

**AMENDED AGENDA**

**MAPLEWOOD CITY COUNCIL**

7:00 P.M., Monday, January 22, 1990  
and

4:30 P.M., Thursday, January 25, 1990  
Hazelwood Fire Station, 1530 E. County Road C  
Meeting No. 90-2

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF MINUTES**

1. Minutes of Meeting No. 89-28 (December 11, 1989)
2. Minutes of Meeting No. 90-1 (January 8, 1990)

**D. APPROVAL OF AGENDA**

**E. CONSENT AGENDA**

1. Approval of Claims
2. Budget Change for 1989 Bond Issues
3. Replacement of Accountant
4. 1989 Budget Changes - Internal Rental Charges
5. Reimbursement Agreement - Mn. DOT
6. Termination of Conditional Use Permit and Approval of Home Occupation License (2580 Clarence Street)
7. Conditional Use Permit Renewal: 1779 McMenemy Street (Mn. DOT)
8. Final Plat: Cave's Woods and Ponds
9. Conditional Use Permit Renewal: Salvation Army Church

**F. PUBLIC HEARINGS**

1. 7:00 P.M., Ciatti's On-Sale Liquor License\_\_\_\_\_
2. 7:10 P.M., Street Vacation: Radatz Avenue\_\_\_\_\_
3. 7:20 P.M., McMenemy Street, South of Mn. DOT
  - a. Plan Amendment (4 Votes)\_\_\_\_\_
  - b. Rezoning\_\_\_\_\_

4. 7:30 P.M., Building Relocations: Larpenteur Avenue and McKnight Road \_\_\_\_\_

G. AWARD OF BIDS

H. UNFINISHED BUSINESS

I. NEW BUSINESS

1-A. Composting Concepts \_\_\_\_\_

1. T.H. 61 Watermain, Project 87-44, Final Acceptance, Change orders 1, 2 and 3 \_\_\_\_\_

2. "Opticom" County Road B at T.H. 61 \_\_\_\_\_

3. Frattalone Addition Plat Correction \_\_\_\_\_

4. Discuss Upcoming Meetings \_\_\_\_\_

5. City Hall Update \_\_\_\_\_

J. VISITOR PRESENTATIONS

K. COUNCIL PRESENTATIONS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
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7. \_\_\_\_\_
8. \_\_\_\_\_
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10. \_\_\_\_\_

L. ADMINISTRATIVE PRESENTATIONS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

M. ADJOURNMENT OF JANUARY 22, 1990 MEETING

MINUTES OF MAPLEWOOD CITY COUNCIL  
7:00 P.M., Monday, December 11, 1989  
and  
4:30 P.M., Thursday, December 14, 1989  
Council Chambers, Municipal Building  
Meeting No. 89-28

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A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building, and was called to order at 7:02 P.M., by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
George F. Rossbach, Councilmember	Present

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 89-26 (November 20, 1989)

Councilmember Anderson moved to approve the Minutes of Meeting No. 89-26 (November 20, 1989) as submitted.

Seconded by Councilmember Bastian.           Ayes - all.

2. Minutes of Meeting No. 89-25 (November 27, 1989)

Councilmember Rossbach moved to approve the Minutes of Meeting No. 89-27 (November 27, 1989) as submitted.

Seconded by Mayor Greavu.                   Ayes - all.

D. APPROVAL OF AGENDA

1. Home Occupation License
2. Motor Fuel Sales
3. Councilmember Bastian reason for abstaining in the discussion for Item I-5.
4. Council/Staff Tour of Cities
5. Tree Ordinance - City Hall
6. Ethics Ordinance
7. Commissioners' Party
8. Discuss Item I-5 as Item F-6
9. Yard Waste Site
10. Senior Committee
11. Burger King/Rapid Oil
12. Cancel Item F-2

13. Attorney-Client Closed Session

Seconded by Councilmember Bastian.

Ayes - all.

E. CONSENT AGENDA

Council removed Items E-2 and 3 to become Items I-6 and 7.

Mayor Greavu moved, seconded by Councilmember Anderson, Ayes - all, to approve the Consent Agenda, Items E-1 and 4 through 16 as recommended:

1. Approval of Claims

Approved the following claims:

ACCOUNTS PAYABLE;

\$ 402,312.84

Checks #5073 - #5126  
Dated 11-16-89 thru 11-30-89

\$ 152,960.73

Checks #2780 - #2896  
Dated 12-11-89

\$ 555,273.57

Total per attached voucher/check register

PAYROLL;

\$ 178,649.50

Payroll Checks

\$ 34,606.79

Payroll Deductions

\$ 213,256.29

Total Payroll

\$ 768,529.86

GRAND TOTAL

2. Write-off of Uncollectible Ambulance Bills for 1987.

Discussed as Item I-6.

3. Ambulance Rates - 1990.

Discussed as item I-7.

4. Budget Adjustment - Boxwood Avenue, Project 87-19

Approved a budget adjustment of \$200 be established so that the consulting engineer can be paid.

5. Budget Adjustment - Mississippi River Bluff, Project 88-24

Authorized the closing of Project 88-24 by a transfer of \$2166.20 from the general fund to eliminate the deficit in Project 88-24.

6. Time Extension: Knollwood Circle Addition

Approved a time extension for the preliminary plat for Knollwood Circle Addition for one year, subject to the original conditions of approval.

7. Final Plat: Sheryl's Addition

Approved the Sheryl's Addition final plat to create seven single dwelling lots on Cope between Ariel and German subject to the original conditions.

8. Conditional Use Permit Renewal: 1768 McMenemy Street (Hmong Church).

Approved the renewal of the conditional use permit for a church at 1768 McMenemy Street for five years, subject to the original conditions of approval.

9. Conditional Use permit Renewal: Lower Afton and McKnight Roads (S.B. Multi Family Fund II Limited Partnership.

Approved a one-year time extension of the conditional use permit for the PUD at Lower Afton and McKnight Roads subject to the original conditions of approval.

10. Home Occupation License Renewal: 1236 Farrell Street (Richardson)

Approved to renew the home occupation license for Kim Richardson to make and sell wedding accessories and heirloom clothes for children from her home at 1236 Farrell Street. Approval is subject to the following conditions:

1. Compliance with the Section 17.21 (b) of the City Code (home occupation licensing requirements) and Section 17.23, requiring annual licensing renewal for home occupations.
2. No customers shall be permitted in the lower level of her home due to the lack of a direct outside exit.
3. The placement of a 4#, ABC type fire extinguisher in the basement of the home.

11. 1990 Share-A-Home Program Participation

Resolution No. 89 - 12 -

WHEREAS, the Older Adult Home Share Steering Commission (hereinafter referred to as "the Commission") was formed in October,

1985 to study the need for a long-term home share program to serve older adults in suburban St. Paul communities;

WHEREAS, the following communities are members of the Commission: Hugo, Maplewood, North St. Paul, Oakdale, Roseville, Vadnais Heights and White Bear Township;

WHEREAS, on April 28, 1988, the Commission found: (1) that home sharing is a cost-effective housing alternative for older adults, and (2) that continuation of Lutheran Social Service's Suburban Share-A-Home program beyond the pilot phase would be in the public interest;

WHEREAS, on May 26, 1988, the Home-Share Steering Commission accepted a joint powers agreement to govern the program beginning January 1, 1989, and recommended its approval by each of the named communities for each successive year following 1989;

WHEREAS, the proposed maximum fair-share contribution for the City of Maplewood would be \$1,002 assuming each of the named parties enters into the joint powers agreement;

WHEREAS, supplemental matching funds will be sought in an attempt to reduce each party's proposed fair-share allocation;

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Maplewood hereby approves the suburban St. Paul Home Share Program joint powers agreement dated May 26, 1988, and has authorized its mayor to sign the document.
  2. The City hereby authorizes a fair-share contribution not to exceed 110% of \$1,002, to be submitted in January, 1990, to Lutheran Social Service in accordance with the provisions of the joint powers agreement to fund the suburban St. Paul LSS Share-A-Home Program from January 1 to December 31, 1990. It is understood that the actual fair-share contribution cannot be determined until each perspective community has indicated whether they will participate and other financial support of the Program is considered.
  3. The City Clerk/Administrator is hereby directed to submit this resolution to the Home-Share Steering Commission, c/o Tim Hammond, Lutheran Social Service, 1299 Arcade Street, St. Paul, Mn. 55106, on or before December 15, 1989.
12. Resolutions: Adjusting Assessments For District No. 8 Water Tower

Resolution No. 89 - 12

WHEREAS, the City of Maplewood, Minnesota, adopted on September 28, 1989, the assessment roll for District No. 8 Water Tower, Project 86-15; and

WHEREAS, the resident stopped payment for assessment and has to be recertified to Ramsey County; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of Maplewood, Minnesota, recertify the following parcel on the assessment roll:

12-28-22-23-0199

\$100.00

Resolution No. 89 - 12

WHEREAS, the City of Maplewood, Minnesota, adopted on September 28, 1989, the assessment roll for District No. 8 Water Tower, Project 86-15;

WHEREAS, three (3) parcels of land were not included in the printout by Ramsey County;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of Maplewood, Minnesota, include in the assessment roll:

13-28-22-11-0001

\$250.00

13-28-22-31-0003

\$250.00

13-28-22-33-0083

\$250.00

Resolution No. 89 - 12

WHEREAS, pursuant to Resolution 89-2-120 of the City Council of Maplewood, Minnesota, adopted September 28, 1989, the assessments for construction of the District No. 8 Water Tower, were levied against property described as 13-28-22-32-0005; and

WHEREAS, the assessment for the above described property have been reduced from 22 units - \$5500.00 to 12 units - \$3000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for District No. 8 Water Tower, Project 86-15, D/P 5762 against 13-28-22-22-0005 hereby be reduced from \$5500.00 to \$3000.00 (amount of \$2500.00 to be cancelled).

Resolution No. 89 - 12

WHEREAS, pursuant to Resolution 87-5-79 of the City Council of Maplewood, Minnesota, adopted May 11, 1987, the assessments for construction of District No. 6 Water Tower Project 86-03 were levied against the property described as 25-29-22-33-0042; and

WHEREAS, the assessments for the described property have been reduced from 18 units - \$4275.00 to 2 units - \$475.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for District No. 6 Water Tower Project 86-03 in the amount against 25-29-22-33-0042 be, and the same hereby are reduced from \$4275.00 to \$475.00 (\$3800.00 to be cancelled).

13. Ordinance to Increase Sewer Rates (2nd Reading)

ORDINANCE NO.

ORDINANCE AMENDING THE MAPLEWOOD CODE  
RELATING TO  
SEWER SERVICE CHARGES

THE COUNCIL OF THE CITY OF MAPLEWOOD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 28-21 is hereby amended to read as follows:

The following rates and charges are hereby established for all sanitary sewer services furnished by and in the City:

(1) The quarterly residential rates shall be:

Single-Family Dwelling	\$31.20
Townhouse	31.20
Duplex	62.40
Condominium	31.20
Mobile Home	31.20
Apartment	24.90

(2) Non-residential rates shall be \$1.55 per 1,000 Gallons.

Non-residential sewer service charges shall be a minimum of \$6.55 quarterly per sewer service connection.

(3) The rate for properties used jointly for residential and commercial purposes that are not metered separately shall be billed at non-residential rates.

(4) In respect to property which shall be connected with the City sewer system for the discharge and disposal of other residential, commercial or industrial sewage waste, or any waste unusual in either character or amount, then in addition to all applicable charges

hereunder, the City Council reserves the right to impose such supplemental sewage rate charges as said City Council shall determine as reasonable and warranted on the basis of all relevant factors.

Section 2. This ordinance shall take effect and be in force beginning January 1, 1990.

14. Ordinance to Increase Hydrant Charge Rates (2nd Reading)

ORDINANCE NO.

AN ORDINANCE AMENDING THE MAPLEWOOD CODE  
RELATING TO HYDRANT CHARGE RATES

BE IT ORDAINED BY COUNCIL OF THE CITY OF MAPLEWOOD AS FOLLOWS;

Section 1. That Section 35-52 of the Maplewood Code is hereby adopted to read as follows:

There shall be levied a hydrant charge against all properties benefitting from fire protection created by the availability of water. Such charge shall be imposed only within the St. Paul Water District service area where water mains are located. The hydrant charge shall be levied whether or not the property is connected to water mains. The rates shall be as follows:

(1) The quarterly residential rates shall be:

Single Family Dwelling	\$3.60
Townhouse	3.60
Duplex	7.20
Apartment	2.85
Condominium	3.60
Mobile Home	3.60

(2) Non-residential rates shall be as follows:

Class A - over 300 MGY - \$.09 per 1,000 gallons  
Class B - 0-299 MGY - \$.13 per 1,000 gallons  
Minimum rate - \$3.60 per quarter

(3) The rate for properties used jointly for residential and commercial purposes that are not metered separately shall be billed at non-residential rates.

Section 2. This ordinance shall take effect and be in force beginning January 1, 1990.

15. Donation: Kaiser V.F.W. Post No. 8901

Accepted the donation of \$250.00 from the V.F.W. Post 8901 to be applied to the upgrading of the Emergency Services equipment in the mobile communication's command post. A letter of appreciation to be sent.

16. Budget Adjustment - Project 89-15, Beam Avenue Signals

Approved a budget adjustment to increase Project 89-15 Beam Avenue Signals budget by \$68,209.

F. PUBLIC HEARINGS

1. 7:00 P.M., Alley Vacation: North of Kingston Avenue Between Edgerton Street and Payne Avenue (Dedrick)

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Russell Dedrick to vacate the undeveloped alley right of way between Payne Avenue and Edgerton Street and north of Kingston Avenue.
- b. Manager McGuire presented the Staff report.
- c. Director of Community Development Olson presented the specifics of the proposal.
- d. Commissioner Gary Gerke presented the Planning Commission recommendation.
- e. Mrs. Dedrick, 605 Kingston, spoke on behalf of the request.
- f. Mayor Greavu closed the public hearing.
- g. Mayor Greavu introduced the following resolution and moved its adoption:

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WHEREAS, Russell Dedrick initiated proceedings to vacate the public interest in the alley between Payne Avenue and Edgerton Street, and north of Kingston Avenue.

WHEREAS, the following adjacent properties are affected:

Lots 23-30 and Lots 8-15 of Ufton Grove, 4th Plat

WHEREAS, the procedural history of this vacation is as follows:

1. A majority of the owners of property abutting said alley have signed a petition for this vacation;
2. This vacation was reviewed by the Planning Commission on November 20, 1989. The Planning Commission recommended to the City Council that this vacation be approved.
3. The City Council held a public hearing on December 11, 1989, to consider this vacation. Notice thereof was published and mailed pursuant to law. All persons present at this hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning Commission.

WHEREAS, upon vacation of the above-described alley, public interest in the property will accrue to the following-described abutting properties:

Lots 23-30 and Lots 8-15 of Ufton Grove, 4th Plat.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that it is in the public interest to grant the above-described vacation on the basis of the following findings of fact:

1. The adjoining properties have adequate street access.
2. This alley segment is not needed for area traffic circulation or emergency vehicle access.
3. Maplewood's policy has been to vacate alley rights-of-way whenever possible.

Seconded by Councilmember Bastian.           Ayes - all.

h. Councilmember Bastian moved to instruct Staff to circle a city map showing where there are rights-of-way that are not needed.

Seconded by Councilmember Anderson.       Ayes - all.

G. AWARD OF BIDS

1. 1990 "Maplewood In Motion"
  - a. Manager McGuire presented the Staff report.

b. Mayor Greavu moved to award the lowest bid in the amount of \$18,480.00 to Sexton Printing Company to publish six issues of "Maplewood In Motion" for 1990 and to approve a budget transfer of \$1180.00 from the Contingency Fund to cover the additional cost.

Seconded by Councilmember Anderson. Ayes - all.

F. PUBLIC HEARINGS (Continued)

2. 7:10 P.M., Home Occupation License: Young (1292 Kohlman Avenue)  
Cancelled.

3. 7:30 P.M., Conditional use Permit: Junction Street (Huss)

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Lorraine Huss, 1206 Leland Road, for a conditional use permit to divide her property so that a new interior lot with 60 feet of street frontage on Junction Avenue is created.

b. Manager McGuire presented the Staff report.

c. Director of Community Development Olson presented the specifics of the proposal.

d. Director of Public Works Haider explained the drainage problems in this area.

e. Commissioner Gary Gerke presented the Planning Commission recommendation.

f. Lorraine Huss, the applicant, 1206 Leland Road, spoke on behalf of her request.

g. Mayor Greavu called for persons who wished to be heard for or against the proposal. the following persons expressed their views:

Todd Bjorklund, 1195 Junction Avenue  
Bob Tilges, 1200 Junction

h. Mayor Greavu closed the public hearing.

i. Councilmember Anderson introduced the following resolution and moved its adoption:

89 - 12 -

WHEREAS, Lorraine Huss initiated a conditional use permit to build a house on a 60-foot-wide lot at the following-described property:

Clifton Addition, Ramsey County, Minn., vac alley accruing & fol; ex W 20 ft; Lot 10 + all of Lot 9, Blk 2;

This property is also known as 1206 Leland Road, Maplewood;

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

1. This conditional use permit was reviewed by the Maplewood Planning Commission on December 4, 1989. The Planning Commission recommended to the City Council that said permit be approved.
2. The Maplewood City Council held a public hearing on December 11, 1989. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described conditional use permit be approved on the basis of the following findings-of-fact:

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 an 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. The rate of discharge from a 10-year storm after construction shall not be greater than the current rate of discharge. The applicant must provide proof of this from a registered engineer before a building permit may be issued.
2. There shall be at least 15 feet of side-yard setbacks, as required in the R-2 zoning district for 60-foot-wide lots.
3. This permit shall be subject to review after one year from the date of approval, based on the procedures in City code.

Seconded by Councilmember Bastian.

Ayes - Mayor Greavu, Councilmembers Anderson, Bastian and Rossbach.

Nay - Councilmember Juker.

4. 7:50 P.M., Preliminary and Final Plat, Cave's Century 5th Addition

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Ed Cave and Sons for approval of a revised preliminary and final plat for Cave's Century 5th Addition. The approved plan is for 10 double dwellings and the applicant is now proposing a plat with 11 single dwellings and 2 double dwellings.
- b. Manager McGuire presented the Staff report.
- c. Director of Community Development Olson presented the specifics of the proposal.
- d. Commissioner Gerke presented the Planning Commission recommendation.
- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. None were heard.
- g. Mayor Greavu closed the public hearing.
- h. Councilmember Anderson moved to table this item until the end of the Agenda to allow Mr. Cave to arrive at the meeting.

Seconded by Councilmember Rossbach. Ayes - all.

5. 8:00 P.M., Conditional Use Permit Reconsideration: Kingston and Payne Avenue (Shafer Contracting Company).

a. Mayor Greavu convened the meeting for a public hearing regarding reconsideration of the denial of a conditional use permit for the Mount Zion Hebrew Cemetery site at Kingston and Payne Avenues to extract approximately 150,000 cubic yards of sand.

b. Manager McGuire presented the Staff report.

c. City Attorney Kelly updated the Council on the litigation involving the City and Shafer Contracting Company;

d. Director of Community Development presented the specifics of the proposal.

e. Mr. Greg Murray, Department of Natural Resources, explained the D.N.R.'s position.

f. Carl Swenson, Attorney representing Shafer Contracting Company, spoke in favor of the proposal.

g. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following expressed their opinions:

Bob Brudy, 262 Little Canada Road  
Mrs. Michele Hanson, 696 E. Larpenteur  
Mr. Ken Hanson, 696 E. Larpenteur  
Marion Ray, 723 E. Larpenteur  
Cyril Ray, 723 E. Larpenteur  
Jim Francis, 727 E. Larpenteur  
Paul Anderson, Attorney representing  
Elsie Fin, 1771 Payne Avenue  
Mr. Anderson, 717 Larpenteur Ave. E.  
Maryann Rosenberg, 735 E. Larpenteur  
Randy Arnard, 1701 Payne Ave.  
Jeff Hawn, 727 E. Larpenteur  
Margaret Johnson, 639 Kingston  
Donna Pawlicki, 727 E. Larpenteur

h. Mayor Greavu closed the public hearing.

i. Councilmember Anderson moved to deny the conditional use permit for mining requested by Shafer Contracting based on the following findings:

1. There has been no plan presented to Council regarding damages caused by the vibrations of the trucks to surrounding property.

2. That there is a detrimental impact on the neighboring community in terms of the health, safety and welfare that cannot be located and designed for the operation to be compatible with the neighboring residential character of the district.
3. That there would be depreciation of value particularly where all the truck traffic would come in.
4. Dust and odors would be detrimental or disturbing to the surrounding residential land uses.
5. Noise would be uncontrollable and be detrimental and disturbing.

Seconded by Councilmember Rossbach. Ayes - all.

#### I. NEW BUSINESS

##### 5. Resolution to Deny North-Tartan Area Basketball Gambling Request

- a. Manager McGuire stated the North-Tartan Area Basketball Booster Club has requested they be allowed to have a gambling license at 2029 Woodlynn Avenue (The Red Rooster Lounge). It is recommended that the permit be denied as the organization does not meet the City's Code. The City's code on gambling is to be revised in the future.
- b. Bob Meyer, Director of North Tartan Area Basketball Booster Club, spoke on behalf of the request.
- c. Mayor Greavu moved to table this request and that the Booster Club obtain a letter from the State Gambling Commission stating the City will not be held to the 60 day approval or denial that is required.

Seconded by Councilmember Rossbach. Ayes- Mayor Greavu, Councilmembers Juker and Rossbach.

Nay - Councilmember Anderson.

Councilmember Bastian abstained.

#### H. UNFINISHED BUSINESS

##### 1. Reconsideration: Roselawn Avenue Improvements

- a. Councilmember Bastian moved to reconsider the Roselawn Avenue Improvement Project and directed staff to prepare a study to refine costs for a narrower road width, costs for berming, etc., to remove street surface water to ponds; and cost of project without sidewalks.

Seconded by Councilmember Juker. Ayes - all.

Councilmember Anderson moved to waive the Rules of Procedures to extend the meeting to finish the agenda.

Seconded by Councilmember Juker.

Ayes - Mayor Greavu, Councilmembers Anderson, Juker and Rossbach.

Nay - Councilmember Bastian.

2. Code Amendment: Noxious Weeds and Tall Grasses (1st Reading)

a. Manager McGuire presented the staff report.

b. Director of Community Development Olson presented the specifics of the proposed ordinance.

c. Mr. Bruce Haggerty, representing K.S.T.P., explained the procedures that his company is willing to undertake to help to find a solution to the problems the Sletton family is experiencing.

d. Mr. Ralph Sletton, 2747 Clarence, explained his family health problem that he believes is coming from the K.S.T.P. property.

e. Councilmember Juker moved to table this item until the meeting of December 28, 1989.

Seconded by Mayor Greavu.

Ayes - all.

3. Code Amendment: Planning Fees (4 Votes)

a. Manager McGuire presented the Staff report.

b. Mayor Greavu introduced the following ordinance and moved its adoption:

ORDINANCE NO.

PLANNING FEES

Section 1. Section 36-26 of the Zoning Code of the City of Maplewood is hereby amended as follows:

Section 36-26. Fees. The following non-refundable application fees shall be required:

Zone Change	\$263
Conditional Use Permit	173
Planned Unit Development	315
Comprehensive Plan Amendment	263
Variances:	
R-1	53

All other districts	79
Vacations	56
Lot Divisions	37 for each lot created
Preliminary Plat	315
Final Plat	53
Home Occupation Permit	49 for the initial permit and 20 for an annual renewal

Section 2. Section 36-258 of the sign code is amended as follows:

Section 36-258. Fees.

(1) A sign erection permit fee (except for billboards) shall be paid in accordance with the following schedule:

<u>Square Feet</u>	<u>Fee</u>
1 - 10	\$ 14
11 - 25	19
26 - 50	30
51 - 100	74
Over 100	134

(2) The fee for erection of billboards shall be \$12 for the first five square feet, plus \$.58 for each additional square foot.

(3) The annual license fee for billboards shall be \$252.

Section 3. This ordinance shall take effect on January 1, 1990.

Seconded by Councilmember Bastian. Ayes - all.

I. NEW BUSINESS (CONTINUED)

1. Stop Signs: Arkwright and Laurie Road

a. Manager McGuire presented the Staff report.

b. Councilmember Rossbach moved to place "Stop" signs at Arkwright and Laurie and "Slow Children" signs on McMenemy, Arkwright and DeSoto north County Road B.

Seconded by Councilmember Rossbach. Ayes - all.

2. Season's Park Plat: Clarification of Motion

a. Manager McGuire stated the owner of the property described as Outlot B requested a clarification of the motion approving the Seasons Park Plat.

b. John Daubney, attorney representing John Kavanaugh, spoke on behalf of the request.

c. Mario Cocchiarella, developer of Seasons Park Plat, also questioned if Outlot B was a part of the plat.

d. Councilmember Anderson moved to table to the meeting of December 28, 1989.

Seconded by Councilmember Rossbach.

Ayes - Councilmembers Anderson  
Bastian and Rossbach.

Nays - Mayor Greavu, Councilmember  
Juker.

3. Parking Authorization: Maplewood Square Shopping Center

a. Manager McGuire presented the Staff report.

b. Richard Schreier, 2125 DeSoto, owner of Maplewood Square Shopping Center, spoke on behalf of his request.

c. Board Member Anitzberger presented the C.D.R.B. report.

d. Councilmember Bastian moved authorization for 71 fewer parking spaces than Code requires, for the Maplewood Square's restaurant/bar expansion for T-Birds and a Vietnamese restaurant on the basis that:

1. The bar and restaurants peak customer time is in the evening when many of the shops are closed.

2. There has not been any serious parking problems at Maplewood Square.

3. There is a reciprocal parking agreement between this shopping center and the Maplewood Mall.

Seconded by Councilmember Anderson. Ayes - all.

4. Plan Amendment: Multiple Dwelling Densities (4 Votes)

Councilmember Bastian moved to table I-4 and L-1, delete Items K-1 and 2, until the meeting of December 28, 1989.

Seconded by Councilmember Anderson. Ayes - all.

F. PUBLIC HEARINGS (Continued):

4. Preliminary and Final Plat: Cave's Century 5th Addition

i. Same Cave, Ed Cave and Sons's, spoke on behalf of the proposal.

j. Councilmember Anderson moved to approve the following:

1. Approve the revised preliminary plat for Cave's Century Fifth Addition, subject to the following conditions being completed before final plat approval:

- a. Submittal of a developer's agreement, with required surety, for the required public improvements.
- b. Deed restrictions shall be recorded against 2, 14handit15e0falbome0wners' association agreement shall be recorded concurrently with the Cave's Century Fifth Addition plat to include, but not be limited to, the following requirements (required by Section 30-16 (b) of the City code):

(1) Each double-dwelling structure shall have a uniform exterior appearance in terms of color, design and maintenance.

(2) If one unit is burned or destroyed it shall be reconstructed in a uniform appearance and, if both units are burned or destroyed, minimum lot widths shall prevail for a single-family home. A double dwelling may be rebuilt meeting the original conditions of this section.

(3) Any disputes shall be submitted to binding arbitration according to the rules of the Minnesota Arbitration Association.

2. Approve the Cave's Century 5th Addition final plat to create 11 single-dwelling lots and 2 double-dwelling lots.

Seconded by Mayor Greavu.

Ayes - all.

I. NEW BUSINESS (Continued)

6. Write Off Uncollectible Ambulance Bills for 1987

a. Manager McGuire presented the Staff report.

b. Mayor Greavu moved to approve the write off of the 1987 uncollectible ambulance bills in the amount of \$8,533.47 as submitted.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson, Bastian and Rossbach

7. Ambulance Rates - 1990

- a. Manager McGuire presented the staff report.
- b. Mayor Greavu moved to approve the increase in the 1990 and 1991 paramedic ambulance rates as follows:

89 - 12 -

WHEREAS, the City of Maplewood is authorized to impose reasonable charges for emergency and paramedic ambulance services by Minnesota Statutes 471.476 and by special laws (Chapter 426, Laws of 1975, and Chapter 743, Laws of 1978); and

WHEREAS, the paramedic ambulance services are partly financed by property taxes; and

WHEREAS, it is fair and reasonable to charge for services rendered based upon the type of services provided, i.e., basic or advance life support services as defined by Medicare.

NOW THEREFORE, BE IT RESOLVED, that the following charges shall be effective January 1, 1990:

Basic ambulance services	\$125
Advanced life support ambulance services	\$245

BE IT FURTHER RESOLVED, that there shall be no charge for services rendered when the length of services is 10 minutes or less, when the patient is not transported, when the patient is transported to the detoxification center, or when the patient is transported in a squad car.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson, Bastian and Rossbach

Nay - Councilmember Juker.

J. VISITOR PRESENTATION

None.

K. COUNCIL PRESENTATIONS

Councilmember Anderson moved to table the balance of the agenda to December 12, 1989.

Seconded by Mayor Greavu.

Ayes - all.

M. ADJOURNMENT

11:59 P.M.

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City Clerk

**MINUTES OF MAPLEWOOD CITY COUNCIL**  
7:00 P.M., Monday, January 8, 1990  
Hazelwood Fire Station  
Meeting No. 90-1

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**A. CALL TO ORDER**

A regular meeting of the City Council of Maplewood, Minnesota, was held at the Hazelwood Fire Station, 1530 E. County Road C, and was called to order at 7:00 P.M. by Mayor Greavu.

**B. ROLL CALL**

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
George F. Rossbach, Councilmember	Present

**C. APPROVAL OF MINUTES**

1. Minutes of Meeting No. 89-25A (October 30, 1989)

Councilmember Bastian moved to approve the Minutes of Meeting No. 89-25A (October 30, 1989) as submitted.

Seconded by Councilmember Rossbach.                      Ayes - all.

2. Minutes of Meeting No. 89-32 (December 28, 1989)

Councilmember Anderson moved to approve the Minutes of Meeting No. 89-32 (December 28, 1989) as submitted.

Seconded by Councilmember Bastian.                      Ayes - all.

**EA-1 OATH OF OFFICE**

Mayor Elect Norman G. Anderson; Councilmembers Elect Frances L. Juker and Joseph A. Zappa received their respective Oaths of Office from City Manager Michael McGuire and were seated.

Manager McGuire presented the gavel to John Greavu.

