

AGENDA

MAPLEWOOD CITY COUNCIL

7:00 P.M., Monday, June 11, 1990
and

4:30 P.M., Thursday, June 14, 1990
Council Chambers, Municipal Building
Meeting No. 90-12

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 90-11 (May 31, 1990)

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. Approval of Claims
2. 1990 Budget Change - Public Safety Department Study
3. Conditional Use Permit Renewal: Rolling Hills 2nd Addition
4. Conditional Use Permit Renewal: 1810 County Road B (Fulk)
5. Preliminary Plat Renewal: Beth Heights
6. Preliminary Plat Renewal: Cave's English St. 2nd Addition

EA PRESENTATION

1. Presentation of the B.V.M. School Commendation

F. PUBLIC HEARINGS

1. 7:00 P.M., 2305 Stillwater Road (Sarrack's) _____
2. 7:15 P.M., 2280 Stillwater Avenue (Beaver Lake Lutheran Church)
 - a. Plan Amendment (4 Votes) _____
 - b. Rezoning (4 Votes) _____
 - c. Conditional Use Permit _____

3. 7:30 P.M., Rolling Hills Mobile Home Park

a. Plan Amendment (4 Votes) _____

b. Rezoning (4 Votes) _____

G. AWARD OF BIDS

H. UNFINISHED BUSINESS

1. 1990 Budget - Reduced State Aid _____

2. Mark's Nature Haven

a. Preliminary Plat _____

b. Rezoning (4 Votes) _____

3. Emergency Management Salaries _____

4. Community Center _____

5. Council Policies _____

I. NEW BUSINESS

1. Fence Height Request - 735 County Road B (Powers) _____

2. Community Design Review Board Appeal: Gall Avenue (Seltun) _____

3. Comprehensive Plan: Land Use Classifications _____

4. City-Wide Water Main Extensions and Misc. Improvements, Project 90-07 - Schedule
Public Hearing _____

5. Gonyea's Oak Heights - Cash Payment Proposal _____

6. Order Feasibility - Mall Area Traffic Improvements _____

7. Sophia and East Shore Drive - "No Parking" Signs _____

8. Storage and Re-Use of Videotapes _____

9. Consolidation, Merger and Annexation _____

10. City Hall Update _____

J. VISITOR PRESENTATIONS

K. COUNCIL PRESENTATIONS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

L. ADMINISTRATIVE PRESENTATIONS

1. _____
2. _____
3. _____
4. _____
5. _____

M. ADJOURNMENT OF MEETING

MINUTES OF MAPLEWOOD CITY COUNCIL
4:30 P.M., Thursday, May 31, 1990
Council Chambers, Municipal Building
Meeting No. 90-11

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 4:35 P.M., by Mayor Anderson.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 90-10

Councilmember Zappa moved to approve the Minutes of Meeting No. 90-10 (May 31, 1990) as corrected:

Page 19, Item I-13a "Nay - Councilmember Juker"

Seconded by Mayor Anderson.

Ayes - all.

D. APPROVAL OF AGENDA

Councilmember Anderson moved to approve the agenda as amended:

1. Fire Department
2. Beaver Lake Lutheran Church
3. Investment Policy
4. Acceptance of Applications
5. Consolidation Merger, Annexation
6. City Hall Opening
7. Medians
8. Rules of Procedures
9. Schedule Meetings
10. Emergency Generator

Seconded by Councilmember Bastian.

Ayes - all.

E. CONSENT AGENDA

Council removed Item E-5 to be discussed with the budget.

Item E-9 to become I-8.
Item E-10 to become I-9.

Councilmember Bastian moved, seconded by Councilmember Zappa, Ayes- all, to approve the Consent Agenda, Items 1, 2, 3, 4, and 6 through 8 as recommended:

1. Approval of Accounts

ACCOUNTS PAYABLE:

\$ 517,463.31	Checks #5745 thru #5814
	Dated 5-1-90 thru 5-15-90
<u>\$ 127,848.30</u>	Checks #6009 thru #6167
	Dated 5-28-90
\$ 645,311.61	Total per attached voucher/check register

PAYROLL:

\$ 180,759.33	Payroll Checks
<u>\$ 35,815.34</u>	Payroll Deductions
\$ 861,886.28	GRAND TOTAL

2. Replacement of Clerk-Typist in Finance Department

Approved the replacement of the part-time clerk-typist position in the Finance Department.

3. Investment Policies

Approved the recommendation that Miller & Schroeder Financial, Inc., be designated as an authorized security dealer for City investment transactions.

4. 1990 Budget Changes: Wages/Benefits

Approved the contingency account transfers needed to finance all wage and benefit increases in the amount of \$281,470.

5. 1990 Budget Changes: Finance Department.

To be discussed with budget.

6. 1225 Frost Avenue (George's Auto)

Approved the renewal of the conditional use permit for George's Auto for five years, subject to the original condition of approval.

7. Budget Transfer: Central Ramsey Watershed Management Organization

Approved the recommendation that City Council endorse the 1990 Budget for the Maplewood portion of the Central Ramsey Watershed management Organization and authorized a budget transfer of \$940 from the general fund contingency account to the public works administration budget to fund Maplewood's share of administrative costs.

8. Budget Transfer: Desk Chairs

Approved the recommendation that \$1000 be transferred from the general fund contingency account to the engineering division budget for the purchase of four desk chairs.

9. Emergency Management Director and Deputy Director Salaries

Discussed as item I-8.

10. Request to Replace Public Safety Dispatcher

Discussed as item I-9.

G. AWARD OF BIDS

1. Upper Afton Road, Project 86-07

a. Manager McGuire presented the staff report.

b. Councilmember Juker introduced the following resolution and moved its adoption:

90 - 5 - 83

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Forest Lake Contracting in the amount of \$1,122,581.06 is the lowest responsible bid for the construction of Upper Afton Road, AP 138-114-01, City Project 86-07, and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City after notification of state aid approval.

FURTHERMORE, the project budget is amended to \$1,415,000, and the project financing is amended as follows:

State aid funding	\$1,318,500
Special assessments	<u>96,500</u>
Total	\$1,415,000

Seconded by Councilmember Zappa.

Ayes - all.

2. Birmingham/Frost Storm Sewer - Project 90-08

- a. Manager McGuire presented the staff report.
- b. Mayor Anderson moved to reject all bids for Project 90-08 and refer the matter to staff.

Seconded by Councilmember Zappa.

Ayes - all.

H. UNFINISHED BUSINESS

1. Final Plat: Cave's Woods and Ponds Second Addition

- a. Manager McGuire presented the staff report.
- b. Council stated the chimney stones on the southeast corner house do not match the rest of the house.
- c. A representative of Ed Cave and Sons, Inc., 2301 Woodbridge, stated the stones are the original ones.
- d. Councilmember Zappa moved to approve the final plat of Cave's Woods and Ponds Second Addition providing all conditions have been met.

Seconded by Councilmember Juker.

Ayes - all.

2. City Hall Update

- a. Director of Public Works Haider updated the Council on the progress of the city hall expansion. The contractor has stated the construction should be completed by June 15, 1990.
- b. Because of the many mechanical problems found with the old heating and air conditioning systems, Councilmember Anderson moved to direct staff to investigate if the original mechanical contractor and architect for the construction of city hall in 1986 could be held responsible for any of the problems.

Seconded by Councilmember Zappa.

Ayes - all.

3. Falk Kennel License Review

- a. Manager McGuire presented the staff report.
- b. Captain Nelson presented the public safety reports.
- c. Doug Whitney, attorney for Mr. Falk, stated he had affidavits from three residents stating there are no problems with the kennel license:

Stan Olson, 415 Lark
Danielle Perron, 368 Viking Drive
Bernie Perron, 368 Viking Drive

d. The following persons spoke in favor of the Falk's retaining the kennel license:

Nancy Sackett, 380 E. Viking Drive
Mark Sackett, 380 E. Viking Drive
Tim Falk, 388 E. Viking Drive
A resident on Lark Street

e. Jerri Jenson, 2225 Arkwright, stated the dogs roam the vacant lot, owned by the Falks, abutting her property and explained the problems she is having to contend with.

Jerri Jenson and Diane Perry, 379 Lark, submitted letters of complaints regarding the kennel license conditions.

f. Councilmember Zappa moved to renew the Kennel License for Timothy Falk, 388 E. Viking Drive, with the following conditions:

1. The top of the kennel must be enclosed.
2. The dogs are restricted to the lot that houses the kennel and the house.
3. The dogs will be allowed on the vacant lot only when owners are present.
4. Dog waste will be disposed off site.
5. When one dog dies, it will not be replaced.

Seconded by Councilmember Bastian.

Ayes - Mayor Anderson, Councilmembers Bastian and Zappa

Nay - Councilmember Juker.

I. NEW BUSINESS

1. 1990 Budget: Reduced State Aid

- a. Manager McGuire presented the staff report.
- b. Director of Finance Faust presented the specifics of the report and also two alternatives to finance the reduced state aid.
- c. Councilmember Zappa moved to approve alternate two.

Councilmember Zappa withdrew his motion.

d. Councilmember Bastian moved to direct staff to research revenue reductions to achieve balancing the budget and report back in two weeks.

Seconded by Mayor Anderson.

Ayes - all.

2. Truth In Housing (First Reading)

- a. Manager McGuire presented the staff report.
- b. Director of Community Development Olson presented the specifics of the proposed ordinance.
- c. Chairman Lorraine Fischer presented the HRA report.
- d. Karen Christopher, Board of Realtors, presented the realtors' opinions and their support.
- e. Councilmember Bastian moved the following amendment to Section 2, 9.242 Page 10A:

"sunset at 1992"

Seconded by Councilmember Zappa. Ayes - all.

- f. Councilmember Zappa moved first reading of the "Truth In Housing" ordinance.

Seconded by Councilmember Bastian. Ayes - all.

- g. Council directed staff to include several suggestions to the ordinance for second reading.

3. Condor, West Storm Sewer, Project 86-01: Schedule Public Hearing - Assessments

- a. Manager McGuire presented the staff report.
- b. Councilmember Juker introduced the following resolution and moved its adoption:

90 - 5 - 84

WHEREAS, the City Clerk and City Engineer have received bids for the improvement of Condor, West Storm Sewer, City Project 86-01.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the City Clerk and City Engineer shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land abutting on the streets affected, without regard to cash valuation, as provided by law, and they shall file a copy of such proposed assessment in the City office for inspection.

FURTHER, the Clerk shall, upon completion of such proposed assessment notify the Council thereof.

Seconded by Mayor Anderson. Ayes - all.

c. Councilmember Juker introduced the following resolution and moved its adoption:

90 - 5 - 85

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Condor, West Storm Sewer, City Project 86-01, and the said assessment is on file in the office of the City Clerk.

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

1. A hearing shall be held on the 25th day of June, 1990, at the City Hall at 7:00 P.M. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published in the official newspaper, at least two weeks prior to the hearing, and to mail notices to the owners of all property affected by said assessment.
3. The notice of hearing shall state the date, time and place of hearing, the general nature of the improvement, the area to be assessed, that the proposed assessment roll is on file with the Clerk and that written or oral objections will be considered.

Seconded by Mayor Anderson.

Ayes - all.

4. Beam Avenue, T.H. 61 to County Road D, Project 88-16: Schedule Public Hearing
 - a. Manager McGuire presented the staff report.
 - b. Councilmember Juker introduced the following resolution and moved its adoption:

90 - 5 - 86

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Beam Avenue, T.H. 61 to County Road D, City Project 88-12 by construction of 36-foot-wide street, utilities, storm sewer, sidewalk, and appurtenances, and

WHEREAS, the said City Engineer has prepared the aforesaid report for the improvement herein described:

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

1. The report of the City Engineer advising this Council that the proposed improvement on Beam Avenue, T.H. 61 to County Road D, City Project 88-12, by construction of 36-foot-wide street, utilities, storm sewer, sidewalk, and appurtenances is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$954,000.
3. A public hearing will be held in the Council Chambers of the City Hall at 1830 East County Road B on Monday, the 25th day of June, 1990, at 7:10 P.M. to consider said improvement. The City Clerk shall give mailed and published notice of said hearing and improvement as required by law.

Seconded by Mayor Anderson.

Ayes - Mayor Anderson, Councilmember
Juker and Zappa.

Nay - Councilmember Bastian.

5. Community Center Advisory Committee

- a. Mayor Anderson moved to table this item until June 11, 1990.

Seconded by Councilmember Juker.

Ayes - all.

6. Metro East Dues Increase

- a. Manager McGuire presented the staff report.
- b. Councilmember Bastian moved to table until budget time.

Seconded by Councilmember Juker.

Ayes - all.

7. 1925 Arcade Street (Moris)

- a. Manager McGuire presented the staff report.
- b. Director of Community Development Olson presented the specifics of the request.
- c. Philip and Ruth Moris, 2305 Barclay, the applicants, spoke on behalf of their requests.

d. Marjorie Ostrom, Maplewood Building Official, explained what repairs had to be made to the property since the fire damage.

e. Councilmember Bastian moved to grant a 60-day time extension on the basis that Mr. Moris's engineer advised him that he should not start construction until this spring. If Mr. Moris is not under construction by then, he must comply with the current zoning. Approval is subject to the property owner complying with the following conditions:

1. The property owner shall park no more than one two truck on the property. He must store this truck inside the building.
2. The property owner shall not store any junk vehicles or car parts outside.
3. The towing service must be part of the repair business.

Seconded by councilmember Juker.

Ayes - all.

Mayor Anderson moved to table Items I-8 and 9, J. K. and L. until after the Public hearings, Items F-1 through 7.

Seconded by Councilmember Bastian.

Ayes - all.

Mayor Anderson recessed the meeting at 7:00 P.M., for a 15 minute recess.

Mayor Anderson reconvened the meeting at 7:15 P.M.>

F. PUBLIC HEARINGS

1. 7:00 P.M., Tax Exempt Financing: Maplewood Townhouses.

a. Mayor Anderson convened the meeting for a public hearing regarding the request of S.B. Multifamily Fund II Limited partnership for preliminary approval of a \$10.5 million tax-exempt mortgage revenue bond program to construct a 176-unit apartment development. To approve this financing, the City Council must also adopt a housing program. City's housing bond plan is necessary to include this financing.

b. Manager McGuire presented the staff report.

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

d. Nick Boosalis, the developer, spoke on behalf of the proposal.

e. Mary Ippel, Bonding Consultant, Briggs and Morgan, explained the financing requirements.

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

Steven Johnson, 2311 Mailand Road

Mr. Martinson, 2455 Londin Lane, Apartment 214

Mr. Stuznegger

- g. Mayor Anderson closed the public hearing.
- h. Councilmember Zappa moved to table this request indefinitely.

Seconded by Councilmember Bastian.

Ayes - all.

2. 7:10 P.M., House Moving: Radatz Avenue (Boryczka and Nicholson)

a. Mayor Anderson convened the meeting for a public hearing regarding the request of Gary Boryczka and Robert Nicholson to move a single family house from 2839 White Bear Avenue to a lot east of 1826 Radatz Avenue.

b. Manager McGuire presented the staff report.

c. Director of Community Development Olson presented the staff report.

d. Gary Boryczka and Robert Nicholson, the applicants, spoke on behalf of the request.

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

Eugene Whyte, 1850 Radatz

f. Mayor Anderson closed the public hearing.

g. Councilmember Zappa moved to approve the request to move the house from 2839 White Bear Avenue to the proposed site on Radatz Avenue.
Approval is subject to the following conditions:

1. The applicants must complete the following conditions before the City issues a moving permit:
 - a. Provide \$35,000 in cash or an irrevocable letter of credit to assure completion of the house to Code standards or to demolish the structure and return the site to its original condition.
 - b. Provide evidence that the mover has a license from the State and a permit from Ramsey County.
 - c. Signing an agreement giving the City the right to take possession of the dwelling and property 90 days after the issuance of the moving permit, if

the work is not complete. This agreement would also grant the City the right to use the escrowed money to complete the construction or to demolish and remove it. The City Attorney shall draft this agreement.

- d. Provide a registered land survey showing the lot lines and survey pins at the lot corners.
 - e. Provide a soils report from a company approved by the Building Official. This report must include the legal description of the new lot, a map of the lot and all soil corrections and recommendations.
2. The following conditions apply to the moving permit:
- a. All rubbish, materials, extra fill, dirt, debris or leftover material shall be removed from the property within seven days after the house is removed from the lot on White Bear Avenue.
 - b. Any excavation or basement left after the house is moved from White Bear Avenue shall be filled in within 48 hours. Any uncovered excavation or basement shall be fenced.
3. After moving, the house must be restored to original condition and must be completed within the time allowed.

Seconded by Councilmember Bastian. Ayes - all.

3. 7:25 P.M., Easement Vacation: Gall Avenue (North Suburban Co.)
- a. Mayor Anderson convened the meeting for a public hearing regarding the request of North Suburban Company to vacate four unneeded utility and drainage easements.
 - b. Manager McGuire presented the staff report.
 - c. Director of Community Development Olson presented the specifics of the proposal.
 - d. Commissioner Lorraine Fischer presented the Planning Commission report.
 - e. Mayor Anderson called for proponents and opponents. None were heard.
 - f. Mayor Anderson closed the public hearing.
 - g. Councilmember Bastian introduced the following resolution and moved its adoption:

WHEREAS, North Suburban Company initiated proceedings to vacate the public interest in the following-described easements:

1. The East 5 feet of Lot 3 lying North of the South 10 feet and lying South of the North 10 feet of Lot 3, Block 1, Maplewood Meadows.
2. The West 5 feet of Lot 2 lying North of the South 10 feet and lying South of the North 10 feet of Lot 2, Block 1, Maplewood Meadows.
3. The West 2.5 feet of the East 5 feet lying North of the South 10 feet and lying South of the North 10 feet of Lot 23, Block 1, Maplewood Meadows.
4. The West 5 feet of Lot 3, lying North of the South 10 feet and lying South of the North 10 feet.

WHEREAS, the following adjacent properties are affected:

Lots 2 and 3, Block 1, Maplewood Meadows.

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

1. A majority of the owners of property abutting said easements have signed a petition for this vacation;
2. This vacation was reviewed by the Planning Commission on May 7, 1990. The Planning Commission recommended to the City Council that this vacation be approved.
3. The City Council held a public hearing on May 31, 1990, 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 easements, public interest in the property will accrue to the following-described abutting properties:

Lots 2 and 3, Block 1, Maplewood Meadows

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 that:

1. The City does not need the easements for current or proposed utilities or drainage facilities.
2. The property owner dedicated new easements.

Seconded by Councilmember Zappa.

Ayes - all.

4. 7:35 P.M., Preliminary Plat - Flicek Addition

- a. Mayor Anderson convened the meeting for a public hearing regarding the request of Bernard Flicek for approval of a seven lot single family subdivision along Kohlman Lane.
- b. Manager McGuire presented the staff report.
- c. Director of Community Development Olson presented the specifics of the proposal.
- d. Commissioner Lorraine Fischer presented the Planning Commission report.
- e. Bernard Flicek, 1251 Lealand Road, the developer, spoke on behalf of his request.
- f. Mayor Anderson called for persons who wished to be heard for or against the proposal. The following were heard.

Dave Burbach, 861 Burr, speaking on behalf of his mother who owns property in the area, stated there may be historical value to Mr. Flicek's property. He stated he has uncovered artifacts dating past centuries.

