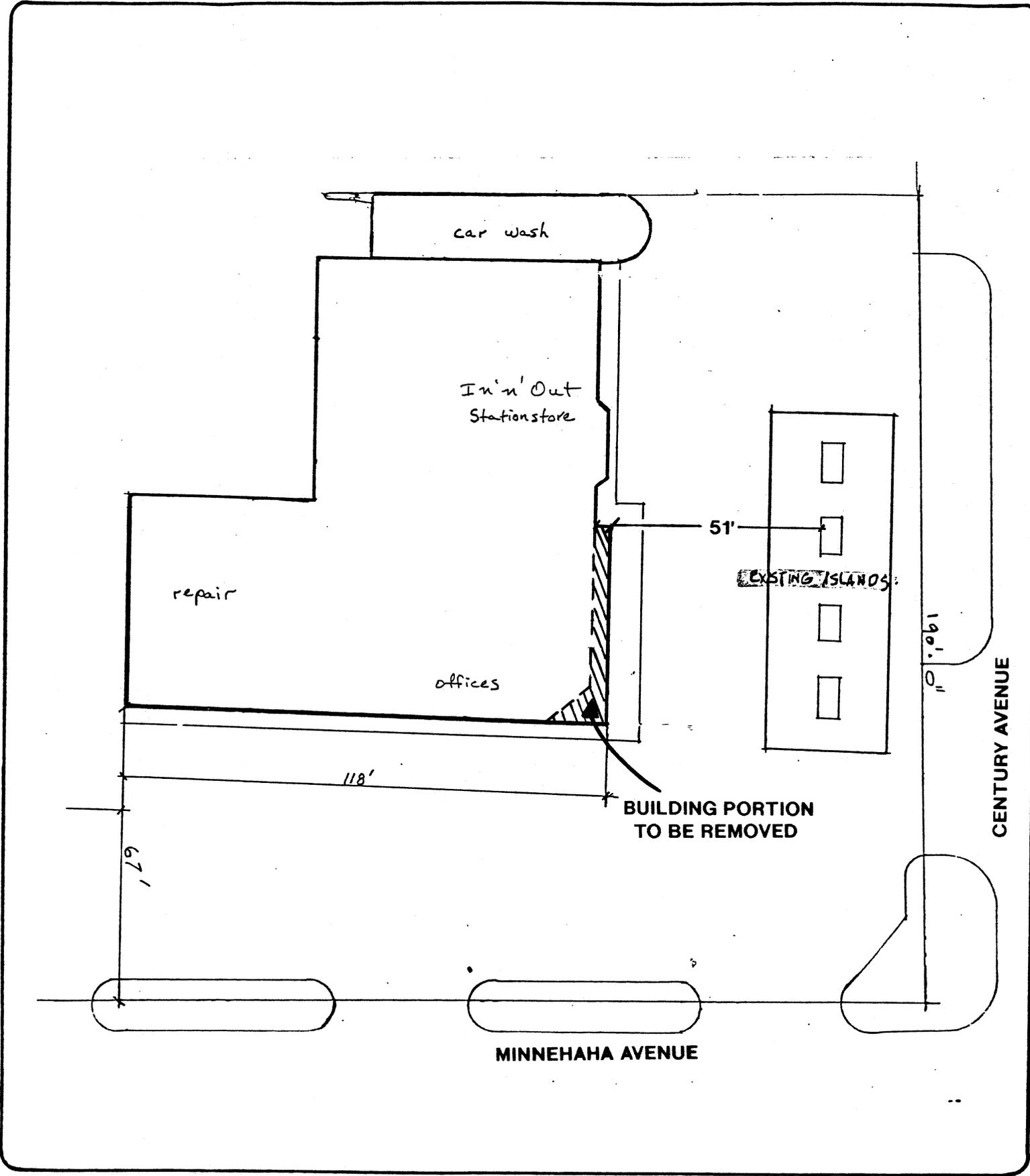
1. Location Map
2. Property Line/Zoning Map
3. Existing Site Plan
4. Proposed Site Plan
5. Front Wall Detail
6. Mr. Muckala's letter dated July 30, 1992
7. Resolution



PROPERTY LINE / ZONING MAP

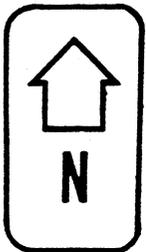
 SITE

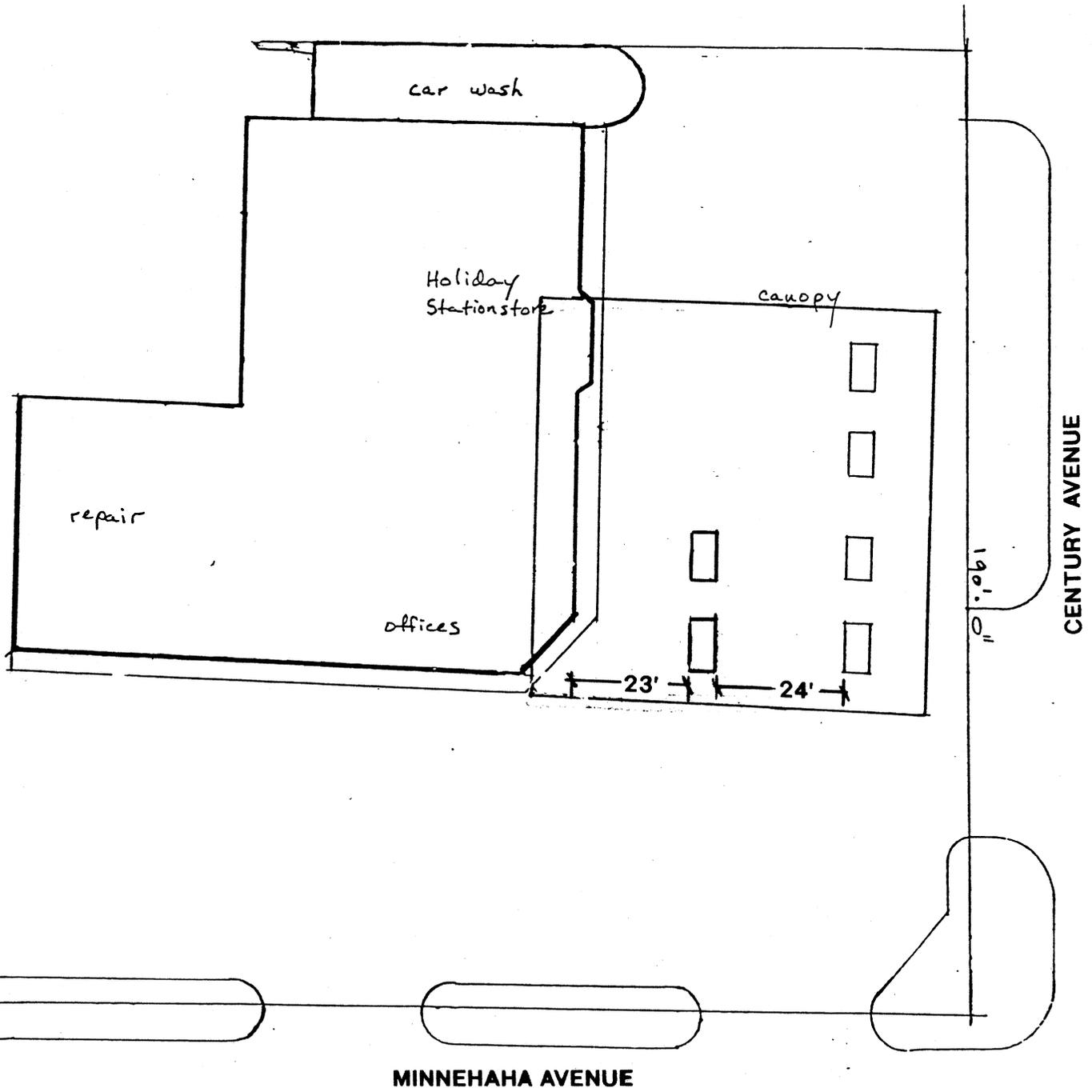




SITE PLAN

EXISTING LAYOUT

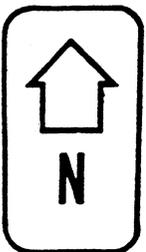


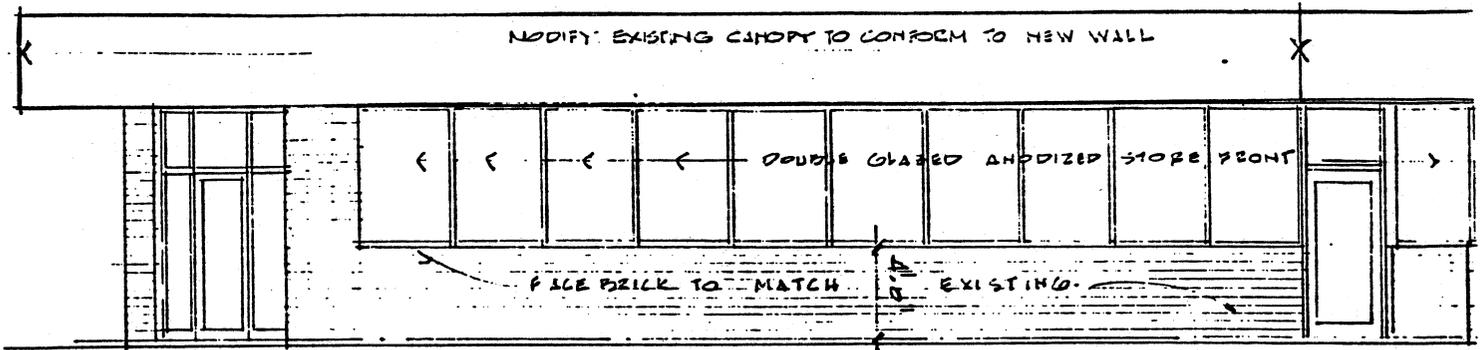


RECEIVED
AUG 25 1992

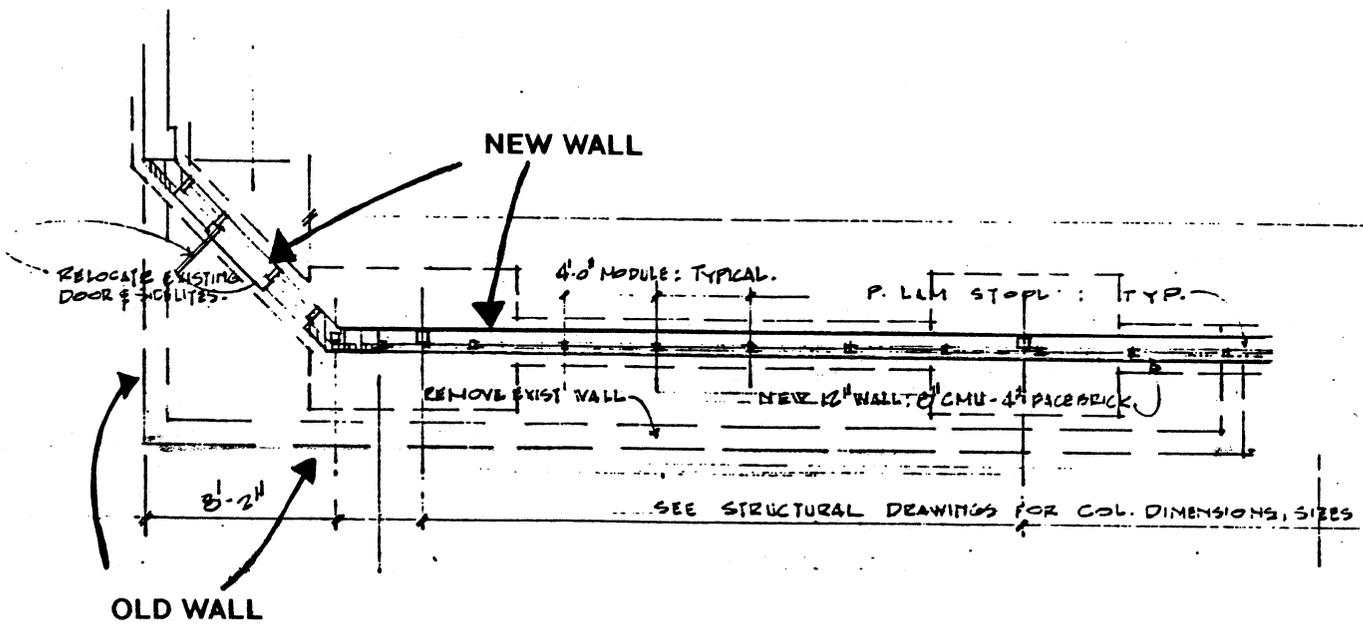
SITE PLAN

PROPOSED LAYOUT





EAST ELEVATION



FRONT WALL DETAIL

RECEIVED
AUG 25 1992

AUG 14 1992

IN 'N' OUT FOOD STORE

743 N. CENTURY AVENUE
MAPLEWOOD, MINNESOTA 55119
TELEPHONE (612) 738-8838

City of Maplewood
1830 E. County Rd. B
Maplewood, MN. 55109

Dear Review Board,

I wish to respond specifically to the criteria for approval of a conditional use permit in specific according to each point:

1. This use is presently located, designed, maintained and operated in conformity with the City's comprehensive plan and Code of Ordinances and will continue to be in the future.
2. The use will not change the existing or planned character of the surrounding area in the slightest.
3. The use will not change property values at all.
4. The use will not involve anything that is not being done in the present useage and will most certainly not cause anything dangerous, hazardous, detrimental, or disturbing, or cause a nuisance.
5. The use will not generate any additional vehicular traffic nor congestion and will only service existing traffic.
6. The use is presently served by all public facilities and services. This will not change at all.
7. There will be no change in the public facilities and services required.
8. This use would maximize the developmental design and aesthetics for this type of use.
9. There will be no change in the environmental effects for this use.

Thank you for your consideration.

Sincerely yours,


Raymond Muckala

IN 'N' OUT FOOD STORE
743 N. CENTURY AVENUE
MAPLEWOOD, MINNESOTA 55119
TELEPHONE (612) 738-8838

July 30, 1992

City of Maplewood
1830 E. County Road B.
Maplewood, Minnesota 55109

Dear Review Board:

We own and operate a stationstore on the corner of Century and Minnehaha Avenue in Maplewood. There has been a fueling station on this site since the 1930's, and a convenience Store since 1963.

Over the years, customers needs and community expectations, as well as competition in the market place, have changed tremendously. Adapting an existing facility to these changes is very challenging, to say the least. In order to more effectively adapt to these changing times, we would like to convert our location to a Holiday Stationstore and confirm to their image as closely as possible.

Two of the needs that Holiday and I have identified as developing in our Community are as follows:

1. Customers want to be able to refuel their automobiles and then walk into the store without being unnecessarily exposed to our sometimes inclement Minnesota weather.
2. They want to be able to leave their automobiles at the fueling site while they purchase other items in the store. This increases the requirement for the number of pumps in order to serve the same number of customers.

Since we are anxious to provide what our customers want, we wish to extend our fueling canopy to the building, and to provided 1/2 of an additional fueling island. We will also need to rebuild the south end of the storefront in order to accomodate these changes.