**D. APPROVAL OF AGENDA**

Mayor Anderson moved to approve the Agenda as amended:

1. Suburban Rate Authority
2. Surveys
3. Fire Department
4. Kohlman Avenue

5. Waste Disposal
6. Area east of White Bear Avenue
7. Use of City Vehicles by Councilmembers
8. Highway 61 and County Road C Cleanup
9. County News Letter
10. Roseville School Survey
11. Notification of Applicants
12. Job Descriptions of Staff
13. Evaluation Forms
14. Driver's Training in City of Maplewood
15. No right turn off 694 on White Bear Avenue
16. Meeting with Council Manager and Attorney

Seconded by Councilmember Rossbach.

Ayes - all.

Councilmember Bastian moved Item I-6 be placed between F-2 and F-3 and then return back to order.

Seconded by Councilmember Juker.

Ayes - all.

E. CONSENT AGENDA

Councilmember Rossbach moved, seconded by Mayor Anderson, Ayes - all, to approve the Consent Agenda, Items 1 and 2 as recommended.

1. Approval of Claims

Approved the payment of the following claims:

ACCOUNTS PAYABLE:

\$ 376,706.47	Checks #5170 - #3099 Dated 12-14-89 thru 12-31-89
<u>\$ 94,824.66</u>	Checks #3100 - #3159 Dated 02-08-90
\$ 471,536.63	Total per attached voucher/check register

PAYROLL:

\$ 224,677.46	Payroll Checks
<u>\$ 36,687.66</u>	Payroll Deductions
\$ 261,365.12	Total Payroll
\$ 732,901.75	GRAND TOTAL

2. Conditional Use Permit Termination: 1904 Maryknoll Avenue (Apman)

Approved the termination of a conditional use permit at 1904 Maryknoll Avenue for a home beauty shop.

**F. PUBLIC HEARINGS**

1. 7:00 P.M., Rezoning: Upper Afton Road (4 Votes)
  - a. Mayor Anderson convened the meeting for a public hearing regarding the proposal to rezone approximately 2.5 acre area of land from BC (Business-Commercial) to F (Farm Residential). The property is located south of Upper Afton Road and East of McKnight Road.
  - b. Manager McGuire presented the Staff report.
  - c. Director of Community Development Olson presented the specifics of the proposal.
  - d. Commissioner Gary Gerke presented the Planning Commission report.
  - e. Mayor Anderson called for persons who wished to be heard for or against the proposal. None were heard.
  - f. Mayor Anderson closed the public hearing.
  - g. Councilmember Rossbach introduced the following resolution and moved its adoption:

90 - 1 - 1

WHEREAS, the City of Maplewood initiated a rezoning from BC, business commercial, to F, farm residential, for the following-described property:

The 2.5-acre parcel south of Upper Afton Road, east of McKnight Road.

This property is also known by pin 11-28-22-32-0004.

WHEREAS, the procedural history of this rezoning is as follows:

1. This rezoning was reviewed by the Maplewood Planning Commission on December 4, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
2. The Maplewood City Council held a public hearing on January 8, 1990, to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council

also considered reports and recommendations of the City Staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable and the public welfare.
4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.
5. The F, farm residential zoning classification, is consistent with the OS, open space designation, for the property.

Seconded by Councilmember Zappa.

Ayes - all.

2. 7:10 P.M., Rezoning: Century Avenue (Rolling Hills 2nd Addition) (4 Votes)
  - a. Mayor Anderson convened the meeting for a public hearing regarding the proposed rezoning from F, farm residential and M-2, heavy manufacturing to R-3, Multiple dwelling residential. The property is located south of the Chicago and Northwestern Railroad Tracks and west of Century Avenue.
  - b. Manager McGuire presented the Staff report.
  - c. Director of Community Development Olson presented the details of the proposal.
  - d. City Attorney Kelly explained the legal procedures of holding a public hearing.
  - e. Mayor Anderson called for persons who wished to be heard for or against the proposal. None were heard.
  - f. Mayor Anderson closed the public hearing.

g. Councilmember Juker moved to refer the proposal back to Staff for further alternatives.

Seconded by Mayor Anderson.

Ayes - Mayor Anderson, Councilmembers Bastian, Juker and Rossbach.

Councilmember Zappa abstained.

#### I. NEW BUSINESS

##### 6. Rules of Procedures

a. Councilmember Bastian moved to continue Item I-6 until the Thursday meeting, January 11, 1990.

Seconded by Mayor Anderson.

Ayes - all.

#### F. PUBLIC HEARINGS (Continued)

##### 3. 7:20 P.M., Radatz Avenue, West of White Bear Avenue

- a. Plan Amendment
- b. Rezoning (4 Votes)

1. Mayor Anderson convened the meeting for a public hearing regarding the proposal for a land use plan amendment from RM, medium density residential, to RL, low density residential and a rezoning from F, farm residential to R-1, single dwelling residential for the area north of Radatz Avenue and west of White Bear Avenue.

2. Manager McGuire presented the Staff report.

3. Director of Community Development Olson presented the specifics of the proposal.

4. Commissioner Gary Gerke presented the Planning Commission recommendation.

5. Mayor Anderson called for persons who wished to be heard for or against the proposal. The following were heard:

Bob Anderson, 89 Wildwood Beach Road  
Norm Germain, 1851 Gervais

6. Mayor Anderson closed the public hearing.

7. Councilmember Rossbach introduced the following resolution and moved its adoption:

WHEREAS, the City of Maplewood initiated an amendment to the Maplewood Comprehensive Plan from RM, medium density residential to RL, low density residential for the following-described property:

The south 240 feet of that property lying north of the Radatz Avenue right-of-way from 117 feet east of the Southlawn Avenue right-of-way to 265 feet west of the White Bear Avenue west right-of-way line.

This property is more commonly described as 1795 to 1921 Radatz Avenue.

WHEREAS, the procedural history of this plan amendment is as follows:

1. The Maplewood Planning Commission held a public hearing on December 18, 1989, to consider this plan amendment. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Planning Commission recommended to the City Council that said plan amendment be approved.
2. The Maplewood City Council considered said plan amendment on December 18, 1989. The Council considered reports and recommendations from the Planning Commission and City Staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described plan amendment be approved on the basis of the following finding of fact:

The area is developed with single-family homes which are consistent with a RL land use designation and it is unlikely to redevelop for RM uses.

Seconded by Councilmember Zappa.

Ayes - all.

8. Councilmember Rossbach introduced the following resolution and moved its adoption:

90 - 1 - 3

WHEREAS, the City of Maplewood initiated a rezoning from F, farm residential to R-1, single family for the following-described property:

The south 240 feet of that property lying north of the Radatz Avenue right-of-way from 117 feet east of the Southlawn Avenue right-of-way to 265 feet west of the White Bear Avenue west right-of-way line.

This property is also known as 1795 to 1921 Radatz Avenue, Maplewood;

WHEREAS, the procedural history of this rezoning is as follows:

1. This rezoning was reviewed by the Maplewood Planning Commission on December 18, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
2. The Maplewood City Council held a public hearing on January 1, 1990, to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable and the public welfare.
4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.
5. The R-1 zoning is consistent with the current development of the property.

Seconded by Councilmember Zappa.

Ayes - all.

9. Councilmember Juker moved to direct Staff to investigate the property south of Radatz to County Road C to bring it into conformance.

Seconded by Councilmember Bastian.

Ayes - all.

4. 7:35 P.M., Radatz Avenue East of White Bear Avenue

- a. Plan Amendment
- b. Rezoning

1. Mayor Anderson convened the meeting for a public hearing regarding the proposal of the following changes for the area on Radatz Avenue and east of White Bear Avenue:

- a. A land use plan amendment from RM, medium density residential to RL, low density residential.
- b. A rezoning from F, farm residential to R-1, single-dwelling residential
- c. A rezoning from F, farm residential to R-2, double-dwelling residential

2. Manager McGuire presented the Staff report.

3. Director of Community Development Olson presented the specifics of the proposal.

4. Commissioner Gerke presented the Planning Commission recommendation.

5. Mayor Anderson called for persons who wished to be heard for or against the proposal. The following were heard:

- Al Harman, 2045 Radatz
- Mary Harman, 2045 Radatz

6. Mayor Anderson closed the public hearing.

7. Councilmember Rossbach introduced the following resolution and moved its adoption:

90 - 1 - 4

WHEREAS, the City of Maplewood initiated an amendment to the Maplewood Comprehensive Plan from RM, medium density residential to RL, low density residential for the following-described property:

1979-2015 Radatz Avenue; 1976-2014 Radatz Avenue, and the North 1/2 of the East 175 feet of the West 495 feet of the NW 1/4 of NW 1/4 of the SE 1/4 of Sec. 2, Township 29, Range 22.

WHEREAS, the procedural history of this plan amendment is as follows:

- 1. The Maplewood Planning Commission held a public hearing on December 18, 1989, to consider this plan amendment. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Planning Commission recommended to the City Council that said plan amendment be approved.

2. The Maplewood City Council considered said plan amendment on January 8, 1990. The Council considered reports and recommendations from the Planning Commission and City Staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described plan amendment be approved on the basis of the following findings of fact:

1. The properties in question are developed with single-family homes which are consistent with a RL land use designation.
2. There is no reason to believe that these properties will develop into medium density residential in the future.

Seconded by Councilmember Bastian.

Ayes - all.

8. Mayor Anderson introduced the following resolution and moved its adoption:

90 - 1 - 5

WHEREAS, the City of Maplewood initiated a rezoning from F, farm residential to R-1, single-dwelling residential for the following-described property:

2855-2869 Frederick Street, 1979-2069 Radatz Avenue; 1976-2014 Radatz Avenue; 2836 White Bear Avenue; the North 1/2 of the East 175 feet of the West 495 feet of the NW 1/4 of NW 1/4 of the SE 1/4 of Sec. 2, Township 29, Rnge 22; and the South 1/2 of the West 120 feet of the NW 1/4 of NW 1/4 of th SE 1/4 of Sec. 2, Township 29, Range 22.

WHEREAS, the procedural history of this rezoning is as follows:

1. This rezoning was reviewed by the Maplewood Planning Commission on December 18, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
2. The Maplewood City Council held a public hearing on January 8, 1990, to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable and the public welfare.
4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.
5. The R-1 zoning is consistent with the current and expected development of the property.

Seconded by Councilmember Zappa.

Ayes - all.

9. Mayor Anderson introduced the following resolution and moved its adoption:

90 - 1 - 6

WHEREAS, the City of Maplewood initiated a rezoning from F, farm residential to R-2, double-dwelling residential for the following-described property:

The North 1/2 of the west 120 feet of the NW 1/4 of the NW 1/4 of the SE 1/4 of Sec. 2, Township 29, Range 22.

WHEREAS, the procedural history of this rezoning is as follows:

1. This rezoning was reviewed by the Maplewood Planning Commission on December 18, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
2. The Maplewood City Council held a public hearing on January 8, 1990 to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The council also considered reports and recommendations of the City Staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable and the public welfare.
4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.
5. The R-2 zoning is consistent with the RM, medium density residential land use designation for the property.

Seconded by Councilmember Zappa.

Ayes - all.

Mayor Anderson called for a ten minutes recess at 8:15 P.M.

Mayor Anderson reconvened the meeting at 8:25 P.M.

5. 7:50 P.M., 2305 Stillwater Road (Sarrack's)

- a. Conditional Use Permit
- b. Variance

1. Mayor Anderson convened the meeting for a public hearing regarding the request of Gust Sarrack for approval of plans for a 10,180 square foot addition to his building located at 2305 Stillwater Road. This proposal includes the following special approvals.

a. A conditional use permit (CUP) for the 20-foot encroachment of the building addition into the required 50-foot rear setback.

b. A 15-foot parking lot setback variance from the north lot line. Code requires 20 feet; five feet is proposed.

2. Manager McGuire presented the Staff report.

3. Director of Community Development Olson presented the specifics of the proposal.

4. Councilmember Bastian moved to table this item until after the Item F-6.

Seconded by Councilmember Juker.

Ayes - all.

6. 8:10 P.M., Street Vacation (Netnorlin Court)

a. Mayor Anderson convened the meeting for a public hearing regarding the request of Mack Nettleton for the vacation of Netnorlin Court located on the south side of Woodlynn Avenue, west of McKnight Road.

b. Manager McGuire presented the Staff report.

c. Director of Community Development Olson presented the specifics of the proposal.

d. Commissioner Gerke presented the Planning Commission recommendation.

e. Mayor Anderson called for persons who wished to be heard for or against the proposal. The following voiced their opinions:

Mr. Zoya, 2223 Lydia  
Charles Regal, 2206 Woodlynn  
Charlotte Brucker, Maplewood resident

Ike Rutherford, 3048 Netnorlin Court  
Mack Nettleton, 2201 Woodlynn, the applicant

f. Mayor Anderson closed the public hearing.

g. Councilmember Bastian moved to table this item and refer to Staff to submit a report to Council redrafting recommendations and also investigate what compensation would, if any, for an address change.

Seconded by Councilmember Juker.

Ayes - all.

h. Councilmember Bastian moved to table this item until the first meeting in June in order for Mr. Mack Nettleton to be in attendance.

Seconded by Councilmember Rossbach.

Ayes - all.

5. 7:50 P.M., 2305 Stillwater Road (Sarrack's) (Continued)

a. Conditional Use Permit

b. Variance

5. Board Member Roger Anitzberger presented the Community Design Review Board report.

6. Guy Reithmeyer, architect, Con Spec Corp Architect spoke regarding the design of the building.

7. Mayor Anderson called for persons who wished to be heard for or against the proposal. The following persons voiced their opinions:

Crystal Buck, 784 McKnight Rd.  
Gust Sarrack, 2311 Case, the applicant  
Ken Masner, 758 No. McKnight Road  
Guy Reithmeyer, Con Spec Corp.  
Gladys Sandberg, 796 No. McKnight Road

8. Mayor Anderson closed the public hearing.

9. Councilmember Zappa introduced the following resolution and moved its adoption:

90 - 1 - 7

WHEREAS, Con/Spec Corporation initiated a conditional use permit to construct a building addition onto Sarrack's International Wines and Spirits 30 feet from the westerly lot line at the following-described property:

Lots 13 and 14, Auditor's Subdivision No. 77

This property is also known as 2305 Stillwater Road, Maplewood;

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

1. This conditional use permit was reviewed by the Maplewood Community Design Review Board on December 12, 1989. The Board recommended to the City Council that said permit be approved.
2. The Maplewood City Council held a public hearing on January 8, 1990. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described conditional use permit be approved on the basis of the following findings-of-fact:

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.
10. The addition would maintain the established setback.

Approval is subject to the proposed addition being at least 80% screened from the abutting residential district. A fence must be provided that complies with Section 36-27 of City Code with some additional landscaping. The Community Design Review Board must approve the fence design. The location and design of any trash receptacle must also be approved by the Board.

Seconded by Councilmember Rossbach.

Ayes- Councilmembers Juker, Rossbach, and Zappa.

Nays - Mayor Anderson, Councilmember Bastian

Motion carried.

10. Councilmember Zappa moved to approve the variance.

Motion died for lack of a second.

11. Councilmember Rossbach moved denial of the variance for a parking lot setback requirement.

Seconded by Mayor Anderson.

Ayes - Mayor Anderson, Councilmembers Bastian, Juker and Rossbach.

Nay - Councilmember Zappa.

#### G. AWARD OF BIDS

1. Removal of Radio Tower: 1380 Frost Avenue

- a. Manager McGuire presented the Staff report.

- b. Councilmember Bastian moved that the bid of \$4,800 submitted from Northern States Tower Service for the removal of the radio tower at 1380 Frost Avenue be accepted and that a budget transfer of \$4,800 from the Contingency Fund be approved to cover the cost of the tower removal.

Seconded by Councilmember Zappa.

Ayes - all.

#### H. UNFINISHED BUSINESS

1. Noxious Weeds and Tall Grasses Ordinance (2nd Reading)

- a. Manager McGuire presented the Staff report.

- b. Councilmember Bastian moved to table Item H-1 until the March 26, 1990 Meeting.

Seconded by Councilmember Zappa.

Ayes - all.

2. Plan Amendment: Multiple Dwelling Densities

- a. Mayor Anderson moved to refer this Item H-2 to the legal staff for further study.

Seconded by Councilmember Bastian.

Ayes - all.

3. Junked Vehicle Ordinance (2nd Reading)

- a. Manager McGuire presented the Staff report.

- b. Director of Public Safety Collins presented the specifics of the proposal.

c. Mayor Anderson introduced the following ordinance and moved its adoption:

**ORDINANCE NO. 658**

**AN ORDINANCE AMENDING THE REQUIREMENTS  
FOR JUNKED OR ABANDONED MOTOR VEHICLES**

The Maplewood City Council hereby ordains as follows:

Section 1. Section 19-9, describing types of nuisances, is amended by revising paragraph 10 as follows:

(10) The piling, storing, or keeping of old machinery, vehicle parts, old tires, or other junk or debris shall be kept only in a building or shed unless the property has been zoned for such use.

Section 2. Section 12-28 is amended by revising the abandoned motor vehicle definition as follows:

For the purposes of this article, the following words, terms, and phrases shall have the following respective meanings ascribed to them by this section:

Abandoned motor vehicle: "Abandoned motor vehicle" means a motor vehicle, as defined in Minnesota State Statutes, Section 169.01, which has been voluntarily surrendered by its owner to the City of Maplewood or to a person duly licensed under Minnesota Statute, Section 168B.10, or which has remained for more than forty-eight (48) hours in a condition described by one of the following:

- a. On public property in violation of either Maplewood Ordinance or Minnesota Statutes;
- b. On private property without consent of the person in control of the property;
- c. Disabled;
- d. Not secure from entry;
- e. Without license plates conspicuously displayed thereon; or
- f. With license plates which have an expiration date more than ninety (90) days prior to the date of inspection.

Junk vehicle: "Junk vehicle" means a motor vehicle, any trailer, marine craft, snowmobile, mobile home, pick-up camper top, and camping trailer which is in an inoperable condition, which is partially dismantled, which is used for sale of parts or

as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind. A junk vehicle shall also be considered an abandoned vehicle for the purpose of this ordinance.

Inoperable condition: "Inoperable condition" means that the vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that:

- a. Has a missing or defective part that is necessary for the normal operation of the vehicle;
- b. Is stored on blocks, jacks, or other supports; or
- c. Does not have a current vehicle license.

Abandoned motor vehicle exemptions: For the purposes of this chapter, the following vehicles shall not be considered abandoned motor vehicles:

- a. A classic or pioneer car, as defined in Minnesota Statutes, Section 168.10; provided that it is kept secure and as long as it has substantial potential further use consistent with its usual functions;
- b. Vehicles on the premises of a motor vehicle and parts dealer, junkyard, junk dealer, motor vehicle salvage dealer, automobile repair garage, or body shop who is licensed by Maplewood ordinance;
- c. A vehicle screened from the view of adjacent residences by landscaping or fencing or kept in an enclosed garage or storage building;
- d. A vehicle which is registered to the owner or occupant of the property and which is being kept for repair on the property; provided, that the vehicle is kept for no longer than thirty (30) days in a disabled condition and is kept secure from entry; and provided, that only one disabled vehicle may be kept on the property at any given time.

Section 3. Section 19-29 is amended as follows:

Section 19-29. Violation

Abandoned motor vehicles are prohibited. Any person who abandons a motor vehicle in the City or any public or private property is guilty of a misdemeanor.

Section 4. This ordinance shall take effect upon its passage and publication.

Seconded by Councilmember Zappa.

Ayes - all.

4. North-Tartan Area Basketball Charitable Gambling Request.

a. Manager McGuire presented the Staff report.

b. Councilmember Zappa moved denial of the request of North-Tartan Area Basketball for a charitable gambling license to sell pull tabs at the Red Rooster Liquor Lounge and T-Birds Bar until such time that the City's Gambling Ordinance be reviewed and with the understanding that only one fee will be charged if the applicant does reapply.

Seconded by Councilmember Anderson.

Ayes - Mayor Anderson, Councilmembers  
Juker, Rossbach and Zappa.

Councilmember Bastian abstained.

I. NEW BUSINESS

1. Plan Amendment: Crestview Drive, Between Mailand Road and Londin Lane (4 Votes)

a. Manager McGuire presented the Staff report.

b. Director of Community Development Olson presented the specifics of the proposal.

c. Commissioner Gerke presented the Planning Commission recommendation.

d. Councilmember Rossbach introduced the following resolution and moved its adoption:

90 - 1 - 8

WHEREAS, the City of Maplewood initiated an amendment to the Maplewood Comprehensive Plan for RM, medium density to RL, low density residential for the following-described property;

The area west of Crestview Drive between Mailand Road and Londin Lane.

WHEREAS, the procedural history of this plan amendment is as follows:

1. The Maplewood Planning Commission held a public hearing on December 18, 1989, to consider this plan amendment. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements.

The Planning Commission recommended to the City Council that said plan amendment be approved.

2. The Maplewood City Council considered said plan amendment on January 8, 1990. The Council considered reports and recommendations from the Planning Commission and City Staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described plan amendment be approved on the basis of the following finding of fact:

The property owner is developing this area with single-family homes which are consistent with the RL land use designation.

Seconded by Councilmember Juker.

Ayes - all.

2. Plan Amendment: Walter Street and Frost Avenue (4 Votes)
  - a. Manager McGuire presented the Staff report.
  - b. Director of Community Development Olson presented the specifics of the proposal.
  - c. Commissioner Gerke presented the Planning Commission recommendation.
  - d. Mayor Anderson introduced the following resolution and moved its adoption:

90 - 1 - 9

WHEREAS, the City of Maplewood initiated an amendment to the Maplewood Comprehensive Plan from RM, medium-density residential, to RL, low-density residential, for the following-described property:

Lots 4 through 10, Block 4, Kavanagh and Dawson Addition to Gladstone;

WHEREAS, the procedural history of this plan amendment is as follows:

1. The Maplewood Planning Commission held a public hearing on December 18, 1989, to consider this plan amendment. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Planning Commission recommended to the City Council that said plan amendment be approved.
2. The Maplewood City Council considered said plan amendment on January 8, 1990. The Council considered reports and recommendations from the Planning Commission and City Staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described plan amendment be approved on the basis of the following findings of fact:

1. The RL land use plan designation will be consistent with the zoning and expected development of the property.

Seconded by Councilmember Juker. Ayes - all.

Mayor Anderson moved to waive the Rules of Procedures and extend the meeting until 11:00 P.M.

Seconded by Councilmember Bastian. Ayes - all.

Councilmember Bastian moved to waive the Rules of Procedures and hear Visitor Presentations as the next item after I-3.

Seconded by Councilmember Zappa. Ayes- all.

3. Park Acquisition Charge for Neighborhood parks
  - a. Manager McGuire presented the Staff report.
  - b. Director of Parks and Recreation Odegard presented the specifics of the proposals.
  - c. Commissioners Don Christiansen and Jeanne Ewald presented the park and Recreation Commission recommendation.
  - d. Councilmember Bastian introduced the following resolution and moved its adoption:

90 - 1 - 10

WHEREAS, Maplewood Code Sec. 21-46 recognizes the need for neighborhood parks, establishes standards and improvement guidelines for such and provides methods of acquisition and development, and

WHEREAS, Sec. 21-56 (a) states that the City Council at its first regular meeting of each calendar year shall act to adopt by resolution the average acre acquisition cost and the average acre development cost for neighborhood parks throughout the City, and

WHEREAS, the intention of the Ordinance is to provide for future quality of life through the acquisition and development of park-open space, and

WHEREAS, the costs of acquisition of property and the development of parks has continued to increase,

THEREFORE, the park and Recreation Commission recommends that effective January 8, 1990, the City Council establish the average acre

acquisition cost at \$5,000, and continues the development cost at \$7,500 per acre, with the City financing 50% of the development costs.

Seconded by Mayor Anderson.

Ayes - all.

e. Councilmember Bastian moved to have the Park and Recreation Commission investigate alternative formulas and such a method for a referendum establishing Commercial PAC charges.

Seconded by Mayor Anderson.

Ayes - all.

#### J. VISITOR PRESENTATION

1. Robert Lieberman and Jeff Cody

a. Mr. Lieberman and Mr. Cody presented a proposal to temporarily move brick homes to lots at the southeast corner of Larpenteur and McKnight.

b. No action was taken.

#### M. ADJOURNMENT

Mayor Anderson adjourned the January 8, 1990, Meeting at 11:05 P>M>

#### A. CALL TO ORDER

Mayor Anderson reconvened Meeting No. 90-1, January 11, 1990, at 4:32 P.M. to enter into closed Attorney-Client closed session to discuss BBY Partnership litigation.

Mayor Anderson reconvened Meeting No. 90-1 at 5:02 P.M. to continue the Agenda.

#### B. ROLL CALL

Norman G. Anderson, Mayor	Present
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
George F. Rossbach, Councilmember	Present
Joseph A. Zappa, Councilmember	Present

#### I. NEW BUSINESS (Continued)

##### 4. Annual Designations

a. City Attorney(s)

Councilmember Rossbach moved to reappoint the Law Firm of Bannigan and Kelly to represent the City of Maplewood for 1990.

Seconded by Mayor Anderson.

Ayes - all.

b. Prosecuting Attorney

Mayor Anderson moved to reappoint Martin Costello Prosecuting Attorney for 1990.

Seconded by Councilmember Bastian. Ayes - all.

c. Municipal Legislative Commission

Mayor Anderson moved to appoint Councilmember Gary Bastian to the Municipal Legislative Commission.

Seconded by Councilmember Rossbach. Ayes - all.

d. Ramsey County League of Local Governments

Mayor Anderson moved to appoint Councilmember George Rossbach to the Ramsey County League of Local Government.

Seconded by Councilmember Bastian. Ayes - all.

e. Cable Commission

Councilmember Bastian moved to appoint Mayor Norm Anderson and Ann Fitch to the Commission.

Seconded by Councilmember Juker. Ayes - all.

f. N.E.S.T.

Councilmember Bastian moved to appoint Councilmembers Rossbach and Zappa to the N.E.S.T. Commission.

Seconded by Councilmember Juker. Ayes - all.

g. Suburban Rate Authority

Councilmember Bastian moved to appoint Councilmember Fran Juker to the Suburban Rate Authority Commission and that the Director of Finance Dan Faust be appointed alternate.

Seconded by Councilmember Zappa. Ayes - all.

h. Official Newspaper

Councilmember Bastian moved to designate the MAPLEWOOD REVIEW as the official newspaper of the City.

Seconded by Mayor Anderson. Ayes - all.

i. East Community Family Center

Mayor Anderson moved to appoint Councilmember Zappa and Director of Public Safety Ken Collins to the East Community Family Center Commission.

Seconded by Councilmember Bastian. Ayes - all.

j. East Metro Development Group

Councilmember Bastian moved to appoint Mayor Anderson and Director of Community Development Olson to the East Metro Development Group.

Seconded by Councilmember Zappa. Ayes - all.

k. Acting Mayor

Mayor Anderson moved to appoint Councilmember Rossbach Acting Mayor.

Seconded by Councilmember Bastian. Ayes - all.

l. Maplewood-North St. Paul-Oakdale Chamber of Commerce.

Councilmember Juker moved to appoint Mayor Anderson and Manager McGuire as alternate to the Maplewood, North St. Paul, Oakdale Chamber of Commerce.

Seconded by Councilmember Rossbach. Ayes - all.

m. St. Paul Water Treatment Plant Advisory Board

Councilmember Rossbach moved to appoint Mayor Anderson and Councilmember Bastian to the St. Paul Water Treatment Plant Advisory Board.

Seconded by Councilmember Juker. Ayes - all.

n. Ramsey County Light Rail Transit Committee

Councilmember Bastian moved to appoint Councilmember Rossbach to the Intergovernmental Committee and Director of Community Development Olson to the Technical Committee on the Ramsey County Light Rail Transit Committee.

Seconded by Mayor Anderson. Ayes - all.

5. Commissions and Boards

a. Planning Commission

1. Councilmember Juker moved to direct Staff to review the ordinance for a possible amendment to decrease size of commissions and length of office.

Seconded by Mayor Anderson.

Ayes - Councilmembers Juker and Zappa

Nays - Mayor Anderson, Councilmembers  
Bastian and Rossbach.

Motion failed.

2. Mayor Anderson moved to appoint the following to the Planning Commission:

Lorraine Fischer  
Marvin Sigmundik  
Les Axdahl

for three (3) year terms.

Seconded by Councilmember Zappa.

Ayes - all.

3. Councilmember Bastian moved to appoint Les Axdahl as Chairman of the Planning Commission.

Seconded by Mayor Anderson.

Ayes - all.

b. Community Design Review Board

1. Councilmember Bastian moved to appoint the following to the Community Design Review Board:

Don Moe  
Roger Anitzberger  
Mike Holder

Seconded by Councilmember Zappa.

Ayes - all.

c. Park and Recreation Commission

1. Councilmember Bastian moved to appoint the following to the Park and Recreation Commission:

John Chegwyn  
Rita K. Brenner  
Michael Filbiger

Seconded by Councilmember Zappa.

Ayes - all.

d. Human Relations Commission

1. Mayor Anderson moved to appoint Carol Engel and Karla Sand to the Human Relations Commission.

Seconded by Councilmember Bastian.

Ayes- all.

e. Civil Service Commission

1. Councilmember Bastian moved to appoint Steven Gunn to the Police Civil Service Commission.

6. Rules of Procedures

- a. Mayor Anderson moved to approve the Rules of Procedures as amended:

SECTION 1: MEETINGS

A. Regular

The City Council shall hold regular meetings on the second and fourth Mondays of each month at 7:00 P.M., provided that when the day fixed for any regular meeting falls on a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding Thursday, not a holiday. The Council shall meet at 4:30 P.M. on the Thursday following the second and fourth Mondays. In addition, there shall be a pre-agenda meeting on Thursday preceding the Monday Council meeting from 4:30 to 5:30 P.M. These meetings may be canceled by the City Council or City Manager if warranted.

B. Special

The Mayor or any two members of the Council by writing filed with the Clerk at least twenty-four hours before such meeting may call a special meeting. Notice of such meeting shall state the purpose or purposes thereof and shall be personally delivered to each member or be left at the members usual place of residence with a person of suitable age and discretion then residing therein, or written notice thereof shall be left in a conspicuous place at the residence if no such person can be found there. The notice shall be delivered twelve (12) hours before the meeting time. Except for trivial matters, business transacted at a special meeting shall be limited to that mentioned in the call. Emergency meetings may be called at any time providing all members of the Council sign waivers of notice to such meeting and said waivers shall be filed with the City Clerk.

C. Place

All meetings shall be held in the Council Chambers of the Maplewood City Municipal Building unless there is a published notice designating another location.

D. Presiding Officers

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Council members shall elect one of their number as temporary chairperson.