Jerry Battista, 951 Beam Avenue, Little Canada
Roger Prigge, 974 Kohlman Lane

g. Councilmember Zappa moved approval of the Flicek Addition Preliminary Plat subject to the developer completing the following conditions before final plat approval:

1. Approval of final grading, drainage and erosion control plans by the City Engineer. The erosion control plan shall address the recommendations of the Soil Conservation District and the Ramsey-Washington Watershed District.
2. The grading plan shall include a proposed building pad elevation and contour information for each home site. Housing styles shall be illustrated which minimize grading on the lots so tree preservation is maximized. The City Engineer may approve deviations from the grading plan, if the intent of the overall approved grading plan is followed.

3. Approval of a tree plan by the Director of Community Development. No grading or construction may begin until the Director approves this plan. This plan must show the trees over eight inches in diameter that the developer intends to remove or retain. The plan must also show where the developer will plant replacement trees.

Seconded by Councilmember Juker.

Ayes - all.

5. 8:00 P.M., 1860 Sterling Street (Welch)

- a. Variance
- b. Lot Division

1. Mayor Anderson convened the meeting for a public hearing regarding the request of Nancy Welch, 1860 Sterling Street for approval of a lot division and lot width variance to divide one lot into two lots.

2. Manager McGuire presented the staff report.

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

4. Nancy Welch, the applicant, spoke on behalf of her request.

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

Stephen Sontag, 2519 Knoll Circle
Fai Wong, 2513 Knoll Circle
John Wildes, 1864 Sterling
Kevin Green, 2507 Knoll Circle
Resident, 1848 Sterling
Bill Nyquist, 2510 Holloway

6. Mayor Anderson closed the public hearing.

7. Councilmember Zappa moved to deny the request of Nancy Welch for the variance and the lot division because:

- a. The variance would not be in character with the area and would reduce the privacy of adjacent homes.

- b. The property owner created the problem by splitting off individual lots rather than platting the original property with a cul-de-sac off Sterling Street.

Seconded by Councilmember Juker.

Ayes - all.

6. 8:20 P.M., Code Amendment: Motor Fuel Station Ordinance (First Reading)

- a. Mayor Anderson convened the meeting for a public hearing regarding the adoption of a motor fuel station ordinance that would require double walled tanks and piping and permit underground fiberglass tanks and piping.
- b. Manager McGuire presented the staff report.
- c. Director of Community Development Olson presented the specifics of the request.
- d. Commissioner Lorraine Fischer presented the Planning Commission report.
- e. Mr. Hentges, Vice President of Hentges Company, spoke on behalf of his request.
- f. Mayor Anderson closed the public hearing.
- g. Councilmember Bastian moved first reading of an ordinance amending the Motor Fuel Station ordinance by permitting underground fiberglass tanks and piping.

Seconded by Councilmember Juker.

Ayes - all.

- h. Council directed the City Attorney to check the ordinance for proper references.

7. 8:30 P.M., On-Sale Intoxicating Liquor License (Chili's)

- a. Mayor Anderson convened the meeting for a public hearing regarding the request of Scott C. Smith for an intoxicating on-sale liquor license to be known as Chili's Grill and Bar, Beam Avenue and Southlawn Drive.
- b. Manager McGuire presented the staff report.
- c. Scott C. Smith, the applicant, spoke on behalf of his request.
- d. Randy Engel and Richard Schreier spoke regarding issuing the license.
- 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 Bastian moved to issue the license with the condition the license must be held in the name of the on-site manager if he meets all requirements.

Seconded by Mayor Anderson.

Ayes - Mayor Anderson, Councilmember Bastian

Nays - Councilmembers Juker and Zappa.

Motion failed.

h. Councilmember Zappa moved to issue an On-Sale Intoxicating Liquor License to Scott C. Smith with the understanding that when Chili's is completed and a new manager is appointed, he/she will apply for a license.

Seconded by Councilmember Bastian. Ayes - all.

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

90 - 5 - 88

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood, on May 31, 1990, an On-Sale Intoxicating Liquor License was approved for Scott C. Smith, dba Chili's on Beam Avenue at Southlawn Drive.

The Council proceeded in this matter as outlined under the provisions of the City Ordinances.

Seconded by Councilmember Bastian. Ayes - all.

I. NEW BUSINESS (Continued)

8. Emergency Management Director and Deputy Director Salaries.

a. Manager McGuire presented the staff report.

b. Councilmember Juker moved to direct staff to research the appointment process for Emergency Management and also the number of hours the Director and Deputy Director work per week.

Seconded by Mayor Anderson. Ayes - all.

9. Request to Replace Public Safety Dispatcher

a. Manager McGuire presented the staff report.

b. Mayor Anderson moved to approve the hiring of a Public Safety Dispatcher to fill the vacancy.

Seconded by Councilmember Juker. Ayes - all.

c. Mayor Anderson moved that a letter of commendation be sent to former Public Safety Dispatcher Karen Nelson.

Seconded by Councilmember Juker. Ayes - all.

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Skate Boarding/Roller Blading

a. Mayor Anderson stated there does not seem to be anyplace that allows skate boarding.

b. Councilmember Zappa moved to direct staff to investigate the possibilities of where skate boarding can be allowed.

Seconded by Mayor Anderson.

Ayes - Mayor Anderson, Councilmembers
Juker and Zappa.

Nay - Councilmember Bastian.

c. Councilmember Zappa questioned if Roller Blading is allowed on streets.

d. Staff stated it is not allowed.

2. Ballfields

a. Mayor Anderson stated that School District 622 Board is having problems maintaining their ball fields.

b. Staff stated that when the City uses the fields, the City maintains them.

3. Fire Department

a. Councilmember Juker moved that the meeting between the Council and the Fire Departments to discuss the Fire Study will be 6:00 P.M., on June 20, 1990.

Seconded by Councilmember Bastian.

Ayes - all.

4. Beaver Lake Church Property

a. Councilmember Juker stated she had received a letter regarding the development of the senior citizen apartments on the Beaver Lake Church property.

b. Staff stated this matter will be on the June 11, 1990 Council Agenda.

5. Investment Policy

a. Councilmember Zappa moved to direct the Manager to establish a three member committee to keep the City updated on investments.

Seconded by Councilmember Bastian.

Ayes - Councilmembers Bastian
and Zappa.

Nays - Mayor Anderson, Councilmember
Juker.

Motion failed.

6. Acceptance of Applications

a. Councilmember Bastian questioned that when applications for anything that has a 120-day time limit could be given to Council prior to the beginning of the 120 days starts.

b. Councilmember Bastian moved to direct staff to contact the League of Cities to see if there is some procedure that would allow Council to review applications before the 120 days of acceptance begins.

Seconded by Councilmember Anderson.

Ayes - all.

7. Consolidation, Merger and Annexations

a. Councilmember Bastian moved that this item be placed on the June 11, 1990 Agenda.

Seconded by Councilmember Zappa.

Ayes - Councilmembers Bastian,
Juker and Zappa.

Nay - Mayor Anderson.

8. City Hall Opening

a. Mayor Anderson questioned if anything is being planned for the City Hall Expansion opening.

b. Manager McGuire stated that something is being planned for after the completion of the construction.

9. Roadway Medians

a. Mayor Anderson stated the Beam Avenue medians are overgrown with weeds. Who is responsible?

b. Staff stated that it is the County's responsibility.

c. Councilmember Juker moved to direct staff to investigate and complete the clean up of all medians and to remove the dead elms.

Seconded by Mayor Anderson.

Ayes - all.

10. Rules of Procedures

a. Mayor Anderson stated he would prefer the Manager not contact on a one to one basis, but as a whole because the Council should act as a group.

b. Councilmember Juker moved that a Council/Manager session be scheduled for 5:30 P.M., June 21, 1990, and that Manager evaluation be scheduled for 6:30 P.M. Pre Agenda meeting will be at 4:30 P.M.

Seconded by Mayor Anderson.

Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

1. Schedule Meeting

a. Manager McGuire stated he would like to schedule a meeting for June 7, 1990, regarding cable being set for the June 11th Meeting.

b. Council will discuss this at next meeting.

c. Manager McGuire stated a meeting with the Council/Police Civil Service Commission is scheduled at 6:00 P.M., Monday, July 2, 1990.

2. Emergency Generator

a. Manager McGuire presented the staff report.

b. Director of Public Works Haider presented the alternatives for purchasing an emergency generator.

c. Councilmember Anderson moved to purchase the used emergency generator now at a cost not to exceed \$32,500.

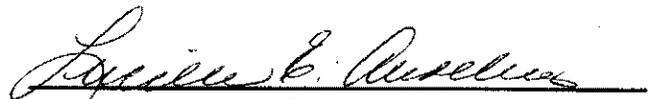
Seconded by Councilmember Zappa.

Ayes - Mayor Anderson, Councilmembers Juker and Zappa.

Nay - Councilmember Bastian.

M. ADJOURNMENT

10:47 P.M.


City Clerk

AGENDA REPORT

Action by Council:

TO: City Manager
 FROM: Finance Director *R. Gaust*
 RE: APPROVAL OF CLAIMS
 DATE: June 5, 1990

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

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

ACCOUNTS PAYABLE:

\$ 404,279.57	Checks # 5815 thru # 5881
	Dated 5-16-90 thru 5-31-90
<u>\$ 120,335.56</u>	Checks # 6177 thru # 6275
	Dated 6-11-90
\$ 524,615.13	Total per attached voucher/check register

PAYROLL:

\$ 192,083.51	Payroll Checks
<u>\$ 35,917.01</u>	Payroll Deductions
\$ 228,000.52	Total Payroll
\$ 752,615.65	GRAND TOTAL

Attached is a detailed listing of these claims.

DFP:lnb

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 05

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
5815	541400	05/16/90	MINN. STATE TREASURER	ST DRIV LIC FEES	486.00	486.00
5816	541400	05/16/90	MINN. STATE TREASURER	MTR VEH LIC FEES	8,770.60	8,770.60
5817	510100	05/16/90	MAPLE LEAF OFFICIALS ASSN.	FEES FOR SERVICE	147.00	147.00
5818	150600	05/16/90	COMMERCIAL LIFE INS. CO.	HCMA DED PAY\ LIFE INS PAY HEALTH LIFE DENTAL INS CONT	345.28 177.38 822.23 21.81	1,366.70
5819	140400	05/17/90	CLERK OF DISTRICT COURT	CNTY DRIV LIC FEES	122.50	122.50
5820	541400	05/17/90	MINN. STATE TREASURER	MTR VEH LIC FEES	7,148.51	7,148.51
5821	541400	05/17/90	MINN. STATE TREASURER	ST DRIV LIC FEES	350.50	350.50
5822	460540	05/17/90	LEAGUE OF MN HOUSING BUREAU	TRAVEL & TRAIN	60.00	60.00
5823	302435	05/17/90	GERMAIN, DAVID	WAGE DEDUCTION	578.57	578.57
5824	410415	05/17/90	KELCHER, EVA	AMB REF 917295	72.00	72.00
5825	810100	05/17/90	SHARE	REF AMB 918776	210.00	210.00
5826	050350	05/18/90	AURELIUS, LUCILLE	WAGE DEDUCTION	1,173.29	1,173.29
5828	721575	05/18/90	PRUDEN, LAWRENCE & SANDRA	LAND EASEMENTS	500.00	500.00
5829	551700	05/18/90	MN REC. & PARK ASSOCIATION	FEES FOR SERVICE	2,512.00	2,512.00
5830	890275	05/18/90	U.S.OLYMPIC FESTICAL-90	A/R MISC	15.00	15.00
5831	531650	05/18/90	METRO WASTE CONTROL COMMISSN	S.A.C. PAY S.A.C. RETAINER	16,800.00 168.00-	16,632.00
5832	541400	05/18/90	MINN. STATE TREASURER	ST DRIV LIC FEES	609.00	609.00
5833	541400	05/18/90	MINN. STATE TREASURER	MTR VEH LIC FEES	10,193.00	10,193.00
5834	190400	05/17/90	DEPT. OF NATURAL RESOURCES	DNR LIC FEES	429.00	429.00
5835	661750	05/18/90	NORTHERN STATES POWER	UTIL 217 ROSELAWN UTIL 2725 AFTON RD UTIL 2287 MAILAND RD UTIL 700 STERLING UTIL 63 STERLING UTIL 203 KENWOOD UTIL 1081 MARNIE UTIL 1825 ADOLPHUS UTIL 95 LARP	2.94 104.86 533.00 23.53 98.70 15.78 7.06 7.06 252.79	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 05

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UTIL 1401 GERVAIS	254.21	1,299.93
5836	240725	05/18/90	EMPLOYEE BENEFIT PLANS	DEP W/PAY AGTS	1,000.00	1,000.00
5837	741325	05/21/90	RAMSEY COUNTY CONCILIATION	AMB BILLS	504.00	504.00
5838	541400	05/21/90	MINN. STATE TREASURER	ST DRIV LIC FEES	586.50	586.50
5839	541400	05/21/90	MINN. STATE TREASURER	MTR VEH LIC FEES	8,636.20	8,636.20
5840	541400	05/22/90	MINN. STATE TREASURER	ST DRIV LIC FEES	615.00	615.00
5841	541400	05/22/90	MINN. STATE TREASURER	MTR VEH LIC FEES	9,546.50	9,546.50
5842	722200	05/22/90	PUBLIC EMPLOYEE	LIFE INS PAY	162.00	162.00
5843	150800	05/23/90	COMMISSIONER OF REVENUE	FUEL OIL	43.11	
				FUEL OIL	11.90	
				FUEL OIL	8.99	
				FUEL OIL	6.57	
				FUEL OIL	4.65	
				FUEL OIL	50.77	
				FUEL OIL	6.83	
				FUEL OIL	18.65	
				FUEL OIL	9.52	160.99
5844	720600	05/23/90	POSTMASTER	POSTAGE	1,500.00	1,500.00
5845	240380	05/23/90	EMERGENCY FUND SERVICE	TRAVEL TRAINING	8.00	8.00
5846	541400	05/23/90	MINN. STATE TREASURER	MOTOR VEH LIC.	10,003.73	10,003.73
5847	541400	05/23/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	492.50	492.50
5849	140400	05/24/90	CLERK OF DISTRICT COURT	CNTY DRIVERS LIC.	112.50	112.50
5850	541400	05/24/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	158.00	158.00
5851	541400	05/24/90	MINN. STATE TREASURER	MOTOR VEH LIC.	9,024.72	9,024.72
5852	660800	05/24/90	NORTH ST. PAUL CITY OF	UTILITIES	317.42	317.42
5853	541400	05/24/90	MINN. STATE TREASURER	SURCHARGE TAX	1,368.81	
				SURTAX RETAINER	27.38	1,341.43
5854	180130	05/25/90	D.N.R. DIVISION OF FORESTRY	DNR LIC PAYABLE	482.00	482.00
5856	761301	05/25/90	ROBBIE CONST.	DEPOSITS PAY	1,000.00	
				INTEREST INVEST	31.48	1,031.48
5858	941400	05/25/90	WHITE BEAR AVE. BUSINESS ASSN	TRAVEL TRAIN	25.00	25.00

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
5859	451410	05/25/90	EN WAY	DEPOSITS PAYABLE INTEREST INVEST	1,000.00 30.33	1,030.33
5860	722200	05/25/90	PUBLIC EMPLOYEE	PERA DEDUCTION PERA CONTRIBUTIONS	10,168.32 13,192.50	23,360.82
5861	010525	05/25/90	ACCONTEMPS INC.	FEEES SERVICE	1,368.50	1,368.50
5862	541400	05/25/90	MINN. STATE TREASURER	DR LIC FEES	682.00	682.00
5863	541400	05/25/90	MINN. STATE TREASURER	MOTOR VEH FEES	8,475.20	8,475.20
5864	261100	05/29/90	FIRST MINNESOTA	FICA PAYABLE FEDERAL PAYABLE FICA CONTRIB	8,885.28 23,307.42 8,885.28	41,077.98
5865	541400	05/29/90	MINN. STATE TREASURER	DR LIC FEES	881.00	881.00
5866	541400	05/29/90	MINN. STATE TREASURER	MOTOR VEH LIC	11,292.50	11,292.50
5867	662600	05/29/90	NORWEST INVESTMENTS SERVICES	PRIN PAYMENTS INTEREST PAY	4,319.38 717.18	5,036.56
5868	541970	05/29/90	MINNESOTA COMM OF REVENUE	STATE INCOME TAX	9,343.70	9,343.70
5869	261100	05/29/90	FIRST MINNESOTA	WAGE DEDUCTION	237.50	237.50
5870	943500	05/29/90	WISCONSIN DEPT. OF REVENUE	STATE INCOME TAX	110.60	110.60
5871	880850	05/29/90	TRW/RECEIVABLES MANAGEMENT SER	FEES SERVICE	78.40	78.40
5877	260680	05/25/90	FINE ART CORP.	PROGRAM SUPPLIES	6,842.02	6,842.02
5879	530615	05/31/90	MERRIMAC CONSTRUCTION	AWARDED CONSTRUCTION	178,872.87	178,872.87
5880	541400	05/31/90	MINN. STATE TREASURER		312.00	312.00
5881	541400	05/31/90	MINN. STATE TREASURER	MOTOR VEH LIC.	16,894.02	16,894.02
6177	010150	06/11/90	A.A.A. ALL CITY VACUUM	SUPPLIES JANITORIAL	45.90	45.90
6178	020050	06/11/90	ADVANCE CORPORATION	SUPPLES	36.90	36.90
6179	040915	06/11/90	ARNALS AUTO SERVICE	REPAIR & MAINT/V REPAIR & MAINT/V	30.95 349.77	380.72
6180	042100	06/11/90	ASPROTH TAXIDERMY	FEES FOR SERVICE	735.00	735.00
6181	042503	06/11/90	ASSOCIATION OF METRO	TRAVEL & TRAIN	80.00	80.00
6182	042600	06/11/90	ASSN. OF TRAIN OFFICERS OF MN	TRAVEL TRAINING	50.00	50.00

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6183	061100	06/11/90	BANNIGAN & KELLY P.A.	FEES FOR SERVICE	5,725.55	
				LEGAL & FISCAL	20.00	
				LEGAL & FISCAL	180.00	
				LEGAL & FISCAL	100.00	6,025.55
6184	061900	06/11/90	BATTERY TIRE WAREHOUSE	SUPPLIES VEHICLE	5.72	
				SUPPLIES VEHICLE	69.42	
				SUPPLIES VEHICLE	26.56	
				SUPPLIES VEHICLE	121.91	223.61
6185	070355	06/11/90	BELL, PATRICIA	PROGRAM REG FEES	7.60	7.60
6186	081300	06/11/90	BOYER TRUCK PARTS	REPAIR & MAINT/V	100.00	100.00
6187	091450	06/11/90	BROWNING-FERRIS IND.	FEES FOR SERVICE	71.05	71.05
6188	091485	06/11/90	BRW, INC.	FEES CONSULTING	1,994.15	
				PLAN DEP PAY	497.50	2,491.65
6189	110455	06/11/90	CARDINAL HOME BUILDERS	DEPOSITS PAYABLE	500.00	
				INTEREST ON INVEST	6.95	506.95
6190	120320	06/11/90	CELLULAR ONE	TELEPHONE	9.78	
				TELEPHONE	5.40	15.18
6191	120325	06/11/90	CELLULAR ONE	TELEPHONE	49.65	49.65
6192	140205	06/11/90	CLEAN STEP RUGS	FEES FOR SERVICE	13.10	
				FEES FOR SERVICE	14.10	27.20
6193	152400	06/11/90	COPY EQUIPMENT, INC.	SUPPLIES EQUIPMENT	73.77	73.77
6194	152500	06/11/90	CORPORATE RISK MANAGERS, INC.	FEES FOR SERVICE	155.00	155.00
6195	170100	06/11/90	CURRENTECH COMPUTER CENTERS	CURRENTECH	1,501.81	1,501.81
6196	170150	06/11/90	CURTIS 1000	SUPPLIES OFFICE	75.00	
				SUPPLIES OFFICE	75.00	
				CURTISS 1000	363.63	
				CURTISS 1000	31.49	482.14
6197	180800	06/11/90	DALCO	SUPPLIES JANITOR	7.03	7.03
6198	181860	06/11/90	MARY DAVY	PROGRAM SUPPLIES	45.37	45.37
6199	230400	06/11/90	EAST COMMUNITY FAMILY	FEES SERVICE	12,500.00	12,500.00
6200	231650	06/11/90	EGGHEAD DISCOUNT SOFTWARE	SUPPLIES OFFICE	136.00	
				SUPPLIES OFFICE	56.00	80.00
6201	250070	06/11/90	ENGINEERING REPRO SYSTEMS	OTHER CONST COSTS	67.55	67.55