Continue on Page 2

July 30, 1992
Page 2

By accomplishing this, we will:

1. Improve traffic flow and reduce congestion.
2. Enhance the aesthetics of the community by bringing our storefront in conformance with modern designs and presenting a more modern fueling configuration.
3. Reduce energy useage by rebuilding the storefront with insulated glass and insulated walls.
4. Remain competitive with other stationstores.
5. Provide an improved level of service to the community.

I hope you act favorably on my request. Thank you for your consideration.

Sincerely,


Raymond Muckala

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Ray Muckala applied for a conditional use permit to enlarge his fuel station.

WHEREAS, this permit applies to 743 North Century Avenue. The legal description is:

Subject to ditch, Lots 15, 16 and 17, Block 1, Cahanes Addition

WHEREAS, the history of this conditional use permit is as follows:

1. The Planning Commission discussed this application on _____, 1992. They recommended that the City Council _____ this permit.
2. The City Council held a public hearing on _____, 1992. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes.
2. The proposed construction must be substantially started within one year after the Council approves this permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.
3. The City Council shall review this permit in one year.

Adopted _____, 1992.

Community Design Review Board
Minutes of 9-8-92

- (3) Make the east side of Hazelwood Avenue, from County Road C to Beam Avenue, a no-parking zone. Direct the Public Works Department to put up the appropriate signs.

Boardmember Robinson seconded

Ayes--Moe, Erickson, Holder,
Robinson, Wasiluk

- b. Building Remodel and New Fuel Islands - In "n" Out Market, 743 N. Century Avenue

The applicant Ray Muckala was present at the meeting. Mr. Muckala gave a presentation of his proposal. Mr. Muckala said he would be using the same style brick as on the existing building and would be using the same materials for the extension of the canopy as on the existing canopy. Mr. Muckala said he has obtained a Holiday franchise and proposes to change the colors to the same colors used by the Holiday stores. This would include a red and blue stripe below the fascia elevation, stripes underneath the canopy at the top of the posts, and painting the building and canopy fascia black. The windows will be the same as the existing windows with black frames. Mr. Muckala said he does not want to screen the south side of the back storage yard for security reasons.

Boardmember Holder moved the Community Design Review Board recommend:

- (1) Adoption of the resolution which approves a conditional use permit to enlarge the motor fuel station at 743 North Century Avenue. Approval is based on the findings required by ordinance and subject to the following conditions:
- (a) All construction shall follow the site plan that the City stamped August 25, 1992. The Director of Community Development may approve minor changes.
 - (b) The proposed construction must be substantially started within one year after the Council approves this permit or it shall become null and void. The Council may grant up to one one-year extension of the permit.
 - (c) The City Council shall review this permit in one year.
- (2) Approval of the plans that the City has stamped August 25, 1992 for the changes to the motor fuel station at 743 North Century Avenue. The owner shall do the following:

Community Design Review Board
Minutes of 9-8-92

- (a) Repeat this review in two years if the City has not issued a building permit for this project.
- (b) Install reflectorized stop signs at all exits and a handicap parking sign.
- (c) Post "no parking" signs in front of the building between the attendant and the fuel islands.
- (d) Submit a cash escrow or an irrevocable letter of credit to the City for any required work that is not completed by occupancy. The required escrow amount shall be 150% of the cost of the unfinished work. The property owner shall give City staff an agreement that will allow the City to complete any unfinished work.

Boardmember Erickson seconded

Ayes--Moe, Erickson, Holder, Robinson,
Wasiluk

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Single and Double Dwelling Setback Ordinance
 DATE: August 19, 1992

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

INTRODUCTION

Councilmember Rossbach is proposing an ordinance that would change the regulations about single and double dwelling setbacks. I have added additional changes to correct problems that we have had with the ordinance.

BACKGROUND

September 9, 1991: The City Council approved the current ordinance. The current ordinance requires a setback from 30 to 35 feet. The Director of Community Development may approve a larger setback if the house meets one of five conditions in the ordinance.

DISCUSSION

The proposed ordinance makes the following major changes for the R-1 (single dwelling), RE (residential estate), R-1S (small-lot single dwelling), and R-2 (double dwelling) districts:

1. It adds new definitions of setbacks and drops conflicting requirements for setback encroachments, such as overhangs. In the current code, one definition allows two feet of overhangs and another definition allows 18 inches of overhangs. (Section 36-6 on page 3.)
2. It requires that a house be set back between the setbacks of adjacent houses. (Subsection 36-70(a)(1) on page 4.)
3. It allows a house to be at or five feet behind the predominant setback. The current ordinance requires that a house be at the predominant setback. (Subsection 36-70(a)(2) on page 4.)
4. Despite the setbacks for new construction, this ordinance would allow homeowners to add onto their homes using the setback of the existing structure. (Subsection 36-70(a)(4) on page 5.) As an example, a house set back 40 feet could add on to the front of the house at 40 feet. The current code requires a maximum setback of 35 feet.
5. Where there is a garage and dwelling on one side of a lot, the minimum setbacks shall be five feet for the garage and ten feet for the house. The current ordinance requires ten feet for both. (Section 36-71(a) on page 5.)

6. It requires that corner lots meet the maximum setback requirements on both streets. The maximum setbacks in the current ordinance only apply to the front setback. (Subsection 36-71(a)(1) on page 5.)
7. It allows uncovered decks to be up to five feet from the side lot line. Covered decks must be at least ten feet from the side lot line. The current code does not define what the setback for decks shall be. (Subsection 36-71(a)(2) on page 6.)
8. It exempts the RE-40 zone from the maximum front setback requirements. (Section 36-83(c)(2) on page 6.)

Note that I have repeated the changes on pages 3-6 on pages 4-11 for the R-1S and R-2 districts.

RECOMMENDATION

Approve the attached ordinance.

go\b-3:setbacks.mem (5.3)
Attachment: Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE CHANGING THE SETBACK
REQUIREMENTS FOR SINGLE AND DOUBLE DWELLINGS

The Maplewood City Council approves the following ordinance: (I have underlined the additions and crossed out the deletions.)

Section 1. This section changes three existing definitions and adds seven new definitions to section 36-6 (definitions).

Covered structure: A structure with a roof.

Front line of the dwelling: The longer side of a building that faces a street. If the front wall has an angle, the longest section shall be the front line. The length of parallel sections shall be added together to determine the longest section. On an interior lot, the director of community development may consider the short side of the building to be the front. The director shall base this decision on the design of the house.

Front lot line: The lot line that abuts a street right-of-way line. On a corner lot, the front lot line shall be the line that is most parallel to the front line of the dwelling. If the City determines that the dwelling has no front line or that the line is equally parallel to both lot lines, then the property owner shall choose a front lot line.

Lot depth: The distance from the front lot line to the rear lot lines.

Predominant setback: The setback of the majority of the dwellings on the same side of the same street and within three hundred fifty (350) feet of the lot to be built on.

Rear lot line: The lot line that is opposite and most parallel to the front lot line.

Side lot line: The lot lines that connect the front and rear lot lines.

Front yard setback: The distance between any part of a structure and a street right-of-way line. A corner lot shall have a front yard setback on each street frontage. The front yard setback shall not include eaves, gutters, cornices or chimneys that project no more than two (2) feet into the yard. The front yard setback shall also not include sidewalks, steps, ramps or at-grade patios that have no walls, solid fence or roof.

Rear yard setback: The distance between any part of a structure and the rear property line. The rear yard shall not include eaves, gutters, cornices, steps, ramps or chimneys that

project no more than two (2) feet into the yard.

Side yard setback: The distance between any part of a structure and the side property line. The side yard shall not include eaves, gutters, cornices, steps, ramps or chimneys that project no more than two (2) feet into the yard.

~~Setbacks or side yards:~~ The space between any part of a dwelling or apartment house and the property line shall be deemed a "side yard" or a "setback" as the term might apply. The term "any part of a dwelling or apartment house" shall include vestibules of any other construction which is a part of, or attached to the building, except chimneys and fireplaces projecting not more than twelve (12) inches. The measurements, for side yard space or setback shall be made between the side lot line or the front lot line and the part of the building nearest to it, and shall be made on a line perpendicular to the side or front lot line. The measurements shall be made at the grade level at the building, and the cornice or eave projection shall not affect the case, unless the projection is over two (2) feet from the face of the building. If the cornice or eave projection is over two (2) feet, an amount shall be added to the required space equal to the difference between the cornice or eave projection and two (2) feet.

~~Yard, front:~~ The required open space, extending along the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices, steps and chimneys projecting not more than eighteen (18) inches.

~~Yard, side:~~ The required open space, extending along the side line throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices, steps and chimneys projecting not more than eighteen (18) inches.

Section 2. This section changes section 36-70 through 36-72, R-1 (single dwelling) district regulations, as follows:

Sec. 36-70. Front yards.

(a) Each dwelling and accessory structure shall have a front yard setback of at least thirty (30) feet, but not more than thirty-five (35) feet. Except that: 7

(1) If each of the lots next to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.

(2) If subsection (a)(1) above does not apply and there is a predominant setback, a dwelling shall be no further

~~forward and no more than five feet to the rear of the predominant setback, if the majority of the dwellings on the same side of the same street and within three hundred fifty (350) feet of the lot to be built on have a predominant front yard setback, then all dwellings or additions on that lot shall conform to that predominant setback.~~

(3) Regardless of the above, if the Council has approved special setbacks for a development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.

(4) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The director of community development may allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:

(1) The proposed setback would not affect the privacy of adjacent homes.

(2) The proposed setback would save significant natural features, as defined in section 9-188.

(3) The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.

(4) The proposed setback is necessary for energy-saving, health or safety reasons.

~~(5) The house is in a new development planned with larger setbacks.~~

~~The city shall consider the front yard setback as a minimum for accessory buildings. The city may approve a conditional use permit to construct a building addition, or part thereof, into a required setback.~~

Sec. 36-71. Side yards.

(a) There shall be Each lot shall have a side yard setback of at least ten (10) feet to on any covered part habitable side of a dwelling. There shall be a side yard setback of and at least five (5) feet to on the a garage, uncovered structure side or for a detached accessory structure building. There shall be a side yard of at least ten (10) feet where there is a habitable and garage side on the same end of the building, such as a tuck-under garage. The following exceptions shall apply:

(1) The front yard setback requirements shall apply to the side yard on the street side of a corner lot. The side yard shall have a width of at least thirty (30) feet. Except that, if the majority of the dwellings on the same street and within three hundred and fifty (350) feet of the lot to be built on have a predominant setback from that street that is different from thirty (30) feet, then all buildings or additions on that lot shall conform to that predominant setback as a minimum. The city council may approve a conditional use permit to construct a building addition, or part thereof, into a minimum setback.

~~(2) A church or a school shall have a side yard of not less than fifty (50) feet on each side adjoining other property or thirty (30) feet from a public right-of-way.~~

~~(2)(3)~~ When two (2) or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.

(3) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

Sec. 36-72. Rear yards.

(a) For the covered parts of a dwelling, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is twenty (20) percent of the lot depth. The rear yard for each lot in an R-1 Residence District shall have a depth equal to, or greater than, twenty (20) percent of the depth of the lot.

(b) Accessory structures and uncovered structures shall have a rear yard setback of at least five (5) feet; The setback for dwelling accessory buildings in an R-1 Residence District shall be not less than five (5) feet from the rear lot line, except that, on a double-fronting corner lot, the front yard setback requirements shall apply. a thirty-foot setback from the street side shall be the minimum.

(c) A corner lot shall have only one rear lot line.

(d) Regardless of the above, homeowners may add on to their homes using the existing setback.

(e) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

Section 3. This section changes section 36-83(c)(2) in the R-E Residential Estate Districts as follows:

- (2) All other setbacks shall be as required for the R-1 Residence District (single dwelling), except that the R-1 front yard setback requirements shall not apply to the RE-40 district. The minimum required front yard setback in an RE-40 district shall be thirty (30) feet.

Section 4. This section changes sections 36-84.4 through 36-84.6, R-1S (small-lot single dwelling) district regulations, as follows:

Sec. 36-84.4. Front yards.

(a) Each dwelling and accessory structure shall have a front yard setback of at least thirty (30) feet, but not more than thirty-five (35) feet. Except that: 7

- (1) If each of the lots adjacent to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.
- (2) If subsection (a)(1) above does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback. ~~if the majority of the dwellings on the same side of the same street and within three hundred fifty (350) feet of the lot to be built on have a predominant front yard setback, then all dwellings or additions on that lot shall conform to that predominant setback.~~
- (3) If the Council has approved special setbacks for a development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.
- (4) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The director of community development may allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:

- (1) The proposed setback would not affect the privacy of adjacent homes.
- (2) The proposed setback would save significant natural features, as defined in section 9-188.

- (3) The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
- (4) The proposed setback is necessary for energy-saving, health or safety reasons.
- ~~(5) The house is in a new development planned with larger setbacks.~~

~~The city shall consider the front yard setback as a minimum for accessory buildings. The city may approve a conditional use permit to construct a building addition, or part thereof, into a required setback.~~

Sec. 36-84.5. Side yards.

(a) There shall be a side yard setback of at least ten (10) feet to any covered part of a dwelling. There shall be a side yard setback of at least five (5) feet to a garage, uncovered structure or detached accessory structure. Each lot shall have side yard of at least five (5) feet on one side of a lot and ten (10) feet on the other side. The following exceptions shall apply:

- (1) The front yard setback requirements shall apply to the side yard on the street side of a corner lot shall have a width of at least thirty (30) feet.
- ~~(2) A church or a school shall have a side yard of not less than fifty (50) feet on each side adjoining other property.~~
- (2)(3) When two (2) or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.
- (3) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The city council may approve a conditional use permit to construct a building addition, or part thereof, into a minimum setback.

Sec. 36-84.6 Rear yards.

(a) For the covered parts of a dwelling, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is twenty (20) percent of the lot depth. Single-family dwellings shall have a rear yard setback of at least twenty (20) percent of the lot depth.

(b) Accessory structures and uncovered structures buildings shall have a rear yard setback of at least five (5) feet; except

that, on a double-fronting lot, the front yard setback requirements shall apply.

(c) A corner lot shall have only one rear lot line.

(d) Regardless of the above, homeowners may add on to their homes using the existing setback.

(e) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

Section 5. This section changes sections 36-89 through 36-91, R-2 (double dwelling) district regulations, as follows:

Sec. 36-89. Front yards.

(a) Each dwelling and accessory structure shall have a front yard setback of at least thirty (30) feet, but not more than thirty-five (35) feet. Except that: 7

(1) If each of the lots adjacent to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.

(2) If subsection (a) (1) above does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback. ~~if the majority of the dwellings on the same side of the same street and within three hundred fifty (350) feet of the lot to be built on have a predominant front yard setback, then all dwellings or additions on that lot shall conform to that predominant setback.~~

(3) If the Council has approved special setbacks for a specific development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.

(4) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The director of community development may allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:

(1) The proposed setback would not affect the privacy of adjacent homes.

(2) The proposed setback would save significant natural features, as defined in section 9-188.

- (3) The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
- (4) The proposed setback is necessary for energy-saving, health or safety reasons.
- ~~(5) The house is in a new development planned with larger setbacks.~~

~~The city shall consider the front yard setback as a minimum for accessory buildings. The city may approve a conditional use permit to construct a building addition, or part thereof, into a required setback.~~

Sec. 36-90. Side yards.