E. Quorum

Three members of the Council shall constitute a quorum at any meeting of the Council, but a smaller number may convene from time to time.

F. Order of Business

At the hour appointed for meeting, the members shall be called to order by the Mayor, or in his/her absence by the Acting Mayor, or in the absence of both, by the City Clerk. In the absence of the Clerk, the Mayor shall appoint a secretary protem. Upon the appearance of the quorum, the Council shall proceed to business which shall be conducted in the established order.

G. Curfew

No additional agenda item will be discussed after 10:30 P.M. Meetings adjourned under this policy will be continued to the next Thursday's meeting at 4:30 P.M. The continued meeting will begin at the point on the agenda where the adjournment occurred. No new items will be added to the continued meeting agenda.

H. First Regular

At the first regular Council meeting in January of each year, the Council shall (1) designate the official newspaper, (2) choose an Acting Mayor on a rotating basis from the membership of the Council who shall perform the duties of the Mayor during the disability or absence of the Mayor, and (3) review the Rules of Procedure of the City Council and make any necessary changes if such changes are desired.

SECTION 2: AGENDA FOR REGULAR MEETING

- A. All matters to be submitted to the Council shall be filed no later than 12:00 noon on the Monday prior to the Monday Council meeting at which consideration is desired, and shall be delivered to the City Manager, or in his/her absence, the City Clerk. In unusual circumstances and when the matter does not require investigation, an item may be accepted after the deadline upon the approval of the City Manager.
- B. Except for trivial matters, no item or business shall be considered for action by the Council which does not appear on the agenda for the meeting, except an item or urgent business which requires immediate action and is so determined by a majority of the Council may be considered by the Council whether or not there is a full membership present. The Council will hear all reasonable citizen petitions, requests and statements; however, such items which do not specifically appear on the agenda shall be deferred to a future meeting for more careful consideration and study if Council action, other than filing, is required or requested.

The Mayor and each Council member shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least forty-eight (48) hours prior to each regular Council meeting.

No matter may be submitted for Council action by any administrative official, department head, or employee unless it has first been presented to the City Manager for inclusion on the agenda.

### SECTION 3: LIMITATION ON COUNCIL ACTION

The Council shall only take action at regularly scheduled meetings, or special meetings, called pursuant to Section 1, unless all Council members are present at the time the action is taken. Regular meetings do not include meetings with public bodies in joint or cooperative sessions. All Council actions shall conform to the requirements of the open meeting law.

### SECTION 4: MINUTES

- A. The City Clerk shall keep a record of all Council meetings.
- B. Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if each member has previously been provided a copy.
- C. The Council may, by motion carried by a majority vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

### SECTION 5: DUTIES OF THE PRESIDING OFFICER

The Presiding Officer shall preserve strict order and decorum at all meetings of the Council. He/She shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions or order; subject however, to an appeal to the Council in which event a majority vote of the Council shall govern and conclusively determine such questions or order. He/She shall vote on all questions and on a roll call vote rotate the order in which votes are cast.

### SECTION 6: RULES OF DEBATE

- A. The Mayor, or other Presiding Officer, may move, second and debate from the chair, subject only to such limitations of debate as are by the rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his acting as the Presiding Officer.
- B. Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer shall confine himself/herself to the question under debate avoiding all personalities and indecorous language.

- C. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order or to vote on a motion to close a debate, or as herein otherwise provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order is determined and if in order, he/she shall be permitted to proceed.
- D. A motion to reconsider any action taken by the Council must be made at the meeting at which such action was taken or at the next regular meeting of the Council and must be made by a member of the Council who voted with the prevailing side. Provided such motion to reconsider is passed, then the parties entitled to notice on the original action shall be notified, and the reconsideration of the action shall be taken at the next regular meeting following passage of the motion to reconsider.
- E. A Council member shall have the privilege of having an abstract of his/her statement on any subject under consideration by the Council, or the reason for the member's dissent from or support of any action of the Council, entered in the minutes.
- F. The Clerk shall enter in the minutes a synopsis of the discussion on any question coming in proper order before the Council.

#### SECTION 7: ADDRESSING THE COUNCIL

Any person desiring to address the Council shall first secure the permission of the Presiding Officer.

Each person addressing the Council shall give his/her name and address in an audible tone for the records, and unless further time is granted by the Presiding Officer, shall limit his/her address to five (5) minutes, including at a public hearing the limit shall be five (5) minutes. All remarks should be addressed to the Council as a body and not to any member. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Council member or any member of the Administrative Staff except through the Presiding Officer.

#### SECTION 8: GENERAL RULES OF ORDER

Robert's Rules of Order and Robert's Parliamentary Law shall be accepted as an authority on parliamentary practice on matters not specifically covered, and in case of a conflict these rules shall govern.

#### SECTION 9: DECORUM AND ITS ENFORCEMENT

The Council members, while the Council is in session, must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided. No smoking shall be permitted in the Council Chamber while the Council is in session.

SECTION 10: ORDINANCES, RESOLUTIONS, MOTIONS AND REPORTS

- A. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the City Manager or Attorney may present ordinances, resolutions and other matters or subjects to the Council.
- B. Every ordinance and resolution shall be presented in writing and read in full at a Council meet; provided however, that the reading of an ordinance or resolution may be dispensed with by unanimous consent. Upon the vote on ordinances, resolutions and motions, the ayes and nays shall be recorded. The vote shall be by roll call of all members of the Council as provided under DUTIES OF THE PRESIDING OFFICER in this resolution. A majority vote of all members of the Council shall be required for the passage of all ordinances, motions and resolutions except as otherwise provided by law and except that amendments to the comprehensive plan shall require at least four (4) votes in favor.
- C. Every ordinance, other than emergency ordinances, shall have two public readings as provided in Subsection (b) of this Section, and at least fourteen (14) days shall elapse between the first reading or waiver thereof and the second reading or waiver thereof.
- D. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared, passed by a roll call vote of at least four (4) members of the Council, as recorded by ayes and nays. No prosecution shall be based upon the provisions of any emergency ordinance until the same has been filed with the City Clerk and posted in three conspicuous places in the City, and twenty-four (24) hours after such filing and posting shall have elapsed or until the ordinance has been published, unless the person, persons, firms or corporations charged with violations thereof shall have had notice of the passage thereof prior to the act or omission complained of.

SECTION 11: CONDUCT OF CITY EMPLOYEES

- A. The City Manager may take part in the discussions of the City Council and may recommend to the Council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the affairs of the City. The City Manager shall have the rights, powers and duties prescribed by Minnesota Statutes in regard thereof; however, it is recognized that the City council is the policy-making body for the City and the City Manager shall confine his/her discussion at Council meetings to statements of fact, recommendations based on his knowledge and experience and explanations of the reasons for the same, and any matters pertaining to administration.
- B. No City employee, other than the City Manager or Attorney, shall enter into discussions of the City Council except to answer questions directed to such employee, or to present factual information.

- C. The above regulations of City employees shall not be construed to limit the appearance before the city Council of any City employee, when such appearance is made as a taxpayer or member of the public, for or against some particular issue under discussion by the Council when such employee has an interest in the outcome thereof.

SECTION 12: WAIVER

By majority vote of all Council members, these rules may be waived.

SECTION 13: ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

Seconded by Councilmember Zappa.

Ayes - all.

J. VISITOR PRESENTATIONS

Discussed after Item I-3 on January 8, 1990.

K. COUNCIL PRESENTATIONS

1. Suburban Rate Authority

a. Councilmember Juker stated there will be a meeting of the Suburban Rate Authority on January 20, 1990, and one of the discussions will be how the Metropolitan Waste Control Commission meters the flow.

b. Councilmember Juker moved to direct Staff to send a letter from the City to the MWCC concerning these questions and also seek information of Maplewood should pursue this matter with the other municipalities.

Seconded by Councilmember Bastian.

Ayes - all.

2. Surveys

a. Councilmember Juker suggested that when a CUP comes to the Council to be renewed, Staff should send out a survey to the surrounding residents to see if the CUP has created any problems.

b. No action taken.

3. Fire Department

a. Councilmember Rossbach questioned as to what has happened to the "fire study" that was ordered.

b. Staff stated that a date was being established for Council to meet with the consultant doing the study.

4. Kohlman Avenue

a. Councilmember Rossbach questioned what has happened regarding the property on Kohlman Avenue that was being occupied illegally.

b. Staff stated the subject is scheduled for Court on January 18.

5. Waste Disposal

a. Councilmember Rossbach moved to direct Staff to obtain information regarding volume rates for waste disposal.

Seconded by Councilmember Bastian.

Ayes - all.

6. Area East of White Bear Avenue

a. Councilmember Zappa moved to direct staff to investigate on how many alley right of ways there are on the east side of White Bear Avenue from Woodlynn to County Road D.

Seconded by Councilmember Juker.

Ayes - all.

7. Use of City Vehicles by Councilmembers

a. Councilmember Zappa questioned if City vehicles were used by the Council for meetings, etc.

b. No action taken.

8. T.H. 61 and County Road C

a. Councilmember Zappa moved to direct staff to obtain information regarding the buildings and property at the southeast corner of T.H. 61 and County Road C to see if they are of historical value.

Seconded by Councilmember Anderson.

Ayes - all.

9. County News Letter

a. Councilmember Bastian moved to direct the Manager to send a letter to Ramsey County inquiring if there was a cost for the campaign article for one of the County commissioner candidates that was sent with the news letter.

Seconded by Councilmember Juker.

Ayes - all.

10. Roseville School Survey

a. Councilmember Bastian questioned if Roseville had been invited to the elected officials' meeting.

b. Councilmember Bastian stated he would send a letter.

11. Notification of Applicants

a. Councilmember Bastian questioned if when applications for the City commissions or boards are received, are letters of acknowledgement sent to the applicant.

b. Staff stated letters are sent.

12. Job Descriptions

13. Evaluation Forms

a. Mayor Anderson moved to request job descriptions and performance evaluation forms are given to Council.

Seconded by Councilmember Bastian.

Ayes - all.

14. Driving Training

a. Mayor Anderson stated he has had a request from a resident to hold a drivers training program at City Hall for 55 year old or older for reduced rates on insurance.

b. No action taken.

15. No Right Turn: I-694 and White Bear Avenue

a. Mayor Anderson stated people don't stop for right hand turn at I-694 & White Bear Avenue.

b. Staff will contact the County. There is a study being done at this time.

16. Councilmember Zappa moved that within the next 60 days, the Manager present to Council a list of items he would like discussed.

Seconded by Councilmember Bastian.

Ayes - Mayor Anderson, Councilmembers Bastian, Rossbach and Zappa.

Nay - Councilmember Juker.

L. ADMINISTRATIVE PRESENTATIONS

1. Update on City Hall Expansion

a. Director of Public Works Haider updated the Council regarding the expansion to City Hall.

M. ADJOURNMENT

Adjourned at 6:50 P.M. to reconvene in closed session to discuss union negotiations.

Lucius E. Aune  
City Clerk

AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: Finance Director *R. Sturt*  
RE: **APPROVAL OF CLAIMS**  
DATE: January 16, 1990

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

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

ACCOUNTS PAYABLE:

\$ 647,742.32	Checks #5236 - #5284 Dated 01-05-90 thru 01-10-90
\$ <u>126,848.30</u>	Checks #3169 - #3283 Dated 01-22-90
\$ 774,590.62	Total per attached voucher/check register

PAYROLL:

\$ 179,952.90	Payroll Checks
\$ <u>43,068.42</u>	Payroll Deductions
\$ 223,021.32	Total Payroll
\$ 997,611.94	GRAND TOTAL

Attached is a detailed listing of these claims.

DFF:kaz

VOUCHREG  
01/12/90 15:15

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 12

PAGE 1

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3169	010460	01/22/90	A.T. & T.	A/R MISC.	3.56	
				TELEPHONE	143.43	
				TELEPHONE	1.06	
				TELEPHONE	4.84	152.89
3170	010575	01/22/90	ACE HARDWARE	SUPPLIES VEHICLE	19.92	
				SMALL TOOLS	39.96	
				SMALL TOOLS	102.27	
				SUPPLIES VEHICLE	9.63	
				PROGRAM SUPPLIES	7.85	
				SMALL TOOLS	9.13	
				SUPPLIES JANITORIAL	4.36	
				MAINTENANCE	58.12	
				SUPPLIES JANITORIAL	4.10	255.34
3171	040915	01/22/90	ARNALS AUTO SERVICE	REPAIR MAINT VEHICLE	872.08	
				REPAIR MAINT VEHICLE	495.61	
				REPAIR MAINT VEHICLE	330.55	
				REPAIR MAINT VEHICLE	157.15	1,855.39
3172	061900	01/22/90	BATTERY TIRE WAREHOUSE	SUPPLIES VEHICLE	179.90	179.90
3173	071200	01/22/90	BEST BUY CO.	PROGRAM SUPPLIES	40.41	40.41
3174	080600	01/22/90	BLUMBERG COMMUNICATIONS, INC.	EQUIPMENT OTHER	263.09	263.09
3175	250070	01/22/90	ENGINEERING REPRO SYSTEMS	SUPPLIES EQUIPMENT	25.08	
				SALES TAX	1.43	23.65
3176	270250	01/22/90	FLEET TECH SERVICE CORP.	REPAIR MAINT VEHICLE	131.72	131.72
3177	430300	01/22/90	KNOWLAN'S	PROGRAM SUPPLIES	12.57	
				PROGRAM SUPPLIES	3.08	
				PROGRAM SUPPLIES	3.08	
				PROGRAM SUPPLIES	4.62	23.35
3178	500800	01/22/90	M.T.I. DISTRIBUTING CO.	SUPPLIES VEHICLE	12.57	12.57
3179	540225	01/22/90	MIDWEST ANIMAL SERVICE	CONTRACT PYM.	1,715.25	1,715.25
3180	541980	01/22/90	MINNESOTA CONWAY FIRE & SAFETY	SUPPLIES EQUIPMENT	129.50	
				SUPPLIES EQUIPMENT	100.00	229.50
3181	630210	01/22/90	NAPA AUTO PARTS	REPAIR MAINT EQUIPMENT	94.60	
				SUPPLIES VEHICLE	20.60	
				SUPPLIES VEHICLE	28.56	143.76
3182	741200	01/22/90	RAINBOW FOODS	PROGRAM SUPPLIES	53.32	53.32
3183	742900	01/22/90	RAY DAVIS & SONS	SUPPLIES EQUIPMENT	15.99	15.99

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 12

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT	
3184	751200	01/22/90	RICHARDS	PROGRAM SUPPLIES	6.50	6.50	
3185	780100	01/22/90	S&D LOCK & SAFE	PROGRAM SUPPLIES	6.60	6.60	
3186	831600	01/22/90	SPS OFFICE PRODUCTS	SUPPLIES OFFICE	14.81	14.81	
3187	841900	01/22/90	STANDARD REGISTER	SUPPLIES OFFICE	290.96	290.96	
3188	850800	01/22/90	SWANSON, LYLE	UNIFORMS CLOTHING	20.00	20.00	
3189	860315	01/22/90	T.K.D.A.	OUTSIDE ENGINEERING	552.65		
				OUTSIDE ENG.	3,590.45		
				OUTSIDE ENG.	4,867.84	9,010.94	
3190	862100	01/22/90	THANE HAWKINS POLAR CHEV.	REPAIR MAINT VEHICLE	77.55	77.55	
3191	900100	01/22/90	UNIFORMS UNLIMITED	UNIFORMS	301.05		
				UNIFORMS CLOTHING	158.95	460.00	
3192	900600	01/22/90	UNIVERSAL MEDICAL	SUPPLIES EQUIPMENT	28.70	28.70	
3193	970700	01/22/90	YOCUM OIL CO.	INVENTORY OF SUPPLIES	6,286.00		
					6,592.50		
					6,048.00		
					6,048.00		
					7,560.00	32,534.50	
TOTAL CHECKS							47,546.69

VOUCHREG  
01/12/90 15:16

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 13

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VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3196	061900	01/22/90	BATTERY TIRE WAREHOUSE	SUPPLIES VEHICLE	98.60	
				SUPPLIES VEHICLE	39.76	
				SUPPLIES VEHICLE	36.66	
				SUPPLIES VEHICLE	710.48	885.50
3197	071200	01/22/90	BEST BUY CO.	EQUIPMENT OTHER	229.99	
				EQUIPMENT OTHER	299.00	528.99
3198	080900	01/22/90	BOARD OF WATER COMMISSIONERS	OTHER CONST COSTS	437.66	437.66
3199	091200	01/22/90	BRIGGS & MORGAN	LEGAL FISCAL	6,943.00	
				LEGAL FISCAL	3,985.00	
				LEGAL FISCAL	3,250.00	
				LEGAL FISCAL	3,150.00	
				LEGAL FISCAL	2,620.70	19,948.70
3200	091450	01/22/90	BROWNING-FERRIS IND.	CONTRACT PYM.	104.03	104.03
3201	120325	01/22/90	CELLULAR ONE	EQUIPMENT OTHER	2,498.00	2,498.00
3202	140205	01/22/90	CLEAN STEP RUGS	RUG CLEANING	13.35	
				RUG CLEANING	12.35	25.70
3203	170100	01/22/90	CURRENTECH COMPUTER CENTERS	EQUIPMENT OFFICE	922.00	922.00
3204	180800	01/22/90	DALCO	SUPPLIES JANITOR	15.50	15.50
3205	180900	01/22/90	DALEY, PAT	FEES FOR SERVICE	1,032.00	1,032.00
3206	260400	01/22/90	FAUST, DANIEL	TRAVEL & TRAIN	8.00	
				VEHICLE ALLOWANCE	25.74	33.74
3207	300600	01/22/90	G.A.B. BUSINESS SERVICE	JUDGEMENTS & LOSSES	819.86	819.86
3208	301780	01/22/90	GENERAL REPAIR	REPAIR & MAINT/U	717.20	717.20
3209	310300	01/22/90	GOODYEAR TIRE COMPANY	REPAIR & MAINT/V	60.96	
				REPAIR & MAINT/V	12.25	73.21
3210	320200	01/22/90	GRACE, DUANE	FEES FOR SERVICE	1,069.50	1,069.50
3211	320325	01/22/90	GREW-HAYMAN, JANET	PROGRAM SUPPLIES	9.89	
				VEHICLE ALLOWANCE	27.72	37.61
3212	320525	01/22/90	GRUBER'S POWER EQUIPMENT	SMALL TOOLS	50.00	50.00
3213	340110	01/22/90	HEJNY RENTALS, INC	PROGRAM SUPPLIES	25.00	
				PROGRAM SUPPLIES	50.00	75.00
3214	351400	01/22/90	HORWATH, TOM	FEES FOR SERVICE	390.00	390.00

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CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
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VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3215	380450	01/22/90	I.P.C. PRINTING	PROGRAM SUPPLIES	48.42	48.42
3216	401800	01/22/90	JOLLY'S, INC.	PROGRAM SUPPLIES	20.41	20.41
3217	430800	01/22/90	KOKESH ATHLETIC	PROGRAM SUPPLIES	50.15	50.15
3218	490300	01/22/90	LUKIN, STEVEN	SUPPLIES EQUIPMENT	250.00	250.00
3219	500025	01/22/90	M-R SIGN COMPANY	SIGNS & SIGNALS	388.80	
				SIGNS & SIGNALS	151.20	540.00
3220	531300	01/22/90	METRO INSPECTION SERVICE	FEES FOR SERVICE	3,944.24	3,944.24
3221	541925	01/22/90	MINNESOTA CELLULAR	TELEPHONE	11.70	11.70
3222	610400	01/22/90	MUNICILITE CO.	SUPPLIES VEHICLE	108.16	108.16
3223	661775	01/22/90	NORTHERN STATES TOWER	EQUIPMENT OTHER	3,013.60	3,013.60
3224	710200	01/22/90	PECK, DENNIS	VEHICLE ALLOWANCE	6.50	6.50
3225	710800	01/22/90	PET CONNECTION	PROGRAM SUPPLIES	67.22	67.22
3226	711400	01/22/90	PETROLEUM MAINTENANCE	CONTRACT PYM.	141.57	141.57
3227	721300	01/22/90	PROFESSIONAL PROCESS	FEES FOR SERVICE	80.33	80.33
3228	741350	01/22/90	RAMSEY COUNTY LEAGUE OF LOCAL	TRAVEL & TRAIN	16.50	
				TRAVEL & TRAIN	16.50	33.00
3229	741700	01/22/90	RAMSEY COUNTY	OUTSIDE ENG FEES	196.90	
				MAINT MATERIAL	3,854.28	
				FEES FOR SERVICE	134.00	4,185.18
3230	742110	01/22/90	RAMSEY EMERG. MEDICAL SERVICES	SUPPLIES EQUIPMENT	356.75	356.75
3231	780300	01/22/90	S&T OFFICE PRODUCTS INC.	SUPPLIES OFFICE	450.00	450.00
3232	780350	01/22/90	S.E.H.	OUTSIDE ENG FEES	717.83	
				OUTSIDE ENG FEES	1,729.49	2,447.32
3233	820610	01/22/90	SNELLING COMPANY	REPAIR & MAINT/B	60.00	60.00
3234	831500	01/22/90	SPECIALTY RADIO	REPAIR & MAINT/R	43.50	
				REPAIR & MAINT/R	145.00	
				REPAIR & MAINT/R	50.25	
				REPAIR & MAINT/R	107.55	
				REPAIR & MAINT/R	107.55	
				REPAIR & MAINT/R	86.00	
				REPAIR & MAINT/R	484.00	1,023.85

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
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VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3235	831600	01/22/90	SPS OFFICE PRODUCTS	SUPPLIES OFFICE	103.20	
				SUPPLIES OFFICE	30.04	
				SUPPLIES OFFICE	38.80	
				SUPPLIES OFFICE	167.88	
				SUPPLIES OFFICE	12.66	
				SUPPLIES EQUIPMENT	159.84	512.42
3236	840300	01/22/90	ST.PAUL BOOK & STATION	PROGRAM SUPPLIES	22.99	22.99
3237	851550	01/22/90	SYSTEMS SERVICE COMPANY	REPAIR MAINT	231.50	231.50
3238	860100	01/22/90	T.J. AUTO PARTS	SUPPLIES VEHICLE	19.20	19.20
3239	860305	01/22/90	T.J.T. - SHIRTS	PROGRAM SUPPLIES	443.22	443.22
3240	862100	01/22/90	THANE HAWKINS POLAR CHEV.	REPAIR & MAINT/V	77.98	
				REPAIR & MAINT/V	.43-	77.55
3241	871800	01/22/90	TOWER ASPHALT	MAINT MATERIAL	133.40	133.40
3242	900100	01/22/90	UNIFGRMS UNLIMITED	UNIFORMS & CLOTH	311.12	311.12
3243	912150	01/22/90	VISU-SEWER CLEAN & SEAL, INC.	OUTSIDE ENG FEES	930.00	
				OUTSIDE ENG FEES	870.00	
				OUTSIDE ENG FEES	440.00	
				OUTSIDE ENG FEES	150.00	
				OUTSIDE ENG FEES	460.00	
				OUTSIDE ENG FEES	341.00	
				OUTSIDE ENG FEES	319.00	
				OUTSIDE ENG FEES	161.00	
				OUTSIDE ENG FEES	55.00	
				OUTSIDE ENG FEES	169.00	3,895.00
				TOTAL CHECKS		52,149.00

## VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
5236	720600	01/02/90	POSTMASTER	POSTAGE	1,500.00	1,500.00
5237	302580	01/02/90	GLADSTONE FIRE DEPT.	ACCOUNTS PAYABLE	75,818.50	75,818.50
5238	701100	01/02/90	PARKSIDE FIRE DEPT.	ACCOUNTS PAYABLE	51,480.75	51,480.75
5239	230500	01/02/90	EAST COUNTY LINE FIRE DEPT.	ACCOUNTS PAYABLE	66,337.00	66,337.00
5240	510610	01/02/90	MAPLEWOOD FIRE RELIEF ASSN.	ACCOUNTS PAYABLE	78,890.00	78,890.00
5241	030400	01/02/90	ANDERSON, CAROLE	ACCOUNTS PAYABLE PETTY CASH	47.66 50.00	97.66
5243	551500	01/02/90	MN POLLUTION CONTROL	TRAVEL & TRAIN	180.00	180.00
5244	541400	01/02/90	MINN. STATE TREASURER	ST DRIV LIC FEES	1,013.00	1,013.00
5245	541400	01/02/90	MINN. STATE TREASURER	MTR VEH LIC FEES	15,797.41	15,797.41
5246	511600	01/02/90	MASYS CORP	REPAIR & MAINT/E	1,197.00	1,197.00
5247	450120	01/02/90	L.M.C.I.T.	HEALTH LIFE DENTAL	31,123.25	31,123.25
5248	290460	01/02/90	FROLAND, CHRISTINE M.	AMB 913535	33.28	33.28
5249	720600	01/03/90	POSTMASTER	POSTAGE	3,000.00	3,000.00
5250	900800	01/03/90	UNIVERSITY OF MINNESOTA	TRAVEL & TRAIN	90.00	90.00
5251	541400	01/03/90	MINN. STATE TREASURER	MTR VEH LIC FEES	11,962.75	11,962.75
5252	541400	01/03/90	MINN. STATE TREASURER	ST DRIV LIC FEES	868.00	868.00
5253	900275	01/03/90	UNITED WAY	UNITED WAY DED	531.00	531.00
5254	140400	01/03/90	CLERK OF DISTRICT COURT	CNTY DRIV LIC FEES	143.50	143.50
5255	970200	01/04/90	YIN YANG CHINESE RESTR.	PROGRAMS	58.50	58.50
5256	500425	01/04/90	M.E.H.A.	TRAVEL TRAINING	20.00	20.00
5257	900800	01/04/90	UNIVERSITY OF MINNESOTA	TRAVEL TRAINING	180.00	180.00
5258	240725	01/04/90	EMPLOYEE BENEFIT PLANS	DENTAL INS PBL.	1,500.00	1,500.00
5259	541400	01/04/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	472.00	472.00
5260	541400	01/04/90	MINN. STATE TREASURER	MOTOR VEH LIC.	8,645.85	8,645.85
5261	722200	01/05/90	PUBLIC EMPLOYEE	PERA DEDUCTION PERA DEDUCTION	16,598.08 22,522.75	39,120.83

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
5262	882500	01/05/90	TWIN CITY TESTING		588.00	588.00
5263	080900	01/05/90	BOARD OF WATER COMMISSIONERS	CONTRACT PYM.	7,300.73	7,300.73
5264	190400	01/05/90	DEPT. OF NATURAL RESOURCES	DNR LICENSE	581.00	581.00
5265	541400	01/05/90	MINN. STATE TREASURER	MOTOR VEH.LIC.	7,722.00	7,722.00
5266	541400	01/05/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	788.00	788.00
5267	231525	01/05/90	EDEN SYSTEMS, INC.	CONTRACT PYM.	3,225.00	3,225.00
5268	091440	01/05/90	BROWN AND CRIS, INC.	CONTRACTS PBL.	18,921.54	18,921.54
5269	260290	01/08/90	FARM CREDIT SERVICES	PROGRAM	4,000.00	4,000.00
5270	261100	01/08/90	FIRST MINNESOTA	F.I.C.A. FMT FICA CONTR	7,615.93 19,578.08 7,615.93	34,809.94
5271	010465	01/08/90	A.T. & T. COMMUNICATIONS	CONTRACT PYM.	380.41	380.41
5272	890900	01/08/90	U.S.WEST COMMUNICATIONS	CONTRACT PBL. CONTRACT PBL.	3,902.97 612.80	4,515.77
5273	541400	01/08/90	MINN. STATE TREASURER	MOTOR VEH.LIC.	9,531.00	9,531.00
5274	541400	01/08/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	653.50	653.50
5275	560100	01/08/90	MN STATE COMMISSIONER	STATE INCOME TAX	7,931.87	7,931.87
5276	261100	01/08/90	FIRST MINNESOTA	WAGE DEDUCTION	237.50	237.50
5277	541400	01/09/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	656.00	656.00
5278	541400	01/09/90	MINN. STATE TREASURER	MOTOR VEH LIC.	8,886.50	8,886.50
5279	180130	01/09/90	D.N.R. DIVISION OF FORESTRY	PROGRAM SUPPLIES	35.00	35.00
5280	531650	01/09/90	METRO WASTE CONTROL COMMISSN	SEWAGE TREATMENT'	133,911.23	133,911.23
5281	240725	01/10/90	EMPLOYEE BENEFIT PLANS	CONTRACT PYM.	1,000.00	1,000.00
5282	551700	01/10/90	MN REC. & PARK ASSOCIATION	TEAM REGISTRATION	726.00	726.00
5283	541400	01/10/90	MINN. STATE TREASURER	MOTOR VEH LIC.	10,734.55	10,734.55
5284	541400	01/10/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	646.50	646.50
3246	020020	01/22/90	ADER,DAVID J.	PROGRAM REGISTRATION	25.00	25.00

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3247	020400	01/22/90	AIR SIGNAL, INC.	OUTSIDE RENTAL	39.51	39.51
3248	042503	01/22/90	ASSOCIATION OF METRO	SUBS & MEMBERS	4,829.00	4,829.00
3249	101400	01/22/90	BUILDERS SQUARE	SUPPLIES EQUIPMENT	37.03	37.03
3250	152400	01/22/90	COPY EQUIPMENT, INC.	SUPPLIES EQUIPMENT	131.54	131.54
3251	200500	01/22/90	DIEDERICH, CHARLES J.	PROGRAM REGISTRATION	20.00	20.00
3252	210800	01/22/90	DRIVERS LICENSE OFFICE	CONTRACT PYM.	2.00	
				CONTRACT PYM.	45.00	
				CONTRACT PYM.	31.00	
				CONTRACT PYM.	28.00	
				CONTRACT PYM.	6.00	
				CONTRACT PYM.	5.00	117.00
3253	231525	01/22/90	EDEN SYSTEMS, INC.	REPAIRS & MAINT/E	4,192.50	4,192.50
3254	310300	01/22/90	GOODYEAR TIRE COMPANY	REPAIR MAINT VEHICLE	13.25	13.25
3255	310715	01/22/90	GOPHER STATE-ONE CALL, INC.	CONTRACT PYM.	62.50	62.50
3256	350700	01/22/90	HIRSHFIELDS	SUPPLIES JANITORIAL	33.02	
				SUPPLIES JANITORIAL	28.44	61.46
3257	391925	01/22/90	IRISH, BRUCE A.	SUBS & MEMBERS	25.00	
				TRAVEL & TRAIN	105.00	130.00
3258	420250	01/22/90	KLATT, CINDY	PROGRAM REGISTRATION	20.00	20.00
3259	430300	01/22/90	KNOWLAN'S	PROGRAM SUPPLIES	7.70	
				MAINTENANCE MATERIAL	72.11	79.81
3260	500750	01/22/90	M.S.S.A.	MEMBERSHIP	20.00	20.00
3261	540720	01/22/90	MINN COMM	OUTSIDE RENTAL	91.00	91.00
3262	540850	01/22/90	MINN. DEPT. OF AGRICULTURE	SUBS & MEMBERS	10.00	10.00
3263	542525	01/22/90	MINNESOTA STATE FIRE	SUBS & MEMBERS	40.00	40.00
3264	551300	01/22/90	MN PARK SUPERVISORS ASSOC.	MEMBERSHIP	15.00	15.00
3265	551700	01/22/90	MN REC. & PARK ASSOCIATION	MEMBERSHIP	78.00	
				MEMBERSHIP	78.00	156.00
3266	560600	01/22/90	MN STREET SUPT. ASSOCIATION	MEMBERSHIP	20.00	20.00
3267	561100	01/22/90	MN WASTEWATER OPERATORS ASSOC.	SUBS & MEMBERS	10.00	10.00