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6202	260250	06/11/90	FACILITY SYSTEMS, INC.	FACILITY SYSTEMS	1,581.16	1,581.16
6203	260295	06/11/90	FARMINGTON FORD	FARMINGTON FORD	12,320.00	12,320.00
6204	270150	06/11/90	FLAIL-MASTER CORPORATION	SUPPLIES VEH	119.70	119.70
6205	300800	06/11/90	G.F.D.A.	MEMBERSHIP	80.00	80.00
6206	302950	06/11/90	GLOCK, INC.	SUPPLIES	15.45	15.45
6207	310300	06/11/90	GOODYEAR TIRE COMPANY	REPAIR VEH	60.96	60.96
6208	310650	06/11/90	GOPHER DISPOSAL	FEES FOR SERVICE	6,316.81	6,316.81
6209	310710	06/11/90	GOPHER STATE ONE-CALL, INC.	FEES FOR SERVICE	317.50	317.50
6210	310850	06/11/90	GOVERNMENT TRAINING SERVICE	TRAINING TRAINING	358.00 179.00	537.00
6211	320525	06/11/90	GRUBER'S POWER EQUIPMENT	SUPPLIES JANITOR	19.98	19.98
6212	330235	06/11/90	HANNEGAN, ANDREA	PROGRAM SUPPLIES PROGRAM SUPPLIES	67.90 26.50	94.40
6213	330400	06/11/90	HARMON GLASS	REPAIR MAINT EQUIPMENT	104.16	104.16
6214	350700	06/11/90	HIRSHFIELDS	SUPPLIES EQUIPMENT SUPPLIES EQUIPMENT	27.18 15.60	42.78
6215	351300	06/11/90	HORSNELL, JUDITH	VEH ALLOWANCE	9.41	9.41
6216	410403	06/11/90	KAUFENBERG, JANE	PROGRAM REG FEES	15.20	15.20
6217	420260	06/11/90	KLAUSING, HENRY	UNIFORMS & CLOTH	20.00	20.00
6218	430400	06/11/90	KNOX COMMERCIAL CREDIT	MAINT MATERIAL MAINT MATERIAL SMALL TOOLS MAINT MATERIAL	58.02 153.93 19.99 19.42	251.43
6219	430800	06/11/90	KOKESH ATHLETIC	PROGRAM SUPPLIES KOKESH ATHLETIC KOKESH ATHLETIC KOKESH ATHLETIC	204.00 274.90 68.75 13.75	561.40
6220	440090	06/11/90	KRAUSE, KEITH	PROGRAM REG FEES	17.00	17.00
6221	450650	06/11/90	LAKE ELMO FEED MILL	SUPPLIES EQUIPMENT	35.50	35.50
6222	460505	06/11/90	LEAGUE OF MINNESOTA CITIES	TRAVEL TRAINING TRAVEL TRAINING	155.00 155.00	

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				TRAVEL TRAINING	155.00	
				TRAVEL TRAINING	155.00	620.00
6223	460575	06/11/90	LEE COLLINS LIMITED	SUPPLIES OFFICE	61.54	61.54
6224	470700	06/11/90	LILLIE SUBURBAN NEWSPAPERS	PUBLISHING	105.60	105.60
6225	490430	06/11/90	LUTHERAN SOCIAL SERVICES	SHARE A HOME	1,002.00	1,002.00
6226	500415	06/11/90	M.C.M.A.	SUBS & MEMBERS	40.00	40.00
6227	501225	06/11/90	MAC QUEEN EQUIPMENT	SUPPLIES VEHICLE	72.39	
				SUPPLIES VEHICLE	256.89	
				MAC QUEENS	2,454.02	2,783.30
6228	501505	06/11/90	MAGLICH, GRETCHEN B.	SUPPLIES OFFICE	153.66	
				VEHICLE ALLOWANCE	18.25	171.91
6229	510955	06/11/90	MARCOS CONSTRUCTION	DEPOSITS PAYABLE	3,000.00	
				INTEREST INVEST	127.10	
				DEPOSITS PAYABLE	1,500.00	
				INTEREST INVEST	79.80	4,706.90
6230	520500	06/11/90	MCGUIRE, MICHAEL	TRAVEL & TAIN	48.28	48.28
6231	530500	06/11/90	MENARDS	MAINT MATERIAL	7.07	
				MAINT MATERIAL	.42	7.49
6232	531300	06/11/90	METRO INSPECTION SERVICE	FEES FOR SERVICE	5,032.24	5,032.24
6233	540350	06/11/90	MIDWEST SIREN SERVICE	MIDWEST SIREN	652.00	652.00
6234	540875	06/11/90	MINN. DEPT. OF PUBLIC SAFETY	TRAVEL TRAINING	75.00	75.00
6235	570103	06/11/90	MONTGOMERY HOMES	DEP PAY	1,000.00	
				INT ON INV	19.22	1,019.22
6236	630900	06/11/90	NATIONAL YOUTH SPORTS COACHES	TRAVEL & TRAIN	90.00	90.00
6237	660800	06/11/90	NORTH ST. PAUL CITY OF	UTILITIES	1,394.11	1,394.11
6238	661750	06/11/90	NORTHERN STATES POWER	UTILITIES 1975	2.94	
				UTILITIES 1902	250.89	
				UTILITIES 510	77.09	
				UTILITIES 1501	13.86	
				UTILITIES 1839	89.20	
				UTILITIES 2251	119.77	
				UTILITIES 2258	168.70	
				UTILITIES 2358	75.49	
				UTILITIES 2464	147.03	
				UTILITIES 1850	117.65	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 05

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UTILITIES 2276	79.54	
				UTILITIES 618	7.06	
				UTILITIES 1662	39.32	
				UTILITIES 1685	26.24	
				UTILITIES 203	15.80	
				UTILITIES 618	15.80	
				UTILITIES 1750	6.80	
				UTILITIES 1845	26.89	
				UTILITIES 2001	18.47	
				UTILITIES 2005	91.27	
				UTILITIES 2019	66.46	
				UTILITIES 2133	6.80	
				UTILITIES 1944	316.45	
				UTILITIES 474	246.76	
				UTILITIES 741	8.51	
				UTILITIES 1985	171.38	
				UTILITIES 2146	9.78	
				UTILITIES 2740	14.76	
				UTILITIES 2101	6.80	
				UTILITIES 1200	4.17	
				UTILITIES 2401	23.83	
				UTILITIES 1540	2.94	
				UTILITIES 2659	107.95	
				UTILITIES 1600	4.17	
				UTILITIES 2659	26.43	
				UTILITIES 2255	2.94	
				UTILITIES 1695	25.74	
				UTILITIES 2500	2.94	
				UTILITIES 1695	983.07	
				UTILITIES 98	90.72	
				UTILITIES 1995	74.44	
				UTILITIES 345	82.90	
				UTILITIES 2575	27.00	
				UTILITIES 1677	85.76	
				UTILITIES 1035	236.26	
				UTILITIES 1698	39.72	
				UTILITIES 1751	112.25	
				UTILITIES 2925	144.86	
				UTILITIES 1775	130.00	
				UTILITIES 2991	163.13	
				UTILITIES 2981	141.76	4,750.49
6239	661755	06/11/90	NORTHERN STATES POWER	UTILITIES	373.77	
				UTILITIES	7,236.43	
				UTILITIES	682.33	7,551.99
6240	691400	06/11/90	ORR, SCHELEN, MAYERON & ASSOC.	FEEES CONSULTING	3,729.67	3,729.67
6241	700460	06/11/90	P.C. EXPRESS/P.C. TRONICS	EQUIPMENT OFFICE	161.85	161.85
6242	700810	06/11/90	PAR GROUP, THE	FEEES CONSULTING	10,894.00	10,894.00

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6243	710360	06/11/90	PELTIER, WILLIAM F.	TRAVEL TRAIN	128.45	128.45
6244	710600	06/11/90	PEOPLES ELECTRIC	OTHER CONST COSTS	419.38	419.38
6245	711485	06/11/90	PHOTOS TO GO	FEES FOR SERVICE	18.09	18.09
6246	711500	06/11/90	PHOTOS TO GO	FEES FOR SERVICE	10.40	
				FEES FOR SERVICE	29.98	
				PHOTOS	5.70	
				FEES FOR SERVICE	7.57	
				PROGRAM	9.49	
				SUPPLIES OFFICE	5.60	68.74
6247	711525	06/11/90	PHYSIO CONTROL	PHYSIO CONTROL	527.47	527.47
6248	712100	06/11/90	PITNEY BOWES INC.	REPAIR & MAINT/E	198.00	
				REPAIR & MAINT/E	54.00	
				REPAIR & MAINT/E	2,101.00	2,353.00
6249	720760	06/11/90	PRECISION BUSINESS SYSTEMS	SUPPLIES OFFICE	143.99	143.99
6250	741700	06/11/90	RAMSEY COUNTY	FEES FOR SERVICE	321.30	
				FEES FOR SERVICE	294.20	615.50
6251	742110	06/11/90	RAMSEY EMERG. MEDICAL SERVICES	SUPPLIES EQUIPMENT	543.00	543.00
6252	770900	06/11/90	RYDER TRANSPORTATION	OUTSIDE RENTAL	123.00	123.00
6253	780300	06/11/90	S&T OFFICE PRODUCTS INC.	SUPPLIES OFFICE	11.88-	
				PROGRAM SUPPLIES	50.80	
				SUPPLIES OFFICE	51.30	
				SUPPLIES OFFICE	192.00	282.22
6254	790500	06/11/90	SCIENCE MUSEUM OF MINNESOTA	PROGRAM SUPPLIES	61.00	61.00
6255	800075	06/11/90	SEARS	SUPPLIES JANITOR	97.55	97.55
6256	810050	06/11/90	SHAMROCK INDUSTRIES	SUPPLIES EQUIPMENT	6,000.00	6,000.00
6257	831500	06/11/90	SPECIALTY RADIO	EQUIPMENT	349.00	
				FEES SERVICE	114.00	463.00
6258	831600	06/11/90	SPS OFFICE PRODUCTS	SUPPLIES OFFICE	70.20	
				SUPPLIES OFFICE	74.39	
				SUPPLIES OFFICE	9.37	
				SUPPLIES OFFICE	43.87	
				SUPPLIES OFFICE	93.39	
				SUPPLIES OFFICE	26.88	
				SUPPLIES OFFICE	173.25	491.35
6259	840400	06/11/90	ST.PAUL CITY OF	REPAIR & MAINT/R	217.33	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 05

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				REPAIR & MAINT/R	491.70	
				REPAIR & MAINT/R	328.00	
				REPAIR & MAINT/E	44.20	
				REPAIR & MAINT/E	166.56	
				REPAIR & MAINT/V	101.25	
				REPAIR & MAINT/V	67.50	
				REPAIR & MAINT/R	980.21	2,396.75
6260	843575	06/11/90	STREICHERS GUNS	SUPPLIES	179.80	
				SUPPLIES	53.10-	126.70
6261	850315	06/11/90	SUBURBAN PRINTING	SUPPLIES OFFICE	102.00	
				SUPPLIES OFFICE	65.00	167.00
6262	860080	06/11/90	T.A. SCHIFSKY & SONS, INC	MAINT MATERIAL	3,309.45	3,309.45
6263	860315	06/11/90	T.K.D.A.	OUTSIDE ENG FEES	2,392.48	2,392.48
6264	860650	06/11/90	TARGET STORES	SUPPLIES OFFICE	15.98-	
				SUPPLIES OFFICE	23.51	
				SUPPLIES OFFICE	12.16	19.69
6265	861500	06/11/90	TERRYBERRY	PROGRAM SUPPLIES	112.15	112.15
6266	880800	06/11/90	TRUCK UTILITIES MFG.	SUPPLIES JANITOR	23.00	23.00
6267	881090	06/11/90	TURNQUIST, INC.	MAINT MATERIAL	216.92	
				MAINT MATERIAL	162.69	
				MAINT MATERIAL	157.27	
				PURCHASE DIS LOST	5.42	542.30
6268	881500	06/11/90	TWIN CITY FILTER SERVICE	SUPPLIES JANITOR	85.42	85.42
6269	900100	06/11/90	UNIFORMS UNLIMITED	UNIFORMS & CLOTH	213.92	
				UNIFORMS & CLOTH	127.60	341.52
6270	910600	06/11/90	VERHULST, MARION	PROGRAM REG FEES	7.60	7.60
6271	912100	06/11/90	VIRTUE PRINTING	SUPPLIES OFFICE	80.19	
				SUPPLIES OFFICE	30.74-	
				SUPPLIES OFFICE	16.90	
				SUPPLIES OFFICE	16.90	
				SUPPLIES OFFICE	16.90	
				SUPPLIES OFFICE	18.45-	81.70
6272	931155	06/11/90	WALGREENS	SUPPLIES EQUIPMENT	5.94	5.94
000	940700	00/00/00	WESCO	SUPPLIES JANITOR	13.40-	
				SUPPLIES JANITOR	9.91	3.49-
6273	941300	06/11/90	WHELEY, DIANA	PROGRAM REG FEES	10.00	10.00

VOUCHREG
06/01/90 14:03

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 05

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6274	942070	06/11/90	WILD MOUNTAIN	FEES SERVICE	153.00	153.00
6275	980800	06/11/90	ZIEGLER INC.	REPAIR VEH.	5,051.55	5,051.55
TOTAL CHECKS						524,615.13

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

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CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015188	05/25/90	JOSEPH ZAPPA	550.00
0015189	05/25/90	GEORGE ROSSBACH	550.00
0015190	05/25/90	GARY W BASTIAN	550.00
0015191	05/25/90	FRANCES L JUKER	550.00
0015192	05/25/90	NORMAN G ANDERSON	625.00
0015193	05/25/90	MICHAEL A McGUIRE	3,124.74
0015194	05/25/90	GAIL BLACKSTONE	1,818.40
0015195	05/25/90	GRETCHEN MAGLICH	1,386.78
0015196	05/25/90	KATHRYN SMITH	1,215.90
0015197	05/25/90	LOIS N BEHM	1,284.73
0015198	05/25/90	DAVID J JAHN	1,024.06
0015199	05/25/90	LYLE SWANSON	1,238.62
0015200	05/25/90	LARRY J CUDE	276.80
0015201	05/25/90	ANDREA J OSTER	1,043.50
0015202	05/25/90	WILLIAM MIKISKA	172.80
0015203	05/25/90	DANIEL F FAUST	2,327.57
0015204	05/25/90	ALANA K MATHEYS	1,152.30
0015205	05/25/90	DELORES A VIGNALD	1,131.50
0015206	05/25/90	LOIS DAVIS	1,166.44
0015207	05/25/90	CAROLE J ANDERSON	1,820.68
0015208	05/25/90	MARLENE LA MOTTE	231.00
0015209	05/25/90	LUCILLE E AURELIUS	2,155.59
0015210	05/25/90	BETTY D SELVOG	187.00
0015211	05/25/90	JEANNE L SCHADT	1,073.90
0015212	05/25/90	CONNIE L KELSEY	672.87
0015213	05/25/90	LORRAINE S VIETOR	1,019.33
0015214	05/25/90	PATRICIA A HENSLEY	597.78

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

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CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015215	05/25/90	CAROL JAGOE	857.90
0015216	05/25/90	JEANETTE E CARLE	1,071.53
0015217	05/25/90	SANDRA OLSON	660.89
0015218	05/25/90	MARY KAY PALANK	765.10
0015219	05/25/90	KENNETH V COLLINS	2,389.95
0015220	05/25/90	CAROLE L RICHIE	1,164.34
0015221	05/25/90	JOANNE M SVENDSEN	1,364.42
0015222	05/25/90	ROBERT D NELSON	2,064.37
0015223	05/25/90	ELAINE FULLER	428.95
0015224	05/25/90	CAROL F MARTINSON	1,173.92
0015225	05/25/90	VERNON T STILL	1,480.68
0015226	05/25/90	DONALD W SKALMAN	1,506.28
0015227	05/25/90	JOHN FRASER	1,186.28
0015228	05/25/90	RAYMOND J MORELLI	1,506.28
0015229	05/25/90	SCOTT L STEFFEN	1,554.03
0015230	05/25/90	DAVID L ARNOLD	1,647.39
0015231	05/25/90	JOHN J BANICK	1,698.08
0015232	05/25/90	JOHN C BOHL	1,430.28
0015233	05/25/90	ANTHONY G CAHANES	2,064.37
0015234	05/25/90	DALE K CLAUSON	1,506.28
0015235	05/25/90	RICHARD M MOESCHTER	1,589.71
0015236	05/25/90	JOHN H ATCHISON	1,506.28
0015237	05/25/90	JAMES YOUNGREN	2,077.23
0015238	05/25/90	YING YANG	631.74
0015239	05/25/90	WILLIAM F PELTIER	1,796.85
0015240	05/25/90	THOMAS J SZCZEPANSKI	1,430.28
0015241	05/25/90	CABOT V WELCHLIN	1,430.28

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

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0015269	05/25/90	CYNTHIA WALDT	950.47
0015270	05/25/90	JOSEPH FEHR	941.90
0015271	05/25/90	KAREN A NELSON	1,094.70
0015272	05/25/90	JAYME L FLAUGHER	1,114.70
0015273	05/25/90	JUDITH WEGWERTH	525.12
0015274	05/25/90	KENNETH G HAIDER	2,389.95
0015275	05/25/90	JUDY M CHLEBECK	1,134.70
0015276	05/25/90	WILLIAM PRIEFER	1,028.30
0015277	05/25/90	GERALD W MEYER	1,294.91
0015278	05/25/90	MICHAEL R KANE	2,017.73
0015279	05/25/90	BRYAN NAGEL	1,102.41
0015280	05/25/90	DAVID P LUTZ	1,225.19
0015281	05/25/90	HENRY F KLAUSING	1,249.10
0015282	05/25/90	JOHN SCHMOOCK	1,175.47
0015283	05/25/90	RONALD J HELEY	1,204.30
0015284	05/25/90	ERICK D OSWALD	1,167.70
0015285	05/25/90	RONALD L FREBERG	1,204.30
0015286	05/25/90	WILLIAM C CASS	2,368.68
0015287	05/25/90	TODD ZACK	432.00
0015288	05/25/90	RANDAL LINDBLOM	1,033.48
0015289	05/25/90	JAMES G ELIAS	1,391.51
0015290	05/25/90	JOHN DU CHARME	925.90
0015291	05/25/90	DENNIS L PECK	1,391.50
0015292	05/25/90	WILLIAM PRIEBE	1,533.79
0015293	05/25/90	BRUCE A IRISH	2,399.88
0015294	05/25/90	WALTER M GEISSLER	1,616.85
0015295	05/25/90	THERESA METZ	1,038.70