~~(a) There shall be Each lot shall have a side yard setback of at least ten (10) feet to on any covered part habitable side of a dwelling. There shall be a side yard setback of and at least five (5) feet to on the a garage, uncovered structure side or for a detached accessory structure building. There shall be a side yard of at least ten (10) feet where there is a habitable and garage side on the same end of the building, such as a tuck-under garage. The following exceptions shall apply:~~

- ~~(1) The front yard setback requirements shall apply to the The side yard on the street side of a corner lot. shall have a width of at least thirty (30) feet. Except that, if the majority of the dwellings on the same street and within three hundred and fifty (350) feet of the lot to be built on have a predominant setback from that street that is different from thirty (30) feet, then all buildings or additions on that lot shall conform to that predominant setback as a minimum. The city council may approve a conditional use permit to construct a building addition, or part thereof, into a minimum setback.~~
- ~~(2) A church or a school shall have a side yard of not less than fifty (50) feet on each side adjoining other property or thirty (30) feet from a public right-of-way.~~
- ~~(2)-(3) When two (2) or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.~~
- (3) Regardless of the above, homeowners may add on to their homes using the existing setback.

(b) The city council may approve a conditional use permit to construct a building addition, or part thereof, into a minimum setback.

Sec. 36-91. Rear yards.

(a) For the covered parts of a dwelling, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is twenty (20) percent of the lot depth. The rear yard for each lot in an R-1 Residence District shall have a depth equal to, or greater than, twenty (20) percent of the depth of the lot.

(b) Accessory structures and uncovered structures shall have a rear yard setback of at least five (5) feet; The setback for dwelling accessory buildings in an R-1 Residence District shall be not less than five (5) feet from the rear lot line, except that, on a double-fronting corner lot, the front yard setback requirements shall apply. a thirty-foot setback from the street side shall be the minimum.

(c) A corner lot shall have only one rear lot line.

(d) Regardless of the above, homeowners may add on to their homes using the existing setback.

(e) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

Section 6. This ordinance shall take effect after its approval.

Approved by the Maplewood City Council on _____, 1992.

- (1) All construction shall follow the site plan that the City stamped July 17, 1992. The Director of Community Development may approve minor changes.
- (2) The City Council shall review this permit in one year.
- (3) The operator shall have a telephone on the site for emergencies.
- (4) If there is not enough parking, the operator or property owner shall provide more paved parking spaces.
- (5) The operator shall not allow parking on Highway 61.
- (6) The operator shall keep the weeds and tall grass cut along the front property line.
- (7) The operator shall provide toilet facilities for employees during business hours.

Commissioner Pearson seconded

Ayes--Allenspach,
Anitzberger, Fischer,
Gerke, Pearson, Rossbach,
Sigmundik

The motion passed.

b. Single and Double Dwelling Setback Ordinance

Secretary Olson presented the staff report and discussed with the Commission the proposed changes to this ordinance.

Commissioner Pearson moved the Planning Commission recommend approval of the ordinance changing the setback requirements for R-1 (single dwelling), RE (residential estate), R-1S (small-lot single dwelling) and R-2 (double dwelling), including the major changes proposed in the August 10 staff report and the additional wording in the "Front line of the dwelling" section.

Commissioner Anitzberger

Ayes--Allenspach, Anitzberger,
Fischer, Gerke, Pearson,
Rossbach, Sigmundik

The motion passed.

c. Metro 2015 Review

The Commission reviewed the letter to the Metropolitan Council documenting the Planning Commission/Council comments. The Commission approved the letter and referred it to staff to be mailed.

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Building Plan Review Procedure Ordinance
DATE: August 27, 1992

Action by Council:
Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

The City Council requested an ordinance that would limit the people who could appeal the staff approval of minor construction plans and single dwellings. The current ordinance allows anyone to appeal a staff decision within 15 days of that decision.

The Council raised this issue because of a delay in the construction of a new home for Mr. Rick Westberg on Hazelwood Avenue. Mr. Westberg wanted to build his home further back than the maximum 35-foot setback required by Code. Staff approved the setback after the adjacent neighbors said they had no objections. Several council members wanted to add this request to the next agenda, so Mr. Westberg would not have to wait 15 days for a decision. However, we had to wait the full fifteen days in case anyone else appealed.

BACKGROUND

Under the current procedure, the director of community development makes the first decision. The director only notifies the city council about this decision. However, the ordinance allows anyone to appeal this decision. An appeal must be made within fifteen days after the director sends a copy of the approved plan to the council. If there is an appeal, the director sends the appeal to the community design review board. Anyone may appeal the board's decision to the council. They must appeal within fifteen days after the board's decision.

On May 28, 1992, the Council tabled this ordinance for changes from Councilmember Rossbach. Most of his changes apply to the single and double dwelling setback ordinance. One change applies to this ordinance. This change shortens the appeal period for staff decisions from 15 to 5 days. I have made this change on page on page 3, subsection 25-65(b). There would still be a 15-day appeal period for community design review board decisions. The extra time is needed to prepare minutes.

DISCUSSION

The current ordinance allows anyone to appeal the director's decision. This causes a delay when the applicant and the city council agree not to appeal the director's decision. We must still wait the full fifteen days to see if anyone else appeals the decision. An appeal from anyone else is unlikely, since I only notify the applicant and the council.

The proposed ordinance does the following:

1. It limits those who can appeal a decision on a minor construction project to the applicant, community design review board and city council. The ordinance limits those who can appeal a decision on a single dwelling to the applicant and council. (Subsection 25-65 (b) on page 3.)
2. It sends an appeal of a single dwelling directly to the city council. The current ordinance requires that the community design review board review the appeal first. (Subsection 25-65 (b) on page 3.)
3. It shortens the time allowed for the Council to appeal the director's decision from 15 to 5 days. (Subsection 25-65 (b) on page 3.)
4. It only requires a community design review board application for projects that will be reviewed by the board. The current ordinance requires an application for all projects, including those that only need staff approval. (Subsection 25-68 on page 4.)
5. It allows the director of community development to determine the application requirements. The current ordinance specifies several requirements, many of which have changed. Some current requirements, such as a mailing list, are not included in the ordinance. (Subsection 25-68 on page 4.)
6. It establishes a fee for planning staff review of plans. The proposed fees are similar to the fees we now charge for other planning staff reviews, such as variances and lot divisions. (Subsection 36-20(a) on page 5.)

RECOMMENDATION

Approve the attached ordinance.

go\b-3:appeals.mem (5.3)
Attachment: Ordinance

ORDINANCE NUMBER ____

AN ORDINANCE CHANGING THE PROCEDURE FOR REVIEW OF
BUILDING PLANS

The Maplewood City Council approves the following ordinance: (I have underlined the additions and crossed out the deletions.)

Section 1. This section changes section 25-65 as follows:

Sec. 25-65. Approval of plans.

(a) The director of community development shall review all plans for minor construction. The director shall also review plans for single dwellings, where required by Code. The city council shall define minor construction by dollar valuations set by resolution, from time to time. Before approving the plans, the director must determine that the plans meet all city ordinances and policies, including the design standards in section 25-70(b). The director may send any plan that he or she reviews to the community design review board. The director shall send a copy of any approved plan to the city council.

(b) Only a city council member, community design review board member or an applicant may appeal the director's decision about a minor construction project. Only a city council member or an applicant may appeal the director's decision about a single dwelling. Anyone may appeal the director's decision to the community design review board. The director shall send an appeal about a single dwelling to the city council. The effected parties may waive their right to an appeal by informing the director of community development. An appeal must be received by the director of community development within five (5) fifteen (15) days after the director sends a copy of the approved plan to the city council. The director shall send an appeal of a minor construction project to the community design review board. The board's decision shall be final, unless someone appeals it to the city council within fifteen (15) days after the board's decision.

(c) The community design review board shall review all other plans. The board's decision shall be final, unless someone appeals it to the city council within fifteen (15) days after the board's decision. However, no person shall revise a plan that the city council originally approved without their approval.

(d) This section shall not apply to interior construction, repair, maintenance, underground tanks or the same-style replacement of building parts, such as a new roof, door or windows.

Section 2. This section changes section 25-68 as follows:

Sec. 25-68. Application. ~~Applications for review, required documents and information.~~

All persons required to submit building or remodeling plans to the community design review board, including appeals, under this article shall submit a community design review board application to the director of community development. The filing requirements shall be determined by the director of community development. A fee, but no application, is required for planning staff reviews of single dwellings and minor construction projects. ~~form and the following written materials, as applicable to the specific project and in sufficient quantities as determined by the board, to the community design review board:~~

~~(a) A design development plan of the entire project showing:~~

- ~~(1) A dimensioned site plan.~~
- ~~(2) A roof plan of all buildings.~~
- ~~(3) The locations of all existing trees and structures on the project site.~~
- ~~(4) The locations and dimensions on all streets, alleys and highways, both adjacent to and within the project site area.~~
- ~~(5) The locations of all off-street parking and loading facilities and areas.~~
- ~~(6) The locations of points of entry and exit for all vehicular and internal circulation patterns.~~
- ~~(7) The locations of all walls and fences.~~
- ~~(8) The locations of all exterior lighting standards.~~
- ~~(9) The grading and slopes, where these affect the relationship of the buildings on the project site and surrounding buildings adjacent to the project.~~

~~(b) Dimensioned architectural drawings which show:~~

- ~~(1) An entire plan drawn to scale.~~
- ~~(2) Elevations, including all sides of the proposed project buildings or structures, including materials and colors.~~
- ~~(3) Perspectives, model or other suitable graphic materials, at the option of the board.~~

~~(c) Preliminary landscape plans designating all areas to be landscaped, with an indication of both types of materials and their elevations.~~

~~(d) Site photographs, at the option of the board.~~

Section 3. Add the following fees to section 36-20(a):

Where the Code requires that the director of community development review plans for single dwellings. (The director of community development shall add this fee to the building permit.)..... \$57

Review of minor construction projects by the director of community development. (The director of community development shall add this fee to the building permit.)..... \$85

County recording fee for resolutions.....\$17

Section 4. This ordinance shall take effect after its approval.

Approved by the Maplewood City Council on _____, 1992.

MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 EAST COUNTY ROAD B, MAPLEWOOD, MINNESOTA
MAY 12, 1992

1. CALL TO ORDER

Acting Chairperson Robinson called the meeting to order at 7:08 p.m.

2. ROLL CALL

Donald Moe	Absent
Marvin Erickson	Absent
Michael Holder	Present
Marie Robinson	Present
Bruce Thompson	Present
Scott Wasiluk	Absent

3. APPROVAL OF MINUTES

a. April 28, 1992

Boardmember Thompson moved approval of the minutes of April 28, 1992, as submitted.

Boardmember Holder seconded Ayes--Holder, Robinson, Thompson

4. APPROVAL OF AGENDA

Boardmember Thompson moved approval of the agenda as submitted.

Boardmember Holder seconded Ayes--Holder, Robinson, Thompson

5. UNFINISHED BUSINESS

6. DESIGN REVIEW

a. Code Amendment - Appeal Procedure

Secretary Ekstrand presented the staff report and discussed with the Board the proposed code amendment that would limit the people who could appeal the staff approval of minor construction plans and single dwellings.

Boardmember Holder moved approval of the ordinance changing the procedure for review of building plans.

Boardmember Thompson seconded Ayes--Holder, Robinson, Thompson

7. VISITOR PRESENTATIONS

There were no visitor presentations.

AGENDA REPORT

Action by Council:

TO: City Manager

FROM: Assistant City Engineer Bruce Irish

SUBJECT: Assessment Appeals—City Projects 86-27, 87-01, 87-14, 88-12, 90-14

DATE: September 21, 1992

Endorsed _____

Modified _____

Rejected _____

Date _____

Introduction

Assessment hearings were held for five projects on September 14, 1992. Three appeals were received for Larpenteur Avenue, City Project 86-27. Two appeals were received for Roselawn, Jackson to Rice, City Project 87-01. No appeals were received for Holloway, City Project 87-14. Twelve appeals were received for Beam Avenue, TH 61 to County Road D, City Project 88-12. Eleven appeals were received for County Road B, City Project 90-14. A review of each appeal and recommendation follows. Each appeal is marked with project number and a circled number for reference.

Background**Project 86-27**

- 1 Recommend approval of appeal. Drainage does not go to project.
- 2 Recommend approval of appeal. Drainage does not go to project.
- 3 Deny

Project 87-01

- 1 Deny
- 2 Deny

Project 88-12

Deny all 12 appeals. It was stated at the public hearing that it was intended to assess each parcel so that the future record would clearly show that all parcels had been assessed. The commitment of the developer to pay these assessments is a matter between the developer and the property owner. It does not affect the assessments.

Project 90-14

- 1 Reduce from four to three storm sewer units due to proximity of petroleum pipeline.
- 2 Deny. The attached letter concerning the right of way was sent to the property owner.
- 3 Reduce from two to one storm sewer units due to location of house.
- 4 Deny. Although the house is in the middle of the lot, it may well be reasonable to remove it and build two new structures in the future.

5 through 11 Deny.

Recommendation

Revise the assessments for PIN 17-29-22-34-0041, 17-29-22-34-0040, 09-29-22-43-0024, and 09- 29-22-43-0002 as stated herein. Deny all other appeals. An application for senior citizen deferment has been sent to the owner of 09-29-22-43-0007 (90-14 [4]).

BAI

jc
Attachments



CITY OF
MAPLEWOOD

1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109

DEPARTMENT OF PUBLIC WORKS

612-770-4550

September 22, 1992

J. W. Pugaczewski
445 Brooks Avenue E.
Little Canada, Minnesota 55117

PROJECT 90-14, ASSESSMENT APPEAL

In your assessment appeal for City Project 90-14 for your property on Leland and Duluth you state that the road is on your property. The existing street prior to storm sewer construction was on your property for a long period of time. When the storm sewer was built, removal and replacement of the existing street in its entirety was deemed to be the most cost-effective approach. The replacement pavement was placed in the same location

The issue of either obtaining city ownership of this part of your property through adverse possession proceedings or buying additional right of way was not addressed at this time. At such time as the city undertakes a permanent street improvement is a more appropriate point to correct this situation.

BRUCE A. IRISH, P.E. - ASSISTANT CITY ENGINEER

jc

86-27

①

ASSESSMENT HEARING APPEAL FORM
LARPENTEUR AVENUE, 35E TO EDGERTON
PROJECT NO.86-27

Address of Assessed Parcel 500 KINGSTON AVE E.

Property Identification Number:

17-29-22-34-0041
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

My property does NOT drain
into this system

RUSSELL BAUER Russell Bauer 9-14-92
(Print Name) (Signature) (Date)

500 KINGSTON AVE E. (612) 771-4168
(Address of Property Owner) Telephone

MAPLEWOOD, MN. zip 55117

86-27
②

ASSESSMENT HEARING APPEAL FORM
LARPEN TEUR AVENUE, 35E TO EDGERTON
PROJECT NO.86-27

Address of Assessed Parcel 528 KINGSTON AVE E.

Property Identification Number:

17 - 29 - 22 - 34 - 0040
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

My property does not drain into this
system.