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3268	570091	01/22/90	MOHRLANT, MARIANNE	PROGRAM REGISTRATION	20.00	20.00
3269	630740	01/22/90	NATIONAL ENVIRONMENTAL HEALTH	MEMBERSHIP	60.00	60.00
3270	630945	01/22/90	NCR	REPAIRS & MAINT	14,830.00	14,830.00
3271	630960	01/22/90	NCR	REPAIRS MTNCE	146.00	146.00
3272	640805	01/22/90	NELSONS AUTO SERVICE	REPAIR MAINT VEHICLE	18.95	18.95
3273	660275	01/22/90	NO.ST.PAUL-MAPLEWOOD ROTARY	MEMBERSHIP	100.00	100.00
3274	661725	01/22/90	NORTHERN SANITARY SUPPLY CO.	SUPPLIES JANITORIAL	185.60	185.60
3275	721300	01/22/90	PROFESSIONAL PROCESS	CONTRACT PAYMENT	26.50	26.50
3276	740900	01/22/90	RADIO SHACK	SUPPLIES EQUIPMENT	110.65	110.65
3277	741350	01/22/90	RAMSEY COUNTY LEAGUE OF LOCAL	SUBS & MEMBERS	1,350.00	1,350.00
3278	762300	01/22/90	ROYAL DOWNS	PROGRAM SUPPLIES	22.50	22.50
3279	820650	01/22/90	SNYDER'S DRUG	PROGRAM SUPPLIES	43.45	43.45
3280	842875	01/22/90	STATE OF MINNESOTA	CONTRACT PYM.	10.00	10.00
3281	860390	01/22/90	TALLARICO, DEBBIE	PROGRAM REGISTRATION	20.00	20.00
3282	881500	01/22/90	TWIN CITY FILTER SERVICE	SUPPLIES JANITORIAL	68.36	68.36
3283	931815	01/22/90	WARNER, BARBARA A.	PROGRAM REGISTRARION	20.00	20.00
TOTAL CHECKS						674,894.93

CITY OF MAPLEWOOD  
 PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 12/29/89  
 CHECK #13117 - CHECK #13272

EMPLOYEE NAME	GROSS PAY
-----	-----
McGUIRE, MICHAEL A.	2,782.34
BLACKSTONE, GAIL	1,527.70
ZAWACKI, KATHRYN	1,036.59
BEHM, LOIS N.	1,036.60
WEILAND, ELIZABETH	1,188.21
JAHN, DAVID J.	811.88
SWANSON, LYLE	1,018.54
CUDE, LARRY J.	276.80
OSTER, ANDREA J.	902.28
MIKISKA, WILLIAM	172.80
FAUST, DANIEL F.	2,065.77
TAYLOR, LINDA	1,050.28
ENSRUD, BRUCE	91.00
MATHEYS, ALANA K.	1,098.81
VIGNALO, DELORES A.	1,083.88
ANDERSON, CAROLE J.	1,308.69
LA MOTTE, MARLENE	210.00
AURELIUS, LUCILLE E.	1,906.74
SCHADT, JEANNE L.	1,029.48
KELSEY, CONNIE L.	527.75
VIETOR, LORRAINE S.	972.68
HENSLEY, PATRICIA A.	572.57
JAGOE, CAROL	732.68
CARLE, JEANETTE E.	966.04
OLSON, SANDRA	644.31
RONGSTAD, CAROLEE	302.50
PALANK, MARY KAY	732.68
COLLINS, KENNETH V.	2,118.50
RICHIE, CAROLE L.	954.28
SVENDSEN, JOANNE M.	1,283.37
NELSON, ROBERT D.	1,825.98
FULLER, ELAINE	410.74
MARTINSON, CAROL F.	936.68
ZAPPA, JOSEPH A.	7,453.88
STILL, VERNON T.	1,378.28
SKALMAN, DONALD W.	1,902.35
FRASER, JOHN	1,017.73
MORELLI, RAYMOND J.	1,445.70
STEFFEN, SCOTT L.	1,560.55
ARNOLD, DAVID L.	1,617.48
BANICK, JOHN J.	1,378.28
BOHL, JOHN C.	1,505.33
CAHANES, ANTHONY G.	1,825.98
CLAUSON, DALE K.	1,403.88
MOESCHTER, RICHARD M.	1,524.87
ATCHISON, JOHN H.	1,403.88
YOUNGREN, JOHN	1,709.54

CITY OF MAPLEWOOD  
PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 12/29/89  
CHECK #13117 - CHECK #13272

EMPLOYEE NAME	GROSS PAY
-----	-----
YANG, YING	583.08
PELTIER, WILLIAM F.	1,936.56
SZCZEPANSKI, THOMAS J.	1,327.08
WELCHLIN, CABOT V.	1,400.43
LANG, RICHARD J.	1,403.88
RAZSKAZOFF, DALE	1,454.28
RYAN, MICHAEL	1,617.48
HERBERT, MICHAEL J.	1,467.70
DREGER, RICHARD C.	1,936.56
STAFNE, GREGORY L.	1,524.87
BECKER, RONALD D.	1,454.28
HALWEG, KEVIN R.	2,115.93
STOCKTON, DERRELL T.	1,378.28
PAULOS, JR., PAUL G.	1,163.08
BOWMAN, RICK A.	1,375.98
KARIS, FLINT D.	1,390.28
HEINZ, STEPHEN J.	1,598.69
GRAF, DAVID M.	1,480.62
THOMALLA, DAVID J.	1,548.53
PALMA, STEVEN T.	1,237.56
VORWERK, ROBERT E.	1,467.09
BERGERON, JOSEPH A.	1,612.62
MEEHAN, JAMES	1,574.46
MELANDER, JON A.	1,584.59
SAUNDERS, SARAH	756.58
EMBERTSON, JAMES M.	1,555.71
WILLIAMS, DUANE J.	1,367.02
RABINE, JANET L.	1,130.12
STAHNKE, JULIE	1,130.12
BOYER, SCOTT K.	1,231.87
NELSON, CAROL	1,904.06
WALDT, CYNTHIA	1,072.63
FEHR, JOSEPH	1,122.08
NELSON, KAREN A.	1,305.08
FLAUGHER, JAYME L.	1,172.36
WEGWERTH, JUDITH A.	593.49
HAIDER, KENNETH G.	2,118.50
CHLEBECK, JUDY M.	1,087.88
PRIEFER, WILLIAM	985.48
MEYER, GERALD W.	1,301.61
KANE, MICHAEL R.	1,580.24
NAGEL, BRYAN	1,087.93
LUTZ, DAVID P.	1,239.75
KLAUSING, HENRY F.	1,271.63
SCHMOOCK, JOHN	1,152.01
HELEY, RONALD J.	1,166.88
OSWALD, ERICK D.	1,111.60

CITY OF MAPLEWOOD  
PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 12/29/89  
CHECK #13117 - CHECK #13272

EMPLOYEE NAME	GROSS PAY
FREBERG, RONALD L.	1,261.49
CASS, WILLIAM C.	1,704.68
LINDBLOM, RANDY	995.09
ELIAS, JAMES G.	1,334.28
DUCHARME, JOHN	887.08
PECK, DENNIS L.	1,334.28
PRIEBE, WILLIAM	1,262.28
IRISH, BRUCE A.	1,719.89
GEISSLER, WALTER M.	1,334.42
METZ, TERRY	995.08
LOFGREN, JOHN R.	1,054.32
ODEGARD, ROBERT D.	1,906.74
BRENNER, LOIS J.	1,067.88
KRUMMEL, BARBARA A.	486.34
STAPLES, PAULINE	1,642.28
TRAVERS, DANIEL	90.00
ANDERSON, ROBERT S.	1,132.68
LINDORFF, DENNIS P.	1,169.88
GARRY, WILLIAM	992.68
HELEY, ROLAND B.	1,175.88
MARUSKA, MARK A.	1,411.08
SCHINDELDECKER, JAMES	818.28
LeCOUNT, TERRY	235.00
BURKE, MYLES R.	1,197.48
STARK, RICHARD	145.00
FUECHTMANN, A.	159.70
MILLER, SHERRAL	92.50
DREGER, KARI	255.00
FORD, J.	49.00
THOMPSON, JENNIFER	170.00
GRAF, MICHAEL	57.50
CLEAVELAND, KATHERINE	100.00
NARUSIEWICZ, M.	195.00
BESETH, JR., R.	100.00
DONAHUE, S.	112.50
RAHN, C.	49.00
WARD, ROY G.	406.40
TAUBMAN, DOUGLAS J.	1,372.68
GREW-HAYMAN, JANET M.	1,200.02
NELSON, JEAN	410.69
HORSNELL, JUDITH A.	567.94
HUTCHINSON, ANN E.	497.54
DOHERTY, KATHLEEN M.	1,076.66
BARTA, MARIE L.	954.28
OLSON, GEOFFREY W.	1,906.74
MISKELL, NANCY	488.27
LIVINGSTON, JOYCE L.	543.86

CITY OF MAPLEWOOD  
 PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 12/29/89  
 CHECK #13117 - CHECK #13272

EMPLOYEE NAME	GROSS PAY
<hr/>	
ROBERTS, KENNETH	1,149.11
EKSTRAND, THOMAS G.	1,368.65
BERNIER, SHAWN	300.00
OSTROM, MARJORIE	1,563.08
CARVER, NICHOLAS N.	1,187.88
WENGER, ROBERT J.	1,286.28
NADEAU, EDWARD A.	1,184.51
MULWEE, GEORGE W.	1,239.04
NUTESON, LAVERNE S.	1,536.68
BREHEIM, ROGER W.	1,174.28
EDSON, DAVID B.	1,242.76
GERMAIN, DAVE	1,174.28
MARTINSON, ERIC	185.00
MULVANEY, DENNIS M.	1,288.68
SPREIGL, GEORGE C.	1,167.88
	<hr/>
	\$179,952.90

PAYROLL DEDUCTIONS

ICMA RETIREMENT TRUST-457	\$ 15,103.42
CITY & COUNTY EMP CR UNION	26,056.00
AFSCME 2725	546.00
MN MUTUAL LIFE INS 19-3988	160.00
METRO SUPERVISORY ASSOC	18.00
L.E.L.S.	594.00
MN STATE RETIREMENT SYSTEM	191.00
RAMSEY COUNTY SUPPORT & COLLECT	400.00
	<hr/>
	\$ 43,068.42

GRAND TOTAL	\$223,021.32
	=====

AGENDA REPORT

Action by Council:

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

TO: City Manager  
FROM: Finance Director *R. Faust*  
RE: **BUDGET CHANGES FOR 1989 BOND ISSUES**  
DATE: January 9, 1990

PROPOSAL

1989 budget changes totalling \$44,570 are needed for costs related to the 1989 Bond issues. These costs were financed by the 1989 Bonds but budget changes for estimated costs were not made pending receipt of actual cost data.

BACKGROUND

Last month final bills for the 1989 bond issues were received from Marquette Bank and Mary Ippel, the City's bond counsel. The bills from Marquette Bank, the registrar for the bond issues, were for establishment of our accounts and totalled \$1,290. These bills will be paid from the debt service fund for each bond issue.

The bill from Briggs and Morgan covers the tax increment matters related to the 1989 bond issues. This bill along with previous bills from other companies require a \$43,280 budget change and will be financed from the Tax Increment No. 2 Fund.

RECOMMENDATION

It is recommended that the Council approve 1989 budget changes totalling \$44,570 in the appropriate accounts to finance costs related to the 1989 bond issues.

DFF:kaz

AGENDA REPORT

Action by Council:

TO: City Manager

Endorsed \_\_\_\_\_

FROM: Finance Director *RO Aust*

Modified \_\_\_\_\_

RE: REPLACEMENT OF ACCOUNTANT

Rejected \_\_\_\_\_

Date \_\_\_\_\_

DATE: 1-10-90

Linda Taylor, the accountant in the Finance Department, has resigned to accept the position as Assistant Finance Director for the City of Robbinsdale. This is a very busy time of year in the Finance Department and it's important that this person be replaced as soon as possible. Council authorization for replacement of this person is requested.

DFF:dff

METRO\METDATA\AGENACCT

AGENDA REPORT

Action by Council:

TO: City Manager  
 FROM: Finance Director *D. Stust*  
 RE: 1989 BUDGET CHANGES - INTERNAL RENTAL CHARGES  
 DATE: January 12, 1990

Endorsed \_\_\_\_\_  
 Modified \_\_\_\_\_  
 Rejected \_\_\_\_\_  
 Date \_\_\_\_\_

PROPOSAL

It is proposed that budget transfers with a net total of \$1,700 be approved to finance the 1989 V.E.M. Fund rental charges.

BACKGROUND

The Vehicle and Equipment Maintenance (V.E.M.) Fund accounts for the operating expenses of all City vehicles and major pieces of equipment except for public safety vehicles. These operating expenses are used as a basis to establish rental rates that are charged to the departments using the vehicles. During the year, each department is allocated internal rental charges based on the amount of miles driven for each vehicle.

In 1989, the total General Fund internal rental charges were approximately \$1,700 more than budgeted. However, some departments were over budget and others were under budget due to changes in rental rates and usage patterns. Therefore, the following budget transfers are needed:

		<u>Transfer From (To)</u> <u>Contingency Account</u>
501	Public Works Administration	\$( 930)
502	Street Maintenance	140
503	Engineering	230
504	Public Works Building Maintenance	( 100)
601	Parks & Recreation Administration	170
602	Parks Maintenance	6,020
603	Recreation Programs	100
701	Community Development Administration	( 260)
702	Planning	( 1,140)
703	Building Inspections	<u>( 2,530)</u>
Net Amount to Contingency Account		\$ 1,700

These are routine year-end budget transfers which should be approved as Department Heads do not have any control over the rental rates charged for the vehicles and equipment that they use.

RECOMMENDATION

It is recommended that the Council approve the above listed budget transfers to finance the 1989 V.E.M. Fund rental charges.

DFF:lnb

## AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: Public Works Administrative Assistant  
SUBJECT: Reimbursement Agreement  
DATE: January 16, 1990

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

Introduction

In order to be reimbursed by the Office of State Aid for the purchase of computer hardware and software, it is necessary for the council to approve and execute the attached Mn/DOT Agency Agreement and the Mn/DOT Federal Aid Form III.

Background

Computer hardware and software costing \$8,001 were purchased through the Office of State Aid in November, 1989; and a reimbursement to the City of Maplewood will be processed in the amount of \$4,800.60 (or 60% of the cost of \$8,001) upon receipt of the signed agency agreement.

Recommendation

It is recommended that the council approve and execute both copies of the Mn/DOT Agency Agreement and the Mn/DOT Federal Aid Form III which require the city seal and two copies of a certified resolution signed and sealed by the city clerk. Return all original copies to the public works administrative assistant who will forward same to the Office of State Aid.

WJP

jw  
Attachments

# MINNESOTA DEPARTMENT OF TRANSPORTATION

OFFICE OF STATE AID  
TRANSPORTATION BUILDING ST. PAUL, MN 55155

JAN 04 1990

January 3, 1990

PHONE: (612) 296-7679

Ken Haider  
Dir. of Pub. Works  
City of Maplewood  
1830 East County Road B  
St. Paul, MN 55109

Subject: Approval and Execution of State Aid Agency Agreement

Dear Mr. Haider:

As part of the City Engineer's Automation computer purchase information package sent to you by letter dated September 20, 1989, a single sheet agreement for reimbursement of 60 percent of the cost of the Standard Package of computer items was included. The reimbursement agreement which has been approved by your city council and received in this office, makes reference to the Mn/DOT, Office of State Aid Agency Agreement, which has not been approved by your city council and executed by city officials. Enclosed with this letter are two copies of the Agency Agreement which must be approved and executed, and returned to this office for further approval and execution before your request for reimbursement for the computer purchase can be processed.

Please arrange to have the city council approve the Agency Agreement, and see that it is executed by the appropriate city officials, and returned to the Office of State Aid for further processing and execution.

If you have any questions about this process, please feel free to contact me at telephone number shown above.

Sincerely,



John Wheeler  
Computer Coordinator, Office of State Aid

Enclosure

cc: File

Revised 12/1988

Office of State Aid

*Resolution No. 90-1-12*  
MINNESOTA DEPARTMENT OF TRANSPORTATION

~~AGENCY AGREEMENT~~

This Agreement made and entered into by and between the City of Maplewood herein after referred to as the "City" and the Commissioner of Transportation of the State of Minnesota hereinafter referred to as the "Commissioner",

WITNESSETH:

WHEREAS, pursuant to M.S. 161.36 the City desires the Commissioner to act as its agent in accepting federal aid on the City's behalf, for road and bridge construction and in contracting for the construction, improvement or maintenance of roads or bridges financed either in whole or part with federal moneys; and

WHEREAS, M.S. 161.36, Subdivision 2, requires that the terms and conditions of the agency be set forth in an agreement;

NOW, THEN, IT IS AGREED:

-I-

That pursuant to M.S. 161.36, the City does hereby appoint the Commissioner its agent with respect to all federally funded projects, to accept and receive all federal funds made available for said projects and to let contracts pursuant to law for the construction and improvement of local roads and bridges.

Each contract will be in accordance with plans and special provisions for said projects on file in the Department of Transportation, State Transportation Building, St. Paul, Minnesota 55155, and the latest edition of "Standard Specifications for Construction" and all amendments thereof, which said plans, special provisions and specifications are made a part of this agreement by reference as though fully set forth herein.

In the letting of said contract, it is hereby agreed that the following procedures shall be followed, to-wit:

A. The Commissioner shall cause the advertisements calling for bids on said work to be published in the "Construction Bulletin". He shall also cause advertisements for bids to be published in the officially designated newspaper of the City. Said advertisement or call for bids shall specify that sealed proposals or bids will be received by the City Purchasing Agent of City of Maplewood on behalf of the Commissioner as agent of said City. Proposals, plans and specifications shall be available for the inspection of prospective bidders at the office of the Department of Transportation, St. Paul, Minnesota 55155, and at the office of said City Purchasing Agent and the advertisement shall so state. The bids received in response to said advertisement for bids shall be opened for and on behalf of the Commissioner by a District Engineer of the Department of Transportation or such other engineer of the Department of Transportation as may be from time to time selected by the Commissioner. After said bids shall have been opened, the City council shall first consider the same and thereupon

transmit to the Commissioner all bids received together with its recommendation that the lowest bid submitted by a responsible bidder be accepted or that all bids be rejected.

Upon receipt of all said bids, the Commissioner shall duly cause all of said bids to be tabulated and shall thereupon determine who is the lowest responsible bidder and shall award the contract to the lowest responsible bidder or shall reject all bids.

B. The Commissioner shall supervise and have charge of the construction of said projects after the same has been let. The City agrees to furnish its City Engineer or other registered engineer and assign him to the active supervision and direction of the work to be performed under any contract let for the aforesaid projects. Said engineer so assigned shall act under the supervision and direction of the Commissioner.

The City further agrees to furnish such other personnel, services, supplies and equipment as shall be necessary in order to properly supervise and carry on said work.

C. The Commissioner may make changes in the plans or the character of the work as shall be recommended by the engineer in charge of the work. If he concurs in such recommendations, the Commissioner may enter into, for and on behalf of the City, supplemental agreements with the contractor for the performance of any extra work or work occasioned by any necessary, advantageous, or desirable change in plans or construction.

It is understood by the City that the Commissioner cannot personally investigate and pass judgement on the various items of extra work and plan changes necessary and desirable during the construction of

the projects but that he must delegate such duties to engineers under his supervision and control that are employed by the Minnesota Department of Transportation. The City does hereby authorize these engineers, so delegated by the Commissioner, to enter into, for and on behalf of the City, the supplemental agreements specified in the preceding paragraph hereof.

D. The City hereby authorizes its City Engineer, for and on behalf of the City, from time to time, during the progress of the work on said projects, to request the Commissioner to furnish for use on said projects specific engineering services to be performed by skilled employees of the Minnesota Department of Transportation. The Commissioner may but is not obligated to furnish the services so requested. If the Commissioner in compliance with such request shall furnish for the use of the City on said projects the services of any Minnesota Department of Transportation employee, then and in that event, the City agrees to reimburse the Trunk Highway Fund for the full cost and expense of the furnishing of such services including all costs and expenses of any kind or nature whatsoever arising out of, connected with, or incidental to the furnishing of such services.

E. The Commissioner shall receive the funds to be paid by the City and the funds to be paid by the United States as federal aid funds for said projects and to pay therefrom when due any and all sums that may become due the contractor to whom the contract is awarded, and upon final completion and acceptance of the work, to pay from said funds the final estimate to said contractor for said work.

F. The Commissioner shall perform on behalf of the City all other acts and things necessary to cause said projects to be completed in a satisfactory manner.

G. The Commissioner may enter into any agreement for and on behalf of the City with the United States or any officer or agent thereof that may be required or necessary for the purpose of procuring and actually causing to be paid the federal aid funds available for said projects and to that end to bind and commit the City in such agreement to the performance of any and all things required by any law of the United States or of any rule and regulation issued by federal authority pertaining thereto necessary for the purpose of procuring and having paid the federal aid available for said projects.

H. It is the policy of the United States Department of Transportation and the Minnesota Department of Transportation that Disadvantaged Business Enterprises as defined in 49 CFR, Part 23, and the Surface Transportation and Uniform Relocation Assistance Act for 1987, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Consequently, the requirements of 49 CFR, Part 23, apply to this agreement. In this regard, the Commissioner and the City shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23, to insure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform on contracts and subcontracts. The Commissioner and the City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally funded contracts.

Failure to carry out the above requirements shall constitute a breach of this agreement and may result in termination of the agreement or other such remedy that the Commissioner deems appropriate.

I. The Commissioner may perform on behalf of the City any other and further acts as may be necessary or required under any law of the United States or of any rule or regulation issued by proper federal authority in order to cause said projects to be completed and to obtain and receive the federal aid made available therefor.

-II-

The City agrees that it will from time to time, after the execution of this agreement, make such reports, keep such records and perform such work in such manner and time as the Commissioner shall from time to time request and direct so as to enable the Commissioner as its agent to collect for it the federal aid sought. Said records and reports shall be retained by the City in accordance with the Commissioner's record retention schedule for federal aid projects.

-III-

It is anticipated that the United States will pay to the Commissioner as the agent of the City, the federal aid funds available to said City toward the construction of said projects. It is further anticipated that the contracts to be let by the Commissioner as the agent of the City, for the construction of said projects shall provide that the contractor, as the work progresses, shall, from time to time, be paid partial payments designated in said contract as partial estimates and on the completion and

acceptance of said work to be paid a final payment designated in said contract as a final estimate for all work performed.

The City further agrees that any City funds and/or Municipal State Aid Funds to be applied to any contract covered by this agreement shall be deposited with the Commissioner in accordance with Minnesota Rules Chapter 8820.1500 Subp. 3.

At regular monthly intervals after contractors shall have started work under contracts let by the Commissioner as agent for the City for the construction of said projects, the engineer assigned to and in charge of said work shall prepare partial estimates in accordance with the terms of said contracts let for said projects and the procedures established by the Office of Construction and Contract Administration Minnesota Department of Transportation. The said engineer in charge of said work shall immediately after preparing each partial estimate, transmit the same to the Commissioner in duplicate. Each partial estimate shall be certified by the engineer in charge and by the contractor performing such work. The said engineer assigned to and in charge of said work shall also prepare and submit to the Commissioner the final estimate data, together with the required project records in accordance with the terms of said contracts let for said projects. Quantities listed on said partial and final estimates shall be documented in accordance with the guidelines set forth in the applicable documentation manual. After the approved final estimate has been submitted to the Commissioner, the City will pay to the

Commissioner any additional amount which together with the federal funds received for that project will be sufficient to pay all the contract costs of the project.

-IV-

When the contractor shall have completed the work on said projects, the City agrees to inspect the same and forthwith upon the completion of said inspection advise the Commissioner whether or not the work performed should be, by the Commissioner as its agent, accepted as being performed in a satisfactory manner. In the event the City should, after said inspection, recommend to the Commissioner that he should not accept said work, then the City shall at the time such recommendation is made specify in particularity the defects in said work and the reasons why the work should not be accepted. It is further agreed that any recommendations made by the City are not binding on the Commissioner but that he shall have the right to determine whether or not the work has been acceptably performed and to accept or reject the work performed under any said contract.

-V-

It is further agreed that the decision of the Commissioner on the several matters herein set forth shall be final, binding and conclusive on the parties hereto.

-VI-

It is anticipated that the entire cost of said projects is to be paid from funds made available by the United States, by way of federal aid, and by the City. If for any reason the United States fails to pay any part of the cost or expense of said projects, then

and in that event the City agrees to pay the same. The City further agrees to pay any and all claims or demands of any kind or nature whatsoever arising out of or incidental to the performance of the work under any contract let for said projects in the event that the United States does not pay the same, and in all events, agrees to save the State of Minnesota and the Commissioner from said claims and from any claims arising out of this agreement and to pay any and all expenses and costs connected with said projects or the construction thereof which the United States does not pay.

-VII-

The City further agrees that:

A. All right-of-way acquisition and relocation will be conducted in accordance with 49 CFR Part 25. Procedures implementing this regulation are contained in Mn/DOT State Aid Manual Chapter 5-892.310.

(Additional guidance may be obtained by referring to the FHWA's Real Estate Acquisition Guide for Local Public Agencies).

B. If the City receives total direct and indirect federal assistance of:

1. \$100,000 or more per year, the City agrees to obtain a financial and compliance audit made in accordance with the Single Audit Act of 1984 (P.L. 98-502) and Office of Management and Budget (OMB) Circular A-128. The law and circular provide that the audit shall cover the entire operations of the City government or, at the option of the City government, it may cover departments, agencies or establishments that received, expended, or otherwise administered federal financial assistance during the year. However,

if the City government receives \$25,000 or more in General Revenue Sharing Funds in a fiscal year, it shall have an audit of its entire operations.

2. Between \$25,000 and \$100,000 per year, the City agrees to obtain either -

a. a financial and compliance audit made in accordance with the Single Audit Act of 1984 and OMB Circular A-128, or

b. a financial and compliance audit of all federal funds. The audit must determine whether the subrecipient spent federal assistance funds in accordance with applicable laws and regulations and the audit must be made in accordance with any federal laws and regulations governing the federal programs the subrecipient participates in.

Audits shall be made annually unless the state or local government has, by January 1, 1987 a constitutional or statutory requirement for less frequent audits. For those governments, the cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by governments that have an administrative policy calling for audits less frequent than annual, but only for fiscal years beginning before January 1, 1987.

The audit shall be made by an independent auditor. An independent auditor is a state or local government auditor or a public accountant who meets the independent standards specified in the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.

The audit report shall state that the audit was performed in accordance with the provisions of OMB Circular A-128 (or A-110 as applicable).

The audit report shall include:

1) The auditor's report on financial statements and on a schedule of federal assistance; the financial statements; and a schedule of federal assistance, showing the total expenditures for each federal assistance program as identified in the Catalog of Federal Domestic Assistance. Federal programs or grants that have not been assigned a catalog number shall be identified under the caption "other federal assistance".

2) The auditor's report on the study and evaluation of internal control systems must identify the organization's significant internal accounting controls, and those controls designed to provide reasonable assurance that federal programs are being managed in compliance with laws and regulations.

It must also identify the controls that were evaluated, the controls that were not evaluated, and the material weaknesses identified as a result of the evaluation.

3) The auditor's report on compliance containing:

a) A statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements;

b) Negative assurance on those items not tested;

c) A summary of all instances of noncompliance;

d) An identification of total amounts questioned, if any, for each federal assistance awarded, as a result of noncompliance;

e) A statement on the status of corrective action taken on prior findings; and

f) Refer to the use of the standards required by the Minnesota Legal Compliance Audit Guide for Local Governments, prepared by the Office of the State Auditor. The purpose of this guide is to establish compliance guidelines for verification by auditors auditing political subdivisions of the state.

In addition to the audit report, the recipient shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, a statement describing the reason it is not should accompany the audit report.

The City agrees that the grantor, the Legislative Auditor, and any independent auditor designated by the grantor shall have such access to grantee's records and financial statements as may be necessary for the grantor to comply with the Single Audit Act and OMB Circular A-128. Required audit reports must be filed with the Office of the State Auditor, Single Audit Division and state agencies providing federal assistance, within six months of the City's fiscal year end.

If a federal cognizant audit agency has been assigned for the City, copies of required audit reports will be filed with that agency also.

Recipients of more than \$100,000 in federal assistance must also submit one copy of the audit report within 30 days after issuance to the central clearinghouse. Audit reports should be sent to:

Bureau of Census  
Data Preparation Division  
1201 East 10th Street  
Jeffersonville, Indiana 47132  
Attn: Single Audit Clearinghouse

C. The City will treat all public, private or cooperatively owned utility facilities which directly or indirectly serve the public and which occupy highway rights of way in conformance with the attached "A Policy for the Accommodation of Utilities on Highway Rights of Way" as approved on April 5, 1988 by the United States Department of Transportation, Federal Highway Administration, Minnesota Division.

-VIII-

All references to statutes and rules shall be construed to refer to the statutes and rules as they may be amended from year to year.

-IX-

The Commissioner accepts this said appointment as agent of the City and agrees to act in accordance herewith.