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

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0015296	05/25/90	JOHN R LOFGREN	1,018.69
0015297	05/25/90	ROBERT D ODEGARD	2,155.59
0015298	05/25/90	LOIS J BRENNER	1,114.70
0015299	05/25/90	BARBARA A KRUMMEL	516.55
0015300	05/25/90	PAULINE STAPLES	2,290.28
0015301	05/25/90	LUTHER JONES	72.00
0015302	05/25/90	DANIEL L TRAVERS	99.00
0015303	05/25/90	ROBERT S ANDERSON	1,181.90
0015304	05/25/90	DENNIS P LINDORFF	1,188.86
0015305	05/25/90	WILLIAM GARRY	1,148.30
0015306	05/25/90	ROLAND B HELEY	1,226.03
0015307	05/25/90	MARK A MARUSKA	2,092.15
0015308	05/25/90	JAMES SCHINDELDECKER	1,036.30
0015309	05/25/90	DAVID WIEDL	420.00
0015310	05/25/90	MYLES R BURKE	1,249.10
0015311	05/25/90	DANIEL BURKHART	368.00
0015312	05/25/90	ANDREA HANNEGAN	249.38
0015313	05/25/90	SHERRAL MILLER	136.50
0015314	05/25/90	KARI DREGER	122.50
0015315	05/25/90	MICHAEL GRAF	115.50
0015316	05/25/90	PETRA MEYERS	80.00
0015317	05/25/90	RONALD L BESETH-JR.	341.25
0015318	05/25/90	ROBERT CAMPBELL	145.00
0015319	05/25/90	CARY RAHN	122.50
0015320	05/25/90	KIM RENS	21.00
0015321	05/25/90	ROY G WARD	406.40
0015322	05/25/90	DOUGLAS J TAUBMAN	1,916.68

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

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CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015323	05/25/90	JANET M GREW HAYMAN	1,206.70
0015324	05/25/90	JEAN NELSON	391.44
0015325	05/25/90	JUDITH A HORSNELL	592.15
0015326	05/25/90	ANN E HUTCHINSON	803.75
0015327	05/25/90	RITA MACY	119.81
0015328	05/25/90	ALLISON McGINNIS	42.00
0015329	05/25/90	KATHLEEN M DOHERTY	1,122.95
0015330	05/25/90	MARIE BARTA	995.64
0015331	05/25/90	GEOFFREY W OLSON	2,155.59
0015332	05/25/90	NANCY MISKELL	553.51
0015333	05/25/90	JOYCE L LIVINGSTON	578.59
0015334	05/25/90	KENNETH ROBERTS	1,356.90
0015335	05/25/90	THOMAS G EKSTRAND	1,632.91
0015336	05/25/90	MARJORIE OSTROM	2,179.08
0015337	05/25/90	NICHOLAS N CARVER	1,311.50
0015338	05/25/90	ROBERT J WENGER	1,365.73
0015339	05/25/90	DANIEL CAMPANARO	480.00
0015340	05/25/90	EDWARD A NADEAU	1,225.10
0015341	05/25/90	GEORGE W MULWEE	1,225.10
0015342	05/25/90	LAVERNE S NUTESON	2,149.11
0015343	05/25/90	ROGER W BREHEIM	1,228.98
0015344	05/25/90	DAVID B EDSON	1,225.10
0015345	05/25/90	DAVID GERMAIN	1,225.10
0015346	05/25/90	DENNIS M MULVANEY	1,343.50
0015347	05/25/90	GEORGE C SPREIGL	1,195.50
0015348	05/25/90	ELIZABETH J WEILAND	1,343.64
0015349 VOID	05/25/90	MAPLEWOOD STATE BANK	#1 23,307.42

AGENDA REPORT

Action by Council:

TO: City Manager
FROM: Finance Director *R. Rust*
RE: BUDGET CHANGE-PUBLIC SAFETY DEPARTMENT STUDY
DATE: 6-4-90

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

A budget change of \$10,900 is needed to finance the final bill for the Public Safety Department study that was recently completed.

BACKGROUND

The 1989 Budget included \$30,000 for a management study of the Public Safety Department. The study has been completed at a cost of \$25,172. In 1989, the City paid the first billing of \$14,818 for the study and the final bill was paid this year totaling \$10,894. However, due to an oversight, the unspent 1989 appropriation was not carried over to the 1990 Budget. Instead, the appropriation lapsed and the unspent money became part of the unreserved fund balance in the General Fund.

At the end of 1989, the fund balance for the General Fund was \$484,030 greater than budgeted. It is projected that at the end of 1990 it will be approximately \$100,000 greater than the budget.

RECOMMENDATION

It is recommended that the City Council appropriate \$10,900 for the General Fund Balance to cover the cost of the final bill for the Public Safety Department management study.

DFF:dff

METRO\METDATA\AGENSTUD

Action by Council:

MEMORANDUM

TO: City Manager
 FROM: Shawn Bernier - Planning Intern
 SUBJECT: **Conditional Use Permit Renewal**
 LOCATION: Century Avenue
 APPLICANT: Mr. Richard Pearson
 PROJECT: Rolling Hills Second Addition
 DATE: April 19, 1990

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

INTRODUCTION

The applicant is requesting the renewal of a conditional use permit (CUP) for the Rolling Hills Mobile Home Park Second Addition.

BACKGROUND

May 11, 1987: The City Council approved the CUP subject to 15 conditions. (See page 5.) On May 23, 1988 and May 18, 1989 the City Council granted one-year time extensions for the CUP.

CRITERIA FOR APPROVAL

Subsection 36-442 (e) of City Code requires that the City Council review all conditional use permits. The City Council must review each conditional use permit within one year of the date of initial approval. The City Council may renew the permit with or without a time period. A time period cannot exceed five years.

DISCUSSION

The project has developed according to the original conditions. The City Council should renew the permit until October 15, 1992. This is the date that the permit for the Rolling Hills 1st Addition expires.

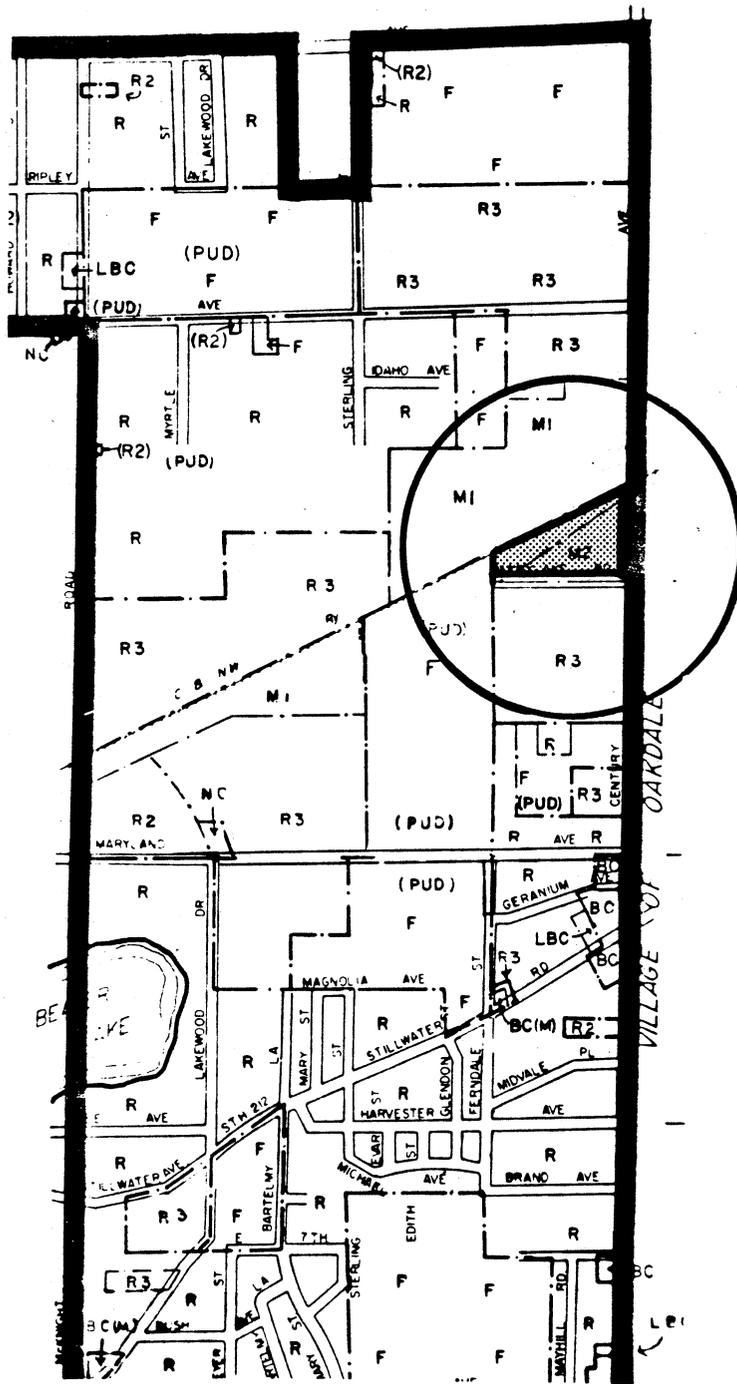
RECOMMENDATION

Renewal of the conditional use permit for the Rolling Hills Second Addition until October 15, 1992, subject to the original conditions of approval.

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Rolling Hills Second Addition Plat
4. May 11, 1987 CUP conditions

go/mem018.mem



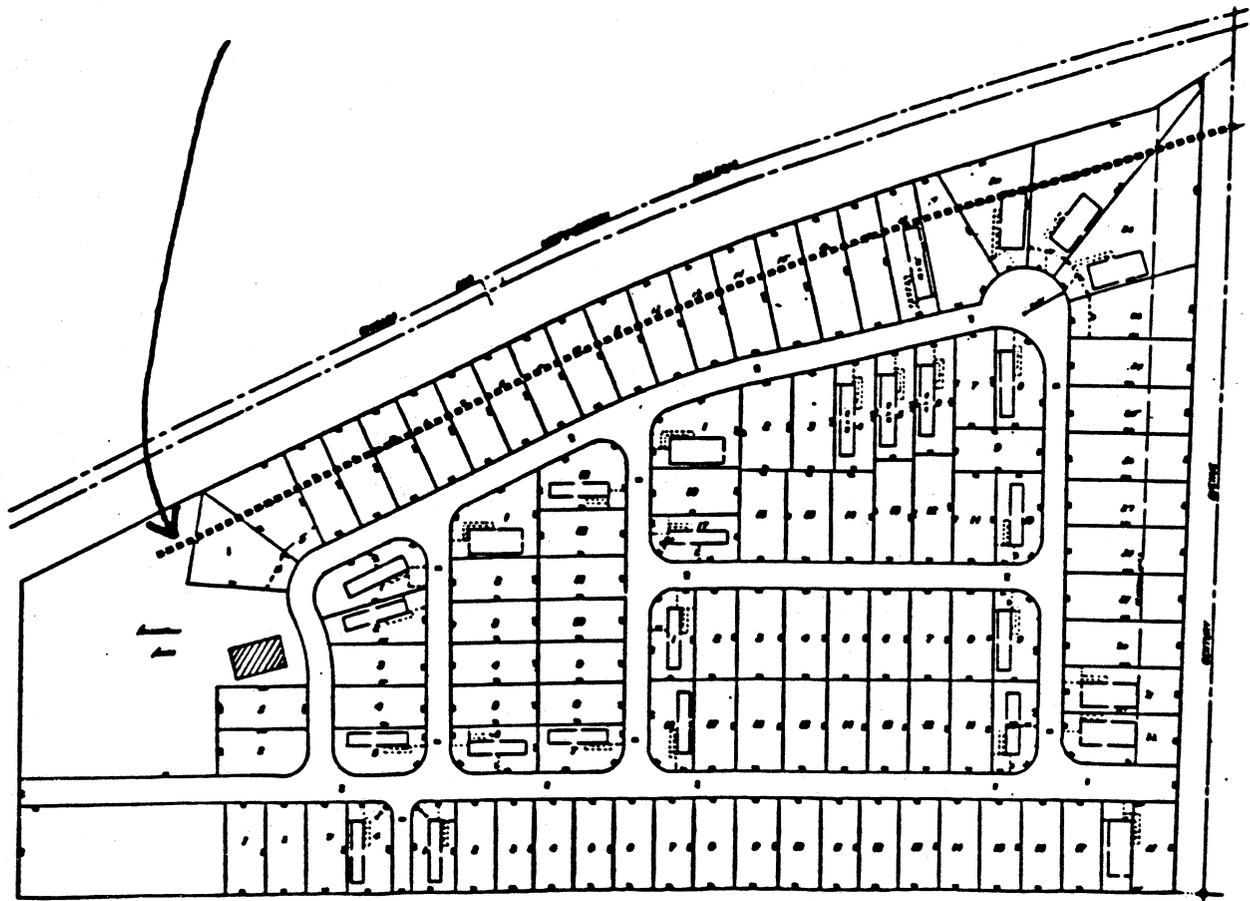
LOCATION MAP
Rolling Hills 2nd Addition

South of Rail Road and West of Century

Attachment 1



100' SETBACK FROM TRACKS



ROLLING HILLS SECOND ADDITION

110 Lots



Pursuant to due call and notice thereof a regular meeting of the City Council of the City of Maplewood, Minnesota was duly called and held in the council chambers in said city on the _____ day of _____, 1987 at 7 p.m.

The following members were present:

The following members were absent:

WHEREAS, Richard Pearson initiated a conditional use permit to develop a mobile home park on property zoned F, farm residential, and also with 350 feet of a residence district on property zoned M-2, heavy manufacturing at the following-described property:

That portion of the SE 1/4 of the SE 1/4 of Section 24, township 29, Range 22, lying southeasterly of the Chicago and Northwest Railroad right-of-way.

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

1. This conditional use permit was initiated by Richard Pearson, pursuant to the Maplewood Code of Ordinances.
2. This conditional use permit was reviewed by the Maplewood Planning Commission on May 4, 1987. The planning commission recommended to the city council that said permit be _____.
3. The Maplewood City Council held a public hearing on _____, 1987. 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 is in conformity with the city's comprehensive plan and with the purpose and standards of this chapter.
2. The establishment or maintenance of the use would not be detrimental to the public health, safety or general welfare.
3. The use would be located, designed, maintained and operated to be compatible with the character of that zoning district.
4. The use would not depreciate property values.

5. The use would not be hazardous, detrimental or disturbing to present and potential surrounding land uses, due to the noises, glare, smoke, dust, odor, fumes, water pollution, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

6. The use would generate only minimal vehicular traffic on local streets and shall not create traffic congestion, unsafe access or parking needs that will cause undue burden to the area properties.

7. The use would be serviced by essential public services, such as streets, police, fire protection, utilities, schools and parks.

8. The use would not create excessive additional requirements at public cost for public facilities and services; and would not be detrimental to the welfare of the city.

9. The use would preserve and incorporate the site's natural and scenic features into the development design.

10. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. Compliance with state requirements.
2. There shall be no exterior storage of equipment such as bikes, hoses, lawnmowers, rakes, etc.
3. Each lot shall be allowed an exterior storage shed of no more than 120 square feet. Such shed must be kept in workmanlike repair and painted.
4. Each lot shall be allowed to have children's play equipment, unless the developer provides a tot lot adjacent to the community building.
5. Each lot shall be allowed a deck and carport, provided that either structure shall not be closer than ten feet to any adjacent dwelling. Carports shall not be closer than six feet to a private street and shall not have walls. On lots along Century Avenue, sheds shall not be closer than thirty-seven feet to the right-of-way.
6. All mobile homes must be new, skirted and tied down. Skirting shall extend from the frame of the chassis to the ground. Skirting must be painted to complement the mobile home.
7. All tie-downs and foundations must meet the state building code.
8. The sign regulations for the R-3 district shall apply.
9. The following minimum setbacks shall apply for dwellings:

2. Approval of the resolution rezoning this site from R-3, multiple dwelling to R-1, single-dwelling residential for the reasons required by City code.
3. Approval of the resolution terminating the conditional use permit to build a 42-foot-high senior building. The City is terminating this permit because the developers plan to build this project in Oakdale.

Commissioner Sigmundik seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Rossbach, Sigmundik,
Sinn

The motion passed.

b. 7:45 p.m., Rolling Hills Mobile Home Park

Ken Roberts, Associate Planner, presented the staff report for this proposed land use plan amendment and rezoning.

Dick Pearson, owner of Rolling Hills Mobile Home Park, spoke in opposition to the R-1 zoning.

Commissioner Fischer said she feels the R-1 zoning cannot be justified when the surrounding area and uses are considered.

Commissioner Rossbach said since there are many existing apartment buildings in the area, perhaps an R-2 zoning classification should be considered.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution which changes the OS, open space designation in the north end of the mobile home park on the land use plan to RM, residential medium density. The reason for this change is that this area has developed as part of the mobile home park.
2. Adoption of the resolution which rezones the Rolling Hills 2nd Addition Mobile Home Park from F, farm residential and M-2, heavy manufacturing to R-3, multiple-dwelling residential. The

findings required by ordinance are the basis for this approval.

Commissioner Cardinal seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Sigmundik, Sinn

Nays--Rossbach

This motion passed.

6. UNFINISHED BUSINESS

a. Comprehensive Plan - Land Use Classification

Secretary Olson presented the staff report. The commissioners discussed the proposed change in the land use classifications with staff.

Commissioner Rossbach moved the Planning Commission recommend authorizing staff to replace the land use classifications in the City's land use plan with zoning classifications. Staff will bring back the specific changes for approval with the update of the Comprehensive Plan.

Commissioner Anitzberger seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Rossbach, Sigmundik,
Sinn

This motion passed.

7. VISITOR PRESENTATIONS

8. COMMISSION PRESENTATIONS

a. Council Meeting: May 14

Secretary Olson reported on this meeting.

b. Representative for the May 31 Council Meeting: Gary Gerke

9. STAFF PRESENTATIONS

10. ADJOURNMENT

Meeting adjourned at 9:09 p.m.

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Thomas Riedesel, Interning Planner
 SUBJECT: Conditional Use Permit Renewal
 LOCATION: 1810 E. County Road B
 APPLICANT/OWNER: Roger Fulk
 PROJECT: Fulk Manufacturing, Inc.
 DATE: May 30, 1990

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY

INTRODUCTION

The applicant is requesting renewal of a conditional use permit (CUP) for an M-1, light-manufacturing use, within 350 feet of a residential zone.

BACKGROUND

1. Council originally granted a CUP for the applicant's first building on September 10, 1979. A CUP was issued for the newer concrete block shop building on February 13, 1984. Several renewals were granted. The present conditions of approval are:
 - a. The hours of operation shall generally be between 5 a.m. and 10 p.m.
 - b. All equipment and machinery shall be stored indoors.
 - c. All fire safety regulations shall be met.
 - d. All junk vehicles and any other miscellaneous debris shall be removed from the premises.
 - e. Adherence to the site plan, dated January 6, 1984, unless a change is approved by the City's Community Design Review Board.

2. On January 25, 1988, Council renewed this CUP for six months, subject to:
 - a. Landscaping being installed in accordance with the approved plan.
 - b. Trash enclosures as required by code, or the construction of an eight-foot-tall, 100% opaque decorative wood screening fence between the original shop building and the shed to the south. All trash containers shall be kept between these two buildings. The construction of the fence is an interim remedy for

screening. Total screening of all trash receptacles may be required in the future, depending on the development of the adjacent lot to the southwest.

3. Council last renewed the permit on June 8, 1990 for one year.

DISCUSSION

Mr. Fulk is meeting all the conditions of the permit.