FRED L BAKER Fredrick L Baker 9-14-92
(Print Name) (Signature) (Date)

528 KINGSTON AVE E (778) 0616
(Address of Property Owner) Telephone

MAPLEWOOD zip 55119

1686 Arbucright St

RECEIVED
SEP 11 1992

September 11, 1992

86-27
③

Lucille E. Aurelius, City Clerk
City of Maplewood
1830 E. County Road B
Maplewood, Minnesota 55109

Re: Notice of Appeal
Project No. 86-27
PIN 17-29-22-33-0036

Dear Ms. Aurelius:

I, Donna F. Pinotti, hereby appeal the street and storm sewer assessments proposed by the attached Statement of Assessment mailed to me on August 25, 1992. I seek an abatement of the assessments on the following grounds:

1. These alleged improvements did not increase the value of my property.
2. The county is paying for all curb, gutter, and storm sewer improvements relative to any and all property owners abutting Larpenteur Avenue.
3. The only curb, gutter, and storm sewer assessment to be paid by the city of Maplewood, are for those properties that do not abut Larpenteur Avenue.
4. As a result, any assessment against my property would be a double taxation.
5. The city of Maplewood has a standard policy of assessing a flat rate on assessments for those properties upon which the city pays for the assessment. In this case the county is paying for the bill, therefore, the city has no jurisdiction to assess any sums of money for any improvements.

Very truly yours,
Donna F. Pinotti
Donna F. Pinotti

CITY OF MAPLEWOOD
1830 E. COUNTY ROAD B
MAPLEWOOD, MINNESOTA 55109
DEPARTMENT OF PUBLIC WORKS

STATEMENT OF ASSESSMENT

D/P NO. 6004
PROJECT NO. 86-27 LARPEUR AV-35E TO EDG

THIS IS THE ONLY STATEMENT YOU WILL RECEIVE

IT IS IMPORTANT THAT YOU READ AND FULLY UNDERSTAND YOUR RIGHTS AND OBLIGATIONS CONCERNING THIS ASSESSMENT AS STATED ON THE ATTACHED NOTICE OF ASSESSMENT HEARING.

YOUR ASSESSMENT FOR PARCEL IDENTIFICATION NUMBER 17-29-22-33-0036 IS AS FOLLOWS:

*****1.000 STREETS-RESIDENTIAL UNITS AT	\$1,125.000 EACH =	****\$1,125.00
*****1.000 STORM SEWER-RESIDENTIAL UNITS AT	**\$500.000 EACH =	*****\$500.00
*****0.000 STREETS-COMMERCIAL F.F. AT	***\$15.000 EACH =	*****\$0.00
*****0.000 STORM SEWER-COMMERCIAL S.F. AT	***\$0.100 EACH =	*****\$0.00
*****0.000 WATER SERVICE-RESIDENTIAL AT	**\$750.000 EACH =	*****\$0.00
*****0.000 SEWER SERVICE-RESIDENTIAL AT	**\$750.000 EACH =	*****\$0.00

YOUR TOTAL ASSESSMENT FOR THIS PARCEL IS --- ****\$1,625.00

WHEN REQUESTING INFORMATION OR CORRESPONDING ABOUT THIS STATEMENT, PLEASE REFER TO PARCEL IDENTIFICATION NUMBER 17-29-22-33-0036.

NOTE: OBJECTIONS TO THIS ASSESSMENT WILL BE ACCEPTED UNTIL THE CLOSE OF THE ASSESSMENT HEARING. ABSOLUTELY NO OBJECTIONS (ORAL OR IN WRITING) TO ANY PART OF THIS ASSESSMENT STATEMENT WILL BE ACCEPTED BY THE CITY CLERK OR THE MAPLEWOOD CITY COUNCIL AFTER THE CLOSE OF THE ASSESSMENT HEARING, 9-14-92

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

D/P NO. 6004

ASSESSMENT PAYMENT for
PIN 17-29-22-33-0036

PROJECT NO. 86-27 LARPEUR AV-35E TO EDG
TOTAL ASSESSMENT ****\$1,625.00

TOTAL PAYMENT ENCLOSED - \$ _____

PARTIAL PAYMENT OF ASSESSMENT AS AUTHORIZED.

ASSESSMENT HEARING APPEAL FORM
ROSELAWN, RICE TO JACKSON
PROJECT NO. 87-01

87-01
①

Address of Assessed Parcel 1908 Rice St.

Property Identification Number: maplewood.

18-22-22-320021
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

I feel that the assessment on Rice St + Roselawn was unfairly bid as land owner should have had some say about this unneeded water + sewer.

Jerry Anderson [Signature] _____
(Print Name) (Signature) (Date)

1908 Rice St. Maplewood. 1 489-9444
(Address of Property Owner) Telephone

Home
378-7209

_____ Zip _____

87-01
②

ASSESSMENT HEARING APPEAL FORM
ROSELAWN, RICE TO JACKSON
PROJECT NO. 87-01

Address of Assessed Parcel 1870 Rice St.

Property Identification Number:

18-29-22-32-0025
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

1. Unwanted & Unneeded Water Main
2. Street-commercial FF to high
3. Wat. SVC 8" improper
4. Bid to high
5. Unusable property
6. _____

Dan Betts _____ Dan Betts _____
(Print Name) (Signature) (Date)

2030 Eldridge Av. W. (612) 636-3837
(Address of Property Owner) Telephone

Zip 55113

To: Maplewood City Council -
Re: Project 88-12

88-12

①

We wish to appeal the assessment charge for our property at 2957 Frank St. in the amount of \$500.00

When we purchased this lot we were told there were no pending assessments. We bought a lot with city sewer & water already in.

Of there were any charges to be assessed we should have been informed at the time of purchase and also we went to a city council meeting on this matter in February of 1989 in which the developer stated he would pay the cost of any assessments.

Janice Hawkes
Michael Hawkes

JANICE & MICHAEL HAWKES
2957 FRANK St.
MAPLEWOOD - MN 55109
490-0247

Lot owners should not have to incur any costs pertaining to the development of land after buying the lot; these costs are the responsibility of the developer, and should be taken into consideration by the developer when determining the selling prices of the lots.

Unexpected costs in the development of land should be attributed to poor planning, incompetence and/or inexperience on the part of the developer, and, consequently, owners of the lots should not have to bear the responsibility for the developer's mistakes.

In addition, charges should only be assessed to lots for repairs and replacements a reasonable amount of time after the development has been completed or for improvements to one's property. In this case, our lot has not been "improved" because of this public improvement (i.e., we had a sewer system when we first moved in and we have a sewer system now). When we bought the house - with the lot - we were under the assumption that the sewer system was included in the price of the lot; we were not informed at the time that additional charges would be later assessed. Therefore, because pertinent information was withheld at the time we bought the lot, we should not be held responsible for those charges.

only $1\frac{1}{2}$ years ago,


James Keogh
Karen Keogh
Karen Keogh

88-12

(3)

I hereby wish to appeal the
sewer assessment against 2987 Frank St.

Frank Frattaloni said he would pay.

Thomas M. Phay
2987 Frank St.
Weymouth, MA 01981
617-481-8100

Received the amount
before the publication

88-12

4

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO. 88-12

Address of Assessed Parcel 2933 FRANK ST

Property Identification Number:

04 - 29 - 22 - 13 - 00 27
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

- PROPERTY NOT BENEFITED

- CITY ESTOPPED FROM ASSESSING

- PROJECT NOT NEEDED

BUT FOR ADJACENT DEVELOPMENT

- NO PROPORTIONATE ASSESSMENT

ARNOLD R FISCHBACH Arnold R. Fischbach 9-14-92
(Print Name) (Signature) (Date)

2933 FRANK ST () 484-8214
(Address of Property Owner) Telephone

zip 55109

88-12
5

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO.88-12

Address of Assessed Parcel 2999 CAREY HTS DR.

Property Identification Number:

04-29-22-13-0042
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

I AM IN THE PROCESS OF HAVING THE LAND TITLE CO.
DETERMINE IF THE \$500 ASSESSMENT WAS ESCROWED
WHEN I BOUGHT MY HOUSE. IF THIS MATTER IS NOT
RESOLVED BY THE TIME THE ASSESSMENT IS DUE, I DO
NOT FEEL I SHOULD PAY ~~THE~~ ANY INTEREST THAT
MAY BE CHARGED.

VERN RADEWALD Vern Radewald 9/14/92
(Print Name) (Signature) (Date)

2999 CAREY HTS. DR. (612) 490-5021
(Address of Property Owner) Telephone

MAPLEWOOD, MN zip 55109

88-12
⑥

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO.88-12

Address of Assessed Parcel 2964 Carey Hgts Dr.

Property Identification Number:

04-29-22-13-0012
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

We feel this is an unjust
assessment as the developer
did verbally agree to pay
the assessments.

Robert + Mary Ann DeYoung [Signature] 9-14-92
(Print Name) (Signature) (Date)
2964 Carey Hgts Dr. (612) 484-0339
(Address of Property Owner) Telephone
Maplewood Mn Zip 55109

88-12
7

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO. 88-12

Address of Assessed Parcel 2993 Carey Hgts DR.

Property Identification Number:

04-29-22-13-0041
(12 digit number)

Do you wish to address the city council tonight? Yes No *did*

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

Based on the verbal agreement
by Frank Fratalone that he
was going to take care of the expense
of the storm sewer cost, publically
announced at a city council meeting
three years ago.

Kim Esch Kim Esch 9-14-92
(Print Name) (Signature) (Date)

2993 Carey Hgts Drive 481-7187
(Address of Property Owner) Telephone

Maplewood, MN Zip ~~55109~~
55109

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO. 88-12

88-12

8

Address of Assessed Parcel 2994 Carey Heights DR

Property Identification Number:

04-29-22-13-0007
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

Based on a verbal commitment by
FRANK FRATTALONE in front of the
city council, 3 years ago when the
project was approved. At that time
FRANK FRATTALONE CONFIRMED THAT HE
WOULD PAY THE PROPOSED ASSESSMENT.
He SAID MONEY was put aside as part of
the development to pay this.

Louis Galland Jean Galland 9/14/92
(Print Name) (Signature) (Date)

2994 Carey Heights DR (612) 481-7867
(Address of Property Owner) Telephone

Maplewood MN zip 55109

88-12

9

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO.88-12

Address of Assessed Parcel 2990 CAREY HTS PR.

Property Identification Number:

____ - ____ - ____ - ____ - ____
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

Stop This Assessment we are not
responsial

RICHARD W. PEARSON [Signature] 9-14-92
(Print Name) (Signature) (Date)

2990 CAREY HTS PR. (612) 490-9454
(Address/of Property Owner) Telephone

Maplewood MN 55109 zip 55109

88-12
10

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO.88-12

Address of Assessed Parcel 2925 FRANK ST.

Property Identification Number:

04 - 29 - 22 - 13 - 0026
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

Promise of payment made by former
property owner and developer: FRANK
FRATOLONE.

DAVID C. SANFT DeLuft 9/14/92
(Print Name) (Signature) (Date)

2925 FRANK ST. (612) 482-8959
(Address of Property Owner) Telephone

MAPLEWOOD Zip 55109

88-12
11

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO.88-12

Address of Assessed Parcel 2989 CAREY HTS DR

Property Identification Number:

____ - ____ - ____ - ____ - ____ - ____
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

I OBJECT TO PROJECT 88-12

MICHAEL R. CLEVELAND Michael R Cleveland 9-14-92
(Print Name) (Signature) (Date)

2989 Carey Hts Dr 1 490-3087
(Address of Property Owner) Telephone

Maryland Md. Zip 55109

88-12
12

ASSESSMENT HEARING APPEAL FORM
BEAM AVENUE/WALTER STREET
PROJECT NO. 88-12

Address of Assessed Parcel 2984 CAREY HEIGHTS DRIVE

Property Identification Number:

____ - ____ - ____ (12 digit number) ____ - ____ - ____

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

I request to project NO 88-12
due to FRANKLINES promise
to pay

Lee Ann Danna Lee Ann Danna 9/13/92
(Print Name) (Signature) (Date)

2984-CAREY HEIGHTS (012) 490 5854
(Address of Property Owner) Telephone

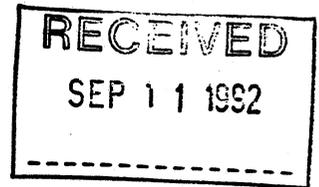
Zip 55109

To: Ken Haider

September 8, 1992

90-14

①



City of Maplewood/Department of Public Works
1830 East County Road B.
Maplewood, Minnesota 55109

ATTENTION: City Clerk, City of Maplewood

Improvement Name: CORDB 90-14

Improvement Number: 6095

Parcel ID #: 09-29-22-43-0024

Property Description:

Clifton Addition

Ramsey Co., Minn

Subj to Rds the W172ft

E 436 ft of Blk 4

I, Judith E. Mullin, with this written letter is objecting to the attached copy of "Statement of Assessment" on the above owned stated parcel of property.

My objection to above assessment is due to an amount equaling an assessed four (4) units on said property. It is my understanding in working with the City of Maplewood in July-August 1985 that two (2) of the units were not buildable due to the angled placement of the Williams Brothers Pipeline. In lieu of the information I received regarding set-backs, placement of structure distance from pipeline and lot lines, I feel the assessment for four (4) residential units due to Storm Sewer Improvement Project 90-14 is not applicable.

I will await correspondence in the above matter and thank you in advance for your information regarding this written appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith E. Mullin".

Judith E. Mullin
5612 Whited Avenue
Minnetonka, Minnesota 55345
... 937-0588

CITY OF MAPLEWOOD
1830 E. COUNTY ROAD B
MAPLEWOOD, MINNESOTA 55109
DEPARTMENT OF PUBLIC WORKS

DUE BY
OCT. 14, 1992

STATEMENT OF ASSESSMENT

D/P NO. 6095
PROJECT NO. 90-14 COUNTY RD B STORM SEWER

THIS IS THE ONLY STATEMENT YOU WILL RECEIVE

IT IS IMPORTANT THAT YOU READ AND FULLY UNDERSTAND YOUR RIGHTS AND OBLIGATIONS CONCERNING THIS ASSESSMENT AS STATED ON THE ATTACHED NOTICE OF ASSESSMENT HEARING.

YOUR ASSESSMENT FOR PARCEL IDENTIFICATION NUMBER 09-29-22-43-0024 IS AS FOLLOWS:

*****4.000 STORM SEW RESIDENTIAL UNITS AT **\$500.000 EACH = *****\$2,000.00

*****0.000 STORM SEW COMMERCIAL SF AT *****\$0.100 EACH = *****\$0.00

*****0.000 STORM SEW SPECIAL SF AT *****\$0.025 EACH = *****\$0.00

YOUR TOTAL ASSESSMENT FOR THIS PARCEL IS --- *****\$2,000.00

WHEN REQUESTING INFORMATION OR CORRESPONDING ABOUT THIS STATEMENT, PLEASE REFER TO PARCEL IDENTIFICATION NUMBER 09-29-22-43-0024.

NOTE: OBJECTIONS TO THIS ASSESSMENT WILL BE ACCEPTED UNTIL THE CLOSE OF THE ASSESSMENT HEARING. ABSOLUTELY NO OBJECTIONS (ORAL OR IN WRITING) TO ANY PART OF THIS ASSESSMENT STATEMENT WILL BE ACCEPTED BY THE CITY CLERK OR THE MAPLEWOOD CITY COUNCIL AFTER THE CLOSE OF THE ASSESSMENT HEARING, 9-14-92

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

D/P NO. 6095

ASSESSMENT PAYMENT for
PIN 09-29-22-43-0024

PROJECT NO. 90-14 COUNTY RD B STORM SEWER
TOTAL ASSESSMENT *****\$2,000.00

TOTAL PAYMENT ENCLOSED - \$ _____

PARTIAL PAYMENT OF ASSESSMENT AS AUTHORIZED.