MINNESOTA DEPARTMENT OF TRANSPORTATION

FEDERAL AID FORM NO. III

Be it resolved that pursuant to section 161.36, Subdivision 1 through 6, Minnesota Statutes, the Commissioner of Transportation be appointed as agent of the City of Maplewood to let as its agent, contracts for the construction of local roads and bridge, and the Mayor and the City clerk are hereby authorized and directed for and on behalf of the City to execute and enter into a contract with the Commissioner of Transportation prescribing the terms and conditions of such contracts in the form as set forth and contained in "Minnesota Department of Transportation Agency Agreement" a copy of which said agreement was before the City Council, assuming on behalf of the City all of the obligations therein contained.

(SEAL) (Submit in duplicate)

Note: *WMA* Attach certification by City Clerk with each copy of resolution.

Action by Council:

**MEMORANDUM**

**TO:** City Manager  
**FROM:** Shawn Bernier, Planning Intern  
**SUBJECT:** Termination of Conditional Use Permit and Home Occupation License  
**LOCATION:** 2580 Clarence Street  
**APPLICANT:** Roland Lozier  
**PROJECT:** Piano-Tuning Business  
**DATE:** January 2, 1990

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

**SUMMARY****INTRODUCTION**

The applicant is requesting the renewal of his conditional use permit for five years to operate a piano-tuning business as a home occupation at 2580 Clarence Street. (Refer to letter on page 5.)

**BACKGROUND**

January 26, 1987: The City Council approved a conditional use permit for this home occupation for two years, subject to the following conditions:

- a. Compliance with City requirements for the operation of a home occupation. In particular, no more than 515 square feet of the detached garage shall be used for business purposes.
- b. This permit may be renewed after one year, provided there are no unresolved complaints.
- c. A fire extinguisher shall be installed in the workshop area as prescribed by the fire marshal.
- d. Only pianos repaired on-site may be sold.

June 27, 1988: The City Council amended the city code to require licenses, rather than conditional use permits, for home occupations. Licenses are issued to individuals, while conditional use permits run with the property.

October 23, 1989: The City Council considered a request for renewal of a conditional use permit at 2683 Geranium Avenue for ceramic classes in the home. The City Council terminated the conditional use permit and approved the home occupation as a license.

## **ORDINANCE PROVISIONS**

Subsection 36-446 (a) conditional use permits; "The City Council may suspend or terminate the permit if the approved conditions have been violated or the use is no longer in effect."

## **DISCUSSION**

The applicant is in compliance with the original conditions of approval for the conditional use permit and the new criteria for a home occupation license. Staff is not aware of any problems with this use.

While the grounds for this CUP termination are not included in code, the applicant is agreeing to them.

## **RECOMMENDATION**

1. Termination of the conditional use permit at 2580 Clarence Street for a home piano-tuning business.
2. Approval of a home occupation license for Roland Lozier to operate a piano-tuning business at 2580 Clarence Street. Approval is subject to the following conditions:
  - a. Compliance with the City's home occupation licensing requirements, including the requirement for annual renewal.
  - b. No more than 515 square feet of the detached garage shall be used for business purposes.
  - c. Only pianos repaired on-site may be sold.

### Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Applicants Letter
4. Home Occupation License Requirements

SBHOMEOCC





December 11, 1989

City of Maplewood  
1830 E. County Rd. E  
Maplewood, Mn.

Dear Mr. Olson:

I received a Home Occupation Permit in January 1987 from the City of Maplewood. This Permit was renewed for a two year period in January of 1988. I would like to request that it be renewed for a 5 year period. If you have any questions or there are any other procedures I need to follow, please call me at 484-0712.

Thank you



Roland Lozier

2580 Clarence St.

Maplewood, Mn. 55109

## HOME OCCUPATION LICENSE REQUIREMENTS

1. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking spaces shall not exceed more than three off-street parking spaces for home occupation at any given time, in addition to the parking spaces required by the residents.
2. No more than one nonresident employee shall be allowed to work on the premises. Nonresident employees who work off premises may be allowed to visit the premises. If an on-site employee is parking on site, off-site employees shall not leave their vehicles on site. If there is no on-site employee vehicle parked on site, one off-site employee vehicle may be parked on site.
3. No vehicle associated with the home occupation, including customers or employees, shall be parked on the street or block sidewalks or public easements. Private vehicles used by the residents shall not be included in this requirement.
4. An area equivalent to no more than twenty (20) percent of each level of the house, including the basement and garage, shall be used in the conduct of a home occupation.
5. There shall be no change visible off premises in the outside appearance of the building or premises that would indicate the conduct of a home occupation, other than one sign meeting the requirements of the City sign code.
6. No more than 20% of business income shall come from the sale of products produced off site unless approved by the City Council.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. There shall be no fire, safety or health hazards.
9. A home occupation shall not include the repair of internal combustion engines, body shops, machine shops, welding, ammunition manufacturing or other objectionable uses as determined by the City. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than one hundred twenty (120) volts of current.

10. Any noncompliance with these requirements shall constitute grounds for the denial or revocation of the home occupation license.
11. The City may waive any of these requirements if the home occupation is located at least three hundred fifty (350) feet from the property line of an adjacent residence.
12. The City Council may add any additional requirements that it deems necessary to insure that the operation of the home occupation will be compatible with nearby land uses.

homeocc.app

on by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

**MEMORANDUM**

TO: City Manager  
 FROM: Shawn Bernier - Planning Intern  
 SUBJECT: Conditional Use Permit Renewal  
 LOCATION: 1779 McMenemy Street  
 APPLICANT/OWNER: Minnesota Department of Transportation  
 PROJECT: Metal Equipment Storage Building  
 DATE: December 20, 1989

**SUMMARY****INTRODUCTION**

The applicant is requesting the renewal of a conditional use permit (CUP) for a 56 by 160-foot metal pole building at the MnDOT highway maintenance facility along I-35E. The CUP was required because the structure is within 350 feet of a residential district.

**BACKGROUND**

October 26, 1987: The City Council approved a conditional use permit for a metal storage building subject to:

1. Adherence to the site plan, dated August 14, 1987, unless a change is approved by the City's Community Design Review Board.
2. The type of building must conform to section 9-6 of City Code, pertaining to metal buildings.

January 9, 1989: The City Council approved the renewal of the conditional use permit for one year for a metal storage building at 1779 McMenemy Street.

**ORDINANCE REQUIREMENTS**

Subsection 36-442 (e) requires that all conditional use permits shall be reviewed by the Council within one year of the date of initial approval, unless such review is waived by Council may specify an indefinite term or specific term, not to exceed five (5) years, for subsequent reviews.

**DISCUSSION**

The building shell is completed except for the brick veneer on the south side. The completion of the structure has been delayed due to pending litigation between the applicant and the contractor. This construction should be monitored for another year to make sure the building is completed according to the required plan.

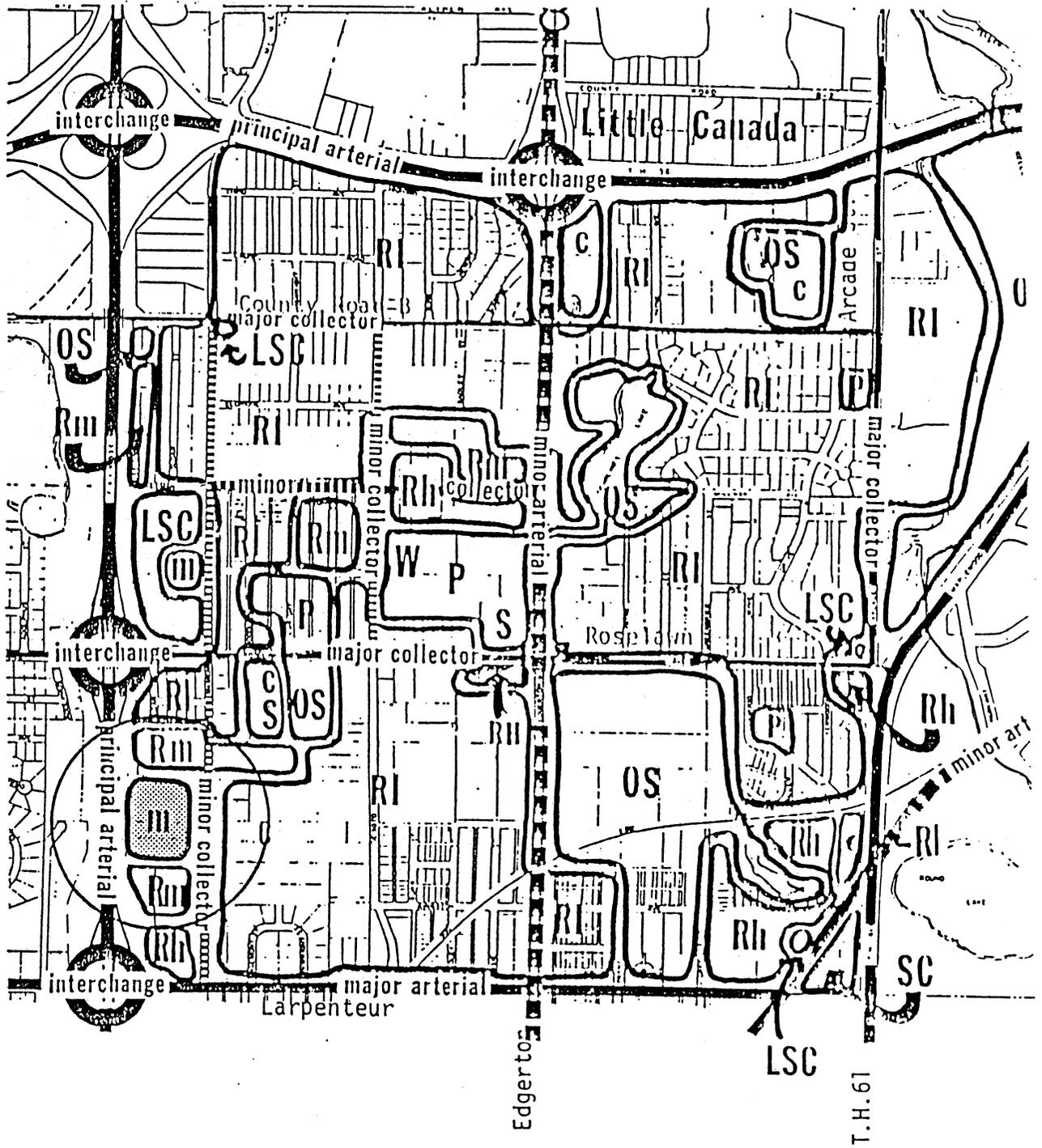
**RECOMMENDATION**

**Renewal of the conditional use permit subject to the original conditions of approval for one year for a metal storage building at 1779 McMenemy Street.**

Attachments

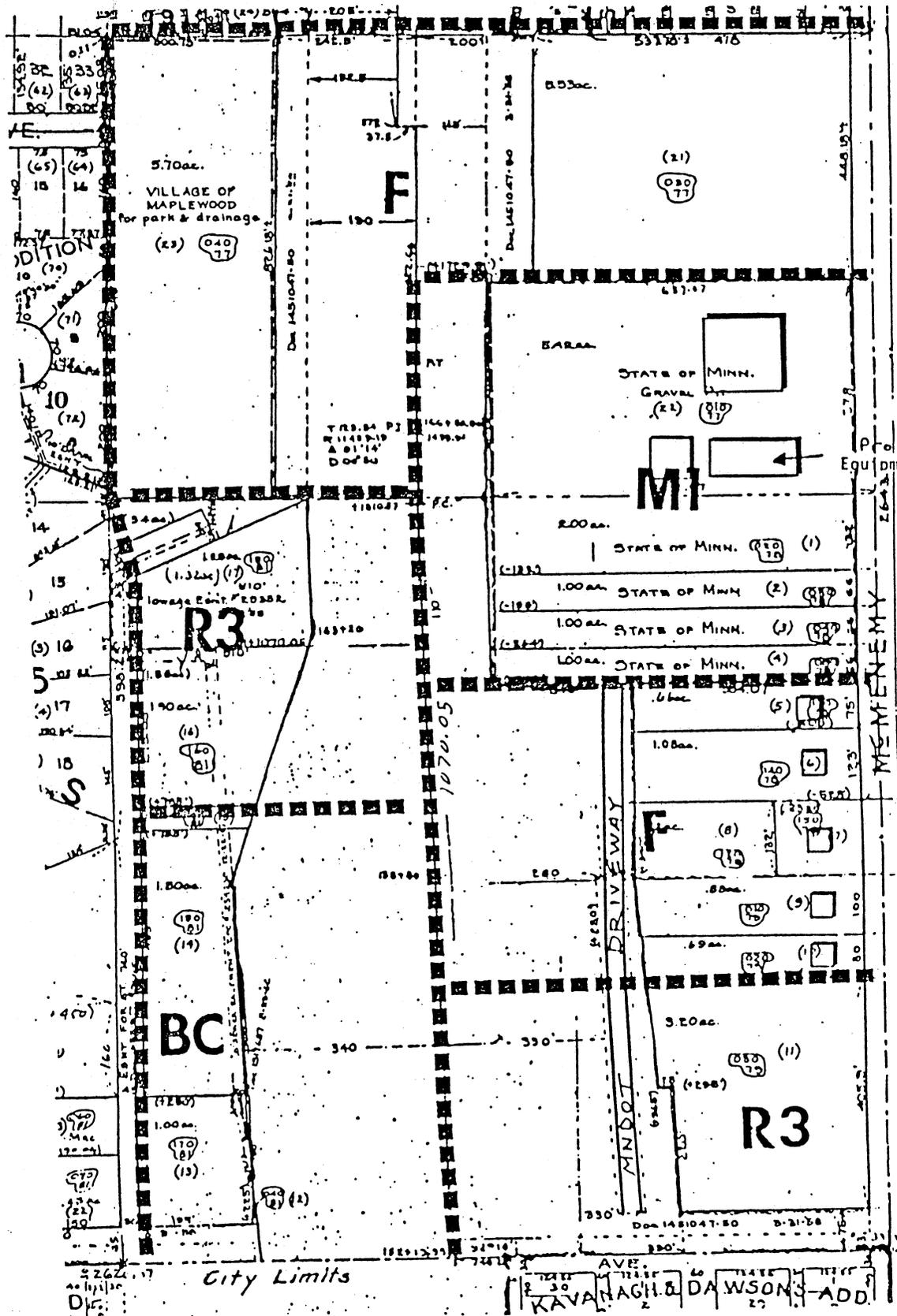
1. Land Use Plan
2. Property Line/Zoning Map

SBCUPR109



Parkside  
LAND USE PLAN

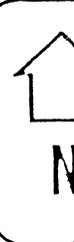




Proposed Equipment Storage Building

- 1767
- 1741
- 1739
- 1737
- 1733

PROPERTY LINE / ZONING MAP



MEMORANDUM

Action by Council:

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Final Plat - Caves Woods and Ponds  
DATE: January 16, 1990

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

INTRODUCTION

Samuel and Diane Cave are requesting approval of a final plat for four of the lots given preliminary approval for Caves Woods and Ponds Addition. The lots and preliminary plat are shown on page 3. The final plat is attached. Later on this agenda, the City Council will consider approving the relocation of four homes from Roseville onto these lots.

BACKGROUND

The City Council, on August 28, 1989, approved the preliminary plat, subject to numerous conditions. Conditions pertinent to this final plat are:

1. An opinion shall be submitted by a certified soils expert which describes the soil correction procedure(s) necessary to prepare the areas proposed as building sites for Lots One through Four, Block One. These procedures shall be included in the developer's agreement.
2. The final grading, drainage, utility and erosion control plans shall be approved by the City Engineer. These plans shall include, but not be limited to:
  - a. A proposed building pad elevation and contour information for each home site, as well as the areas to be disturbed for street construction. Housing styles shall be illustrated which minimize grading on sites that contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.
  - b. The location of the four-inch and larger diameter trees to be saved shall be shown on the grading plan. The location and type of trees to be replanted (Condition e.) shall be shown in the grading plan.
  - c. Revise the house pads on Larpenteur Avenue to provide a 70-foot setback from the pipeline, with 5-6 feet of berming.

3. Submittal of a signed developer's agreement to the City Engineer with the required surety for all public, street, ponding and utility improvements required for this development. This agreement shall also guarantee:
  - a. That trees will be planted to comply with Section 9-191 (5) (b) of the environmental protection ordinance.
  - b. That the prescribed soil correction procedure(s) in Condition 1 (above) will be followed.
  - c. Construction of driveway turn-arounds for Lots 1, 2, 3, and 4, Block One.

#### **DISCUSSION**

All of the conditions for final plat approval have not yet been completed. Mr. Cave stated to us that all the conditions will be met before the Council meeting.

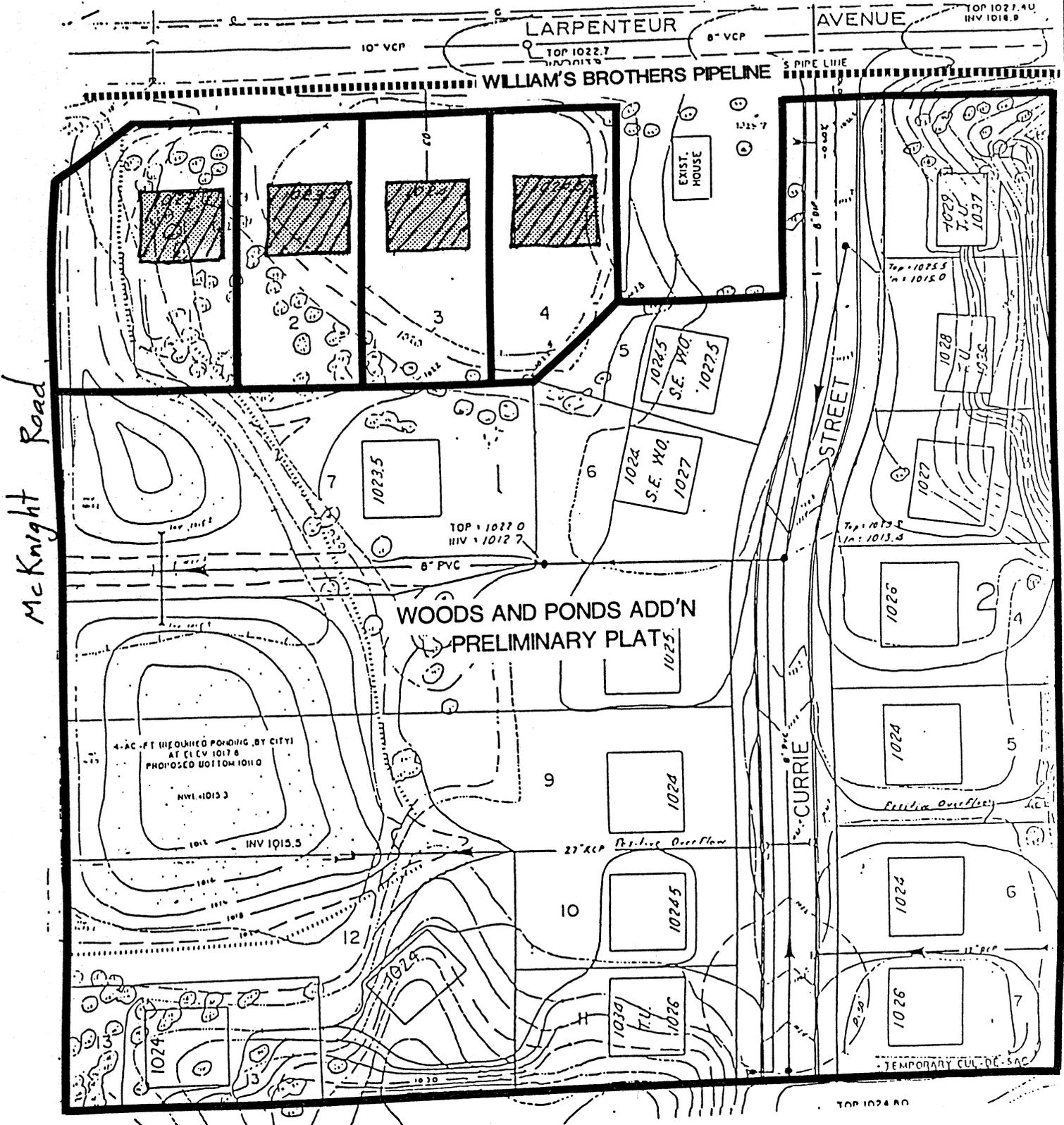
#### **RECOMMENDATION**

A recommendation will be made at the City Council meeting.

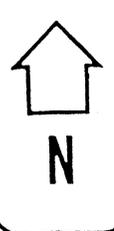
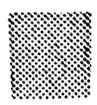
mb\mem\cavesfin

#### Attachments:

1. Preliminary Plat
2. Final Plat (separate attachment)



PRELIMINARY PLAT  
 PROPOSED HOME SITES



Action by Council:

**MEMORANDUM**

TO: City Manager  
 FROM: Shawn Bernier - Planning Intern  
 SUBJECT: **Conditional Use Permit Renewal**  
 APPLICANT: Bossardt Christenson Corporation  
 LOCATION: Woodlynn Avenue and Ariel Street  
 PROJECT: Salvation Army Church and Adult Day Care  
 DATE: January 16, 1990

Endorsed \_\_\_\_\_  
 Modified \_\_\_\_\_  
 Rejected \_\_\_\_\_  
 Date \_\_\_\_\_

**SUMMARY****INTRODUCTION**

The applicant is requesting the renewal of a conditional use permit for the Salvation Army Church and adult day care facility at the southeast corner of Ariel Street and Woodlynn Avenue.

**BACKGROUND**

December 22, 1986: The City Council approved a conditional use permit for the Salvation Army Church and adult day care subject to:

1. Adherence to the site plan, dated October 28, 1986, unless a change is approved by the City's Community Design Review Board.
2. Installation of an adequate landscaping screen along the east and south sides of the parking lot to satisfy the screening criteria required by code.

The City Council also amended the land use plan to C, church.

December 28, 1987: The City Council granted a one-year renewal of the CUP.

January 9, 1989: The City Council approved the renewal of the CUP for one year.

**ORDINANCE REQUIREMENTS**

Subsection 36-445 (a) requires that all conditional use permits shall be reviewed by the Council within one year of the date of initial approval, unless such review is waived by Council decision or ordinance. At the one-year review, the Council may specify an indefinite term or specific term, not to exceed five (5) years, for subsequent reviews.

## **DISCUSSION**

The berm south of the parking lot provides an adequate screen; no additional plantings are needed there. The only area in need of additional screening materials is east of the parking lot adjacent to the Cottages of Maplewood, where the berm is low. The roof-top equipment also needs to be decoratively screened and hidden from view from the street. Completion of these items has been set for the summer of 1990.

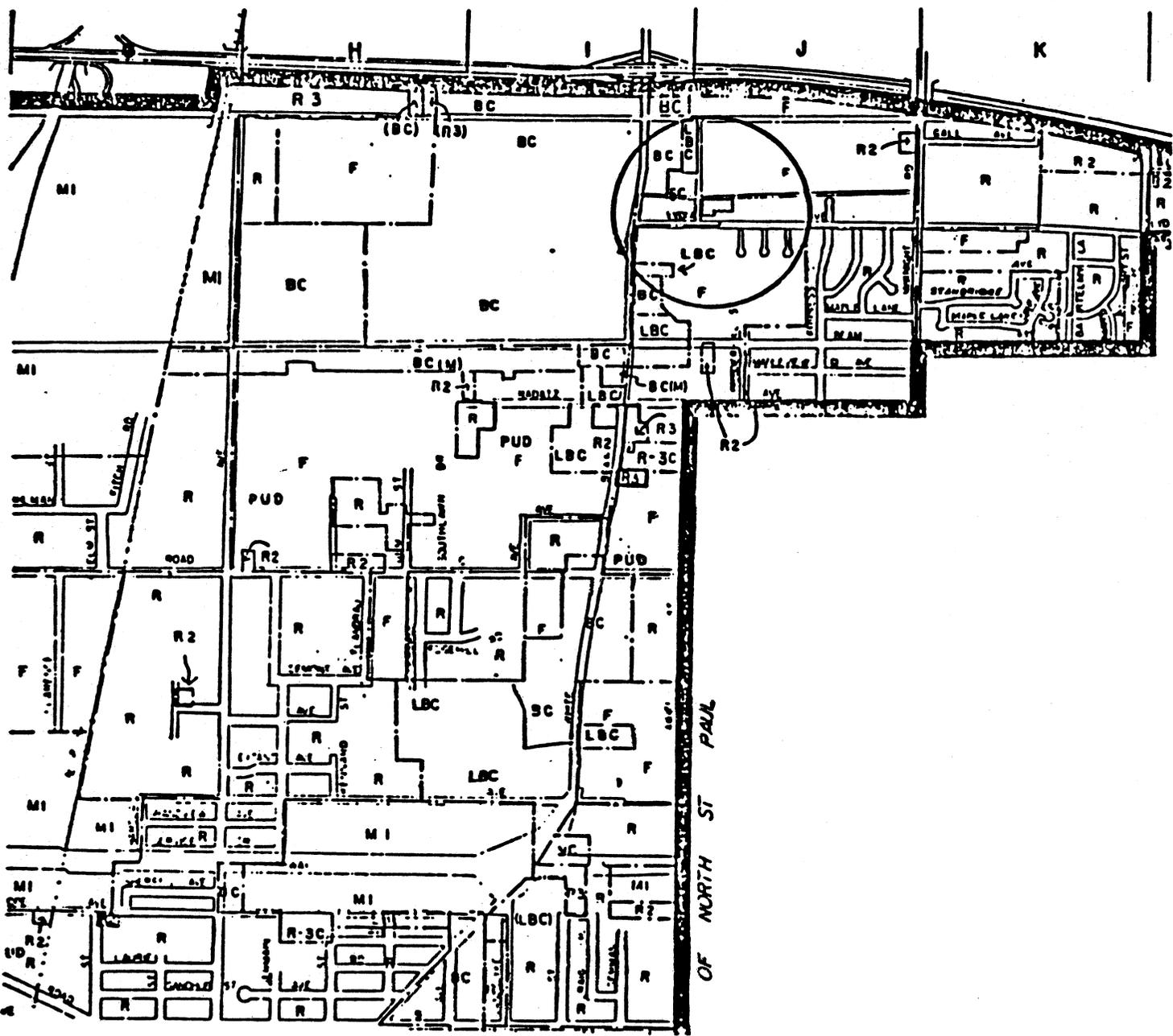
## **RECOMMENDATION**

Renewal of the conditional use permit, subject to the original conditions of approval, for one year for the Salvation Army Church and adult day care facility at Woodlynn Avenue and Ariel Street.

mb\Bossardt.CUP

### Attachments

1. Land Use Plan
2. Property Line/Zoning Map
3. Site Plan

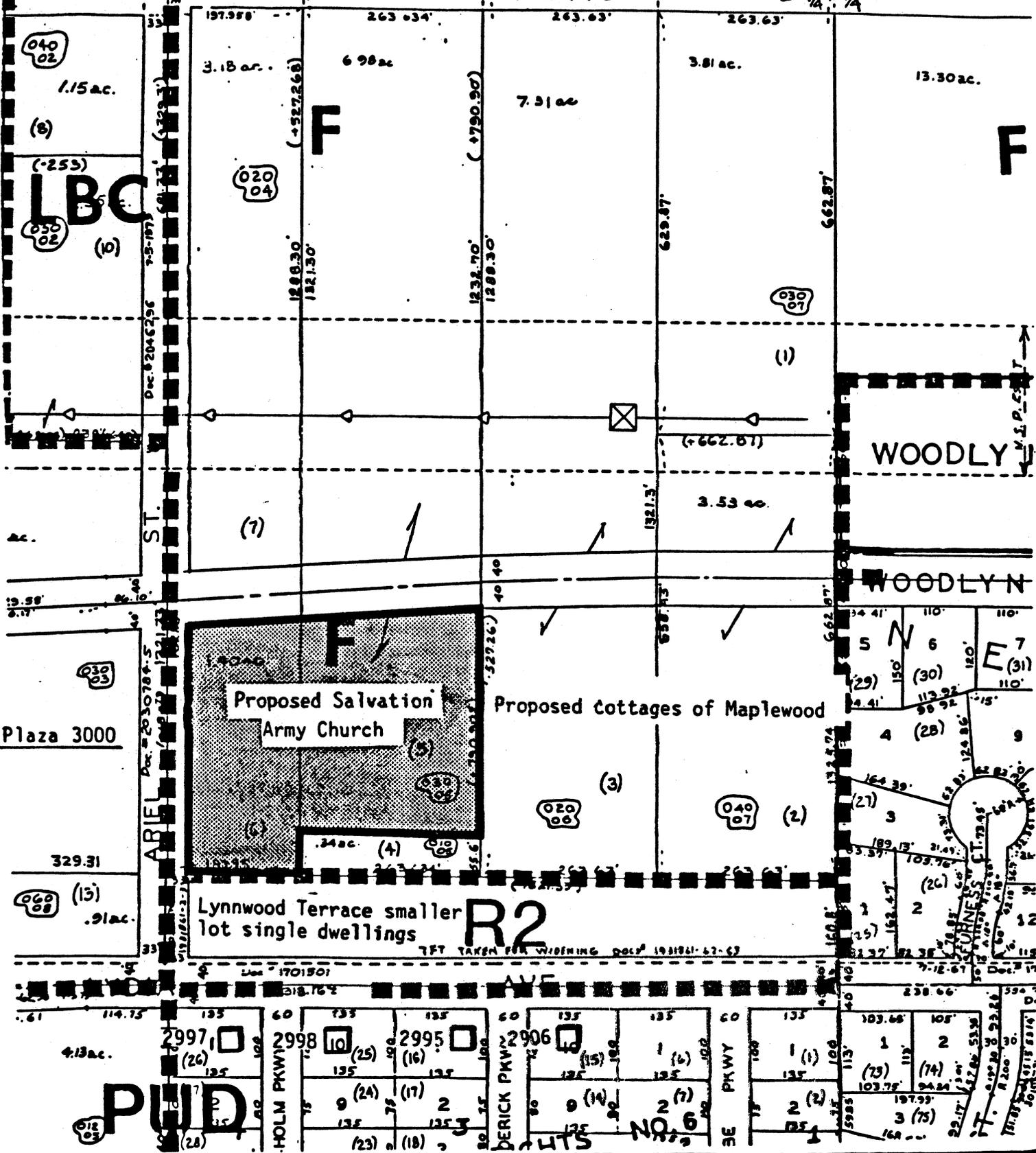


LOCATION MAP



COUNTY ROAD

D 2636.35 ft. 1/4 1/4

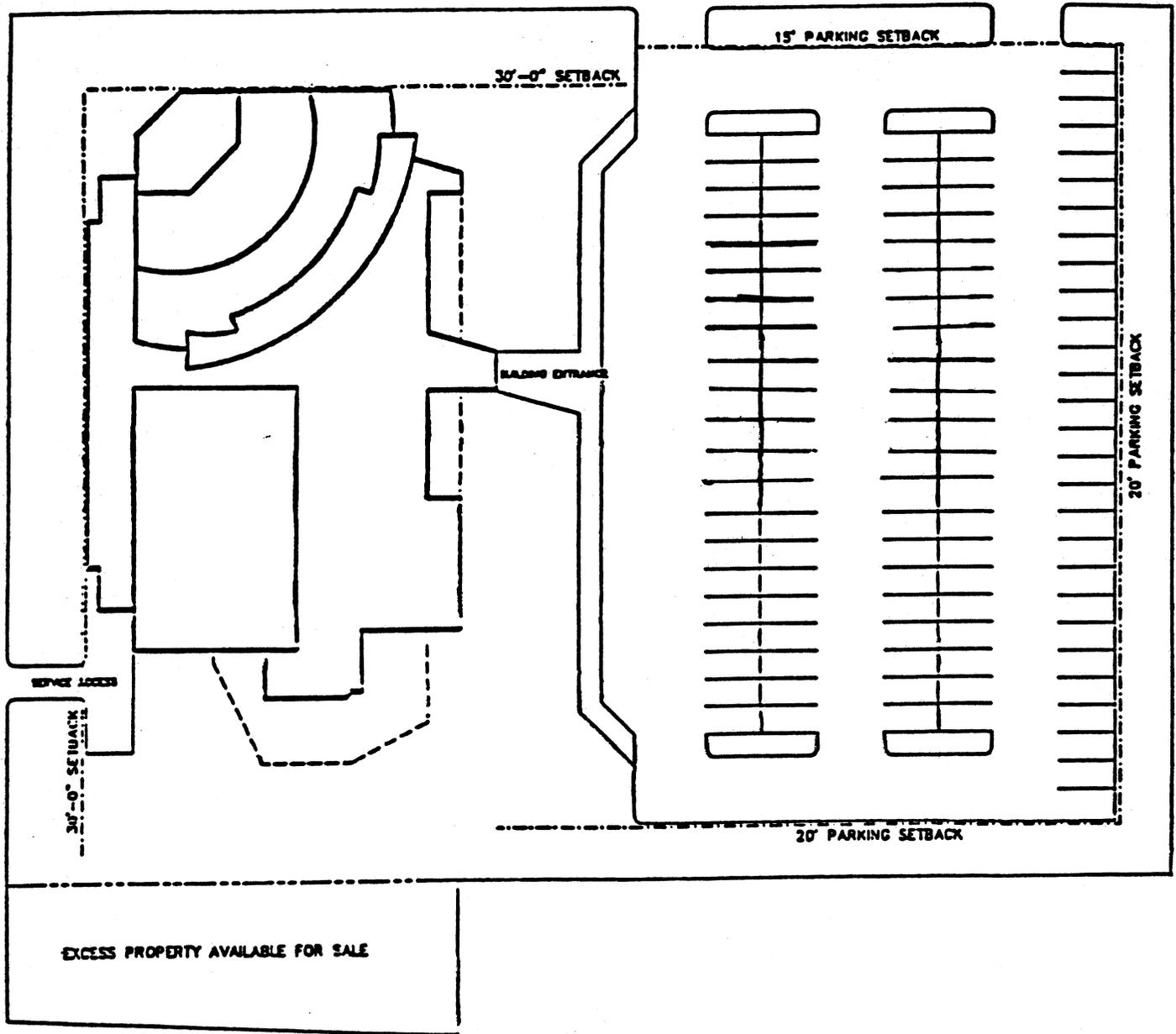


PROPERTY LINE / ZONING MAP



WOODLYNN AVE.