RECOMMENDATION

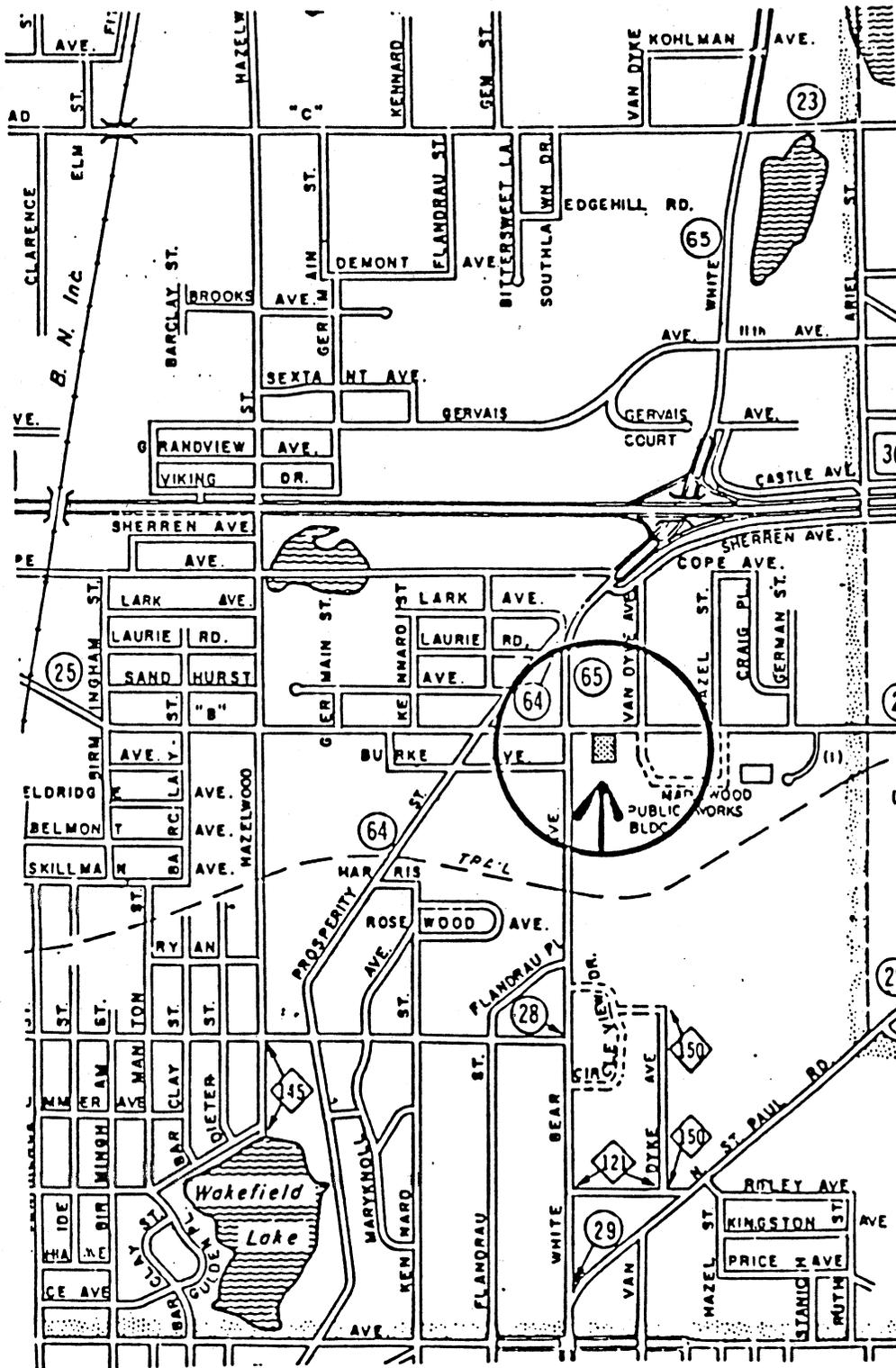
Renewal of this conditional use permit for five years, subject to the previous conditions of approval.

jl

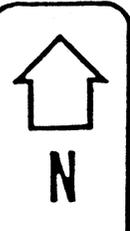
FULKCUP.mem

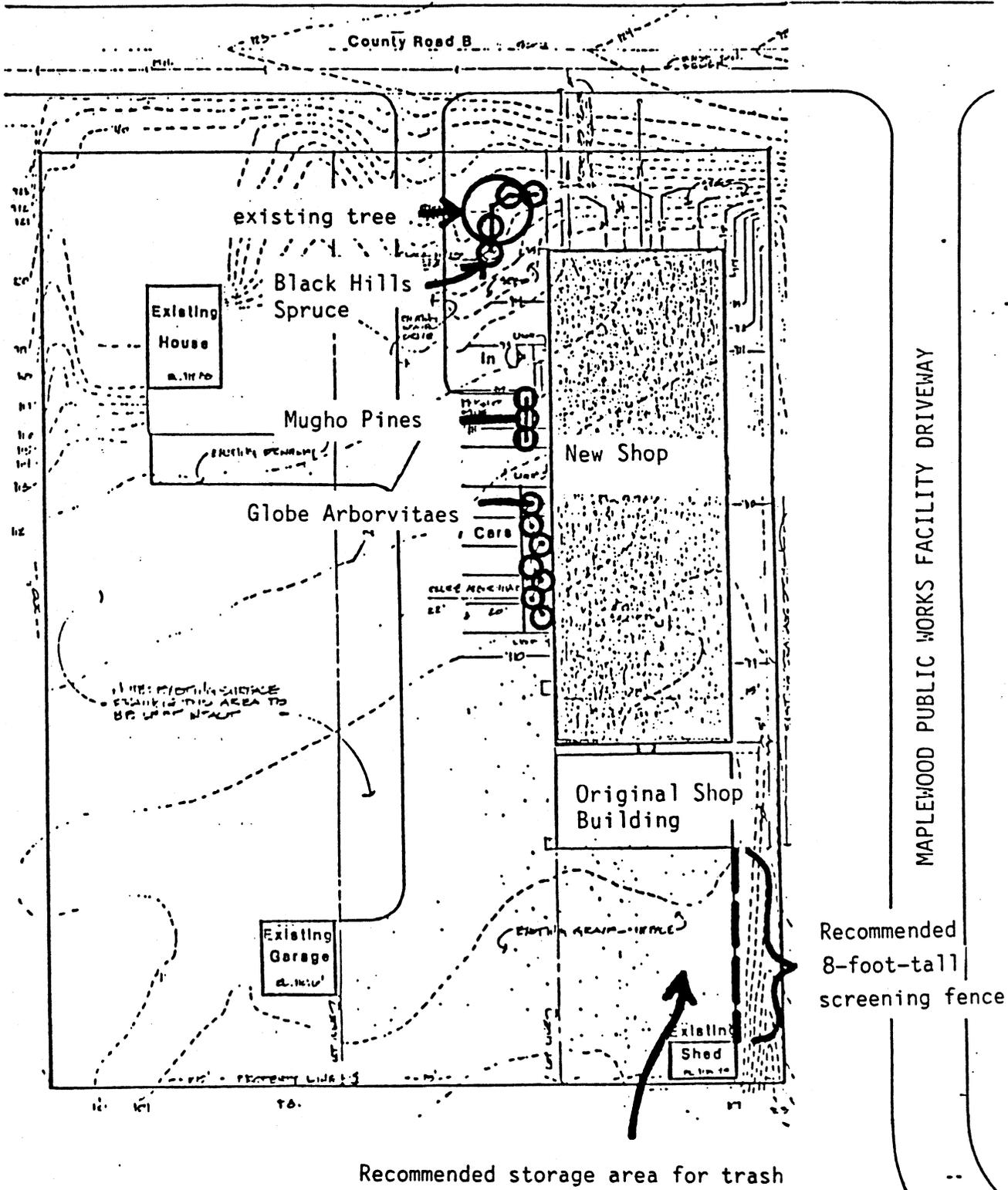
Attachments

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



LOCATION MAP





**SITE PLAN
AND LANDSCAPING**



Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Preliminary Plat Revision and Time Extension**
LOCATION: Linwood Avenue (Section 12-28)
APPLICANT/OWNER: Chad Lemmons
PROJECT: Beth Heights Addition
DATE: May 31, 1990

INTRODUCTION

1. The applicant is requesting the renewal of the preliminary plat for the Beth Heights Addition.
2. Staff is proposing two changes to the conditions of plat approval. One is a revision to the condition about tree preservation. The other change is an added condition about site grading.

BACKGROUND

June 12, 1989: The City Council granted preliminary plat approval to the Beth Heights Addition subject to 9 conditions.

DISCUSSION

Sanitary Sewer

One of the original conditions for approval of this plat stated "The City awarding contracts for the Sterling Street improvement project or the developer constructing sanitary sewer to the existing sanitary sewer in Linwood Avenue." The City Engineer does not expect the City to construct Sterling Street until 1991 or 1992. The owner does not wish to start this development until the Sterling Street project is underway. This is so sanitary sewer will be available to serve his property. He, therefore, needs a a time extension.

Tree Preservation

Since this plat received its original preliminary approval, the City has adopted tougher tree preservation standards. As such, staff is recommending the revision of a condition for plat approval about the preservation of trees.

Site Grading

The City has recently adopted a new policy about the grading of developments. This new policy is to have the developer complete the site grading. This is so the grading will not be done in a piece meal fashion which can then create drainage problems.

RECOMMENDATIONS

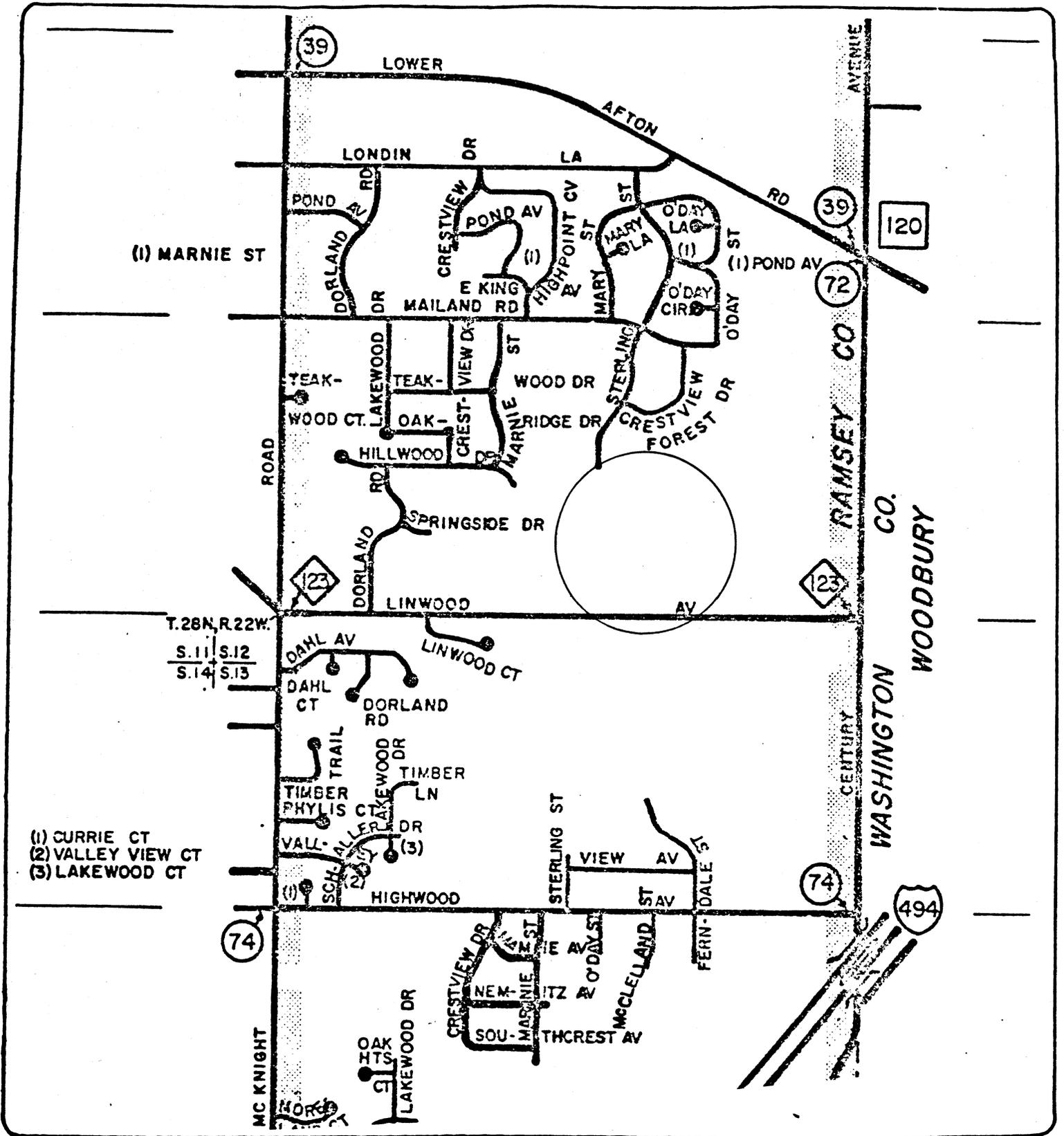
Approve a one-year time extension for the Beth Heights Addition preliminary plat, subject to the following revisions to the conditions of approval for final plat approval (additions are underlined and deletions are crossed out):

1. Conditions 1 through 3 and 5 through 9 remain unchanged.
2. Condition 4 is revised as follows:
 4. Approval of a tree removal and planting plan by the Director of Community Development before grading or construction begins, or final plat approval is given. This plan must illustrate the trees that are to be removed, those that are to be retained, and those that are to be replaced.
 4. Approval of a tree plan by the Director of Community Development. No grading or construction may begin nor will the City give final plat approval until the Director approves this plan. This plan must show the woodlots on the site. This plan must also show the location, size and species of trees over eight inches in diameter that the developer intends to remove or keep. This plan does not need to show box elders, cottonwoods and poplars. This plan must also show the location, size and species of trees that developer will plant as replacement trees.
3. Condition 10 is added as follows:
 10. The developer shall complete all grading for public improvements and overall site drainage. The City Engineer shall include any of this grading that is not completed before final approval in the developer's agreement.

Attachments

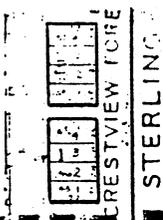
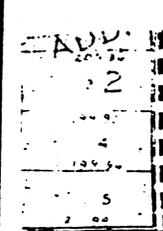
1. Location Map
2. Property Line/Zoning Map
3. Preliminary Plat
4. Letter dated from Chad Lemmons

kenmem43

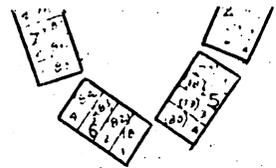


LOCATION MAP





Crestview
Forest Town Home



SEE PLAT COPY
FOR DETAILS

3
OUTH

Huntington Hills
South Plat

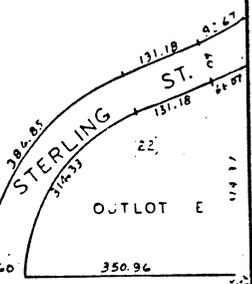
Water Tower 39.42

R1



F

Beth Heights Plat

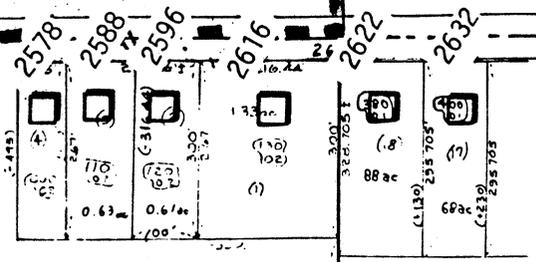


St. Paul
Police Dept.
Shooting Range

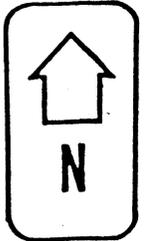


2516

F



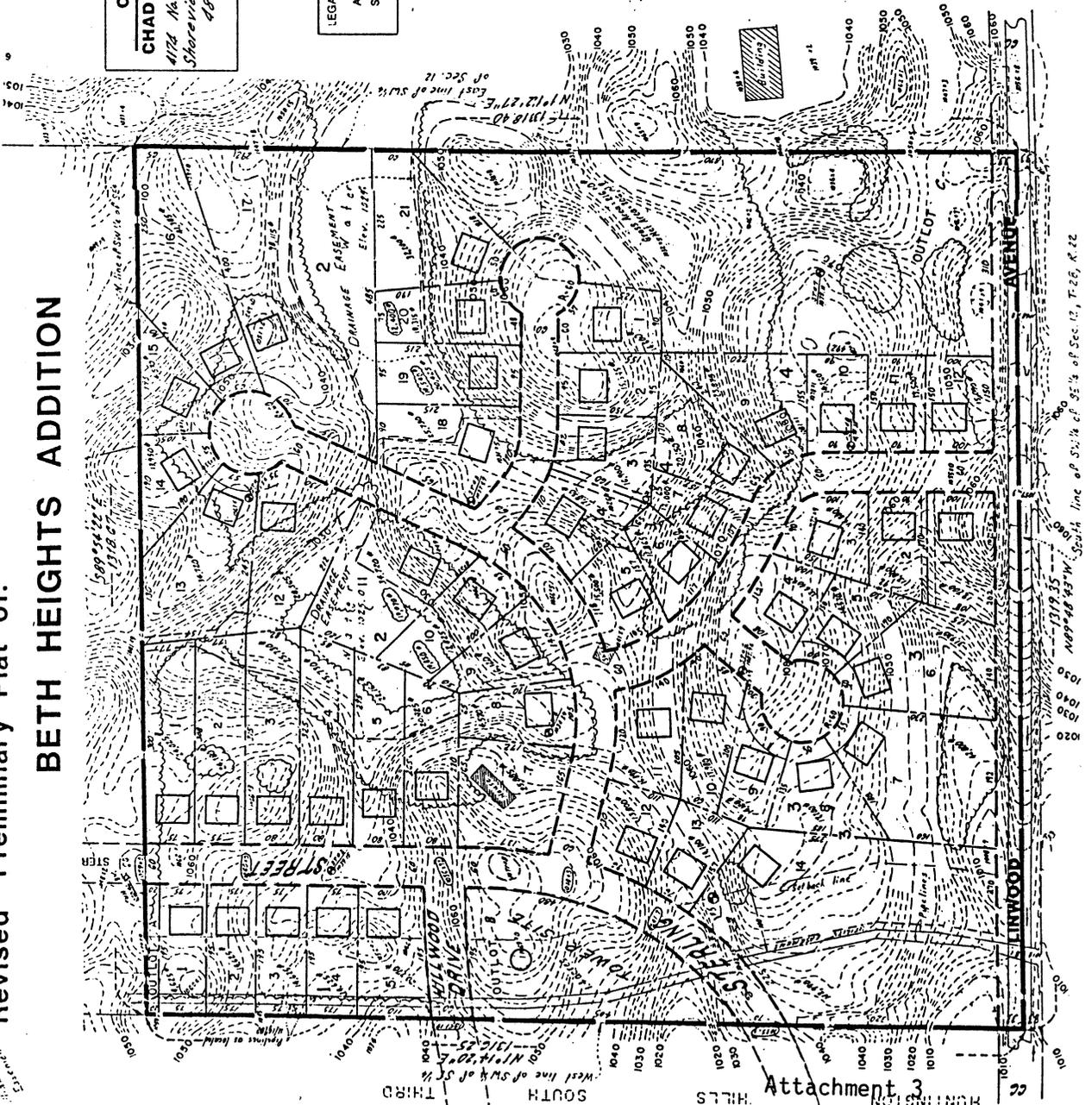
PROPERTY LINE / ZONING MAP



REVISION FOR

Revised Preliminary Plat of:

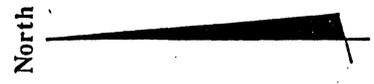
BETH HEIGHTS ADDITION



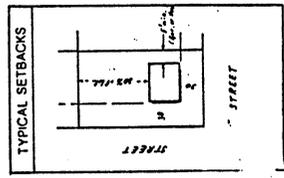
Owner
CHAD LEMMONS
 4174 N. Lexington Ave.
 Shoreview Minn 55126
 481-0863

Developer
KENT W. JEFFERSON
 (Jefferson Homes)
 4530 Highway 61
 White Bear Lake, Minnesota 55110
 Tel. 429-5309

LEGAL DESCRIPTION:
 All of the Southwest quarter of the Southeast quarter of
 Section 12, Township 28, Range 22, Ramsey County, Minnesota.