90-14
②

ASSESSMENT HEARING APPEAL FORM
TH 61-COUNTY ROAD B STORM SEWER
PROJECT NO.90-14

Address of Assessed Parcel lot on Seland + Dutch

Property Identification Number:

09-29-22-43-0028-5
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

The east 9 feet by 108 feet deep, running north to south. This property has the Dutch street on my property. The city had a chance to put the street in its proper place, instead it did not.

J.W. Pucaczewski J.P. Pucaczewski 9/14/92
(Print Name) (Signature) (Date)

445 E. Brooks (612) 483-3773 work 482-703
(Address of Property Owner) Telephone
Little Canada zip 55117

90-14
③

RECEIVED
SEP 03 1992

ASSESSMENT HEARING APPEAL FORM

PROJECT NO. 90-14

Address of Assessed Parcel 2233 DULUTH ST.

Property Identification Number:

09-99-72-43-0004
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

LOCATION OF THE HOUSE ON THE LOT PREVENTS
A POTENTIAL LOT SPLIT. THERE IS ONLY
64 FEET ON SIDE OF HOUSE. SHOULD ONLY
BE ASSESSED FOR 1 UNIT.

RICHARD L. JUNG-MANN Richard L. Jungmann 9-3-92
(Print Name) (Signature) (Date)

2233 DULUTH ST 1-2484-2731
(Address of Property Owner) Telephone

MAPLEWOOD MINN Zip 55109

90-14
4

ASSESSMENT HEARING APPEAL FORM
TH 61-COUNTY ROAD B STORM SEWER
PROJECT NO.90-14

Address of Assessed Parcel 1143 E. CO. RD. B.

Property Identification Number:

09-29-22-43-0007
(12 digit number)

Do you wish to address the city council tonight? Yes No

Please complete this form if you intend to appeal to the city council to defer, revise or cancel your assessment. This form must be completed and filed with the city clerk no later than the close of tonight's city council assessment hearing. Your request will become part of the public hearing record.

I request that the city council consider (check one):

- a. Deferral of assessment
- b. Senior Citizen deferment (over 65 years of age)
- c. Cancellation of assessment
- d. Revision of assessment

Reason for the request:

THERE ISN'T ENOUGH ROOM TO PUT ANOTHER
HOUSE ON PROPERTY. I DO NOT INTEND ON
SPLITTING UP MY PROPERTY.

JOHN C. JUNGMAUN JR.
(Print Name)

John Jungmaun Jr.
(Signature)

9-9-92
(Date)

1143 E. CO. RD. B.
(Address of Property Owner)

() 484-2892
Telephone

MAPLE WOOD MINN. Zip 55109

90-14

0929 2243 0034

Monday
September 14, 1992

Mark and Lea Enfield
2160 Day Road
Maplewood, MN
55109

City clerk of the City of Maplewood
City of Maplewood, Minnesota 55109

90-14
⑤

Pacel Identification Number 09-29-22-43-0034

City Clerk:

We are writing this letter in regards to the assessment of \$500.00 place upon us for the adoption of the assessment roll for Public Improvement Project 90-14, TH 61-County Road B Storm Sewer. It is our intention to appeal this assessment for the following reasons stated below:

1. We did not live in the assessed area of Maplewood, Minnesota when the adoption of the improvement project was decided upon. Therefore, our right to voice our opinion concerning the improvement project was not heard.
2. We have been assessed an increase in our property tax, by the City of Maplewood, of \$500.00, after three months from the purchase of our house at 2160 Day Road. Our property taxes have continued to be based upon misinformation about the value of our property.
3. The assessment of \$500.00 would be a financial burden to our household based upon other City imposed tax increases; namely due to item #2 above. And, because we are a single income family with one of us currently enrolled at a local college.

It is for the forestated reasons we seek an appeal and deferment of the \$500.00 that the City of Maplewood has placed upon us.

Thank you.

Sincerely,

Mark R. Enfield

Debra Lea Enfield



City of Maplewood
1830 E. County Rd B
Maplewood, Mn 55109

September 11, 1992

90-14

⑥

Attn: City Clerk

RE: Assessment # 09-29-22-44-0076

Please accept this as my objection to the above assessment to my home on 1237 Lealand Rd. I do not feel this is appropriate as all work was done one block from my home. There was not any work even done on my end of the street!

I refuse to pay this statement.

Sincerely,

Kay A. Fehring
KAY A. FEHRING
1237 LEALAND RD
MAPLEWOOD, MN 55109
(612) 482-8328

90-14

September 14, 1992

Maplewood City Council
City of Maplewood
1830 E. Cty. Rd. B
Maplewood, MN 55109

90-14
⑦

Dear Council Members,

We are writing this letter as our objection to the assessment roll for Public Improvement Project 90-14.

We believe our \$500 residential assessment is excessive, as our property value has not been increased due to the new storm sewers. Others who are being assessed \$500, have received curbs, new sod and new driveway entrances, thus improving their property values.

Although we realize improvements are often necessary, yet costly, we would not be objecting as heartfelt had we received property enhancements or a reduced cost compared to those who are receiving property enhancements.

Not only was this assessment an unexpected cost for us, it will prove to be a hardship for many.

In closing, we would like to go on record as opposed to the assessment roll for Public Improvement Project 90-14. Our parcel identification number is:

09-29-22-44-0071.

Sincerely,

Jody McElroy & George H. McElroy
H-481-9810
W-298-5373

P.S. Our home was purchased/closed on March 31, 1990. At the time of purchase the City of Maplewood stated that there were no pending assessments on the property. Is the previous owner responsible?

Rec'd at the Courthouse 9/14/92
11:45 AM

90-14

MARK + Sherry HOLMES

1247 Lealand Rd. Maplewood.

9-14-92

09-29-22-44-0068

City council of Maplewood, 90-14

⑧

We oppose the assessment for project 90-14. We feel that it is excessive and unfair.

First, the properties located at the bottom of the hill and those along Co. rd. B received the benefit of new sewer pipe and road surface. Those of us at the top of the hill received cracked, bumpy and heaving road surfaces along with a \$500.00 bill for services.

Secondly, we are paying for the reconstruction of a county road. This should be the responsibility of all county residents not just a select number from one city.

Finally, should this assessment be adopted, we feel the 7.5% interest charged is excessive. Not all who are being assessed can afford \$500.00 in one pre-paid payment. Some type of payment schedule, without penalty, would be more equitable.

Thank you,
M. Holmes Sherry Holmes

90-14

⑨

RECEIVED

AUG 28 1992

Dear Lucille,

I know it will do no good what so ever to come to a meeting. I've been there many times to protest different things that the city of Maplewood has pushed onto me. Like for instance the leash law for cats. I like so many were against it, but guess what they passed it anyway. This issue will be no different, I'm talking about the assessments you are trying to make me pay. In the first place I never had anything done at all in front of my house, never even got a new road and I've never had any water problems before so why do I have to pay for something that does not benefit me at all.

In the first place I do not have \$500.00 and they just raised my Property Tax so my house payment went from \$476.00 to \$510.00 which \$476.00 was more than I could handle in the first place. I got a divorce 5 years ago and have been trying to make the payments. I live on disability payments & we all know what the damn governor already done to that. Which means I don't get any raise in Oct like I was getting. If I have to put this on my taxes that will again raise my house payment. If this is done I will let them

take the house back which they will not
enjoy because it was refinanced 5 years ago.
So theres not much equity left.
I have no other choice.

Betty J Oien
1160 Lealand Rd
Maplewood,
MN 55109

90-14
(10)

Sept 2, 1992

City of Maplewood -
parcel 90 # 09-29-22-44-0111
County Rd B Storm S

Dear Sir:

My name is Marian Dille & I
have a total income of \$597.00 per mo.
I am unable to pay the \$500.00
for the Storm Sewer installed lower
Junction this summer. Is there
some hardship program for disable
person like me. I haven't even met
my tax for this year. Will await
your answer.

Sincerely

Marian A Dille
1255 E Junction Ave
St Paul MN
55109

484/1652
9-8-92
9-10-92

CITY OF MAPLEWOOD
1830 E. COUNTY ROAD B
MAPLEWOOD, MINNESOTA 55109
DEPARTMENT OF PUBLIC WORKS

STATEMENT OF ASSESSMENT

D/P NO. 6095
PROJECT NO. 90-14 COUNTY RD B STORM SEWER

THIS IS THE ONLY STATEMENT YOU WILL RECEIVE

IT IS IMPORTANT THAT YOU READ AND FULLY UNDERSTAND YOUR RIGHTS AND OBLIGATIONS CONCERNING THIS ASSESSMENT AS STATED ON THE ATTACHED NOTICE OF ASSESSMENT HEARING.

YOUR ASSESSMENT FOR PARCEL IDENTIFICATION NUMBER 09-29-22-44-0111 IS AS FOLLOWS:

*****1.000 STORM SEW RESIDENTIAL UNITS AT **\$500.000 EACH = *****\$500.00
*****0.000 STORM SEW COMMERCIAL SF AT *****\$0.100 EACH = *****\$0.00
*****0.000 STORM SEW SPECIAL SF AT *****\$0.025 EACH = *****\$0.00

YOUR TOTAL ASSESSMENT FOR THIS PARCEL IS --- *****\$500.00

WHEN REQUESTING INFORMATION OR CORRESPONDING ABOUT THIS STATEMENT, PLEASE REFER TO PARCEL IDENTIFICATION NUMBER 09-29-22-44-0111.

NOTE: OBJECTIONS TO THIS ASSESSMENT WILL BE ACCEPTED UNTIL THE CLOSE OF THE ASSESSMENT HEARING. ABSOLUTELY NO OBJECTIONS (ORAL OR IN WRITING) TO ANY PART OF THIS ASSESSMENT STATEMENT WILL BE ACCEPTED BY THE CITY CLERK OR THE MAPLEWOOD CITY COUNCIL AFTER THE CLOSE OF THE ASSESSMENT HEARING, 9-14-92

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

D/P NO. 6095

ASSESSMENT PAYMENT for PROJECT NO. 90-14 COUNTY RD B STORM SEWER
PIN 09-29-22-44-0111 TOTAL ASSESSMENT *****\$500.00

TOTAL PAYMENT ENCLOSED - \$ _____

PARTIAL PAYMENT OF ASSESSMENT AS AUTHORIZED.

Received 9-11-92
City of Maplewood

90-14
⑪

City of Maplewood
1830 East County Road B
Maplewood, Minnesota 55109

Re: D/P No. 6095
Project No. 90-14
County Road B Storm Sewer

Re: Property ID No. 09-29-22-42-0009

Gentlemen:

This is a formal protest to the proposed assessment above referred to, and constitutes an objection to the assessment referred to, on the part of all the undersigned interested parties.

This is a protest and appeal as to the entire proposed assessment. The proposed project is of absolutely no value to the property involved.

This is also intended as an appeal in the event the protest is not allowed and approved, and is an appeal under MSA Sec. 435.193 to 435.195.

This protest and appeal is on behalf of:

- (a) Owners: Peter J. Schmelz and Jane F. Schmelz and Samuel D. Finkelstein as Trustees, and by Countryside Volkswagen, Inc. (Countryside Motors, Inc.), Lessee.

Kindly so note your files.

Very truly yours,

Samuel D. Finkelstein and
Jane F. Schmelz as Trustees

By: *[Signature]*
Samuel D. Finkelstein
Trustee and Owner

Peter J. Schmelz, Owner

By: *[Signature]*
Samuel D. Finkelstein
Attorney for Peter J. Schmelz

Countryside Volkswagen, Inc.
(Countryside Motors, Inc.), Lessee

By: *[Signature]*
Samuel D. Finkelstein
Vice President of Lessee

Dated: September 9, 1992

I-3

AGENDA REPORT

Action by Council:

To: City Manager Michael McGuire
From: Chief of Police Kenneth V. Collins *KVC*
Subject: Request to Fill Full-Time Police Officer Position
Date: September 18, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

Introduction

The 1992 approved budget included the hiring of a full-time Police Officer after August 1, 1992.

It is our plan to fill this position with a current part-time Police Officer who is also a certified Paramedic.

Recommendation

Permission be granted to fill this full-time Police Officer position.

Action Required

Submit to the City Council for their review and approval.

KVC:js

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

Michael Trost

838 LAKE ST. No

ST. PAUL, MN. 55119

REPRESENTATIVE: 800 McNight Rd /
LAKE ST No. BLOCK CLUB

J-1

Maplewood City Council:

We residents of the 800 blocks of McNight Rd and Lake St. No. request that the City Council address the issue of prohibiting parking on the North side of Reaney Ave between Stillwater Rd. and McNight Rd. We would like to be put on the agenda for the August 24, 1992 Council Meeting so that we may present our arguments to eliminate the four parking spaces that are presently allowed.

Very Truly Yours
Michael Trost

Representative: 800 McNight Rd
Lake St Block Club.

cc: City Clerk
Mayor
City Council

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Parking Design Approval and Site Plan Change
LOCATION: 3001 White Bear Avenue
APPLICANT: Corporate Property Investors
PROJECT: Maplewood Mall Addition
DATE: August 21, 1992

Action by Council:
Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

- 1. Corporate Property Investors (CPI) is asking that the City Council approve their plans to restripe the Maplewood Mall parking lot. The parking lot is striped mostly with nine-foot-wide spaces at a 60 degree angle. There is a small amount of 90-degree parking. They want to restripe the lot with nine-foot-wide spaces at a 75-degree angle. The Code requires 10-foot-wide spaces for 45, 60 or 90 degree parking. The Code does not allow any other striping angle. The Code does allow the City Council to approve other designs.

If the City does not approve this striping plan, CPI would need to build a parking deck to provide enough parking for the Penney's addition. Refer to the letter on page 7. CPI can provide 133 spaces over the required amount by changing the striping angle to 75-degrees.

- 2. CPI is also asking that the City Council approve the revised site plan. The revised site plan drops the parking deck proposed with the previous plan. The new site plan does show areas for future parking decks and building.

BACKGROUND

On January 28, 1992, the Community Design Review Board approved plans for the Penney's addition and a parking deck.

Section 36-22(b) of City Code states the City's parking space requirements. These requirements are limited to 90, 60 and 45 degree parking with ten-foot-wide spaces for businesses with high turn-over customers, such as shopping centers. The Code allows the City Council to approve other standards.

DISCUSSION

I do not see any problem with the 75-degree parking. There is a problem with nine-foot-wide stalls. The intent of the Code is to provide ten-foot-wide stalls. The reason for this requirement is to minimize banging car doors, especially with people carrying packages. The Mall, however, has had nine-foot-wide stalls for many years. They would have to build a parking ramp to provide ten-foot-wide stalls. A reasonable

compromise would be to put the Mall on notice that the City may require restriping to ten-foot-wide spaces with future additions. The Mall will have to provide parking ramps for future additions. If the City is still requiring ten-foot-wide stalls, this would be a good time to switch to wider stalls.

RECOMMENDATION

1. Approve the use of nine-foot-wide parking spaces at a 75-degree angle for the Maplewood Mall, because:

- a. The Mall is currently striped with nine-foot-wide stalls.
- b. There is not enough room for additional parking, without building a parking ramp.