ARIEL ST.



EXCESS PROPERTY AVAILABLE FOR SALE

**SITE PLAN**  
SALVATION ARMY CHURCH

Attachment 3



Action by Council:

AGENDA REPORT

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

To: City Manager Michael McGuire  
From: Chief of Police Kenneth V. Collins *KVC*  
Subject: Liquor License - Ciatti's, 1900 E. Co. Rd. D  
Date: January 2, 1990

Introduction

Ciatti's, Inc., has applied for a liquor license for the proposed restaurant at 1900 E. Co. Rd. D. The liquor license is to be in the name of Robert David Gillen, DOB 5-28-62.

Background

A background investigation has been conducted on the applicant, Robert David Gillen. Mr. Gillen was arrested in June of 1986 on a DWI charge. Other than that occasion, Mr. Gillen has no criminal or police record.

Checks were also conducted on all of the members of the Ciatti's corporation. No arrest records were found.

The State of Minnesota, Department of Public Safety, Liquor Control Division, reported that William C. Ferril, Barney U. Uhlig, and Phillip R. Danford are in the corporation that holds on-sale liquor licenses doing business as Ciatti's in Burnsville, Eden Prairie, Falcon Heights, St. Paul, and Minneapolis. Thomas Kelm is in the corporation holding an on-sale liquor license at Ciatti's in St. Paul. Robert Green is not listed as a liquor license holder in the State of Minnesota. Also, there are three other members of the corporation who are not currently listed on any liquor licenses in Minnesota.

I interviewed Mr. Gillen and learned the following information. Mr. Gillen graduated from high school in Brooklyn Park and attended North Hennepin Community College. He has worked for Ciatti's, Inc., for six years and worked his way up to a management position. He has been a manager for the past five years; and during that time, he handled all aspects of the business, including on-sale liquor.

Mr. Gillen is quite familiar with the liquor laws for the State of Minnesota that pertain to sales, identification required, and hours of operation.

Mr. Gillen stated that Ciatti's normal hours of operation are: dining room opens at 11 a.m. and closes at 10 p.m. Sunday through Thursday. On Friday and Saturday, the dining room closes at 11 p.m.; and the lounge closes at 1 a.m.

Recommendation

Based on the background investigation of Mr. Gillen, I find nothing that would prevent him from holding a liquor license in the City of Maplewood.

Action Required

Submit to the City Council for their review and handling.

KVC:js

cc Liquor File  
City Clerk  
89-012872

CITY OF MAPLEWOOD

APPLICATION FOR INTOXICATING LIQUOR LICENSE

THIS APPLICATION SHALL BE SUBMITTED IN DUPLICATE. Please do not use initials. Whoever shall knowingly and wilfully falsify the answers to the following questionnaire shall be deemed guilty of perjury and shall be punished accordingly.

In answering the following questions "APPLICANTS" shall be governed as follows: For a Corporation one officer shall execute this application for all officers, directors and stockholders. For a partnership one of the "APPLICANTS" shall execute this application for all members of the partnership.

EVERY QUESTION MUST BE ANSWERED

1. I, ROBERT DAVID GILLEN as OFFICER (Individual owner, officer or partner)

for and in behalf of Ciatti's, Inc, 5201 Eden Circle, Edina, MN 55436

hereby apply for an ON Sale Intoxicating Liquor License to be located at Lot 2, Block 1, MAPLEWOOD MALL ADD, RAMSEY CNTY, MN, EXCEPT THAT PART LYING EASTERLY OF A LINE OF SAID LOT 2, DISTANT 325.83 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID LOT 2, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 2, TO THE SOUTH LINE OF SAID LOT 2, AND TERMINATING THERE, SUBJECT TO EASEMENTS, IF ANY in the City of (Give address and legal description)

Maplewood, County of Ramsey, State of Minnesota, in accordance with the provisions of Ordinance No. 95 of Maplewood.

2. Give applicants' date of birth:

ROBERT DAVID GILLEN 28 MAY 62 (Day) (Month) (Year)

3. The residence for each of the applicants named herein for the past five years is as follows:

3063 FARRINGTON CT, ROSEVILLE, MN 55113. 157-13TH AVE, NEW BRIGHTON, MN 55112 7328 LYNDALE AVE So, RICHFIELD, MN 55423

4. Is the applicant a citizen of the United States? YES

If naturalized state date and place of naturalization N/A

If a corporation or partnership, state citizenship including naturalization of each officer or partner.

ALL OFFICERS ARE U.S. CITIZENS

5. The person who executes this application shall give wife's or husband's full name and address.

N/A

6. What occupations have applicant and associates in this application followed for the past five years?

RESTAURANT MANAGEMENT

RECEIVED

AUG 11 1989

MAPLEWOOD POLICE

Ciatti's Italian Restaurant

File + file 7/18/89

7. If partnership, state name and address of each partner. N/A

If a corporation, date of incorporation 1981, state in which incorporated DELAWARE, amount of authorized capitalization 10,000,000 SHARES amount of paid in capital \$4,320,520, if a subsidiary of any other corporation, so state N/A

give purpose of corporation RESTAURANT OWNER & OPERATOR

name and address of all officers, directors and stockholders and the number of shares held by each:

<u>SEE ATT'D SHEET</u>		
(Name)	(Address)	(City)

COMPANY'S STOCK IS PUBLICLY TRADED (NASDAQ)

If incorporated under the laws of another state, is corporation authorized to do business in this State? YES. Number of certificate of authority SEE ENCLOSURE

If this application is for a new Corporation, include a certified copy of Articles of Incorporation and By-Laws. N/A

8. On what floor is the establishment located, or to be located? GROUND

9. If operating under a zoning ordinance, how is the location of the building classified? N/A  
Is the building located within the prescribed area for such license?

10. Is the establishment located near an academy, college, university, church, grade or high school? NO. State the approximate distance of the establishment from such school or church

11. State name and address of owner of building LARSON-DORAN PARTNERSHIP, 730-2<sup>RD</sup> AVE SO, #415 MPLS, MN; has owner of building any connection, directly or indirectly, with applicant? LEASE AGREEMENT

12. Are the taxes on the above property delinquent? NO

13. State whether applicant, or any of his associates in this application, have ever had an application for a Liquor License rejected by any municipality or State authority; if so, give date and details NO

14. Has the applicant, or any of his associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give date and details NO

15. State whether applicant, or any of his associates in this application, during that past five years were ever convicted of any Liquor Law violations or any crime in this state, or any other state, or under Federal Laws, and if so, give date and details. NO

16. Is applicant, or any of his associates in this application, a member of the governing body of the municipality in which this license is to be issued? NO If so, in what capacity? \_\_\_\_\_

17. State whether any person other than applicants has any right, title or interest in the furniture, fixtures, or equipment in the premises for which license is applied, and if so, give names and details PUBLIC SHAREHOLDERS

18. Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the State of Minnesota? NO Give name and address of such establishment \_\_\_\_\_

19. Furnish the names and addresses of at least three business references, including one bank reference MID WEST FEDERAL BANK, GRAND AVE, ST. PAUL, MN  
WEBB, MARKMAN & ASSOC., 6600 FRANCE AVE, EDINA, MN  
1ST BANK EAST, 1000 PAINE AVE, ST. PAUL, MN

20. Do you possess a retail dealer's identification card issued by the Liquor Control Commissioner which will expire December 31st of this year? Give number of same NOT YET

21. Does applicant intend to sell intoxicating liquor to other than the consumer? NO

22. State whether applicant intends to possess, operate or permit the possession or operation of, on the licensed premises or in any room adjoining the licensed premises, any slot machine, dice, gambling device and apparatus, or permit any gambling therein NO

23. Are the premises now occupied, or to be occupied, by the applicant entirely separate and exclusive from any other business establishment? YES

24. State trade name to be used Cidli's Italian Restaurant®

25. State name of person that will operate store ROBERT D. GILLEN

26. Give Federal Retail Liquor Dealer's Tax Stamp Number APPLIED FOR

27. If off sale license is being applied for, do you intend to deliver liquor by vehicle? N/A If so, state number of motor vehicle permits issued by Liquor Control Commissioner for current year

28. If you are building a new building for the purposes for which this application is being made, please submit plans and specifications with this application. BUILDING BY LANDLORD, NOT CIATTI'S.

29. Financing of the construction of this building will be as follows:

BY LANDLORD

30. Furnish a personal financial statement with this application. If a partnership, furnish financial statement of each partner.

31. Give description of type of operation if this is an on-sale license application (i.e. whether cocktail lounge, nite club, restaurant, etc., specifying capacity by number of customers and any other pertinent data)

RESTAURANT WITH FULL LIQUOR LICENSE  
( DINING ROOMS AND LOUNGE )

32. What previous experience have you had in the operation of the type of business described in the answer to No. 31 above MANAGED FOUR RESTAURANTS

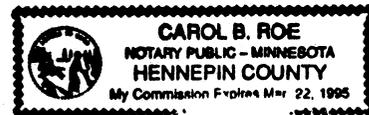
WITH LIQUOR LICENSE PREVIOUSLY.

33. Applicant, and his associates in this application, will strictly comply with all the laws of the State of Minnesota governing the taxation and the sale of intoxicating liquor; rules and regulations promulgated by the Liquor Control Commissioner; and all ordinances of the municipality; and I hereby certify that I have read the foregoing questions and that the answers to said questions are true of my own knowledge.

Robert D. Giv  
(Signature of Applicant)

Subscribed and sworn to before me this

26 day of July, 1989  
Carol B. Roe



**THIS APPLICATION MUST BE ACCOMPANIED WITH YOUR CHECK  
FOR THE FIRST LICENSE PERIOD.**

**REPORT ON APPLICANT OR APPLICANTS BY POLICE DEPARTMENT**

This is to certify that the applicant, or his associates named herein have not been convicted within the past five years for any violation of Laws of the State of Minnesota, or Municipal Ordinances relating to Intoxicating Liquor, except as hereinafter stated.

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**MAPLEWOOD POLICE DEPARTMENT**

Approved by: \_\_\_\_\_  
\_\_\_\_\_ Title.

**REPORT ON PREMISES BY FIRE DEPARTMENT**

This is to certify that the premises herein described have been inspected and that all Laws of the State of Minnesota and Municipal Ordinances relating to Fire Protection have been complied with.

**MAPLEWOOD FIRE DEPARTMENT**

Approved by: \_\_\_\_\_  
\_\_\_\_\_ Title.

# Ciatti's Inc.

City of Maplewood  
1830 East County Road B  
Maplewood, MN 55109

ATTN: J. Schadt

28 Jul 89

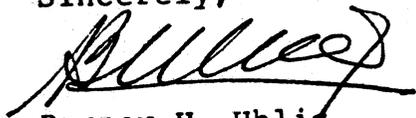
RE: Application for Liquor License

Dear Ms. Schadt:

Enclosed please find Robert Gillen's application for an on-sale, full liquor license on behalf of this Corporation for Ciatti's Italian Restaurant\* in Maplewood, which is slated for opening early in 1990. The location (legal description is shown in the application) does not yet have a postal address, but is south of County Road B and west of TH 65. The restaurant will be a leased space in a shopping mall, all owned and constructed by our Landlord.

Enclosed is a check for the investigation fee of \$394.00. Should you or any of the investigating officers have any questions, please do not hesitate to call me.

Sincerely,



Barney U. Uhlig  
Vice President

encl.

cc: VP Ops  
AS  
Controller



Names and addresses of Directors and Officers of Ciatti's, Inc.

Mr. Dan Danford 4401 Browndale Ave. Edina, MN 55424	Chairman of the Board of Directors Director
Mr. William C. Ferril 240 Wakefield Rd. Wayzata, MN 55391	President, Director
Mr. Barney U. Uhlig 16370 No. Hillcrest Court Eden Prairie, MN 55344	Vice President, Director Secretary
Mr. Phillip R. Danford 1755 N. Newberry Ave. Stillwater, MN 55082	Vice President Director
Mr. Ben E. Fellows Protein Technology Inc. Suite 725 1221 Nicollet Mall Minneapolis, MN 55403	Director
Mr. Charles F. Ruhr Ruhr Paragon 1221 Nicollet Mall Minneapolis, MN 55403	Director
Mr. Thomas A. Kelm Northstate Advisors, Inc. 43 Main St. S. E. Suite E H500 Minneapolis, MN 55414	Director
Christopher L. Collier 210 Piedmont Court Chanhassen, MN 55437	Treasurer

State of Minnesota

**SECRETARY OF STATE**

Certificate of Good Standing

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: The corporation listed below is a foreign corporation qualified to do business in Minnesota pursuant to Minnesota Statutes, Chapter 303 on this date; that the qualification was filed with the Office of the Secretary of State on the date listed below; and that the corporation was formed under the laws of the state listed below.

Name of Corporation in Minnesota: Ciatti's, Inc.

Name in State of Formation: Ciatti's, Inc.

Date Qualification was Filed in Minnesota: 10/01/1986

Formed Under the Laws Of: DE

This certificate has been issued on 07/22/88.



*Joan Anderson Grove*  
Secretary of State.

**FINANCIAL STATEMENT**

**OF**

**ROBERT D. GILLEN**

**Annual Income: \$30,000 plus bonus (estim. \$3 - 6,000)**

**ASSETS:**

Savings	\$300.00
Checking	700.00
U.S. Bonds	125.00
Templeton Mutual Fund	1,100.00
Guardian Park Fund	2,200.00
Soligman Bond Fund	100.00
Truck	4,500.00
Personal goods (estim)	<u>5,000.00</u>
<b>TOTAL</b>	<b>\$9,525.00</b>

**LIABILITIES:**

Truck Loan	\$531.00
VISA credit card	600.00
Mastercard	400.00
Discover Card	<u>500.00</u>
<b>TOTAL</b>	<b>\$1,505.00</b>

**NET WORTH:**

**\$8,020.00**

July 27, 1989

*Ciatti's*  
*Incorporated*

City of Maplewood  
1830 East County Road B  
Maplewood, MN 55109

4 Aug 89

This is to certify that the undersigned has no financial, beneficial, or other interest in any liquor license or liquor licensed establishment.

*Robert F. Gillen*

Robert Gillen

*Ciatti's*  
Inc

8801 Eden Circle Eden, MN 55439-2387

NORWEST BANK MINNESOTA, N.A.  
EAST BLOOMINGTON OFFICE  
BLOOMINGTON, MN 55425  
75-1660-910

4473

DATE CONTROL NO. AMOUNT  
07/26/89 4473 \*\*\*\*\*394.00

PAY  
TO THE  
ORDER OF

THREE HUNDRED NINETY-FOUR AND NO/100 DOLLARS  
CITY OF MAPLEWOOD

*Anthony J. Collier*

⑈004473⑈ ⑆091016605⑆ 98⑈2⑈526⑈

C-12476



**CITY OF MAPLEWOOD**

1830 E. COUNTY RD. B, MAPLEWOOD, MINNESOTA 55109

CITY CLERK

No. C12476

RECEIVED OF

*Ciatti's Inc*

DATE

*8/11/89*

DESCRIPTION	PERM/LIC.	AMOUNT	FUND	OBJECT	PROG.	DIV.
<i>Police Training Investigations</i>						
<i>Fee</i>		<i>394.00</i>				
<i>(Police Training Bureau)</i>						

*Jeannette Schadt*

RECEIVED BY

TOTAL

*394.00*

CHECK

CASH

Action by Council:

**MEMORANDUM**

TO: City Manager  
 FROM: Thomas Ekstrand, Associate Planner  
 SUBJECT: **Radatz Avenue Street Vacation**  
 LOCATION: North of 2806 Maplewood Drive (ABRA)  
 APPLICANT: Highway 61 Partners  
 DATE: December 28, 1989

Endorsed \_\_\_\_\_  
 Modified \_\_\_\_\_  
 Rejected \_\_\_\_\_  
 Date \_\_\_\_\_

**SUMMARY**

**INTRODUCTION**

The applicant is requesting that the Radatz Avenue right-of-way north of ABRA Auto Body be vacated.

**Reason For The Request**

ABRA is proposing to expand their parking lot 64 feet to the east, thereby, increasing their impervious surface area coverage on the site to 62%. Impervious surface area is the area covered by the building and parking lot. The City's shoreland ordinance limits the impervious surface area to 60%. The vacation of the adjacent Radatz Avenue right-of-way would increase ABRA's site size enough to permit their parking lot expansion while still complying with the shoreland ordinance. ABRA's impervious surface area, with the added site area, would be 56%.

The City Council has directed Staff to vacate all street and alley rights-of-way that are not needed for street or alley development.

**BACKGROUND**

The Community Design Review Board approved ABRA on December 27, 1988. A parking shortage was realized after opening, even though there was enough parking to meet code requirements. Overflow parking has been occurring on the undeveloped Radatz Avenue right-of-way north of ABRA, along the Highway 61 frontage road and within drive aisles on the site.

**CRITERIA FOR APPROVAL**

Chapter 412.851 of the state statutes requires that "Council may, by resolution, vacate any street . . . if it appears to be in the public interest to do so . . ."

**DISCUSSION**

There is no reason to retain this remaining portion of Radatz Avenue, especially since the majority of this roadway has already been vacated. This vacation would also benefit ABRA by allowing them to increase their parking lot area without the need for a variance.

**RECOMMENDATION**

Adoption of the resolution on page 7, vacating Radatz Avenue north of 2806 Maplewood Drive, on the basis that:

1. This right-of-way is not needed for utility or roadway purposes,
2. The majority of Radatz Avenue to the east has already been vacated,
3. The vacation would allow the expansion of the parking lot at 2806 Maplewood Drive without the need for a variance.

## CITIZEN COMMENTS

Staff mailed surveys to the five property owners within 350 feet for their comments regarding ABRA's proposed parking lot expansion. One survey was returned which was in favor.

## REFERENCE

### Site Description

The Radatz Avenue right-of-way is undeveloped and is not needed for existing or proposed utility placement or traffic flow.

### Surrounding Land Uses

Radatz Avenue is bordered by ABRA and undeveloped KSTP property.

### Past Actions

09-09-64: The City Council vacated undeveloped Radatz Avenue from English Street to Fitch Street.

10-24-88: The City Council vacated English Street right-of-way from Radatz Avenue to Kohlman Avenue.

### Planning

1. Land Use Plan designation: SC, Service Commercial
2. Zoning: M-1, Light Manufacturing

## TEABRAVAC Attachments

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

120 N.

880 N.

640 N.

400 N.

694

19

VADNAIS HEIGHTS

LITTLE CANADA

LAFAYETTE ST

GERVAIS LG

COLEMAN ST

WINDY HILLS DR

KOHLMAN LAKE

KOHLMAN LAKE

KOHLMAN LAKE

KOHLMAN LAKE

WINDY HILLS DR



Rudels Ave.

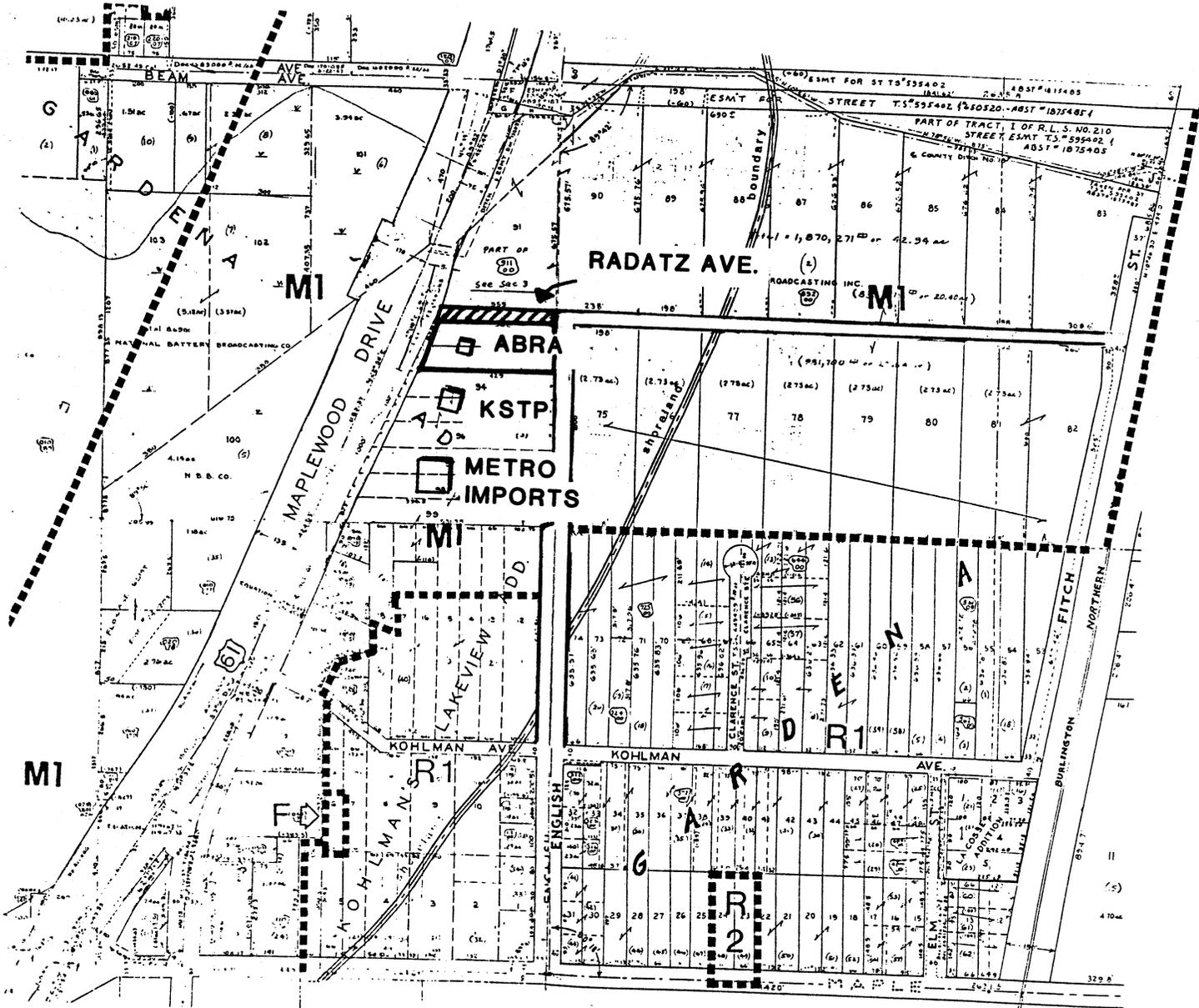
NRRA



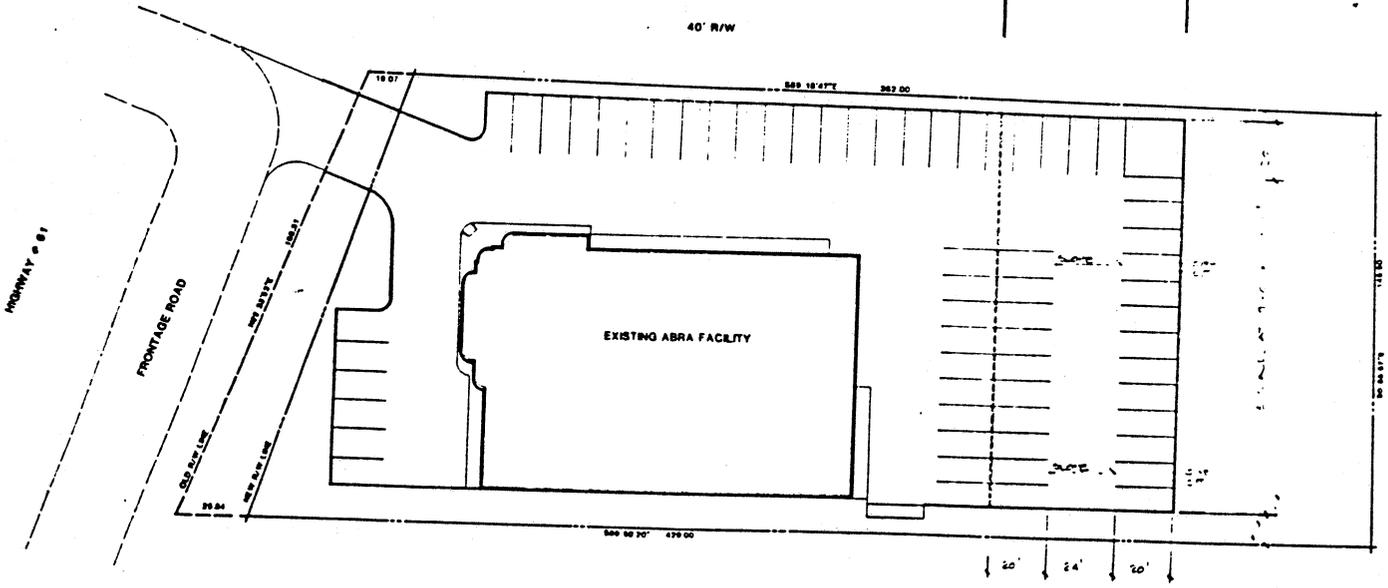
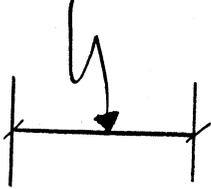
# LOCATION MAP



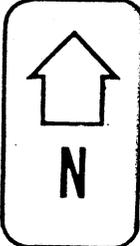
N



Proposed Parking  
Lot Expansion Area



SITE PLAN





residential, and a rezoning from F, farm residential to R-1, single dwelling residential, for the area south of the MnDOT property along the west side of McMenemy Street.

Jim Gerard, 1716 McMenemy Street, asked if this proposal would affect property taxes. Staff responded that Mr. Gerard would have to inquire with Ramsey County Tax Assessor for this information, but since no development change is proposed for the area Ramsey County Tax Department would not receive any notice.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution which amends the land use plan for the area south of the MnDOT property and west of McMenemy Street from RM, medium density residential to RL, low density residential on the basis that the City does not anticipate any change in the current use of this area for single-dwelling homes.
2. Approval of the resolution to rezone the area south of the MnDOT property and west of McMenemy Street from F, farm residential to R-1, single-dwelling residential based on the findings required by ordinance.

Commissioner Sletten seconded

Ayes--Axdahl,  
Fischer, Gerke,  
Larson, Rossbach,  
Sletten

6. NEW BUSINESS

a. Street Vacation: Radatz Avenue

Secretary Olson presented the staff report for this requested vacation for the Radatz Avenue right-of-way north of ABRA Auto Body for expansion of their parking lot.

A commissioner suggested some kind of security and screening should be required for the vehicles parked at ABRA Auto Body.

Kim Benson, Highway 61 Partners and owners of the building leased to ABRA Auto Body, said he is the

representative for ABRA Auto Body at this meeting. Mr. Benson said he was not aware of any vandalism at ABRA in the past.