Scale: 1 Inch = 100 Feet



I hereby certify that this plat, plan, or report was
 prepared by the undersigned Land Surveyor under the laws
 of the State of Minnesota.
E. G. RUD & SONS, INC.
 Land Surveyors
 550 Lexington Ave. NE
 Circle Pines, Minnesota 55014
 Telephone 766-5556

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Ken Roberts, Associate Planner
 SUBJECT: **Time Extension (PUD)**
 LOCATION: County Road B and English Street
 APPLICANT/OWNER: Ed Cave and Sons, Inc.
 PROJECT: Caves English Street Second Addition
 DATE: May 30, 1990

INTRODUCTION

The applicant is requesting a one-year time extension for Cave's English Street Second Addition planned unit development.

BACKGROUND

June 6, 1986: The City Council approved a PUD for five small-lot single dwellings and 16 condominiums for this site.

August 25, 1986: The City Council approved the final plat.

June 8, 1987, June 13, 1988 and June 8, 1989: Council approved a one-year time extension for the PUD, subject to the original conditions.

ORDINANCE REQUIREMENTS

Section 36-442 (e) of the City Code states that "all conditional use permits shall be reviewed by the Council within one year of the date of the 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. The Council may impose new or additional conditions upon the permit at the time of the initial or subsequent reviews."

DISCUSSION

The applicant has constructed the five dwellings along the east side of English Street. There have not been any changes in City Code or surrounding land uses that would affect this PUD.

RECOMMENDATION

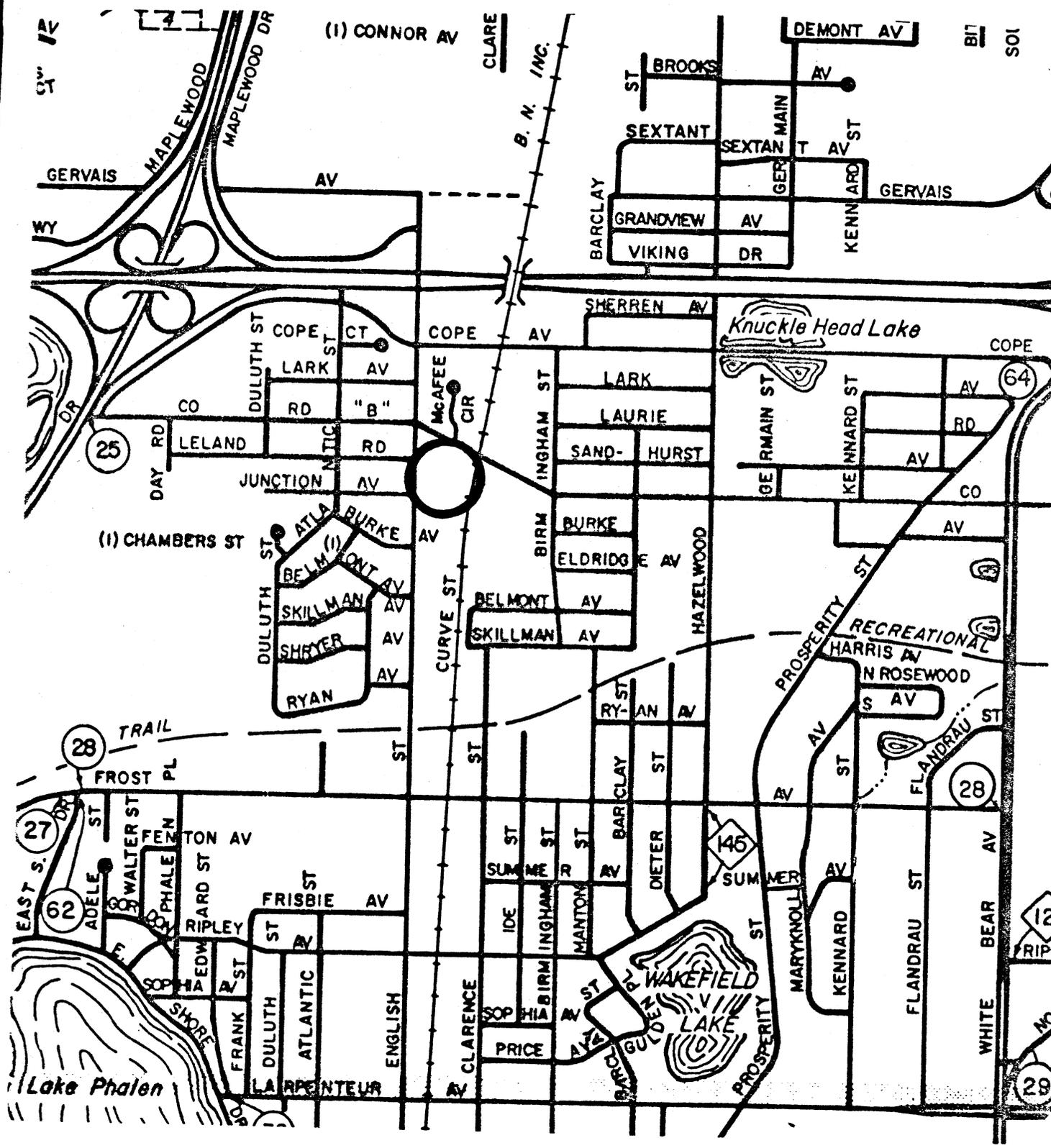
Approve a one-year time extension for Cave's English Street Second Addition planned unit development subject to the original conditions of approval.

kenmem41

Attachments

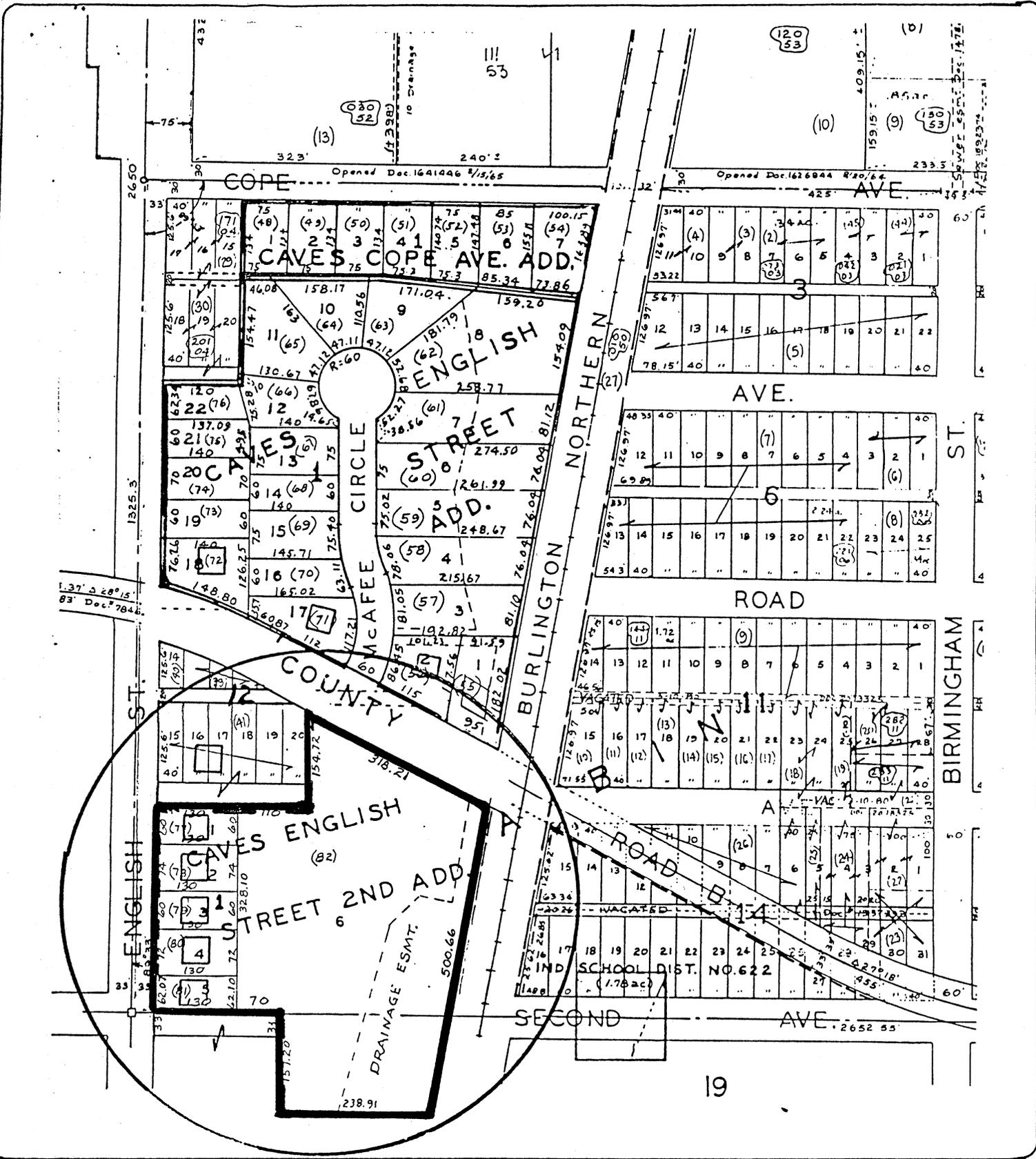
1. Location Map
2. Property Line/Zoning Map

3. Site Plan
4. Letter from applicant

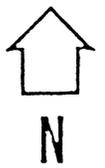


LOCATION MAP





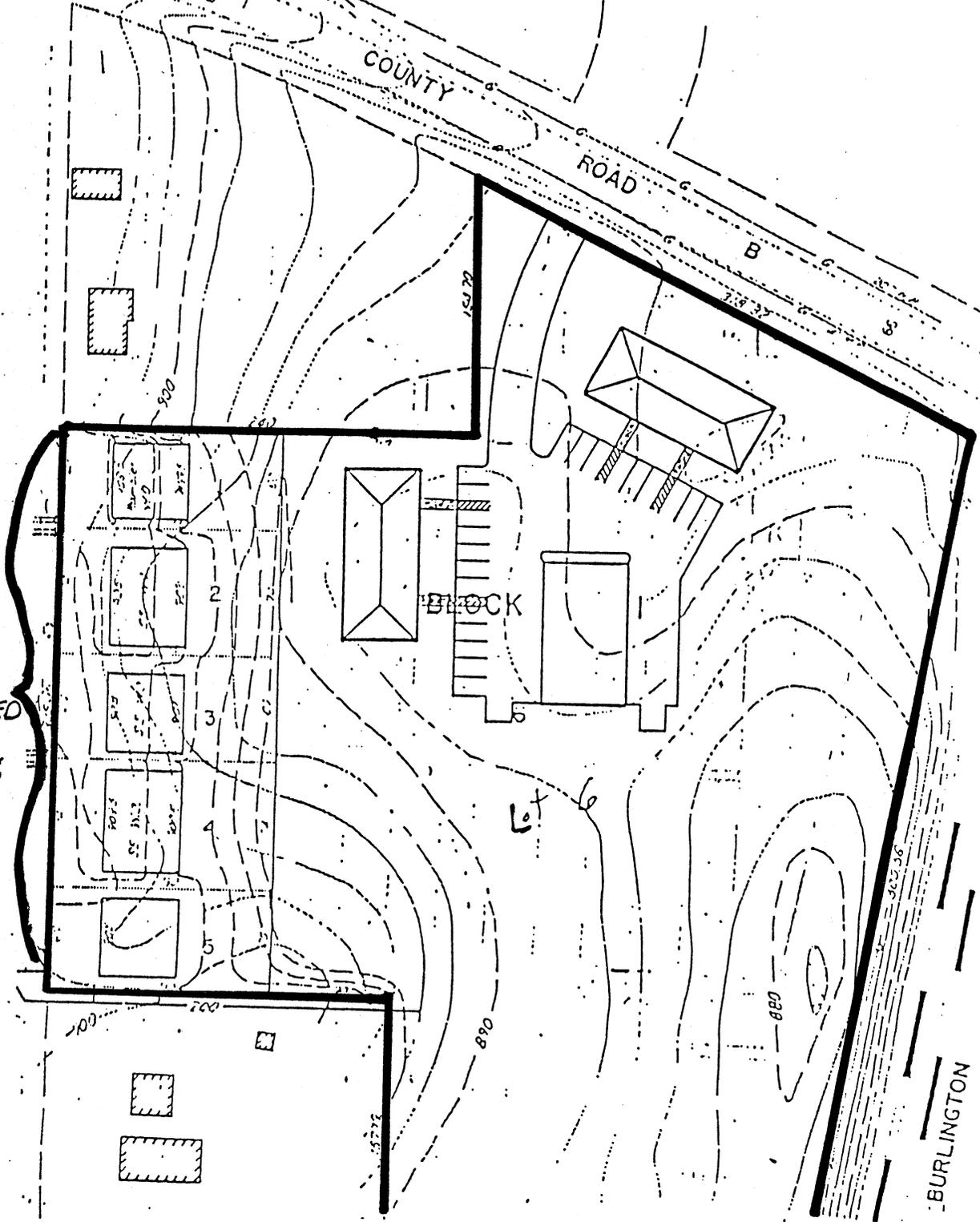
PROPERTY LINE / ZONING MAP



ENGLISH STREET

COUNTY ROAD

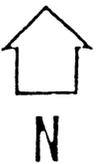
5
COMPLETED
HOMES



SITE PLAN

5

Attachment 3





ED CAVE & SONS, INC.
GENERAL CONTRACTORS
2301 WOODBRIDGE ST. - SUITE 202
ROSEVILLE, MINNESOTA 55113



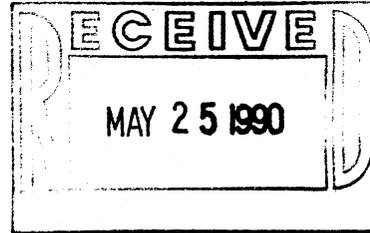
**NEW HOMES
LAND DEVELOPMENT
RENOVATION
COMMERCIAL**

SAM CAVE, PRESIDENT

482-9667

May 23, 1990

Mr. Ken Roberts
City of Maplewood
1830 E. County Road B
Maplewood, Mn 55109



SUBJECT: PUD RENEWAL - CAVES ENGLISH STREET ADDITION

Dear Mr. Roberts:

It is our desire to have the subject PUD renewed. Will you please schedule this with the City Council.

Sincerely Yours,

Samuel S. Cave, President
Ed Cave & Sons, Inc.

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

AGENDA REPORT

TO: Mayor and City Council
FROM: City Manager *Michael A. Quinn*
RE: **PRESENTATION**
DATE: June 4, 1990

Students from the Presentation of the Blessed Virgin Mary School were invited to attend the June 11th meeting to be recognized for their participation in The Odyssey of the Mind program.

The Odyssey of the Mind program is a problem-solving competition in which students, working as a team, solve an assigned problem. Through this competitive exercise, students are taught team work, creativity, social and cooperative skills, and basic problem solving skills.

The students who participated and who were invited tonight are Michelle DuBay, Beth Grant, Jeff Radke, Steve Walsh, Eric Williams, and Chris Yzermans, and their coach is Joyce Teibel. They participated in the World Finals Competition in Ames on May 30th through June 2nd, and they will provide an update.

MAM:kas

Action by Council:

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: **Parking Lot Setback Variance**
LOCATION: 2305 Stillwater Road
APPLICANT: Con/Spec Corporation
OWNER: Gust Sarrack
PROJECT TITLE: Sarrack's International Wines and Spirits Addition
DATE: April 26, 1990

SUMMARY

INTRODUCTION

Sarrack's is requesting a variance to expand their parking lot five feet from the north lot line. Code requires 20 feet. The expansion is due to their planned 12,428-square-foot building addition.

BACKGROUND

January 27, 1986: The City Council approved a 15-foot parking lot setback variance from the west lot line.

December 12, 1989: The Review Board approved the Sarrack's site plan. The Board approved the building design and materials on January 9, 1990.

January 8, 1990: Council approved a conditional use permit for Sarrack's to build an addition within 50 feet of their west lot line. They required Sarrack's to screen the proposed addition by at least 80% from the abutting residential district. The screening fence shall comply with section 36-27 of the City Code and there shall be some additional landscaping. The Design Review Board must approve the fence design and the location and design of trash enclosures.

Council denied a variance, however, that would have permitted the new parking lot five feet from the north lot line.

April 9, 1990: Council voted to reconsider the variance.

CRITERIA FOR APPROVAL

State law requires that the City make two findings before granting a variance:

1. Strict enforcement of the City ordinances would cause undue hardship because of circumstances unique to the property. Undue hardship means that:
 - a. The owners cannot put their property to a reasonable use under City ordinances.

- b. The owners' problem is due to circumstances unique to their property, that they did not cause.
 - c. The variance would not alter the essential character of the area.
2. The variance would be in keeping with the spirit and intent of the ordinance.

RECOMMENDATION

Adoption of the resolution on page 8, approving a 15-foot parking lot setback variance from the north lot line, on the basis that:

1. Mr. Sarrack would meet the intent of the ordinance if he screened the parking lot from the property to the north.
2. There is an existing grade elevation and some existing landscaping that already partially screens the site.
3. The setback requirement would cause Mr. Sarrack undue hardship because the State bought part of his property for right-of-way. This has reduced the area of his property for parking and left the property unusually shaped, making complying with setbacks difficult.
4. The abutting lot to the north is the deep rear yard of an unoccupied property recently purchased by the State as part of the widening of Stillwater Road.

Approval is subject to Mr. Sarrack building a screening fence along the entire northerly lot line that complies with Section 36-27 of the City Code.

CITIZEN COMMENTS

Staff mailed surveys to the 54 property owners within 350 feet for their comments about this proposal. Of the 21 replies, 12 were in favor, four had no comment and five objected. The following statement was the only one which concerned business expansion to the north.

Some 20 years ago, the City Council promised the residents there would be no further building to the north of the present building. If you can't count on what a past council promises a neighborhood, then you can't count on what the present council does. Therefore, there would no need to have a council at all. It would seem that our democratic form of government is not working.

Staff Reply: There is no record of the City Council prohibiting further building to the north of the present building.