Approval is subject to the following condition: The City may require that the Mall restripe their parking to ten-foot-wide stalls when the Mall proposes to build parking ramps.

2. Approve the site plan that the City has stamped August 3, 1992 for the Penney's addition and Mall parking lot. Approval is subject to the applicant doing the following: (I have crossed out the deletions and underlined the additions to the January 28, 1992 conditions of approval.)

- a. Repeat this review after two years if the City has not issued a building permit for this project.
- b. Restore and sod the boulevard along Southlawn Drive if damaged by the construction.
- c. Provide reflectorized stop signs at all exits and a handicap-parking sign for each handicap-parking space.
- d. Submit a grading, drainage, utility and erosion control plan to the City Engineer for approval.
- ~~e. Get Council approval of the sanitary sewer easement vacation before obtaining a building permit.~~
- ~~f. Install security lights under the parking deck for the lower parking lot.~~
- ge. Install an in-ground lawn irrigation system for all new landscaped areas.
- hf. Submit architectural plans for J.C. Penney's.

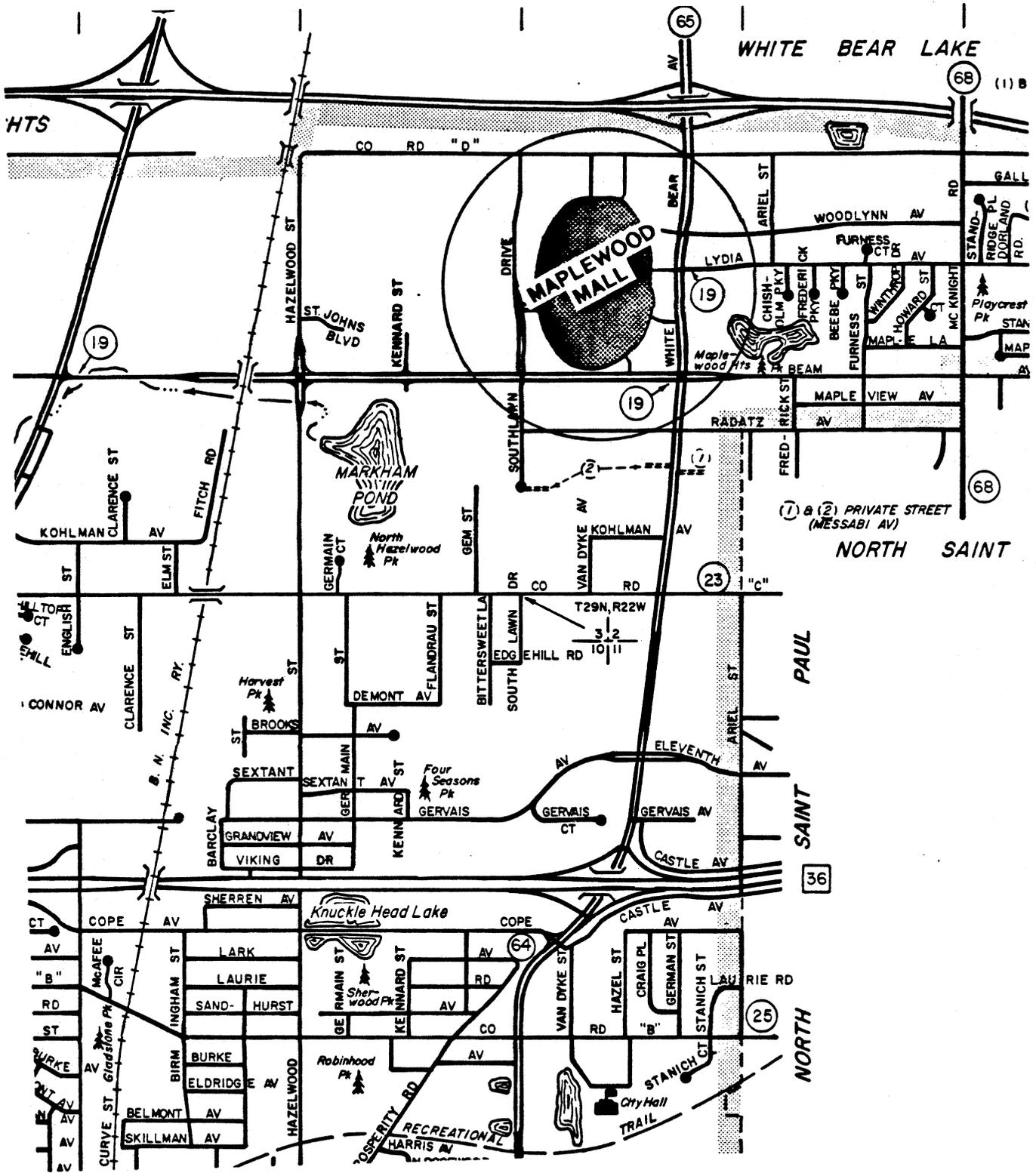
- ig. Meet all requirements of the Fire Marshal for fire lanes.
- ~~j. Provide 60 feet of building separation between Penney's and the parking deck.~~
- kh. Submit cash escrow or an irrevocable letter of credit to the City for any required work not completed by occupancy. The amount of escrow required shall be 150% of the cost of the unfinished work. The City must approve an agreement from Corporate Property Investors granting the City permission to complete any unfinished work.
- i. This action does not include approval of future parking decks or building.

mb\mem\mapmall.cup

go\b-3:mapmall.cup (Section 2, north 1/2)

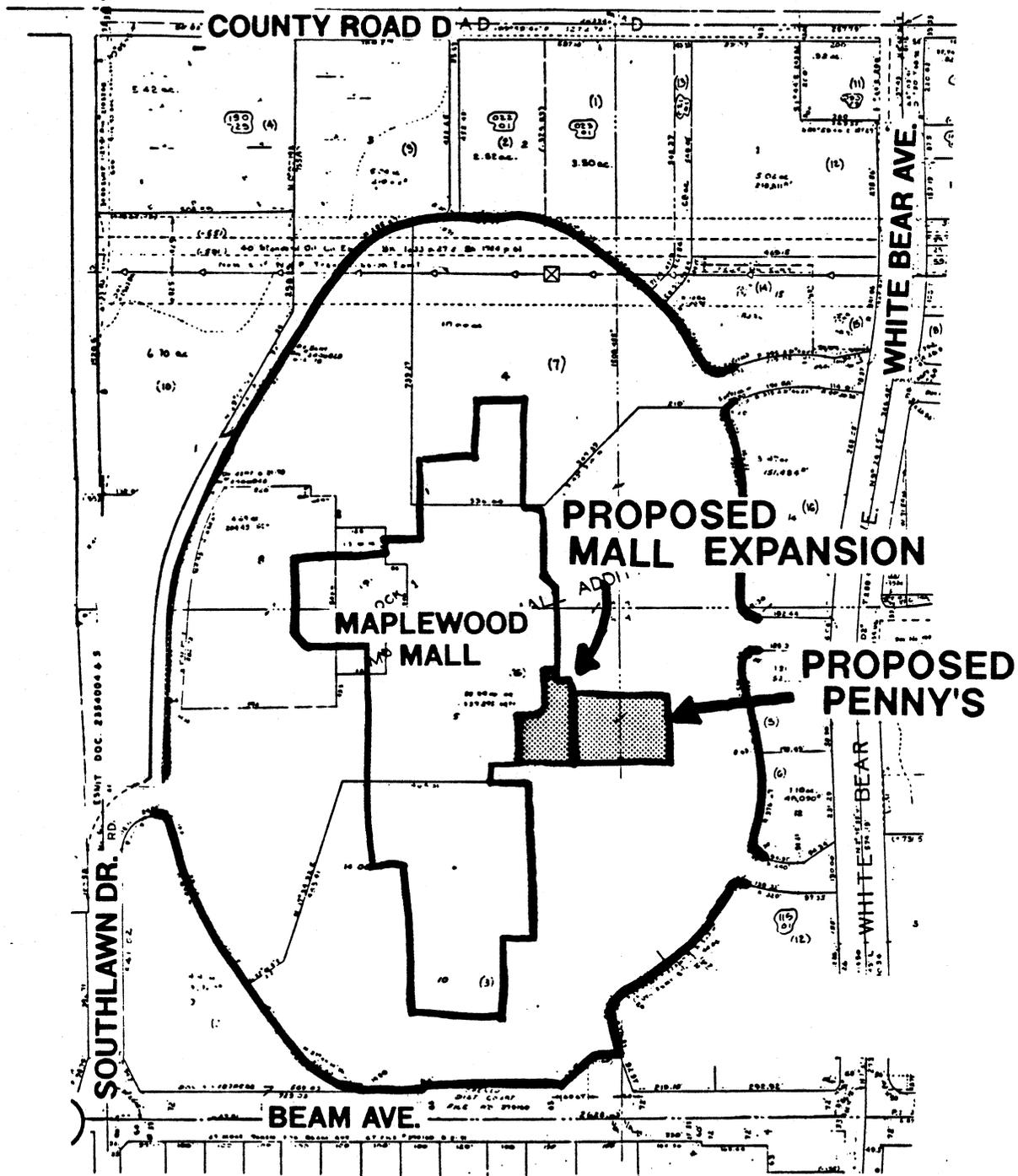
Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Proposed Site Plan
4. Letter of Justification dated August 3, 1992
5. Plans stamped August 3, 1992 (separate attachment)/

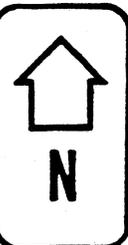


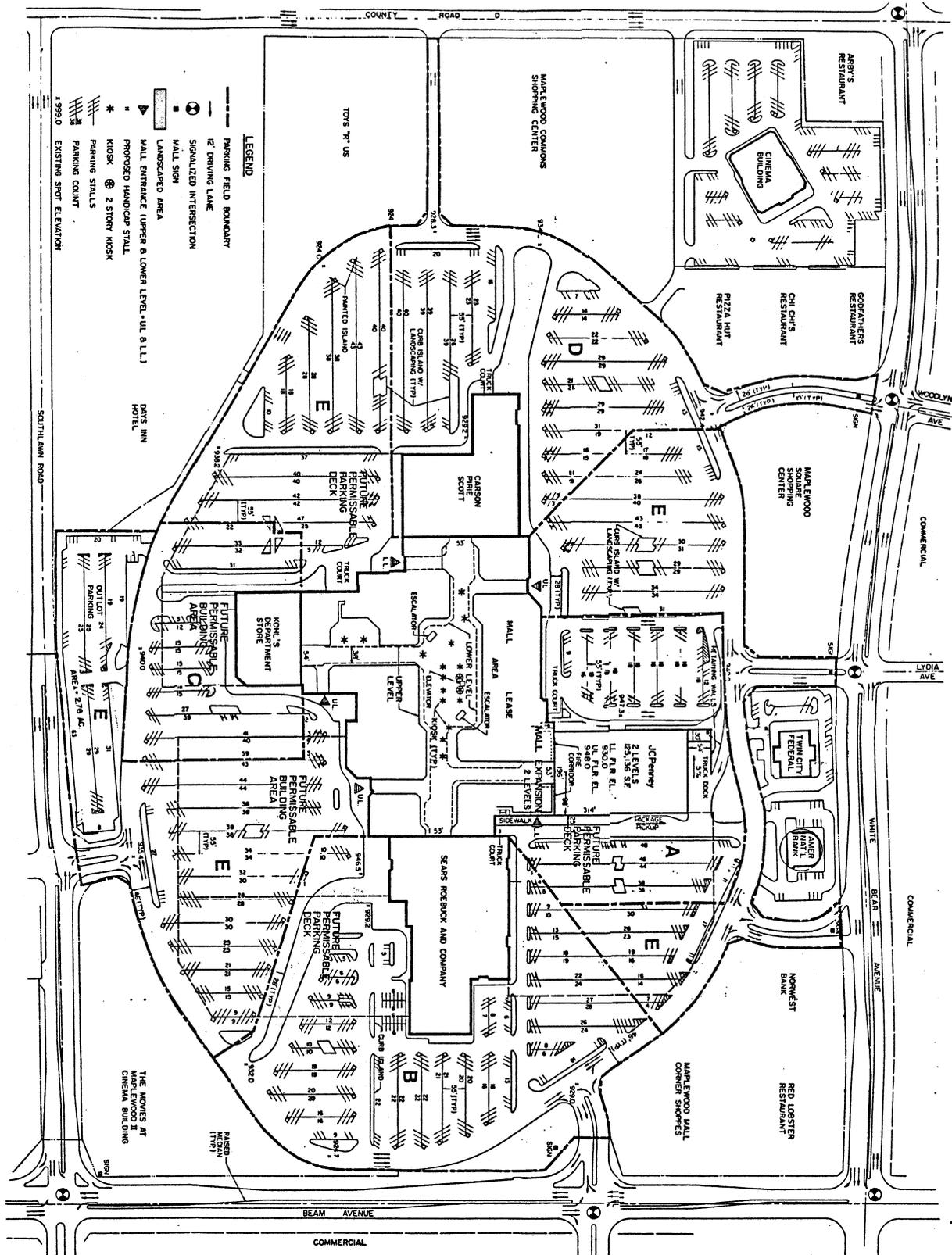
LOCATION MAP





PROPERTY LINE MAP





SITE PLAN
(PROPOSED)

AUG 0 3 1992



AUG 3

RECEIVED JUL 23 1992

Maplewood Mall

Maplewood Mall is a regional shopping center located in Maplewood, Minnesota at the intersection of White Bear Avenue and Beam Avenue. Maplewood is currently anchored by three department stores: Carson Pirie Scott, Kohl's and Sears Roebuck & Co. Plans are underway to add JCPenney as a fourth department store.

The addition of Penney to Maplewood is important for a number of reasons. Firstly, the new store will add to the array of merchandise offered to Maplewood Mall shoppers giving them a greater selection to choose from. Secondly, in an increasingly competitive market, Penney will help to reinforce Maplewood's position in the region. The Mall of America, the newly renovated Rosedale Shopping Center and countless strip center developments that have opened throughout the region are all seeking to draw away Maplewood's shoppers. Finally, the expansion will benefit the City of Maplewood by generating additional employment and adding to its tax base.

As it stands today, Maplewood is 770,000 square feet, substantially smaller than most of the other regional malls in the Twin Cities area. The new Penney store will be 124,000 square feet on two levels. A small, 20,000 square foot addition to the mall will provide a transition from the existing buildings to the Penney store. Following completion of construction, the enlarged mall will be 914,000 square foot.

Maplewood Mall currently has 4,345 parking spaces, slightly in excess of the City zoning requirement. Parking fields surrounding the mall buildings are comprised of one-way aisles with parking stalls 9 feet wide, angled at 60°. The expansion will create the need for 717 spaces in addition to replacing those lost under the new buildings. The existing surplus of parking will make up some of this requirement and an undeveloped area west of the Kohl's store will provide room for 295 new spaces. The balance of the additional parking requirement can be satisfied by slightly modifying the present design. If the stall width is maintained at 9 feet but the angle of parking stalls is changed to 75° the efficiency is improved and there is about a 6% increase in the number of parking spaces. The result is a total of 4,634 parking spaces for the center, a ratio of 5.15 stalls per 1,000 square feet of floor area.