Roger Anitzberger, a member of the Community Design Review Board, said the issue of screening had been discussed when this item was reviewed but since it was proposed that no damaged or dismantled vehicles would be stored outside, the Review Board did not require any screening.

Commissioner Fischer moved the Planning Commission recommend adoption of the resolution vacating Radatz Avenue north of 2806 Maplewood Drive, on the basis that:

1. This right-of-way is not needed for utility or roadway purposes.
2. The majority of Radatz Avenue to the east has already been vacated.
3. The vacation would allow the expansion of the parking lot at 2806 Maplewood Drive without the need for a variance.

Commissioner Sletten seconded

Ayes--Axdahl,  
Fischer, Gerke,  
Larson, Rossbach,  
Sletten

~~7. VISITOR PRESENTATIONS~~

~~8. COMMISSION PRESENTATIONS~~

~~A. Council Meeting: December 28, 1989~~

~~Commissioner Sletten reported on the meeting.~~

~~B. Representative for the January 8 City Council Meeting:  
Gary Gerke~~

~~9. STAFF PRESENTATIONS~~

~~10. ADJOURNMENT~~

Meeting adjourned at 9:58 p.m.

Action by Council:

MEMORANDUM

TO: City Manager  
 FROM: Ken Roberts, Associate Planner  
 SUBJECT: Land Use Plan Amendment and Rezoning  
 LOCATION: McMenemy Street, South of MnDot Property  
 APPLICANT: City of Maplewood  
 DATE: December 27, 1989

Endorsed \_\_\_\_\_  
 Modified \_\_\_\_\_  
 Rejected \_\_\_\_\_  
 Date \_\_\_\_\_

SUMMARY

INTRODUCTION

The City is proposing a land use plan amendment from RM, medium density residential to RL, low density residential and a rezoning from F, farm residential to R-1, single dwelling residential for the area south of the MnDot property along the west side of McMenemy Street. This is shown on the maps on pages 4 and 5.

BACKGROUND

On November 16, 1989, the City Council initiated a study by staff of properties which have zoning and land use designations that are inconsistent.

The zoning designation for a property defines the current development rights for the site while the land use plan designation is the City's expected future use of the property.

CRITERIA FOR APPROVAL

Plan Amendment

Plan amendments require no specific findings for approval. Any amendment, however, should be consistent with the City's land use goals and policies.

Rezoning

Section 36-485 of the City Code requires the following findings to approve a rezoning:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.

#### **DISCUSSION**

The current designation for this area on the City's Land Use Plan is not consistent with the existing or probable future use of the land. This area is developed with single-family homes on one-half to one-acre lots. The potential for multiple dwellings on this land seems unlikely, given the number of parcels involved and the preference by those who replied to our survey to maintain the existing use. The Plan should be amended to RL, residential low density, which is the designation for larger lot, single-family homes.

The rezoning from F, farm residential to R-1, single-dwelling residential would eliminate the potential for agricultural uses that may be a nuisance in a residential area.

#### **RECOMMENDATIONS**

1. Approve the resolution on page 6 which amends the land use plan for the area south of the MnDot property and west of McMenemy Street from RM, medium density residential to RL, low density residential on the basis that the City does not anticipate any change in the current use of this area for single-dwelling homes.
2. Approve the resolution on page 7 to rezone the area south of the MnDot property and west of McMenemy Street from F, farm residential to R-1, single-dwelling residential based on the findings required by ordinance.

## CITIZEN COMMENTS

Staff mailed surveys to the 27 property owners within 350 feet for their comments regarding this proposal. All 13 replies were in favor.

### REFERENCE

#### Site Description

Area: 208,000 square feet (4.78 acres)

Existing land use: 5 single-family dwellings

#### Surrounding Land Uses

North: MnDot equipment yard property (zoned M-1)

East: McMenemy Street and single-family homes

South: Larpenteur East apartments (zoned R-3)

West: I-35E

#### Planning

**Low Density Residential (RL)** - "This classification is primarily designated for a variety of single-dwelling homes. An occasional double dwelling may be allowed. The maximum population density is 14 people per net acre" (page 18-29).

**Medium Density Residential (RM)** - "This classification is designated for such housing types as single-family houses on small lots, two-family homes, townhouses, and mobile homes. The maximum population density is 22 people per net acre" (page 18-30).

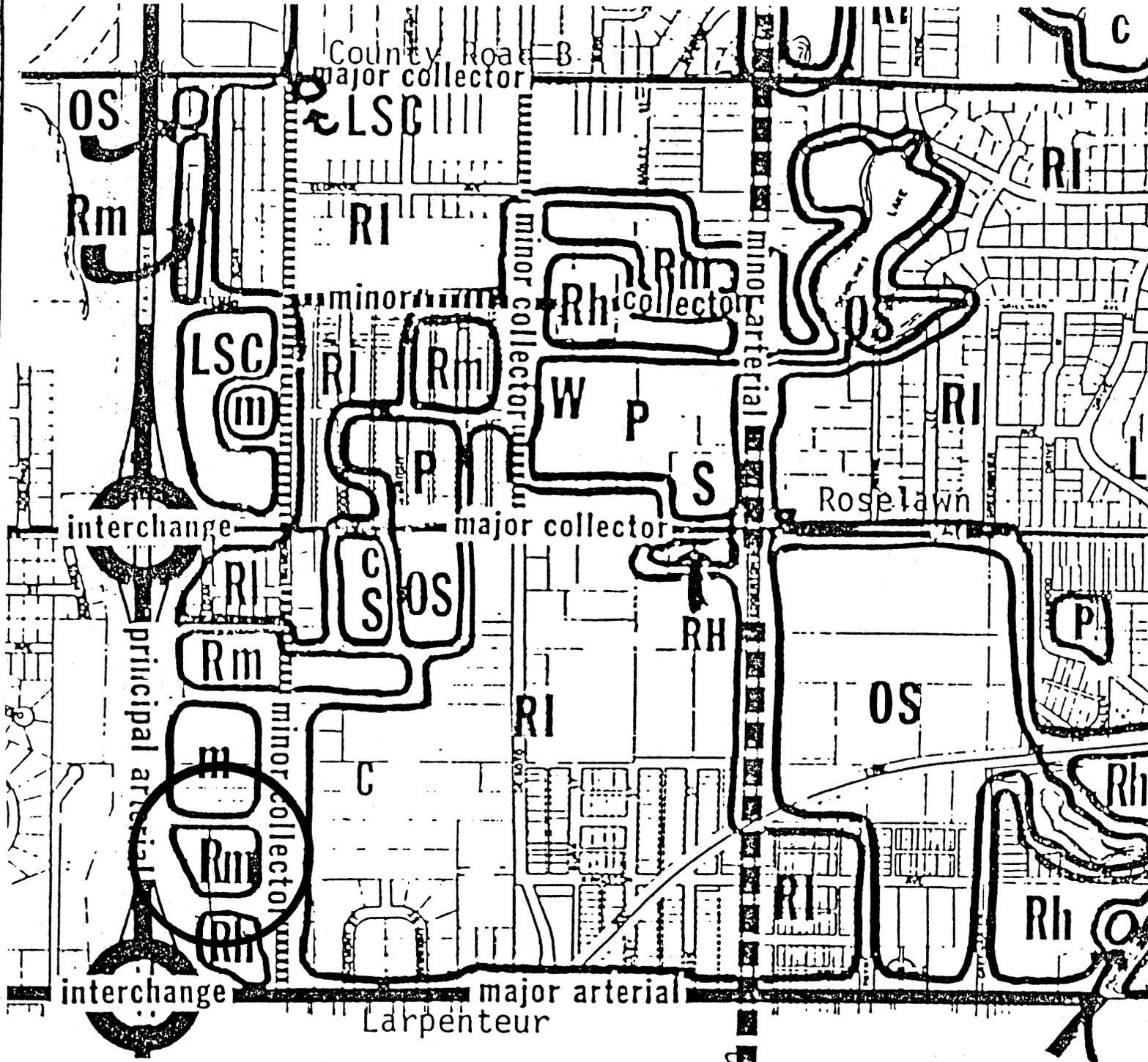
**Existing zoning: F, Farm Residential** which allows single-family dwellings, general farming, commercial greenhouses and nurseries. Livestock raising, manufactured home parks and golf courses are permitted with a conditional use permit.

**Proposed zoning: R-1, Single Dwelling Residential** which allows single-family dwellings, public parks and home occupations. Golf courses and the storage of commercial vehicles are permitted with a conditional use permit.

#### Attachments

1. Parkside Neighborhood Land Use Map
2. Property Line/Zoning Map
3. Plan Amendment Resolution
4. Rezoning Resolution

kenmemo27



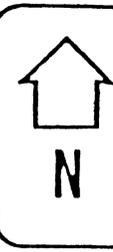
RL= Low Density Residential  
 RM= Medium Density Residential  
 RH= High Density Residential  
 M = Municipal Facility

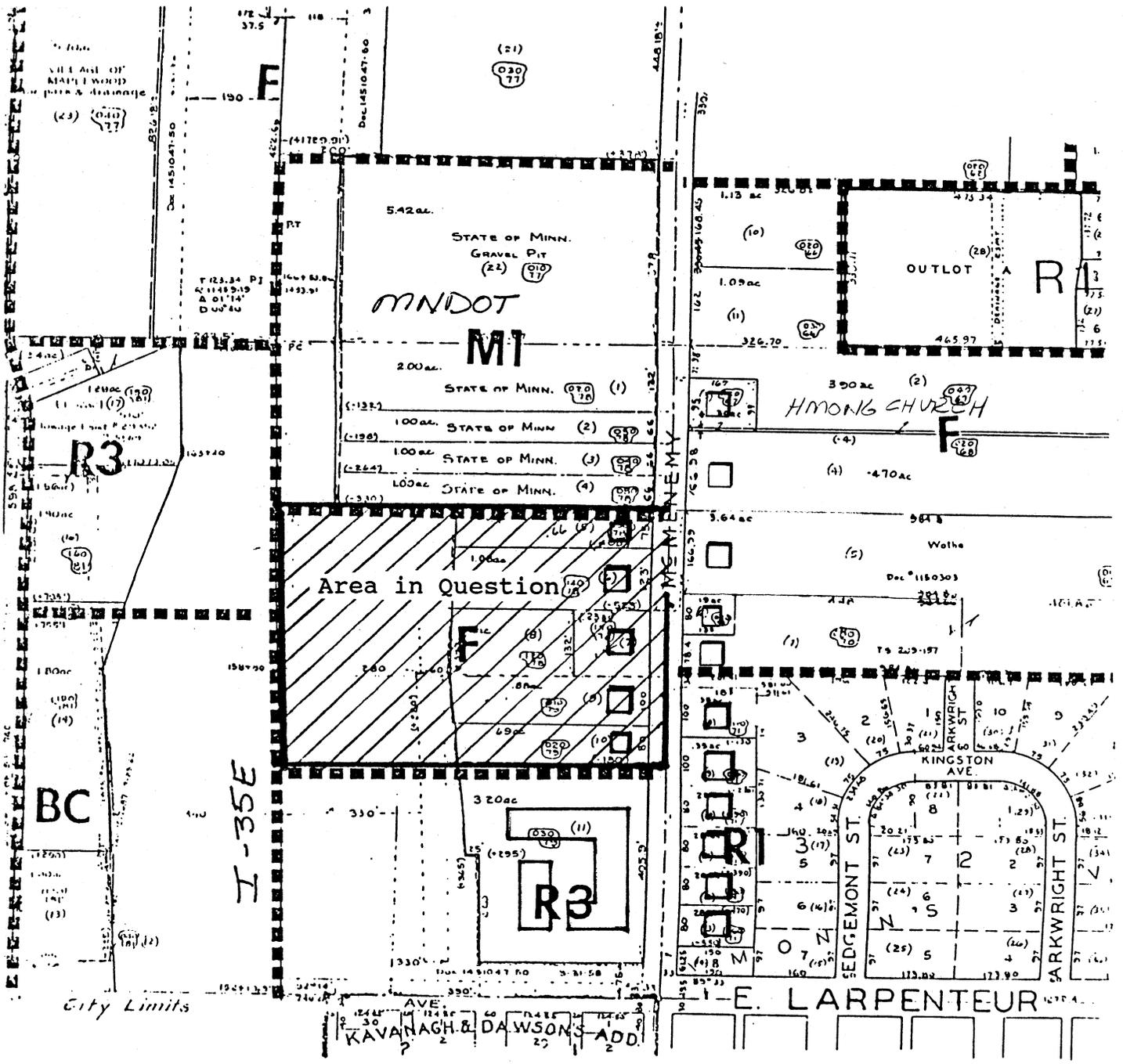
35E

Edgerton

LSC

Parkside  
 NEIGHBORHOOD LAND USE PLAN





- F = Farm Residence
- R1= Single Family Dwelling
- R3= Multiple Family Dwelling
- BC= Business Commercial
- M1= Light Manufacturing

PROPERTY LINE / ZONING MAP



PLAN AMENDMENT RESOLUTION

WHEREAS, the City of Maplewood initiated an amendment to the Maplewood Comprehensive Plan from RM, medium density residential to RL, low density residential for the following-described property:

The area south of the Minnesota Department of Transportation (MnDot) property, west of McMenemy Street.

This property is more commonly described as 1733-1767 McMenemy Street.

WHEREAS, the procedural history of this plan amendment is as follows:

1. The Maplewood Planning Commission held a public hearing on January 4, 1990 to consider this plan amendment. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Planning Commission recommended to the City Council that said plan amendment be approved.

2. The Maplewood City Council considered said plan amendment on \_\_\_\_\_, 1990. The Council considered reports and recommendations from the Planning Commission and City staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described plan amendment be approved on the basis that the City does not anticipate any change in the current use of this area for single-dwelling homes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

REZONING RESOLUTION

WHEREAS, the City of Maplewood initiated a rezoning from F, farm residence to R-1, single-dwelling residential for the following-described property:

The area south of the Minnesota Department of Transportation (MnDot) property, west of McMenemy Street.

This property is also known as 1733-1767 McMenemy Street.

WHEREAS, the procedural history of this rezoning is as follows:

1. This rezoning was reviewed by the Maplewood Planning Commission on January 4, 1990. The Planning Commission recommended to the City Council that said rezoning be approved.
2. The Maplewood City Council held a public hearing on \_\_\_\_\_, 1990 to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable and the public welfare.
4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

Olson said there would not be any non-conforming uses created by these proposed land use plan amendments.

Donald Christianson, 1111 E. Co. Rd. C, said he wants the property south of County Road C to remain zoned R-1.

Raymond Butler, 1117 E. Co. Rd. C, said he also wants the property south of County Road C to remain zoned R-1 and feels it is inconsistent with the intent of the zoning code to zone this property farm.

Mike Hogan, 1160 E. Co. Rd. C, and James Nygard, 1110 E. Co. Rd. C, also said they were in favor of this property remaining R-1 zoning. Mr. Nygard presented a petition to the Planning Commission by the residents adjacent to County Road C.

Dennis Berry, 984 Brooks Court, asked that if the zoning is changed on the property west of his property and a conditional use permit is required, a berm or landscape screen be required on the corner abutting the residential property.

Nancy Anderson, 1122 E. Co. Rd. C, said she wanted the property behind her home to remain zoned R-1.

The commissioners discussed with staff some of the issues involved with possible future extensions of Forest Street and Gervais Avenue.

Several additional property owners south of County Road C said they wanted the property proposed for farm zoning to remain R-1 zoning.

Commissioner Sletten moved the Planning Commission continue this hearing on January 18, 1990.

Commissioner Fischer seconded  
Ayes--Axdahl,  
Fischer, Gerke,  
Larson, Rossbach,  
Sletten

- b. 7:45 p.m., Plan Amendment and Rezoning: McMenemy Street, South of MnDOT

Ken Roberts, Associate Planner, presented the staff report for this proposed land use plan amendment from RM, medium density residential to RL, low density

residential, and a rezoning from F, farm residential to R-1, single dwelling residential, for the area south of the MnDOT property along the west side of McMenemy Street.

Jim Gerard, 1716 McMenemy Street, asked if this proposal would affect property taxes. Staff responded that Mr. Gerard would have to inquire with Ramsey County Tax Assessor for this information, but since no development change is proposed for the area Ramsey County Tax Department would not receive any notice.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution which amends the land use plan for the area south of the MnDOT property and west of McMenemy Street from RM, medium density residential to RL, low density residential on the basis that the City does not anticipate any change in the current use of this area for single-dwelling homes.
2. Approval of the resolution to rezone the area south of the MnDOT property and west of McMenemy Street from F, farm residential to R-1, single-dwelling residential based on the findings required by ordinance.

Commissioner Sletten seconded

Ayes--Axdahl,  
Fischer, Gerke,  
Larson, Rossbach,  
Sletten

6. NEW BUSINESS

a. Street Vacation: Radatz Avenue

Secretary Olson presented the staff report for this requested vacation for the Radatz Avenue right-of-way north of ABRA Auto Body for expansion of their parking lot.

A commissioner suggested some kind of security and screening should be required for the vehicles parked at ABRA Auto Body.

Kim Benson, Highway 61 Partners and owners of the building leased to ABRA Auto Body, said he is the

Action by Council:

MEMORANDUM

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

TO: City Manager  
FROM: Thomas Ekstrand, Associate Planner  
SUBJECT: Housemoving Request  
LOCATION: Southeast Corner of Larpenteur Avenue and McKnight Road  
APPLICANT: Robert H. Leibman  
DATE: January 16, 1990

INTRODUCTION

1. The applicant is requesting approval to move four single dwellings to the southeast corner of McKnight Road and Larpenteur Avenue.
2. Photocopies of the four dwellings are enclosed on page 7. Colored photographs will be available at the meeting.
3. The proposed four lots do not presently exist as individual home sites. This plat, the Woods and Ponds Addition being developed by Ed Cave and Son's, Inc., has so far only received preliminary plat approval. Final plat approval must be given before the four homes can be moved.

REASON FOR REVIEW

Section 9-61 of the City Code states that "no person shall move a house or garage over any highway, street or alley in Maplewood, without first receiving approval from the City." Section 9-63 requires a public hearing and notification of property owners within 350 feet before approval can be given.

BACKGROUND

On August 28, 1989, the City Council granted preliminary plat approval for the Woods and Ponds Addition. This approval was conditioned upon numerous requirements. Refer to the final plat report on this agenda for a list of pertinent conditions.

On January 8, 1990, the City Council took no action concerning the applicant's request to temporarily store these four homes on the proposed site prior to the public hearing.

On January 9, 1990, the Community Design Review Board reviewed the design and appearance of the proposed dwellings and recommended approval. The Board felt that the dwellings were attractive and would be compatible with the neighborhood. Approval was subject to compliance with all setback, moving, escrow and construction requirements.

## **CRITERIA FOR APPROVAL**

Section 9-64 requires that the following findings must be made to approve a building relocation request:

1. The proposed building(s) 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**

The four homes are attractive and would be compatible with the area. In order to move these homes onto the proposed lots, the final plat must first be approved and the plat recorded with Ramsey County. Mr. Cave, the developer, is concurrently submitting this final plat for City Council approval to facilitate the house relocations to his land.

Once individual lots are created by the recorded plat, Staff would recommend approval provided the City Attorney drafts a legal agreement, for the applicant's signature, requiring that the City would be granted the right to take possession of the dwellings if not completed within 90 days. The City could then complete the construction, with escrow already provided by the applicant, or demolish and remove the structures.

## **RECOMMENDATION**

Approval for the placement of the four rambler-style single dwellings on lots one through four, block one Woods and Ponds Addition at the corner of Larpenteur Avenue and McKnight Road. The following conditions must be met before permits may be issued:

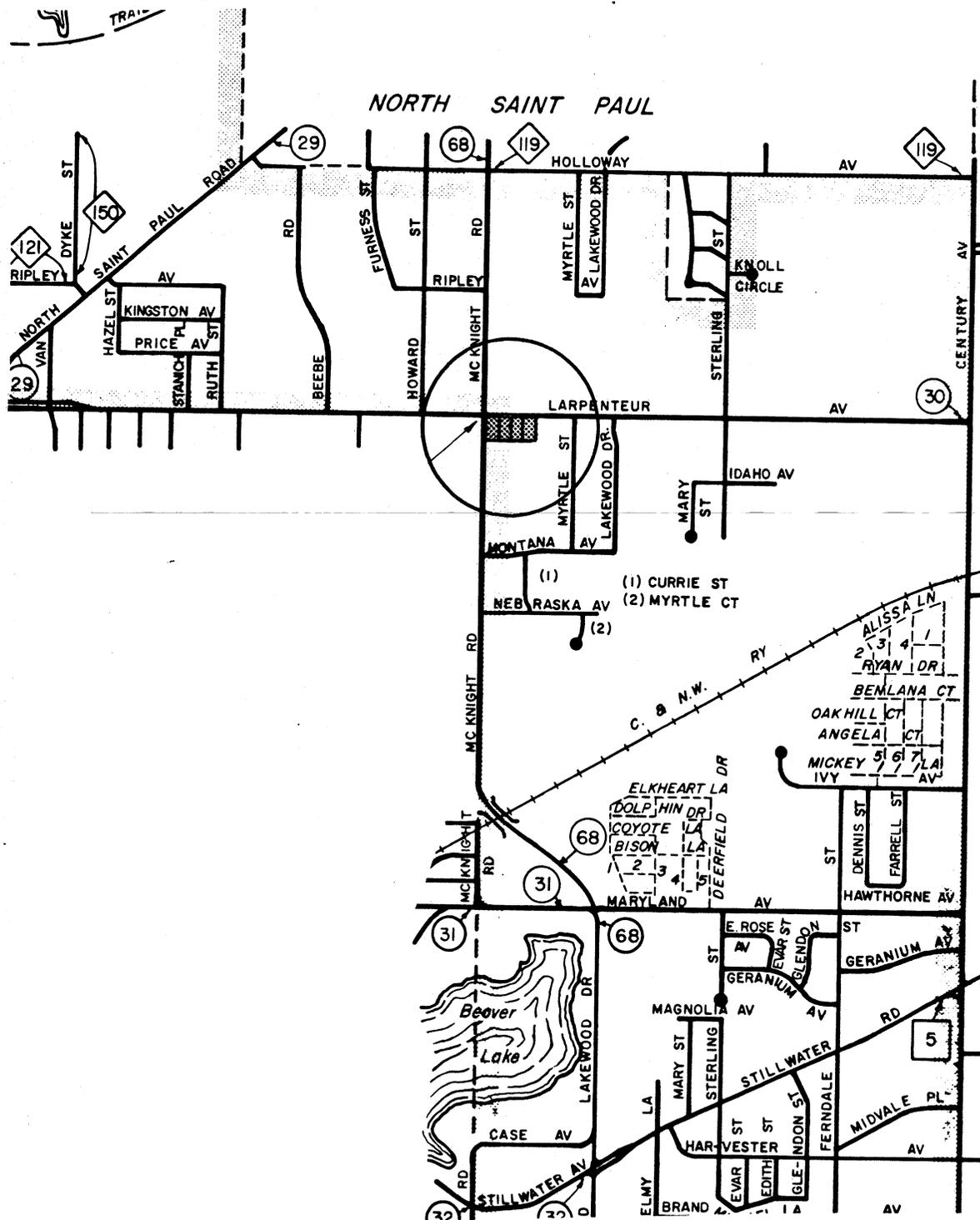
1. Final plat approval of Caves Woods and Ponds. Verification from the County that the final plat for Caves Woods and Ponds has been submitted for recording.
2. Compliance with typical property line setback requirements and the 70-foot William's Brothers pipeline setback requirement.

3. Submittal of these required escrows:
  - a. \$100 for each dwelling which shall be used to defray the costs incurred by the City in inspecting the building and property. The unused portion shall be returned to the applicant.
  - b. \$1000, or an irrevocable letter of credit for \$1000, for each dwelling to guarantee any street repair that may be required resulting from damages caused by moving the building.
  - c. An irrevocable letter of credit or cash in the amount of 1 1/2 times the estimated cost of completing the construction to meet code or to demolish the structure and restore the site to a buildable state. With this surety, it shall be stipulated that all work associated with the completion of the dwelling on the site shall be finished within 90 days of permit issuance.
4. The mover must be licensed with the State of Minnesota.
5. The applicant shall sign an "agreement to convey title", to be drafted by the City Attorney, which would give the City the right to take possession of the dwellings and property 90 days after the issuance of the permits for the house relocations. This documentation would grant the City the right, along with the required escrows, to complete the construction or to demolish and remove the structures.
6. The site plans shall provide for driveway turnarounds on each lot.