REFERENCE

Site Description

1. Site size: 1.17 acres
2. Existing Land Use: Sarrack's Liquor Store

Surrounding Land Uses

Northerly: a single dwelling owned by the State of Minnesota
Southerly: Stillwater Road, Reaney Avenue and Cardinal Office Park
Westerly: single dwellings
Easterly: Stillwater Road and single dwellings

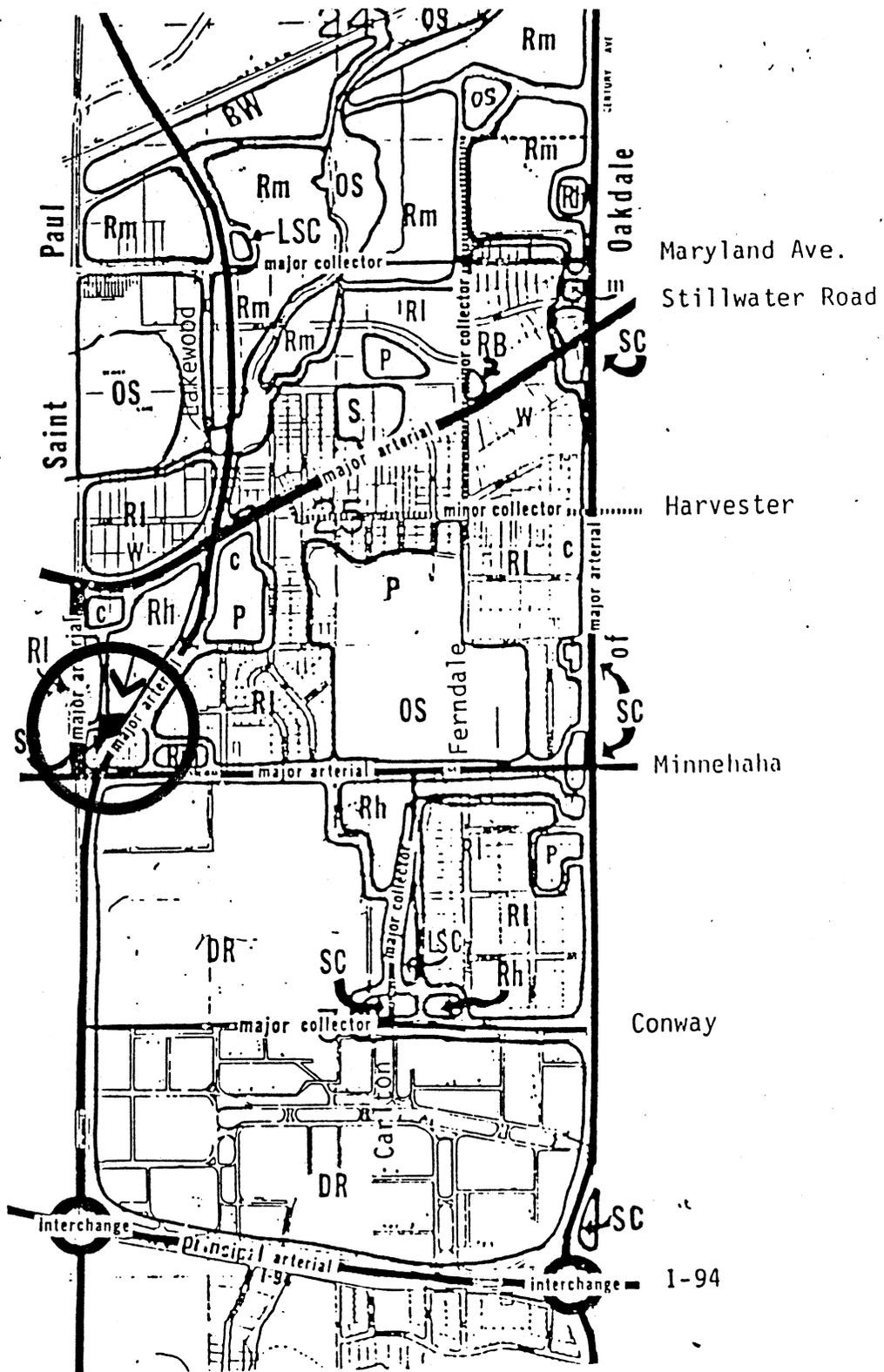
Planning

1. Land Use Plan designation: SC, Service Commercial
2. Zoning: BC(M)

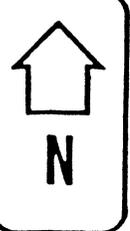
TESARRACK2

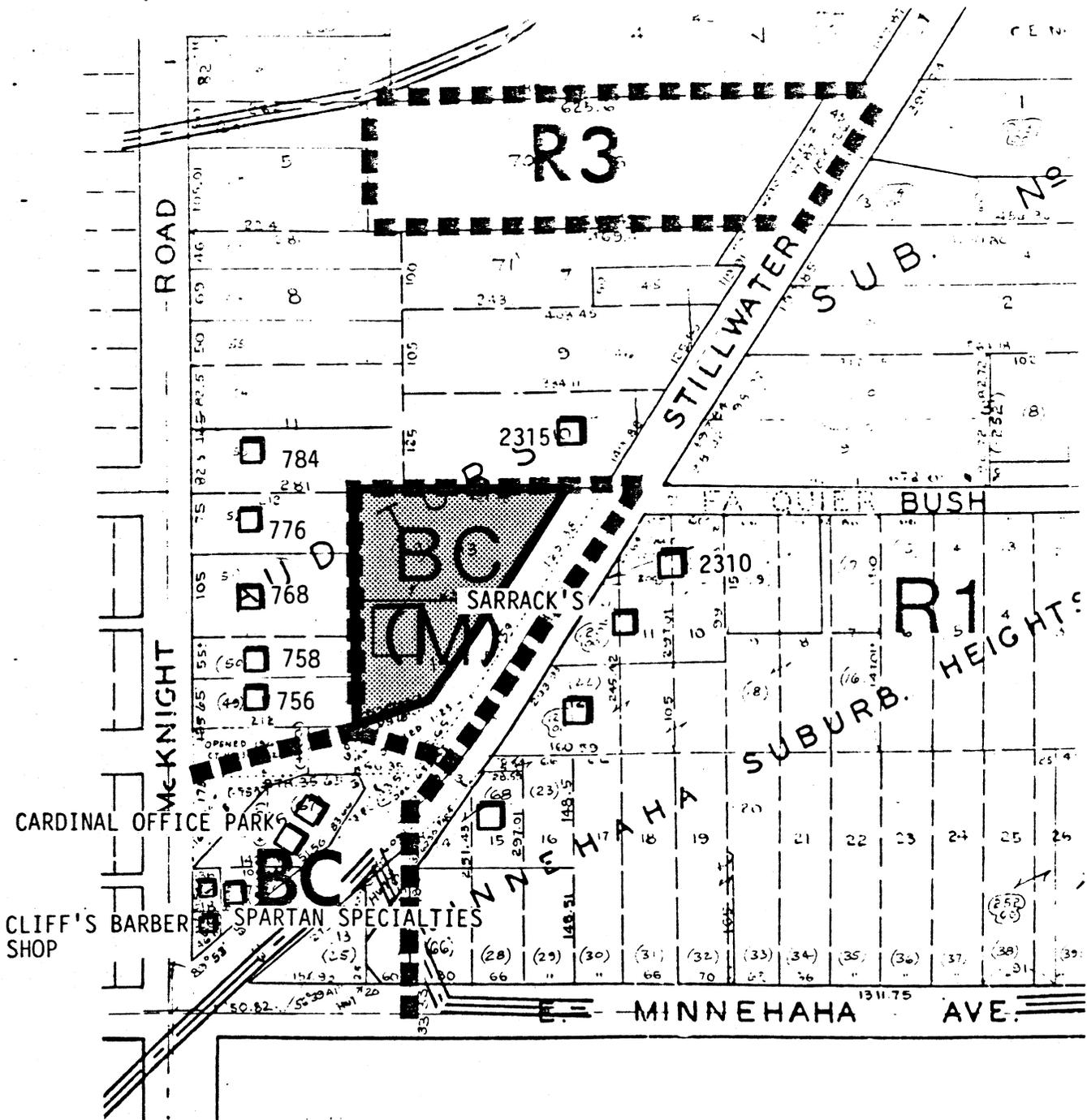
Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Applicant's variance justification dated October 19, 1989
5. Resolution
6. Site and Architectural Plans date stamped April 24, 1990 (separate attachment)



**BEAVER LAKE
LAND USE PLAN**

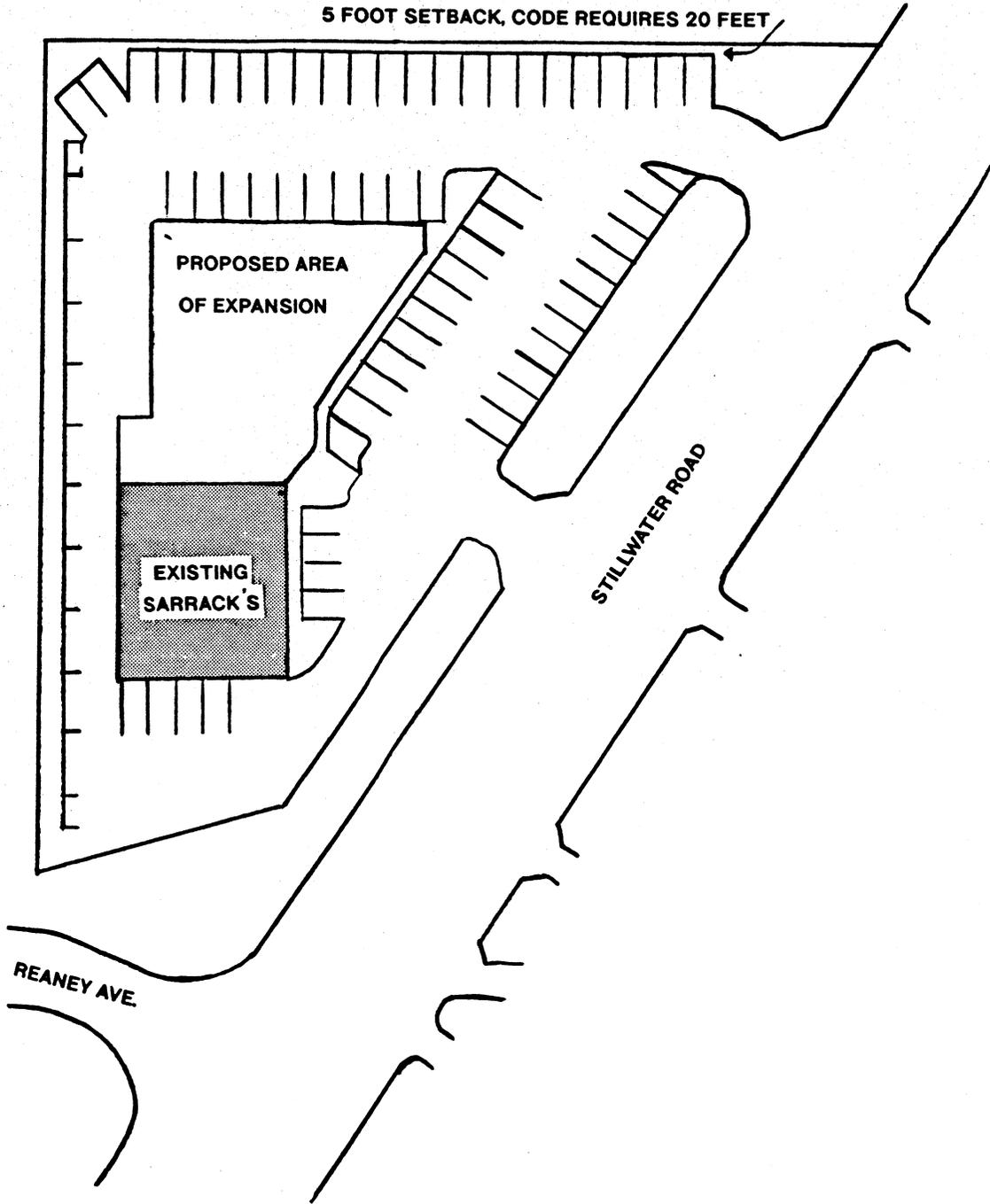




PROPERTY LINE / ZONING MAP

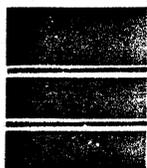


5 FOOT SETBACK, CODE REQUIRES 20 FEET



SITE PLAN





**CON/SPEC
CORPORATION**

October 19, 1989

1809 NORTHWESTERN AVENUE
STILLWATER, MN 55082
(612) 430-1500
FAX (612) 430-1505

Tom Ekstrand
Office of Community Development
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

Re: Sarrack's International Wine & Spirits and Proposed Retail Addition

Dear Mr. Tom:

We are requesting a variance to the zoning code, at the Sarrack's property, for a reduction in the required parking setback from 20' to the normal 5' setback on the north property line.

As you are aware, this particular site had been substantially reduced in size due to fee acquisitions necessary for the expansion of the Stillwater Road project.

Considering this, it is necessary to use this space to accommodate additional parking. The parking on the north will be adequately screened from the residential property.

Please consider this request with regards to the position that the road expansion has put Mr. Sarrack in. We feel we can meet the spirit of the code with berms that would be created and vegetation to effectively screen headlights and reduce noise.

Thank you for your cooperation in this matter.

Sincerely,

Scott Nettell
Project Manager

SMN/bah

VARIANCE RESOLUTION

WHEREAS, Con/Spec Corporation applied for a variance from the zoning ordinance at 2305 Stillwater Road. The legal description is:

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

WHEREAS, Section 36-27 (a) of the Maplewood Code of Ordinances requires a 20-foot-wide landscaped area when a nonresidential use abuts residentially-zoned property.

WHEREAS, the applicant is proposing a five-foot setback, requiring a variance of fifteen feet;

WHEREAS, this requires a variance of fifteen feet.

WHEREAS, the history of this variance is as follows:

1. This variance was reviewed by the Community Design Review Board on December 12, 1989. The Board recommended to the City Council that the variance be _____.
2. The City Council held a public hearing on June 11, 1990. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

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

1. Mr. Sarrack would meet the intent of the ordinance if he screened the parking lot from the property to the north.
2. There is an existing grade elevation and some existing landscaping that already partially screens the site.
3. The setback requirement would cause Mr. Sarrack undue hardship because the State bought part of his property for right-of-way. This has reduced the area of his property for parking and left the property unusually shaped, making complying with setback difficult.
4. The abutting lot to the north is the deep rear yard of an unoccupied property recently purchased by the State as part of the widening of Stillwater Road.

Approval is subject to Mr. Sarrack building a screening fence along the entire northerly lot line that complies with Section 36-27 of the City Code.

Adopted on _____, 199_.

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Plan Amendment, Rezoning and Conditional Use
 Permit Termination
 PROJECT: Lincoln Park Manor Seniors Building
 LOCATION: 2280 Stillwater Avenue (Section 25-29)
 DATE: May 9, 1990

INTRODUCTION

The City Council asked staff to find out if the Lincoln Park Manor Seniors Building is going to be built. The Community for Affordable Senior Housing (CASH) proposed to build this project on the Beaver Lake Lutheran Church property at Stillwater Avenue and McKnight Road. If the building is not going to be built, the Council asked if they should rezone the property from R-3, Multiple Dwelling back to R-1, Single Dwelling.

BACKGROUND

The City Council, on June 27, 1988, changed the land use plan for this site from C, Church, to RH, Residential High Density and RL, Residential Low Density. The Council also changed the zoning from R-1, Single-dwelling Residential to R-3, Multiple-Dwelling Residential. The City made these changes to allow the construction of an 86-unit senior housing project.

DISCUSSION

The project developer told me that they are planning to build this project in Oakdale. The Federal government would not fund this project in Maplewood. They consider Maplewood to be a low-priority city for senior housing grants. They classify Oakdale as a high-priority city. Section 36-446(a) allows the City to terminate a conditional use permit when the use is no longer in effect.

RECOMMENDATION

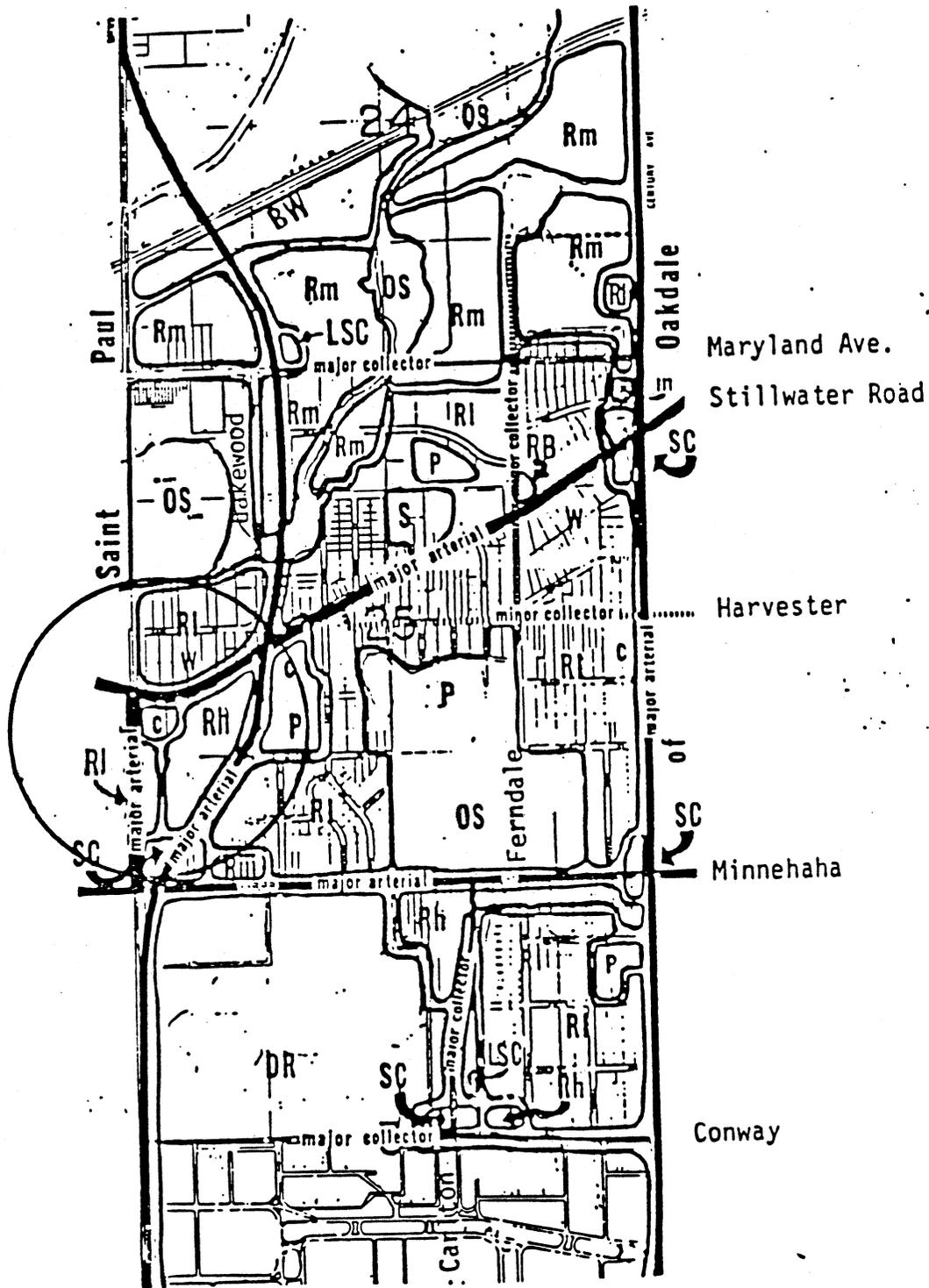
1. Approve the resolution on page 7, amending the City's land use plan for this site from RL, Residential Low Density and RH, Residential High Density to C, Church. The reasons for this amendment are as follows:
 - a. The City previously amended the Plan for the construction of a senior housing project. The developers now plan to construct this project in Oakdale.