The applicant understands that the proposed design deviates slightly from the City standard. However, the design is closely in conformance with what has worked successfully at Maplewood since it opened. The only alternative way to provide additional parking is the construction of a parking garage. While this has been considered, the cost of a parking structure is prohibitive. The proposed 75°

design was recently implemented and is now successfully being used at Southdale and Rosedale Shopping Center. A similar design has been in operation at Burnsville Center for a number of years. The applicant is confident that it will also work successfully at Maplewood and respectfully requests City Council approval.

Maplewoo.jms

The amended motion was voted on as follows:

Ayes--Moe, ~~Erickson, Holder~~, Robinson, Thompson

b. Site Plan Revision and Conditional Use Permit - Corporate Property Investors, Maplewood Mall

James Selanec was present representing Corporate Property Investors. He explained their request to restripe the lot with nine-foot-wide stalls at a 75-degree angle. Mr. Selanec discussed with the Board the different angular designs considered for parking stalls. Mr. Selanec said any future expansion of the Mall would be seriously affected if the City requires ten-foot-wide stalls for a future expansion instead of the existing nine-foot-wide stalls.

Gary Jackson, General Manager of the Mall, said the manager of the Rosedale shopping mall has not had any complaints on the similar restriping design of that parking lot.

Boardmember Thompson moved the Review Board recommend:

- (1) Approval of the use of nine-foot-wide parking spaces at a 75-degree angle for the Maplewood Mall, because:
 - (a) The Mall is currently striped with nine-foot-wide stalls.
 - (b) There is not enough room for additional parking, without building a parking ramp.

Approval is subject to the following condition: The City may require that the Mall restripe their parking to ten-foot-wide stalls when the Mall proposes to build parking ramps.

- (2) Approval of the site plan that the City has stamped August 3, 1992 for the Penny's addition and Mall parking lot. Approval is subject to the applicant doing the following:
 - (a) Repeat this review after two years if the City has not issued a building permit for this project.
 - (b) Restore and sod the boulevard along Southlawn Drive if damaged by the construction.
 - (c) Provide reflectorized stop signs at all exits and a handicap-parking sign for each handicap-parking space.

- (d) Submit a grading, drainage, utility and erosion control plan to the City Engineer for approval.
- (e) Install an in-ground lawn irrigation system for all new landscaped areas.
- (f) Submit architectural plans for J. C. Penney's.
- (g) Meet all requirements of the Fire Marshal for fire lanes.
- (h) Submit cash escrow or an irrevocable letter of credit to the City for any required work not completed by occupancy. The amount of escrow required shall be 150% of the cost of the unfinished work. The City must approve an agreement from Corporate Property Investors granting the City permission to complete any unfinished work.
- (i) This action does not include approval of future parking decks or building.

Boardmember Erickson seconded

Ayes--Moe, Erickson, Holder, Robinson,
Thompson

~~(c) Clarification of Condition and Building Elevation Review-Fleming Auto Service~~

~~Staff asked the Board for clarification on condition 11 which requires building elevations showing brick accents to be resubmitted for both Board and staff approval. The Board decided that this condition should be subject only to staff approval.~~

~~Boardmember Robinson moved to eliminate the first sentence of Condition 11 of the May 28, 1991 Review Board minutes.~~

~~Boardmember Thompson seconded~~

~~Ayes--Moe, Erickson, Holder,
Robinson, Thompson~~

7. VISITOR PRESENTATIONS

There were no visitor presentations.

8. BOARD PRESENTATIONS

There were no Board presentations.

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Director of Community Development
SUBJECT: Tax-Exempt Financing--HealthEast
DATE: September 18, 1992

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

HealthEast is requesting that the City approve an increase in the amount of tax-exempt bond refinancing for HealthEast. The increase would be from \$111,000,000 to \$150,000,000. The Council approved the \$111,000,000 in July. HealthEast will use the proceeds from these bonds to refinance current debt. HealthEast is requesting that the City approve this financing so the bond interest will be tax-exempt. The St. Paul HRA will issue these bonds for five hospitals, including St. John's Northeast. Maplewood must approve the financing because the bond issue includes St. John's Hospital.

BACKGROUND

The City Council approved tax-exempt financing for St. John's Northeast Hospital in 1982, 1987 and 1991. On July 13, 1992, the Council approved \$111,000,000 in bond refinancing.

DISCUSSION

This request meets the City's requirements for tax-exempt financing. The City is not liable for this financing. The City will receive an administrative fee of \$22,610 at the bond closing.

RECOMMENDATION

Approve the attached resolution and consent agreement.

go\b-3:HealthE2.mem (3)
Attachments: Resolution and Consent Agreement

RESOLUTION NO.-

**RESOLUTION AMENDING PRELIMINARY APPROVAL FOR A
REFINANCING PROJECT AND RATIFYING THE ACTIONS TAKEN BY THE
HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF
SAINT PAUL, MINNESOTA ON BEHALF OF THE CITY OF MAPLEWOOD**

(HealthEast Obligated Group Project)

It is hereby found, determined and declared:

WHEREAS, the City of Maplewood, Minnesota (the "City") and the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") are authorized by Minnesota Statutes, Sections 469.152 through 469.1651, the Municipal Industrial Development Act, (the "Act") to issue health care facility revenue bonds to finance properties, real or personal, whether or not now in existence, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit, engaged in providing health care services and to refund revenue bonds previously issued by the HRA for such purposes; and

WHEREAS, on July 13, 1992 the City Council of the City (the "Council"), acting at the request of HealthEast, a Minnesota nonprofit corporation (both HealthEast or any affiliate thereof shall hereafter be referred as the "Borrower"), passed a resolution entitled Resolution Reciting a Proposal for a Refinancing Project and Giving Approval to the Project pursuant to the Minnesota Municipal Industrial Development Act (the "Preliminary Resolution"); and

WHEREAS, pursuant to the Preliminary Resolution, the Council gave its preliminary approval to the Borrower's proposal that the City and the HRA enter into a consent agreement (the "Consent Agreement") under the Act pursuant to which the HRA would issue health care facility revenue bonds (the "Bonds") to refund certain revenue bonds (the "Prior Bonds") previously issued by the HRA and to (i) finance the acquisition, construction and installation of hospital and related health care facilities, including land, building improvements and equipment and other movable personal property acquired and to be acquired by the Borrower or wholly-owned subsidiary or affiliate of the Borrower and located at or used in connection with existing facilities maintained by the Borrower or a subsidiary or affiliate of the Borrower in the Cities of Maplewood and Saint Paul and (ii) to pay expenses incurred in the issuance of the Bonds; and

WHEREAS, pursuant to the Preliminary Resolution, the Council gave preliminary approval to the Borrower's proposal that the HRA issue the Bonds in the total maximum aggregate principal amount of approximately \$111,000,000; and the Council also gave preliminary approval to the Borrower's proposal that the Borrower enter into a revenue agreement (the "Revenue Agreement") with the HRA pursuant to which the Borrower will be obligated to make payments at the times and in the amounts sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City and the HRA incident to the issuance and sale of the Bonds; and

WHEREAS, the City, the HRA and the Borrower have agreed to increase the total maximum aggregate principal amount of the Bonds from approximately \$111,000,000 to approximately \$150,000,000; and use no more than \$12,000,000 of the proceeds from the sale of the Bonds to finance the acquisition and construction of improvements and equipment for health care facilities located in the Cities, and the remainder of the proceeds of the sale of the Bonds shall be used to refund the Prior Bonds, said combined financing purpose being herein called the "Project"; and

WHEREAS, the undertaking of the Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by providing substantial inducement for the continuation of the Borrower's health care operations in Maplewood and Saint Paul; and

WHEREAS, neither the full faith and credit of the Cities, nor the full faith and credit of the HRA will be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds; and

WHEREAS, the HRA in order to satisfy the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, published a Notice of Hearing, a copy of which with proof of publication is on file in the offices of the City of Saint Paul Department of Planning and Economic Development, of the public hearing on the Borrower's proposal that the HRA, acting pursuant to the Consent Agreement, undertake the Project and the HRA did conduct a public hearing pursuant to said Notice on September 22, 1992 at which public hearing all persons appeared at the hearing were given an opportunity to express their views with respect to the Borrower's proposal which notice, publication and hearing are hereby in all respects ratified; and

WHEREAS, at its meeting on September 22, 1992, the HRA adopted a resolution (the "Bond Resolution") authorizing issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota as follows:

1. Subject to the provisions in paragraph 3 below, the Council hereby approves the Borrower's proposal that the HRA, acting pursuant to the Bond Resolution and the Consent Agreement, issue the Bonds in one or more series pursuant to the Act in the total maximum aggregate principal amount of approximately \$150,000,000 in order to finance the Project, and enter into the Revenue Agreement upon such terms and conditions, with provisions for revision from time to time as necessary, so as to obligate the Borrower to make payments at the times and in the amounts sufficient to produce income and revenues sufficient to pay, when due, the principal of and interest on the Bonds.
2. The Council hereby ratifies the actions taken by the HRA in publishing the Notice of Hearing and conducting the public hearing on the Borrower's Bond Resolution and the Proposal and the issuance of the Bonds pursuant to the Consent Agreement on behalf of both the HRA and the City.
3. In order to satisfy the requirements of Minnesota Law with respect to that portion of the proceeds from the sale of the Bonds which will be used to finance the construction of improvements or equipment for health care facilities located in the City of Maplewood (and not to refund the Prior Bonds), the Council ratifies the actions taken by the Council staff, with the assistance of Briggs and Morgan, Professional Association, Bond Counsel to the City, in publishing a Notice of Hearing for a public hearing on the Project;
4. The Mayor and Clerk of the City of Maplewood are hereby authorized and directed to enter into and execute on behalf of the City an amended Consent Agreement for the Project in substantially the form presented at this meeting.
5. This Resolution shall repeal and supersede the Preliminary Resolution.

Adopted by the City Council of the City of Maplewood, Minnesota this 28th day of September, 1992.

HealthEast

AMENDED CONSENT AGREEMENT
FOR THE ISSUANCE OF REVENUE
BONDS FOR THE BENEFIT OF
HEALTHEAST

THIS AGREEMENT is entered into as of the ____ day of _____, _____, by and between The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, (the "HRA"), a body corporate and politic organized under the laws of the State of Minnesota, and the City of Maplewood, Minnesota (the "City"), a municipal corporation organized under the laws of the State of Minnesota.

1. Statement of Purpose and Powers to be Exercised.

Under the enactment by the Minnesota Legislature of Chapter 469.152-1651 of the Minnesota Statutes, which is cited as the "Municipal Industrial Development Act" (the "Act"), the HRA and the City are each authorized to issue revenue bonds, to make all contracts necessary or convenient in the exercise of the powers granted to it under the Act and to enter into intergovernmental agreements relating to, among other things, the financing of projects under the Act.

In accordance with the Act, HealthEast (the "Borrower"), on behalf of itself and other members of the Obligated Group has proposed that the HRA and the City enter into a consent agreement under the Act pursuant to which the HRA would issue revenue bonds

(the "Revenue Bonds") to (i) finance and refund certain revenue bonds (the "Prior Bonds") previously issued by the HRA to finance, the acquisition and installation of hospital and related health care facilities, including land, buildings, improvements and equipment and other movable personal property acquired or to be acquired by Borrower or a subsidiary or affiliate of Borrower and located at, or used in connection with, existing facilities maintained by Borrower or a subsidiary or affiliate of Borrower in the City of Saint Paul or the City of Maplewood, and (ii) to pay related issuance expenses (collectively the "Project").

The undertaking of the Project and the issuance of the Revenue Bonds for that purpose is authorized by the Act and will further promote the public purposes and legislative objectives of the Act by providing substantial inducement for the continuation and improvement of the health care operations of the Borrower and affiliates thereof in the Cities of South St. Paul, St. Paul and Maplewood.

The powers to be exercised by the HRA under this Agreement are those identical powers conferred upon the City of Maplewood in the Act and in particular the power of the HRA to issue the Revenue Bonds to finance the Refinancing Project.

2. Method by Achieving Purpose; Manner of Exercising Power. The HRA and the City Council of the City of Maplewood have each adopted a resolution approving the proposal and authorizing the issuance of the Revenue Bonds by the HRA pursuant to this Agreement, in an amount not to exceed approximately

\$150,000,000 to finance the Project. The HRA shall exercise the powers of the Act by adopting, approving and executing such resolutions, documents, and agreements (including the Interlocal Agreement) as shall be necessary or convenient to issue and sell the Revenue Bonds and such other resolutions, documents and agreements as shall be necessary or required in connection with the loan of the proceeds of the Revenue Bonds and the giving effect to or carrying out the provisions of the agreements and other documents under which the Revenue Bonds are issued and/or secured. Said Revenue Bonds shall not be deemed issued on behalf of the City of Maplewood, and accordingly the HRA shall be solely responsible for the issuance of the Revenue Bonds as herein provided and may take such action as it deems appropriate for such purpose without further action being taken by the City of Maplewood.

3. Source and Contribution of Funds; Allocation of Funds. The source of funds to finance the Refinancing Project shall be the proceeds of the Revenue Bonds, and, if necessary, a contribution to be made by the Borrower. These funds shall be allocated towards the refunding of revenue bonds previously issued by the HRA to finance hospital and related healthcare facilities located in the Cities in a manner consistent with the Notice of Hearing attached hereto as Exhibit A.

4. Nature of Revenue Bonds. The Revenue Bonds shall be special, limited obligations of the HRA payable solely from proceeds, revenues and other amounts pledged thereto and more

fully described in the agreement or agreements under which the Revenue Bonds are issued (the "Bond Documents"). The Revenue Bonds and the interest thereon shall neither constitute nor give rise to a pecuniary liability, general or moral obligation or a pledge of the full faith or loan of credit of the HRA, the City of Saint Paul or the City of Maplewood, within the meaning of any Constitutional or statutory provisions.

5. Term of Agreement; Termination. Unless otherwise provided by concurrent action of the HRA and the City of Maplewood, this Agreement shall terminate upon the retirement or defeasance of the last outstanding Revenue Bond, and this Agreement may not be terminated in advance of such retirement or defeasance.

6. Amendments. This Agreement may be amended by the HRA and the City of Maplewood at any time. No amendment may impair the rights of the holders of the Revenue Bonds, unless such amendment is made in the manner provided for such amendment in the Bond Documents.

7. New Money Projects in Maplewood. Bond proceeds may not be used to finance improvements to or equipment for health care facilities in the City of Maplewood (other than to refund Prior Bonds issued for such purpose) until the requirements of the Act with respect to such new money projects have been fully satisfied.

IN WITNESS WHEREOF, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, has caused this

Agreement to be executed on its behalf by its Chairman (or Vice-Chairman), Secretary, Executive Director and Director of Finance and Management Services; and the City of Maplewood, Minnesota, has caused this Agreement to be executed on its behalf by its Mayor and duly attested by its City Clerk; all as of the day and year first above written.

THE HOUSING AND REDEVELOPMENT
AUTHORITY OF THE CITY OF
SAINT PAUL, MINNESOTA

By _____
Its Chair

By _____
Its Secretary

By _____
Its Director of Finance and
Management Services

Approved as to Form:

Assistant City Attorney

Amended Consent Agreement for the issuance of Revenue Bonds for HealthEast by and between The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota and the City of Maplewood, Minnesota.