mb\TEHOUSE

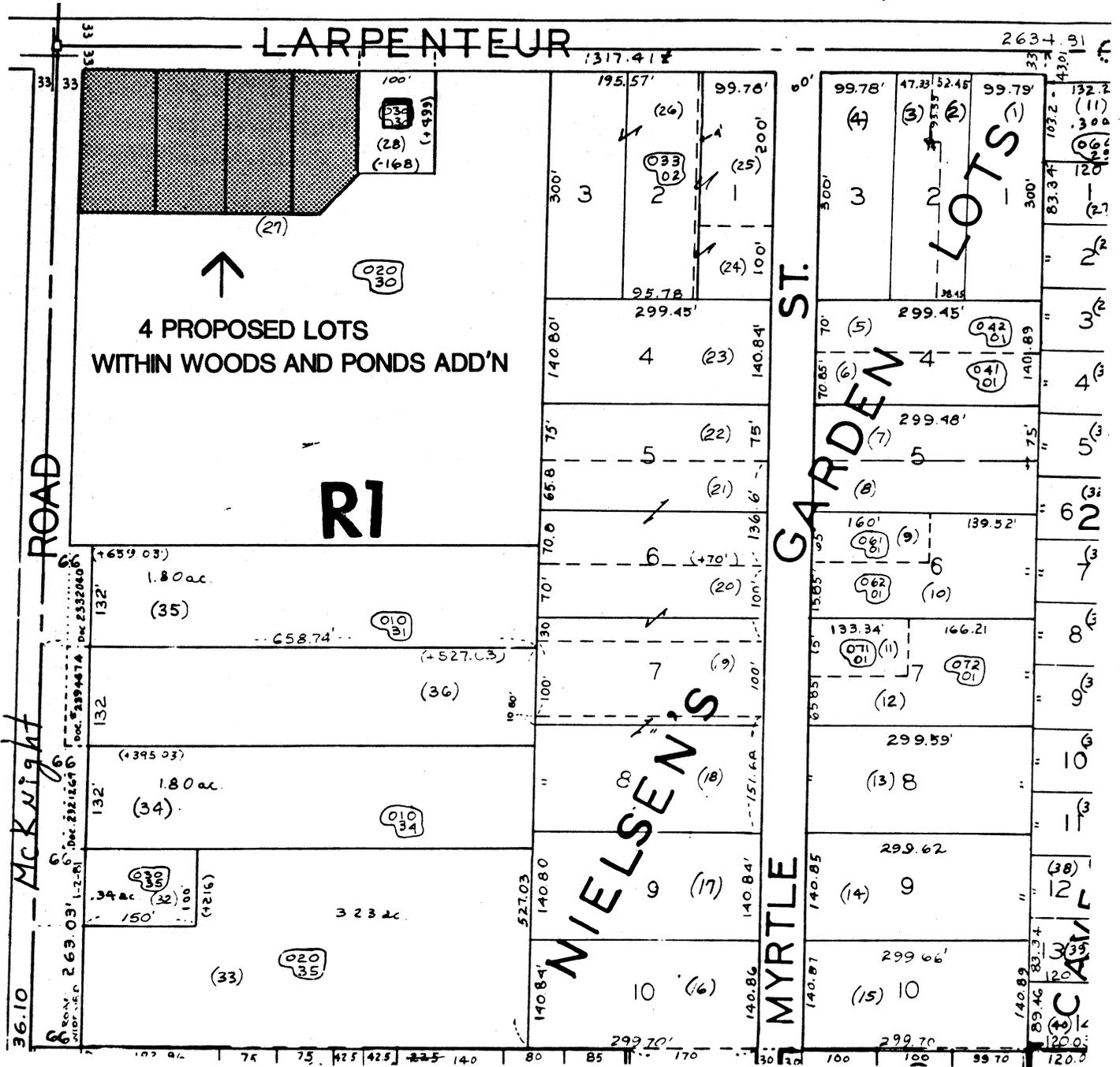
Attachments

1. Location Map
2. Property Line/Zoning Map
3. Proposed Home Sites
4. Photocopies

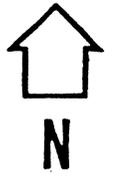


LOCATION MAP

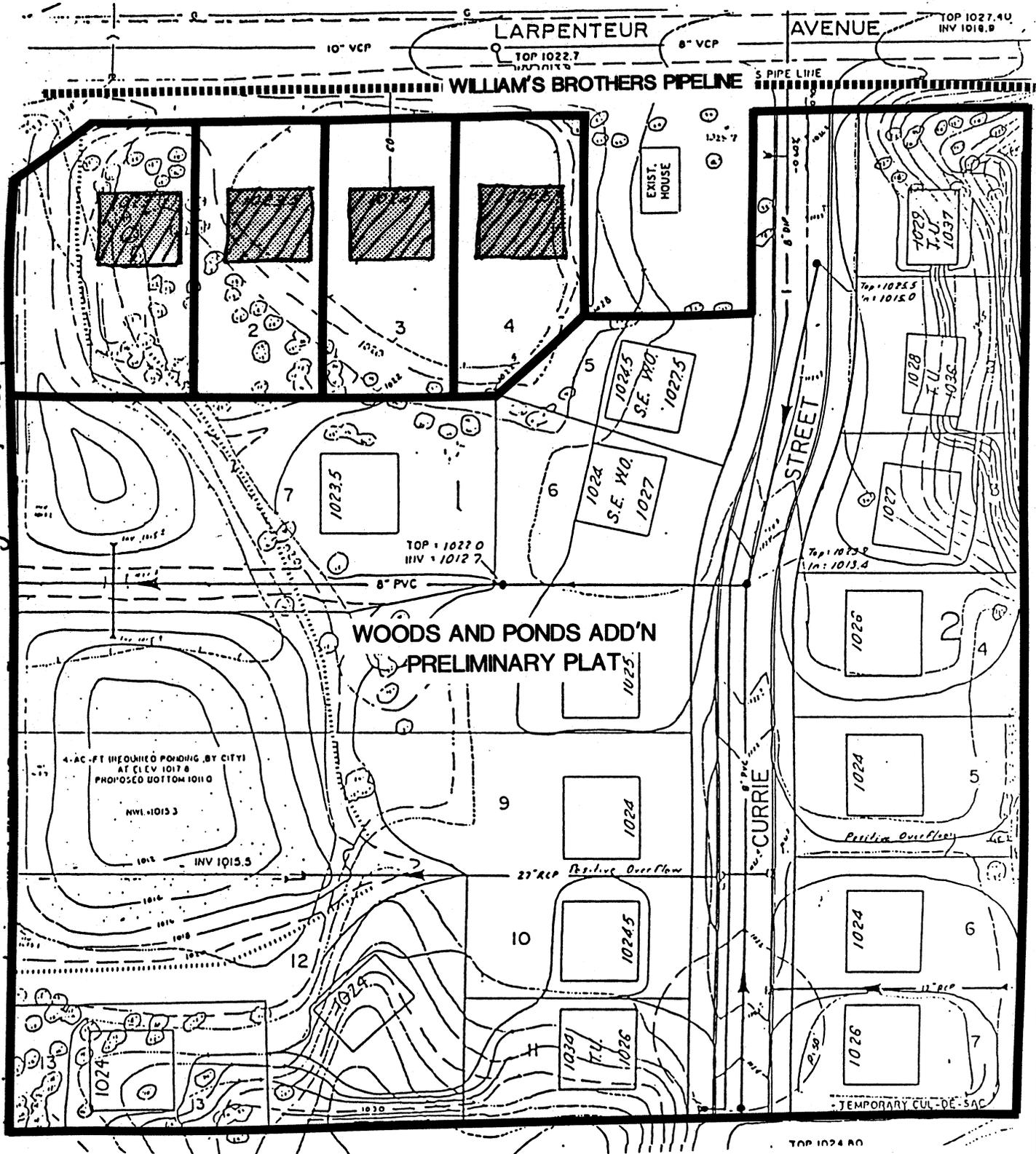




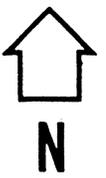
**PROPERTY LINE / ZONING MAP**

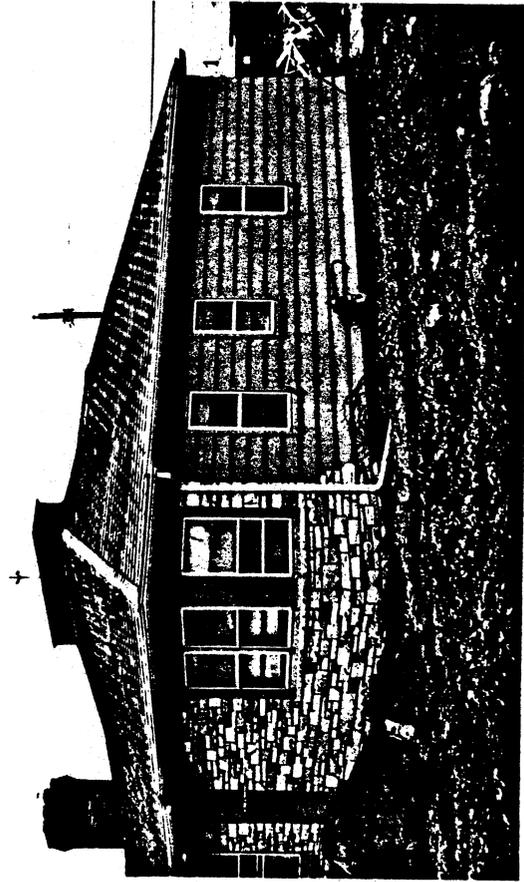
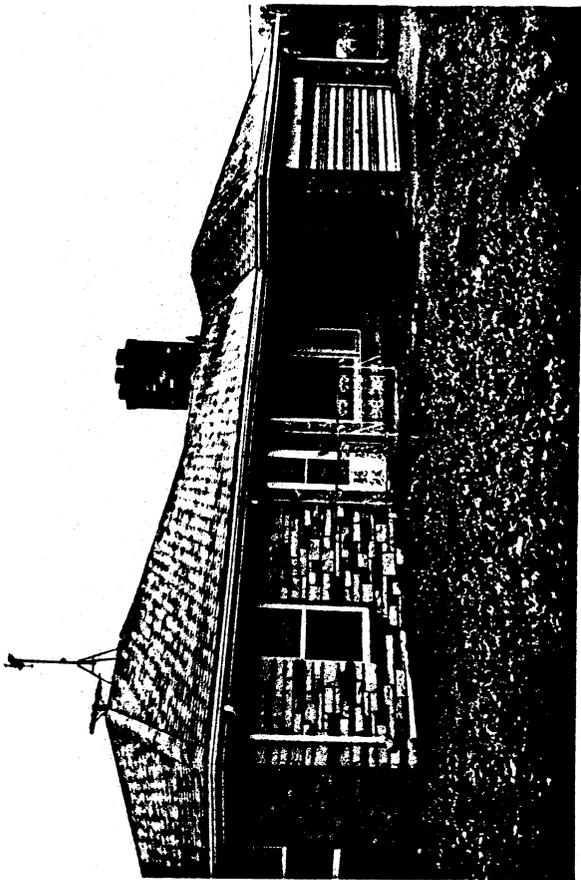


McKnight Road



PROPOSED HOME SITES





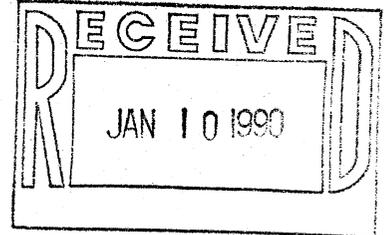


# Composting Concepts

15843 Forty-fifth Street South • Afton, Minnesota 55001 • (612)436-5994

JANUARY 9, 1990

MICHAEL MCGUIRE  
CITY MANAGER  
CITY OF MAPLEWOOD  
1830 EAST COUNTY RD. B  
MAPLEWOOD, MN 55109

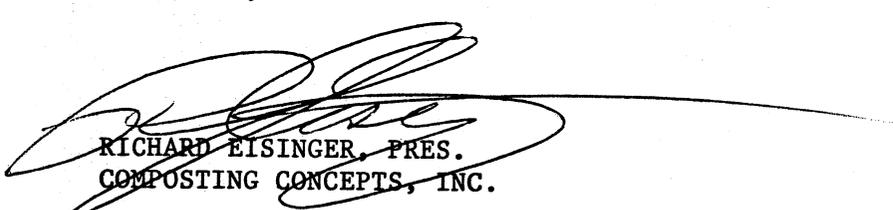


DEAR MIKE:

REFERENCE IS MADE TO OUR TELEPHONE CONVERSATION DATED 01/08/1990.  
I WOULD LIKE TO ADDRESS THE CITY COUNCIL CONCERNING A VOLUME BASED YARD  
WASTE COLLECTION SYSTEM USING BIO-DEGRADABLE YARD WASTE BAGS.

WE ARE RESPECTFULLY REQUESTING TO BE PUT ON THE AGENDA ON MONDAY, JANUARY  
22ND, 1990.

SINCERELY,



RICHARD EISINGER, PRES.  
COMPOSTING CONCEPTS, INC.

## AGENDA REPORT

Action by Council:

TO: City Manager

FROM: Assistant City Engineer

SUBJECT: T.H. 61 Water Main--Kohlman Avenue to Beam Avenue,  
Project 87-44--Final Acceptance and Change Orders One,  
Two, and Three

DATE: January 16, 1990

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

Introduction

The trunk water main installed under this project has been successfully tested. It is now operational. A resolution is attached to accept the project from the contractor and release retainage. Three proposed change orders are presented.

Background

Prior to constructing the water main across the peat wetland between Radatz and Beam Avenues, pile driving tests were taken in January 1989. As explained in the January 18, 1989, agenda report, which is attached for reference, the designed length of pile could not develop enough friction to support the load of the water main. Proposed Change Order One, which is a recapitulation of changes in quantities of bid items from the original contract, is primarily associated with the required additional piling length. Furnishing and installing treated wood accounts for an additional cost of \$23,240. The remaining bid item deductions and additions result in a net change order amount of \$19,875.25.

Change Order Two consists of items that were added after the original bid, but occurred relatively early during the construction sequence. The costs of these changes were included in the revised financing given in the January 18, 1989, agenda report.

As construction across the peat wetland neared completion, it was found that the fluid nature of the soil had caused a number of joints to separate. The exact mechanism is unclear, but it seems plausible that vibrations from construction equipment were amplified by the "jello" like material in the wetland. This may have exerted a sufficient force on the pipe near the excavation which the slip-joint connection and pile connection did not restrain. The successful completion of the pipe installation and testing required significant additional work by the contractor beyond that contemplated in the scope of the bid documents. The correction of deficient soil on both sides of Beam Avenue was also required.

Since the cause and responsibility of this problem is uncertain, a negotiated settlement is proposed. Under this negotiated settlement, the city, the contractor, and the project engineer each absorb part of the extra costs of the correction of the problem in the amounts of \$17,000, approximately \$10,000, and approximately \$2,200, respectively. Change Order Three is proposed in the amount of \$17,000.

The budget must be revised from that presented in the January 18, 1989, agenda report to provide funding for proposed Change Order Three. A revised budget of \$249,000 is required. This is composed of assessments in the amount of \$55,124.92 and the balance of \$193,875.08 from the hydrant fund. The reduced funding through assessment reflects the settlement of the appeal of the property at the northeast corner of Kohlman Avenue and the T.H. 61 frontage road.

#### Recommendation

It is recommended that the resolution of final acceptance and release of retainage be authorized. It is recommended that Change Orders One, Two, and Three be approved.

BAI

jc  
Attachments

CHANGE ORDER

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED  
Engineers-Architects-Planners

St. Paul, MN December 11, 1989, Comm. No. 9225 Change Order No. 1

To Lametti and Sons, Inc.

for TH 61 Watermain

for Maplewood, Minnesota

You are hereby directed to make the following change to your contract dated September 12,, 19 88. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Nineteen Thousand Eight Hundred Seventy-five and - - - 25/100 Dollars (\$ 19,875.25).

The purpose of this change order is to adjust the original contract price to a final as-constructed contract price based upon actual quantities of work installed. The largest cost increase is due to the additional length of piling required to be driven. The original contract anticipated various length piles up to 30 feet deep based on soil borings and penetration tests. Actual load tests performed on the initial test piles indicated 50 foot deep piles were required. This cost increase was reviewed with the City Council on January 23, 1989.

NET CHANGE = (Add) \$19,875.25

Amount of Original Contract	\$ <u>129,484.25</u>
Additions approved to date (Nos. _____)	\$ <u>0.00</u>
Deductions approved to date (Nos. _____)	\$ <u>0.00</u>
Contract amount to date	\$ <u>129,484.25</u>
Amount of this Change Order (Add) (Deduct) ( <del>Not Changed</del> )	\$ <u>+19,875.25</u>
Revised Contract Amount	\$ <u>149,359.50</u>

Approved CITY OF MAPLEWOOD, MN

Owner

By \_\_\_\_\_

Date

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED

By Larry D. Bohrer

Larry D. Bohrer, P.E.

Approved LAMETTI AND SONS, INC.

Contractor

By George Lametti 12-30-89

Date

- White - Owner\*
- Pink - Contractor\*
- Blue - TKDA\*
- Yellow - Field
- Goldenrod - Department
- Green - TKDA Main File

\*Only copies needing signatures.

COMPENSATING CHANGE ORDER

COMMISSION NO. 9225

PAGE TWO

Item No.	Description	Contract Quantity	Quantity to Date	Difference	Unit Price	Net Change
1	CONN TO EX WM, CROSS OR VALVE	2 EA	2.00	0	540.00	\$ 0.00
2	CUT INTO EX 12" WATERMAIN	1 EA	1.00	0	790.00	\$ 0.00
3	6" DIP CL 53 WM 7'-6" COVER	32 LF	33.00	+ 1	19.00	+\$ 19.00
4	8" DIP CL 52 WM PLAN DEPTH	162 LF	166.00	+ 4	26.00	+\$ 104.00
5	12" DIP CL 52 WM PLAN DEPTH	1,880 LF	1880.00	0	20.00	\$ 0.00
6	12" DIP CL 52 WM MECH JOINT	85 LF	90.00	+ 5	16.00	+\$ 80.00
7	TUBE TYPE POLYETHYLENE ENCASE	2,074 LF	2000.00	- 74	0.40	-\$ 29.60
8	6" MJ RES SEAT GV W/BOX	4 EA	5.00	+ 1	250.00	+\$ 250.00
9	8" MJ RES SEAT GV W/BOX	1 EA	2.00	+ 1	350.00	+\$ 350.00
10	12" MJ BUTTERFLY VALVE W/BOX	5 EA	5.00	0	650.00	\$ 0.00
11	6" MJ HUB HYDRANT 8'-6" BURY	3 EA	3.00	0	1170.00	\$ 0.00
12	MJ CIP FITTINGS W/REACT BACK	5,003 LB	7114.00	+2,111	0.55	+\$ 1,161.05
13	TRENCH EXCAV-INTSL BY WAT UT	50 LF	40.00	- 10	8.00	-\$ 80.00
14	1-1/2" AIR VENT	4 EA	4.00	0	220.00	\$ 0.00
15	24" CASING PIPE	85 LF	90.00	+ 5	150.00	+\$ 750.00
16	FURN/DELV WOOD PILING	1,170 LF	3030.00	+1,860	10.50	+\$19,530.00
17	IN-PLACE TREATED WOOD PILING	920 LF	2775.00	+1,855	2.00	+\$ 3,710.00
18	TREATED WOOD PILE BENT CAP	33 EA	30.00	- 3	800.00	-\$ 2,400.00
19	REPL EX SS SERV W/PVC SDR 26	60 LF	22.00	- 38	26.00	-\$ 988.00
20	CONN TO EX 2" COPPER WAT SER	1 EA	1.00	0	420.00	\$ 0.00
21	CONN TO EX 6" DIP WAT SERV	1 EA	1.00	0	440.00	\$ 0.00
22	4" POLYSTYRENE SHEET INSUL	1,230 SF	168.00	-1,062	1.60	-\$ 1,699.20
23	REMV/DISP CONC SIDEWALK/STEP	200 SF	340.00	+ 140	1.00	+\$ 140.00
24	4" CONC SIDEWALK OR STEPS	200 SF	340.00	+ 140	4.00	+\$ 560.00
25	REMV/DISP CMP CULVERT	10 LF	0.00	- 10	15.00	-\$ 150.00
26	REMV/DISP CONC HEADWALL	1 EA	0.00	- 1	150.00	-\$ 150.00
27	24" CMP APRON	1 EA	1.00	0	400.00	\$ 0.00
28	CLEAR TREES	3 EA	3.00	0	100.00	\$ 0.00
29	GRUB STUMPS	6 EA	3.00	- 3	50.00	-\$ 150.00
30	BIT PVMT/AGG BASE REML/DISPL	325 SY	357.00	+ 32	1.00	+\$ 32.00
31	CL 5 GRAVEL, 100% CRUSHED	120 TN	138.00	+ 18	10.00	+\$ 180.00
32	BIT PATCHING, 2"	325 SY	357.00	+ 32	8.00	+\$ 256.00
33	TOPSOIL BORROW	200 CY	0.00	- 200	5.00	-\$ 1,000.00
34	ROADSIDE SEEDING	0.5 AC	0.00	- 0.5	1000.00	-\$ 500.00
35	SEED, MIXTURE NO 5	50 LB	0.00	- 50	10.00	-\$ 500.00
36	COMM FERTILIZER 10-10-10	250 LB	0.00	- 250	1.00	-\$ 250.00
37	MULCH MATERIAL TYPE 1	1 TN	0.00	- 1	150.00	-\$ 150.00
38	SODDING	3,500 SY	4140.00	+ 640	1.25	+\$ 800.00

NET CHANGE ORDER

+\$19,875.25

CHANGE ORDER

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED  
Engineers-Architects-Planners

St. Paul, MN December 11, 1989, Comm. No. 9225 Change Order No. 2

To Lametti and Sons, Inc.

for TH 61 Watermain

for Maplewood, Minnesota

You are hereby directed to make the following change to your contract dated September 12, 19 88. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Eleven Thousand Three Hundred Eighty-nine and - - - 32/100 Dollars (\$ 11,389.32).

The purpose of this change order is to pay the contractor for additional material and labor costs to drive 50 foot long timber piles, where 30 foot long piles were originally anticipated, to pay for additional fittings which were necessary because of the shallow depth of the existing watermain at Kohlman Avenue, and to pay for other structures requested by the Saint Paul Water Utility during final review. Most of these items were reported to the City Council on January 23, 1989.

1. Additional Material Cost for 50' piles	
3,000 LF @ \$0.52	\$ 1,560.00
2. Additional handling and driving cost for 50' piles	
3,000 LF @ \$0.20	\$ 600.00
3. 12" x 18" offset fitting, 1 EA @ \$1,286.22	\$ 1,286.22
4. Blow off manhole, 1 EA @ \$1,500.00	\$ 1,500.00
5. Tube type insulation, 100 LF; 1 LS @ \$2,500.00	\$ 2,500.00
6. Concrete Scour Pad, 1 LS @ \$1,600.00	\$ 1,600.00
7. Easement Markers, 4 EA @ \$135.00	\$ 540.00
8. Bituminous Curb, 238 LF @ \$3.45	\$ 821.10
9. Silt Fence, 241 LF @ \$2.00	\$ 482.00
10. Restocking charge for 30" Casing pipe	
1 LS @ \$500.00	<u>\$ 500.00</u>
 NET CHANGE ORDER	 \$ 11,389.32

Amount of Original Contract	\$	<u>129,484.25</u>
Additions approved to date (Nos. _____)	\$	<u>+19,875.25</u>
Deductions approved to date (Nos. _____)	\$	<u>0.00</u>
Contract amount to date	\$	<u>149,359.50</u>
Amount of this Change Order (Add) (Deduct) (Not Changed)	\$	<u>+11,389.32</u>
Revised Contract Amount	\$	<u>160,748.82</u>

Approved CITY OF MAPLEWOOD, MN \_\_\_\_\_  
 Owner  
 By \_\_\_\_\_  
 Date

TOLTZ, KING, DUVALL, ANDERSON  
 AND ASSOCIATES, INCORPORATED

By Larry D. Bohrer \_\_\_\_\_  
 Larry D. Bohrer, P.E.

Approved LAMETTI AND SONS, INC. \_\_\_\_\_  
 Contractor  
 By Ray L. Lametti \_\_\_\_\_  
 Date 12/30/89

White - Owner\*  
 Pink - Contractor\*  
 Blue - TKDA\*  
 Yellow - Field  
 Goldenrod - Department  
 Green - TKDA Main File

\*Only copies needing signatures.

CHANGE ORDER

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED  
Engineers-Architects-Planners

St. Paul, MN December 11, 1989, Comm. No. 9225 Change Order No. 3

To Lametti and Sons, Inc.

for TH 61 Watermain

for Maplewood, Minnesota

You are hereby directed to make the following change to your contract dated September 12, 19 88. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Seventeen Thousand and - - - - - no/100 Dollars (\$ 17,000.00 ).

The purpose of this Change Order is to pay the contractor, as a negotiated settlement, for claims arising from additional labor, equipment, and stabilization materials due to the unstable nature of the soil encountered north of Raditz Avenue. See page 2 for additional information.

<u>Location</u>	<u>Claim</u>	<u>Settlement</u>
Raditz Avenue to Beam Avenue	\$15,850.68	\$ 8,000.00
South Side of Beam Avenue	\$ 5,925.23	\$ 5,000.00
North Side of Beam Avenue	\$ 4,980.35	\$ 4,000.00
	\$26,756.26	\$17,000.00

Total Amount of this change order is \$17,000.00

Amount of Original Contract	\$ <u>129,484.25</u>
Additions approved to date (Nos. <u>1,2</u> )	\$ <u>+31,264.57</u>
Deductions approved to date (Nos. _____)	\$ <u>0.00</u>
Contract amount to date	\$ <u>160,748.82</u>
Amount of this Change Order (Add) ( <del>Deduct</del> ) ( <del>Not Changed</del> )	\$ <u>+17,000.00</u>
Revised Contract Amount	\$ <u>177,748.82</u>

Approved CITY OF MAPLEWOOD, MN

Owner

By \_\_\_\_\_

Date

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED

By Larry D. Bohrer

Larry D. Bohrer, P.E.

Approved LAMETTI AND SONS, INC.

Contractor

By Ray Lametti 12/30/89

Date

White - Owner\*

Pink - Contractor\*

Blue - TKDA\*

Yellow - Field

Goldenrod - Department

Green - TKDA Main File

\*Only copies needing signatures.

Installation of watermain from Raditz Avenue to Beam Avenue was very difficult due to the fluid nature of the soil. As the pipeline was being assembled, soil movement, due to normal equipment traffic, would cause the previously assembled joints to separate. This was not recognized until the pipeline was nearly completed. Subsequent pressure testing showed that the entire pipeline had to be exposed and reassembled. Now that the pipeline is fixed at each end, this same movement cannot occur. Contractor's claims for this work totaled \$15,850.68.

On the south side of Beam Avenue, where the watermain was not installed on piling, movement of the pipeline occurred during pressure testing. The watermain had to be removed and the soil subcut and replaced with crushed rock stabilization, steel sheeting and concrete slab reaction blocking, and sand backfill. Contractor's claim for this work totaled \$5,925.23.

On the north side of Beam Avenue, the watermain had to pass under 36" and 42" trunk sanitary sewers rather than over them due to insufficient cover. A deep deposit of peat was also encountered which was removed and replaced with granular backfill. Contractor's claim for this work totaled \$4,980.35.

AGENDA ITEM \_\_\_\_\_

## AGENDA REPORT

TO: City Manager

FROM: Assistant City Engineer

SUBJECT: T.H. 61 Water Main, Kohlman Avenue to Beam Avenue  
Project 87-44--Change Order One

DATE: January 18, 1989

Introduction

After the completion of bidding for the subject project, the St. Paul Water Utility requested significant changes in the design of the casing pipe crossing under Beam Avenue at increased cost. On January 12, 1989, test piles were driven by the contractor. The anticipated piling depth of 30 feet must be increased to 50 feet to provide adequate bearing capacity. This will significantly increase the cost of the remaining work primarily due to the increased quantity and to some extent an increase in unit cost requested by the contractor to cover additional material and handling costs of the longer piles. Prior to authorizing this work, the authorization of the city council is requested.

Background

The extension of trunk water main north from Kohlman Avenue to the platted Radatz Avenue right-of-way along the T.H. 61 frontage road has been completed without notable event. The contractor has delayed the construction of Phase 2 across the wetland north to Beam Avenue to allow for freezing of the peat to allow for improved equipment access. As noted in the introduction, the test piles indicated that the underlying soils are not as strong as anticipated. The strength of underlying soils was calculated based on boring logs and adjacent utility piling records.

There are three options at this juncture. The contract could be modified as necessary based on review comments by St. Paul Water Utility and actual piling design to complete the water main loop to Beam Avenue. A second option involves termination of the construction contract at this point without completing the wetland crossing and water main loop. The third option is to modify the contract to cover actual piling requirements but to construct the casing pipe crossing and connection to the existing water main on the north side of Beam Avenue with the least cost design possible. The redesign of the casing pipe crossing would significantly reduce the cost increase to complete the water main loop, but it may not receive water utility approval.

A tabulation of revised quantities and extra costs to construct the water main as currently designed and incorporating additional piling depth and St. Paul Water Utility design changes is attached. The following table gives a comparison of the financing proposed at the public hearing, assessment hearing, and current as-built cost to complete:

## FINANCING SUMMARY REVIEW

Costs	<u>Public Hearing</u>	<u>Assessment Hearing</u>	<u>As-Built Estimate</u>
Construction Cost with Contingency	\$163,765	\$142,399.00	\$176,872
Engineering & Indirect Costs	<u>49,355</u>	<u>51,819.97</u>	<u>50,113</u>
Total	\$213,120	\$194,218.97	\$226,985
Financing Assessments	107,734	64,303.42	64,303
City Funds	<u>105,386</u>	<u>129,915.55</u>	<u>162,681</u>
Total	\$213,120	\$194,218.97	\$226,985

Due to the fact that the contractor has incurred significant cost to mobilize equipment, drive test piles and monitor test pile results as part of the preparatory work for Phase 2, payment to the contractor would be required if the project is terminated at this point. The costs for the foregoing work, as well as return and restocking charges for material already delivered to the job site, would amount to an estimated \$28,000. If it is determined to terminate the project at this point, then this amount will be wasted. Furthermore, it should be noted that the completion of the water main loop will provide for a reliable, redundant water supply to the developing area northwest of Beam Avenue and T.H. 61. This is particularly significant in view of pending proposals for additional development in the area benefiting by the completion of the water main loop to Beam Avenue.

The consulting project engineer is in the process of negotiating with the St. Paul Water Utility to determine if they will modify their directive concerning design modifications of the casing pipe connection to Beam Avenue. A further review of the design of the connection to the existing Beam Avenue water main and T.H. 61 crossing pipes is also being made to determine if these costs

can be reduced. A letter from the consulting project engineer evaluating the potential cost savings from these modifications is forthcoming.

Recommendation

It is requested that the council should determine which approach it desires to be undertaken. A detailed change order based on this determination will subsequently be presented for ratification.

BAI

jc

RESOLUTION  
ACCEPTANCE OF PROJECT

WHEREAS, the city engineer for the City of Maplewood has determined that T.H. 61 Water Main, Kohlman Avenue to Beam Avenue, City Project 87-44, is complete and recommends acceptance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that City Project 87-44 is complete and maintenance of these improvements is accepted by the city. Release of any retainage or escrow is hereby authorized.

RESOLUTION  
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project 87-44 and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 87-44, Change Order One.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order One in the amount of \$19,875.25.

RESOLUTION  
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project 87-44 and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 87-44, Change Order Two.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order Two in the amount of \$11,389.32.

RESOLUTION  
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project 87-44 and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 87-44, Change Order Three.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order Three in the amount of \$17,000.

The project budget is amended to \$249,000. The project financing is amended as follows:

Assessments	\$ 55,124.92
Hydrant Fund	<u>193.875.08</u>
Total	\$249,000.00

AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: City Engineer *KGH*  
SUBJECT: "Opticom"--County Road B at T.H. 61  
DATE: January 16, 1990

Endorsed \_\_\_\_\_  
Modified \_\_\_\_\_  
Rejected \_\_\_\_\_  
Date \_\_\_\_\_

Mn/DOT is proposing to revise seven (7) signal systems north along T.H. 61 from County Road B to White Bear Avenue. The proposal includes installation of EVP (emergency vehicle pre-emption) systems on those signals presently without EVP capacity. Mn/DOT will install EVP if the city will pay for that portion of the cost. All other costs for the signals is paid by a combination of federal, state and county funds.

In Maplewood, County Road B is the only intersection along T.H. 61 lacking EVP. Mn/DOT estimates the cost at \$6850. Since the city has EVP on all other signal systems, it is important to be consistent. EVP significantly increases the safety of an intersection as emergency vehicles pass through. Response time is also somewhat reduced.

It is recommended the city council authorize Mn/DOT to install EVP at County Road B at T.H. 61 at an estimated cost of \$6850 and fund the cost from the street construction state aid fund.

KGH

jw

## AGENDA REPORT

TO: City Manager  
FROM: City Engineer *KSA*  
SUBJECT: Frattalone Addition Plat Correction  
DATE: January 16, 1990

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

The attached plat correction changes a drainage easement dedicated with the original plat. This easement was approved knowing that it was larger than required for drainage purposes. The developer now requests a correction to the plat dedicating an easement of sufficient size for storm water purposes. The requested change increases the buildable area of the lot.

It is recommended the city council approve the attached plat correction.

KGH

jc  
Attachment

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW  
409 MIDWEST FEDERAL BUILDING  
5TH AND CEDAR  
SAINT PAUL, MINNESOTA 55101  
(612) 224-3781

JAN 09 1990

JOHN F. BANNIGAN, JR.  
PATRICK J. KELLY  
JAMES J. HANTON  
JANET M. WILEBSKI

FAX (612) 223-8019

January 3, 1990

Mr. Kenneth Haider  
City Engineer  
Maplewood City Hall  
1830 East County Road B  
Maplewood, MN 55109

RE: *Frattalone Addition*

Dear Mr. Haider:

Please find herein for purposes of reference the December 29, 1989 letter from Thomas P. Balyk, attorney at law. I have had discussions with Mr. Balyk concerning plat errors, and defects in the Frattalone plat. Specifically the drainage and utility easement was incorrectly described on the easterly part of Lot 4, Block 1.

I have reviewed the correction of the errors and have approved said corrections contingent upon your final approval. Mr. Balyk has confirmed that you have approved said corrections.

Please be advised that we are closing our files.

Sincerely,

BANNIGAN & KELLY, P.A.



Patrick J. Kelly

PJK:cd

c Michael McGuire  
Lucille Aurelius

LAND SURVEYORS CERTIFICATE OF CORRECTION TO PLAT

Name of Plat: FRATTALONE ADDITION

Pursuant to the provisions of Chapter 505.174, Laws of Minnesota, 1957, Harry S. Johnson, the undersigned, a Registered Land Surveyor in and for the State of Minnesota, declares as follows:

1. That I prepared the plat of Frattalone Addition dated October 8, 1985, and filed on October 28th, 1985 in the office of the County Recorder for Ramsey County, Minnesota, in Book 98 of Plats, page 41.

2. That said plat contains errors, omissions, or defects in the following particulars, to-wit: The drainage and utility easement as graphically depicted on the easterly part of Lot 4, Block 1, is in error.

3. That said plat is hereby corrected in the following particulars, to-wit: That the 10 foot drainage and utility easement shown across the front of Lot 4 and the 20 foot drainage and utility easment shown thereon and indicated thereon as according to Document No. 2194613 shall so remain and in addition thereto shall be a drainage and utility easement across that part of said Lot 4, Block 1 lying easterly of a line drawn from a point on the north line of said Lot 4, distant 55.37 feet westerly of the northeast corner thereof to the southeast corner of said Lot 4 and there terminating.

Dated: *December 28, 1989*

  
\_\_\_\_\_  
Harry S. Johnson  
Registered Land Surveyor  
No. 5065  
State of Minnesota

I-4

Action by Council:

M E M O R A N D U M

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

TO: Mayor and City Council  
FROM: City Manager *Michael McGuire*  
RE: **SPECIAL MEETINGS**  
DATE: January 17, 1990

Along with other agenda items to be discussed, including the Fire Department Study, we should consider possibly setting up separate meeting dates to discuss the Police Department study, Community Center, and Maplewood Mall traffic study. If you wish to schedule separate meetings for these topics, please find several convenient dates so these can be arranged.

MAM:kaz