CITY OF MAPLEWOOD,
MINNESOTA

(SEAL)

By _____
Its Mayor

Attested:

By _____
Its City Clerk

Amended Consent Agreement for the issuance of Revenue Bonds for HealthEast by and between The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota and the City of Maplewood, Minnesota.

J-4A

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101
(612) 224-3781

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

FAX (612) 223-8019

JOHN F. BANNIGAN, JR.
PATRICK J. KELLY
JAMES J. HANTON
JANET M. WILEBSKI
JOHN W. QUARNSTROM

September 21, 1992

Mr. Marc J. Manderscheid
Attorney at Law
2800 World Trade Center
30 East 7th Street
St. Paul, MN 55101

Re: *Thomas D. and Susan D. Hope vs. City of Maplewood*

Dear Mr. Manderscheid:

Please find herein the proposed Stipulation of Settlement and Resolution.

If you have any questions, please do not hesitate to call.

Sincerely yours,

BANNIGAN & KELLY, P.A.

Patrick J. Kelly

PJK:ks
Enclosures

Case Type: Assessment Appeal

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Thomas D. Hope and Susan D. Hope,

Court File No. C1-91-013945

Plaintiffs,

vs.

STIPULATION OF SETTLEMENT

City of Maplewood,

Defendant.

IN RE: APPEAL FROM LEVY OF SPECIAL ASSESSMENTS FOR
LOCAL PUBLIC IMPROVEMENTS PURSUANT TO MINN. STAT. CH. 429

THIS AGREEMENT, entered into this ____ day of _____, by and between THOMAS D. HOPE and SUSAN D. HOPE, (hereinafter "Hope") and the CITY OF MAPLEWOOD, a municipal corporation (hereinafter "City")

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has passed upon all objections to the proposed assessment for the construction of Maplewood Drainage Improvement Project, also known as Project 87-32.

WHEREAS, pursuant to Minnesota Statute §429 *et al*, Hope has filed a Notice of Appeal to the \$15,855.80 parcel assessment.

WHEREAS, the Notice of Appeal for assessments was set for trial in Ramsey County District Court on Friday, September 11, 1992, as Case No. C1-90-013945.

WHEREAS, the City and Hope entered into settlement negotiations in order to avoid continued litigation and costs.

WHEREAS, the City and Hope have agreed to a reassessment in the amount of \$8,750.00 per parcel to be levied for storm sewer upon the whole property described in the

Notice of Assessment Appeals.

WHEREAS, the parties have reached an agreement concerning the reassessment of the parcel. Hope agrees to waive the Notice of Hearing pursuant to Minn. Stat. §429.071, Subd. 2.

NOW, THEREFORE, it is agreed upon that:

1) The City's reassessment for storm sewer on the property identified as PIN 10-29-22-32-0014, also known as 1357 Cope Avenue shall be as follows:

Assessment on Parcel 10-29-22-32-0014 in the amount of \$8,750.00.

2) That Hope hereby waives a Notice of Hearing for reassessment on the above-captioned parcel pursuant to Minn. Stat. §429.071, Subd. 2.

3) That Hope shall file with the Court a Notice of Dismissal with Prejudice and without Costs concerning Case No. C1-91-013945.

4) The City, by resolution, shall reassess the above-referenced parcel to \$8,750.00.

5) Said reassessment shall be paid according to the original assessment notice and the City shall certify the reassessment to the County of Ramsey, State of Minnesota.

6) That the City hereby releases any interest in the small pond located on the Hope parcel.

THIS AGREEMENT consists of the agreement of the parties.

CITY OF MAPLEWOOD

Dated: _____

Patrick J. Kelly
City Attorney

THOMAS D. and SUSAN D. HOPE

Dated: _____

Marc Manderscheid, its Attorney

RESOLUTION NO. _____
Project No. 87-32

WHEREAS, pursuant to proper notice duly given as required by law, the City Council met and heard and passed upon all objections to the proposed assessment for construction of storm water drainage, also known as Project No. 87-32, passed on October 14, 1991.

WHEREAS, the assessment appeal was duly scheduled in Ramsey County District Court on September 11, 1992, at 9:00 a.m.

WHEREAS, the City of Maplewood, a municipal corporation and Thomas D. and Susan D. Hope entered into a Stipulation of Settlement in order to avoid continued litigation and additional costs for a final determination of benefit.

WHEREAS, Thomas D. and Susan D. Hope have agreed to a reassessment of its parcel, known as Parcel No. 10-29-22-32-0014, also known as 1357 Cope Avenue, Maplewood, Minnesota of \$8,750.00.

WHEREAS, Thomas D. Hope and Susan D. Hope have waived, through Stipulation, the requirements for notice and hearing pursuant to Minn. Stat. §429.701, Subd. 2.

NOW, THEREFORE, be it resolved by the City Council of Maplewood, Minnesota, as follows:

1) The following parcel, located in the City of Maplewood, be reduced by \$7,105.80 from \$15,855.80. and that the reassessment for the following parcel located in the City of Maplewood, County of Ramsey be \$8,750.00, to-wit:

Property Identification No. 10-29-22-32-0014, also known as 1357 Cope Avenue,
Maplewood, Minnesota,

reassessment \$8,750.00.

CITY OF MAPLEWOOD

Dated: _____

By _____
Gary Bastian
Its Mayor

Dated: _____

By _____
Lucille Aurelius
Its City Clerk

J-4B

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101
(612) 224-3781

JOHN F. BANNIGAN, JR.
PATRICK J. KELLY
JAMES J. HANTON
JANET M. WILEBSKI
JOHN W. QUARNSTROM

FAX (612) 223-8019

September 21, 1992

Mr. Andre J. Zdrazil
Attorney at Law
1208 McLean Avenue
St. Paul, MN 55106

Re: *Gethsemane Lutheran Church vs. City of Maplewood*

Dear Mr. Zdrazil:

Please find herein the proposed Stipulation of Settlement and Resolution.

If you have any questions, please do not hesitate to call.

Sincerely yours,

BANNIGAN & KELLY, P.A.

Patrick J. Kelly

PJK:ks
Enclosures

Case Type: Assessment Appeal

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Gethsemane Lutheran Church,

Court File No. C9-91-013613

Plaintiffs,

vs.

STIPULATION OF SETTLEMENT

City of Maplewood,

Defendant.

IN RE: APPEAL FROM LEVY OF SPECIAL ASSESSMENTS FOR
LOCAL PUBLIC IMPROVEMENTS PURSUANT TO MINN. STAT. CH. 429

THIS AGREEMENT, entered into this ____ day of _____, by and
between GETHSEMANE LUTHERAN CHURCH, (hereinafter "Gethsemane") and the CITY
OF MAPLEWOOD, a municipal corporation (hereinafter "City")

WHEREAS, pursuant to proper notice duly given as required by law, the City Council
has passed upon all objections to the proposed assessment for the construction of McKnight
Road Phase III: Beaver Lake to Conway Avenue Improvement Project, also known as Project
87-05.

WHEREAS, pursuant to Minnesota Statute §429 *et al*, Gethsemane has filed a Notice
of Appeal to the \$22,792.11 parcel assessment.

WHEREAS, the Notice of Appeal for assessments was set for trial in Ramsey County
District Court on October 29, 1992, as Case No. C9-91-013613.

WHEREAS, the City and Gethsemane entered into settlement negotiations in order
to avoid continued litigation and costs.

WHEREAS, the City and Gethsemane have agreed to a reassessment in the amount

of \$18,502.33 per parcel to be levied for street, sidewalk, storm sewer and water service upon the whole property described in the Notice of Assessment Appeals.

WHEREAS, the parties have reached an agreement concerning the reassessment of the parcel. Gethsemane agrees to waive the Notice of Hearing pursuant to Minn. Stat. §429.071, Subd. 2.

NOW, THEREFORE, it is agreed upon that:

1) The City's reassessment for street, sidewalk, storm sewer and water service on the property identified as PIN 25-29-22-31-0029, also known as 2410 Stillwater Road shall be as follows:

Assessment on Parcel 25-29-22-31-0029 in the amount of \$18,502.33.

2) That Gethsemane hereby waives a Notice of Hearing for reassessment on the above-captioned parcel pursuant to Minn. Stat. §429.071, Subd. 2.

3) That Gethsemane shall file with the Court a Notice of Dismissal with Prejudice and without Costs concerning Case No. C9-91-013613.

4) The City, by resolution, shall reassess the above-referenced parcel to \$18,502.33.

5) Said reassessment shall be paid according to the original assessment notice and the City shall certify the reassessment to the County of Ramsey, State of Minnesota.

THIS AGREEMENT consists of the agreement of the parties.

CITY OF MAPLEWOOD

Dated: _____

Patrick J. Kelly
City Attorney

GETHSEMANE LUTHERAN CHURCH

Dated: _____

Andre J. Zdrazil, its Attorney

RESOLUTION NO. _____
Project No. 87-05

WHEREAS, pursuant to proper notice duly given as required by law, the City Council met and heard and passed upon all objections to the proposed assessment for construction of street, sidewalk, storm sewer and water service, also known as Project No. 87-05, passed on October 14, 1991.

WHEREAS, the assessment appeal was duly scheduled in Ramsey County District Court on October 29, 1992, at 9:00 a.m.

WHEREAS, the City of Maplewood, a municipal corporation and Gethsemane entered into a Stipulation of Settlement in order to avoid continued litigation and additional costs for a final determination of benefit.

WHEREAS, Gethsemane has agreed to a reassessment of its parcel, known as Parcel No. 25-29-22-31-0029, also known as 2410 Stillwater Road, Maplewood, Minnesota of \$18,502.33.

WHEREAS, Gethsemane has waived, through Stipulation, the requirements for notice and hearing pursuant to Minn. Stat. §429.701, Subd. 2.

NOW, THEREFORE, be it resolved by the City Council of Maplewood, Minnesota, as follows:

1) The following parcel, located in the City of Maplewood, be reduced by \$4,289.78 from \$22,792.11. and that the reassessment for the following parcel located in the City of Maplewood, County of Ramsey be \$18,502.33, to-wit:

Property Identification No. 25-29-22-31-0029, also known as 2410 Stillwater Road
Maplewood, Minnesota,

Reassessment is \$18,502.33.

CITY OF MAPLEWOOD

Dated: _____

By _____
Gary Bastian
Its Mayor

Dated: _____

By _____
Lucille Aurelius
Its City Clerk

J-4C

Case Type: Assessment Appeal

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Donald and Toni John,

Court File No. C3-91-012439

Plaintiffs,

vs.

STIPULATION OF SETTLEMENT

City of Maplewood,

Defendant.

IN RE: APPEAL FROM LEVY OF SPECIAL ASSESSMENTS FOR
LOCAL PUBLIC IMPROVEMENTS PURSUANT TO MINN. STAT. CH. 429

THIS AGREEMENT, entered into this ____ day of _____, by and
between DONALD AND TONI JOHN, (hereinafter "John") and the CITY OF
MAPLEWOOD, a municipal corporation (hereinafter "City")

WHEREAS, pursuant to proper notice duly given as required by law, the City Council
has passed upon all objections to the proposed assessment for the construction of McKnight
Road Phase III: Beaver Lake to Conway Avenue Improvement Project, also known as Project
87-05.

WHEREAS, pursuant to Minnesota Statute §429 *et al*, John has filed a Notice of
Appeal with respect to PIN 25-29-22-33-0070 to the \$18,401.22 assessment and PIN 25-29-22-
33-0071 to the \$5,067.41 assessment.

WHEREAS, the Notice of Appeal for assessments was set for trial in Ramsey County
District Court as Case No. C3-91-012439.

WHEREAS, the City and John entered into settlement negotiations in order to avoid
continued litigation and costs.

WHEREAS, the City and John have agreed to a reassessment of parcel, PIN 25-29-22-33-0070 in the amount of \$12,465.12 and parcel PIN 25-29-22-33-0071 shall remain the same, \$5,067.41 to be levied for street, sidewalk, storm sewer and water service upon the whole property described in the Notice of Assessment Appeals.

WHEREAS, the parties have reached an agreement concerning the reassessment of both parcels. John agrees to waive the Notice of Hearing pursuant to Minn. Stat. §429.071, Subd. 2.

NOW, THEREFORE, it is agreed upon that:

1) The City's reassessment for street, sidewalk, storm sewer and water service on the property identified as PIN 25-29-22-33-0070 and PIN 25-29-22-33-0071, also known as 2329 and 2335 Stillwater Road shall be as follows:

Assessment on Parcel 25-29-22-33-0070 in the amount of \$12,465.12, which represents a vacation of the watermain assessed in the amount of \$5,936.10

Assessment on Parcel 25-29-22-33-0071 shall remain the same, \$5,067.41.

2) That John hereby waives a Notice of Hearing for reassessment on the above-captioned parcels pursuant to Minn. Stat. §429.071, Subd. 2.

3) That John shall file with the Court a Notice of Dismissal with Prejudice and without Costs concerning Case No. C3-91-012439.

4) The City, by resolution, shall reassess PIN 25-29-22-33-0070 at \$12,465.12 and PIN 25-29-22-33-0071 at \$5,067.41.

5) Said reassessment shall be paid according to the original assessment notice and the City shall certify the reassessment to the County of Ramsey, State of Minnesota.

THIS AGREEMENT consists of the agreement of the parties.

CITY OF MAPLEWOOD

Dated: _____

Patrick J. Kelly
City Attorney

DONALD AND TONI JOHN

Dated: _____

Mark Essling, its attorney

RESOLUTION NO. _____
Project No. 87-05

WHEREAS, pursuant to proper notice duly given as required by law, the City Council met and heard and passed upon all objections to the proposed assessment for construction of street, sidewalk, storm sewer and water service, also known as Project No. 87-05, passed on October 14, 1991.

WHEREAS, the assessment appeal was duly scheduled in Ramsey County District Court on October 29, 1992, at 9:00 a.m.

WHEREAS, the City of Maplewood, a municipal corporation and John entered into a Stipulation of Settlement in order to avoid continued litigation and additional costs for a final determination of benefit.

WHEREAS, John has agreed to a reassessment of its parcel, known as Parcel No. 25-29-22-31-0029, also known as 2410 Stillwater Road, Maplewood, Minnesota of \$18,502.33.

WHEREAS, John has waived, through Stipulation, the requirements for notice and hearing pursuant to Minn. Stat. §429.701, Subd. 2.

NOW, THEREFORE, be it resolved by the City Council of Maplewood, Minnesota, as follows:

1) The following parcel, located in the City of Maplewood, be vacated by \$5,936.10 from \$18,401.22 for PIN 25-29-22-33-0071 and that the reassessment for the following parcel located in the City of Maplewood, County of Ramsey be \$12,465.12, to-wit:

Property Identification No. 25-29-22-33-0070, also known as 2329 Stillwater Road, Maplewood, Minnesota,

Reassessment is \$12,465.12

2) The following Parcel, located in the City of Maplewood, shall remain the same, \$5,067.41, to-wit:

Property Identification No. 25-22-29-33-0071, also known at 2335 Stillwater Road, Maplewood, Minnesota.

Reassessment is \$5,067.41.

CITY OF MAPLEWOOD

Dated: _____

By _____
Gary Bastian, Its Mayor

Dated: _____

By _____
Lucille Aurelius, Its City Clerk