- b. The Church is not planning on selling the land to another developer.
 - c. The RH, Residential High Density designation would allow a nonseniors project to be built.
2. Approve the resolution on page 8, rezoning this site from R-3, Multiple Dwelling to R-1, Single-Dwelling Residential for the reasons required by City Code.
 3. Approve the resolution on page 10, terminating the conditional use permit to build a 42-foot-high senior building. The City is terminating this permit because the developers plan to build this project in Oakdale.

go/memo10.mem

Attachments:

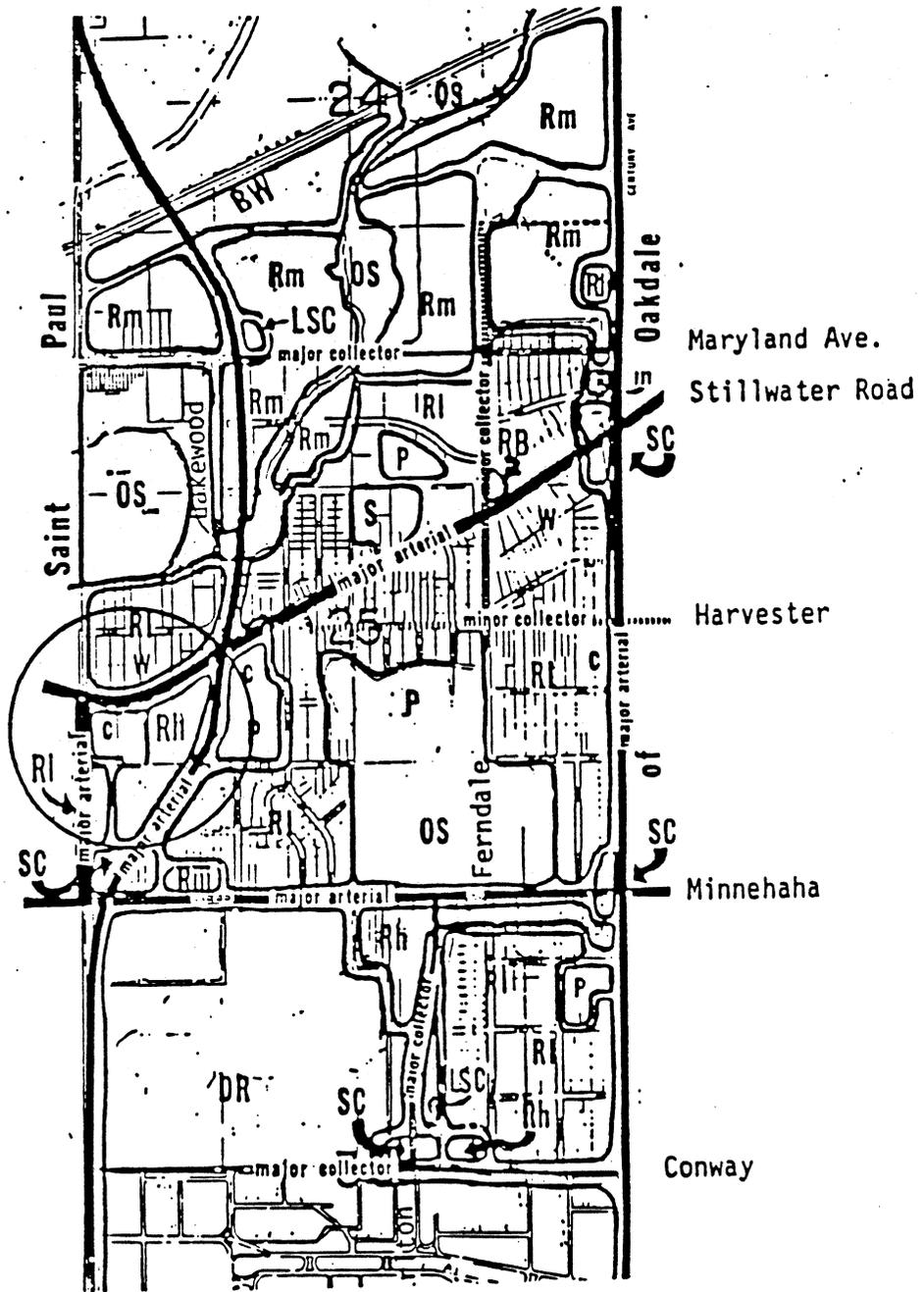
1. Existing land use plan
2. Proposed land use plan
3. Existing zoning map
4. Proposed zoning map
5. Plan amendment resolution
6. Rezoning resolution
7. Conditional use permit resolution



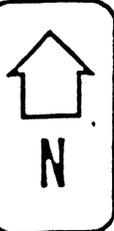
**Beaver Lake
NEIGHBORHOOD LAND USE PLAN**

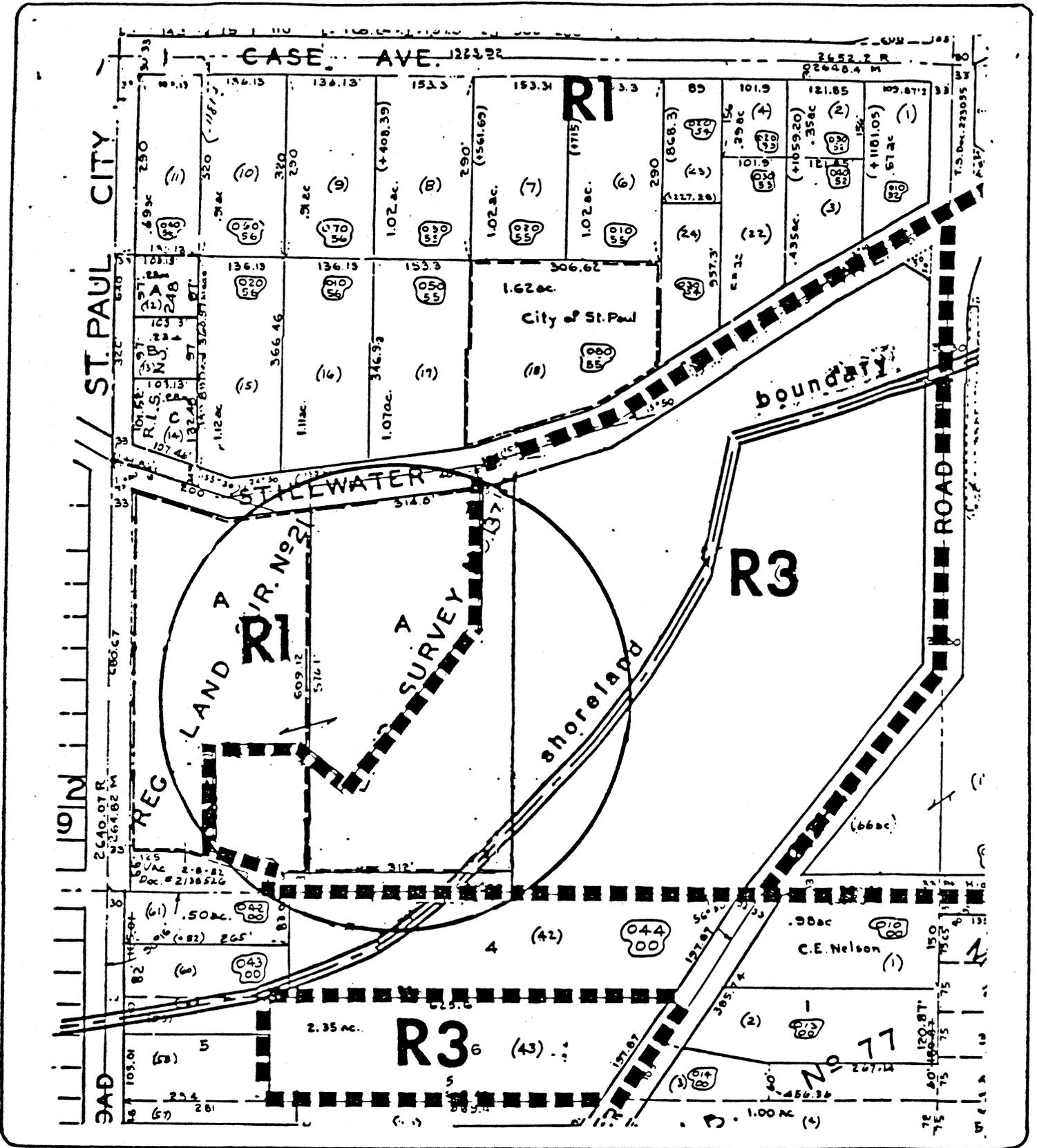
(Existing)





LAND USE PLAN
(Beaver Lake Neighborhood)
(Proposed)





PROPERTY LINE / ZONING MAP
(Existing)



PLAN AMENDMENT RESOLUTION

WHEREAS, the City initiated an amendment to the City's Comprehensive Plan from RL, residential low density and RH, residential high density to C, church.

WHEREAS, this amendment applies to the easterly part of 2280 Stillwater Avenue.

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

1. The Planning Commission held a public hearing on May 21, 1990 to consider this plan amendment. City staff published a notice of this hearing in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Planning commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended to the City council that the plan amendment be _____.
2. The City Council discussed the plan amendment on _____, 1990. They considered reports and recommendations from the Planning Commission and City staff.

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

- a. The City previously amended the Plan for the construction of a senior housing project. The developers now plan to construct this project in Oakdale.
- b. The Church is not planning on selling the land to another developer.
- c. The RH, Residential High Density designation would allow a nonseniors project to be built.

Adopted on _____, 1990.

Attachment 5

REZONING RESOLUTION

WHEREAS, the City initiated this rezoning from R-3, Multiple Dwelling to R-1, Single-Dwelling Residential for the property located at 2280 Stillwater Avenue.

WHEREAS, this rezoning applies to the easterly part of 2280 Stillwater Avenue. The legal description is:

Beginning at the northeast corner of said Tract A; thence South 81 degrees 50 minutes 00 seconds West, along the North line of said Tract A a distance of 40.42 feet; thence South 0 degrees 04 minutes 19 seconds West, parallel with the East line of said Tract A, a distance of 216.17 feet; thence South 46 degrees 24 minutes 30 seconds West, a distance of 357.67 feet; thence South 48 degrees 26 minutes 55 seconds East a distance of 228.00 feet to the South line of said Tract A; thence North 89 degrees 46 seconds 18 minutes East, along said South line, a distance of 127.93 feet to the Southeast corner of said Tract A; thence North 0 degrees 04 seconds 19 minutes East, along said East line, a distance of 619.26 feet to the point of beginning.

WHEREAS, the history of this rezoning is as follows:

1. The Planning Commission reviewed this rezoning on May 21, 1990. They recommended to the City Council that the rezoning be _____.
2. The City Council held a public hearing on _____, 1990. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning commission.

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

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 on _____, 1990.

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, the City is initiating the termination of a conditional use permit to build a 42-foot-high senior building.

WHEREAS, the permit applies to 2280 Stillwater Avenue. The legal description is:

Beginning at the Northeast corner of said Tract A; thence South 81 degrees 50 minutes 00 seconds West, along the North line of said Tract A a distance of 40.42 feet; thence South 0 degrees 04 minutes 19 seconds West, parallel with the East line of said Tract A, a distance of 216.17 feet; thence South 46 degrees 24 minutes 30 seconds West, a distance of 357.67 feet; thence South 48 degrees 26 minutes 55 seconds East a distance of 228.00 feet to the South line of said Tract A; thence North 89 degrees 46 seconds 18 minutes East, along said South line, a distance of 127.93 feet to the Southeast corner of said Tract A; thence North 0 degrees 04 seconds 19 minutes East, along said east line, a distance of 619.26 feet to the point of beginning.

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

1. The City Council approved this conditional use permit on July 11, 1988.
2. The developers told the City that they plan to construct this project in Oakdale.
3. The Planning Commission discussed this termination on May 21, 1990. They recommended to the City Council that said permit be _____.
4. The City Council held a public hearing on _____, 1990. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council terminate the above-described conditional use permit. The City is terminating this permit because the project is now planned for Oakdale.

Adopted _____, 1990.

Attachment 7

RECEIVED

MAY 15 1990

2277 Stillwater Avenue
Maplewood, MN 55119
May 14, 1990

Ms. Fran Juker
Member, Maplewood City Council
Maplewood City Hall
1830 East County Road B
Maplewood MN 55109

Dear Ms. Juker:

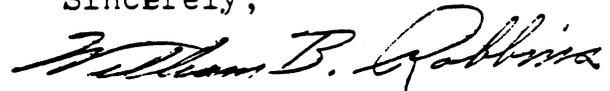
Would you please read this note during the public hearing on Monday, May 21, 1990 referring to 2280 Stillwater Avenue, (Beaver Lake Lutheran Church) as I will not be able to attend the hearing.

I would certainly hope that the Maplewood City Council would terminate the conditional use permit for a 42-foot high seniors' building and would change zoning from R-3 to R-1.

The land use plan is valuable only if it is followed on a long-term basis and not changed on the spur of the moment. I would concur with a change in the plan to Church, especially if this represents long-term planning and adherence will be assured.

Thank you for your consideration of this matter.

Sincerely,



William B. Robbins

cc: Mr. Geoff Olson, City Planner

5. PUBLIC HEARINGS

a. 7:30 p.m., 2280 Stillwater Avenue

Secretary Olson presented the staff report for this requested plan amendment, rezoning, and conditional use permit termination for the Lincoln Park seniors building, since it will not be built in Maplewood as proposed.

Commissioner Fiola asked staff whether funding should be obtained before an application is accepted in order that time and effort are not wasted.

Secretary Olson responded that the City does not have any regulations which require a developer to have financing before an application is submitted.

Commissioner Fischer said funding available in the past for such projects was not enough to meet the demand, therefore, an application had to be submitted with proper zoning and endorsements. Commissioner Fischer said that since demand will be greater for senior housing in Maplewood in the future, HUD should be contacted regarding their housing and funding priorities.

A person from the audience spoke in favor of leaving the present zoning and land use as it now exists.

Commissioner Cardinal moved the Planning Commission recommend:

1. Approval of the resolution amending the City's land use plan for this site from RL, residential low density and RH, residential high density to C, church. The reasons for this amendment are as follows:
 - a. The City previously amended the Plan for the construction of a senior housing project. The developers now plan to construct this project in Oakdale.
 - b. The Church is not planning on selling the land to another developer.
 - c. The RH, residential high density designation would allow a non-seniors project to be built.

2. Approval of the resolution rezoning this site from R-3, multiple dwelling to R-1, single-dwelling residential for the reasons required by City code.
3. Approval of the resolution terminating the conditional use permit to build a 42-foot-high senior building. The City is terminating this permit because the developers plan to build this project in Oakdale.

Commissioner Sigmundik seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Rossbach, Sigmundik,
Sinn

The motion passed.

b. 7:45 p.m. ~~Rolling Hills Mobile Home Park~~

~~Ken Roberts, Associate Planner, presented the staff report for this proposed land use plan amendment and rezoning.~~

~~Dick Pearson, owner of Rolling Hills Mobile Home Park, spoke in opposition to the R-1 zoning.~~

~~Commissioner Fischer said she feels the R-1 zoning cannot be justified when the surrounding area and uses are considered.~~

~~Commissioner Rossbach said since there are many existing apartment buildings in the area, perhaps an R-2 zoning classification should be considered.~~

~~Commissioner Fischer moved the Planning Commission recommend:~~

- ~~1. Approval of the resolution which changes the OS, open space designation in the north end of the mobile home park on the land use plan to RM, residential medium density. The reason for this change is that this area has developed as part of the mobile home park.~~
- ~~2. Adoption of the resolution which rezones the Rolling Hills 2nd Addition Mobile Home Park from F, farm residential and M-2, heavy manufacturing to R-3, multiple-dwelling residential. The~~

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Kenneth Roberts, Associate Planner
SUBJECT: Land Use Plan Amendment and Rezoning
LOCATION: West of Century Avenue, south of Chicago and
Northwestern Railroad tracks
APPLICANT: City of Maplewood
PROJECT: Rolling Hills Mobile Home Park (Section 24)
DATE: May 17, 1990

INTRODUCTION

The City Council, on January 8, 1990, tabled a proposal by staff to rezone the Rolling Hills 2nd Addition Mobile Home Park to R-3, multiple dwelling. The Council requested other zoning alternatives. The City has planned this development for RM, residential medium density use. This classification allows for multiple dwellings, mobile home parks and small-lot single-family homes. If the Council decides to change the zoning to R-1, they should also change the land use plan to RL, residential low density. (Refer to the maps on pages 6, 7, 8 and 9.)

BACKGROUND

- October 25, 1982: The City Council approved a conditional use permit for the Rolling Hills 1st Addition Mobile Home Park.
- May 9, 1983: The City Council rezoned the northern portion of the Rolling Hills 2nd Addition Mobile Home Park from M-2, heavy manufacturing to F, farm residential. The Council also rezoned the Rolling Hills 1st Addition from M-2 to R-3, multiple dwelling.
- Council took no action on rezoning the parcel that is currently zoned M-2. At that time, it was the site of a recently burned single-family home. The M-2 zone was left in place by the Council to give the property owner the maximum flexibility in use. This was because the owner did not have any plans for the site.
- May 11, 1987: The City Council approved a conditional use permit to develop the Rolling Hills 2nd Addition Mobile Home Park.
- November 16, 1989: The Council requested a study of properties which have inconsistent zoning and land use designations.
- January 8, 1990: Staff recommended rezoning the 2nd addition to R-3, because the existing zoning is inconsistent with land use plan.

CRITERIA FOR APPROVAL

Plan Amendments

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.

ALTERNATIVES

1. Amend the land use plan to RL, residential low density and rezone to R-1, single-family residential.
2. Rezone the site to R-2, double-dwelling residential.
3. Rezone the site to R-3, multiple-dwelling residential.

DISCUSSION

Rezoning this property would not affect the mobile home park. The zoning will determine how the property owner may use the site, if the mobile home park ended.

The property owner is in opposition to an R-1 zoning. He would like to develop the property with some type of multiple-family dwellings if the mobile home park ended. He does not, however, intend to stop using the property as a mobile home park. (Refer to the letter on page 10.)

An R-3 zoning would maintain the property's value without damaging surrounding properties. The area to the north is developed with railroad tracks and a NSP propane storage facility. A highway with heavy traffic is to the east. To the west is an apartment development. The property to the south has double dwellings and single dwellings on smaller lots. The City should avoid reducing property values unless it is for a public purpose.

RECOMMENDATIONS

1. Approve the resolution on page 12 which changes the OS, open space designation in the north end of the mobile home park on the land use plan to RM, residential medium density. The reason for this change is that this area has developed as part of the mobile home park.
2. Adopt the resolution on page 13 which rezones the Rolling Hills 2nd Addition Mobile Home Park, from F, farm residential, and M-2, heavy manufacturing to R-3, multiple-dwelling residential. The findings required by ordinance are the basis for this approval.

REFERENCE

Site Description

Area: Approximately 58 acres

Existing land use: Rolling Hills Mobile Home Park

Surrounding Land Uses

North: Railroad and NSP Property.

East: Century Avenue and single-family homes in City of Oakdale. These homes are zoned and planned for low-density residential use.

South: Cave's Century 2nd, 3rd, 4th and 5th Additions zoned R-1, F (PUD) and R-2.

West: Beaver Creek Apartments.

Planning

LAND USE DESIGNATIONS

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.

Open Space (OS) - This land use classification is designed to provide land use areas throughout the community which act to complement all other land uses by providing a reasonable balance of open space in relation to urban development. Within this classification there are a number of specialized land use activities which can be further classified. These include: Parks and playgrounds, natural drainage courses, cemeteries, public and non-public school grounds, golf courses, lakes, pedestrian trail-ways and scenic drives, and environmental protection areas, encompassing wetlands and flood plains.

ZONING CLASSIFICATIONS

F, Farm Residential - This zoning allows any use permitted in a R-1 Residential District. Mobile home parks are permitted with a conditional use permit.

R-1, Single Dwelling Residential - This zoning allows single-family dwellings, public parks and playgrounds. Golf courses and the storage of commercial vehicles are permitted with a CUP.

R-3, Multiple-Family Dwelling - The only uses permitted are multiple dwellings, including double dwellings and any use permitted and conditionally permitted in the R-1 District, except single-family dwellings.

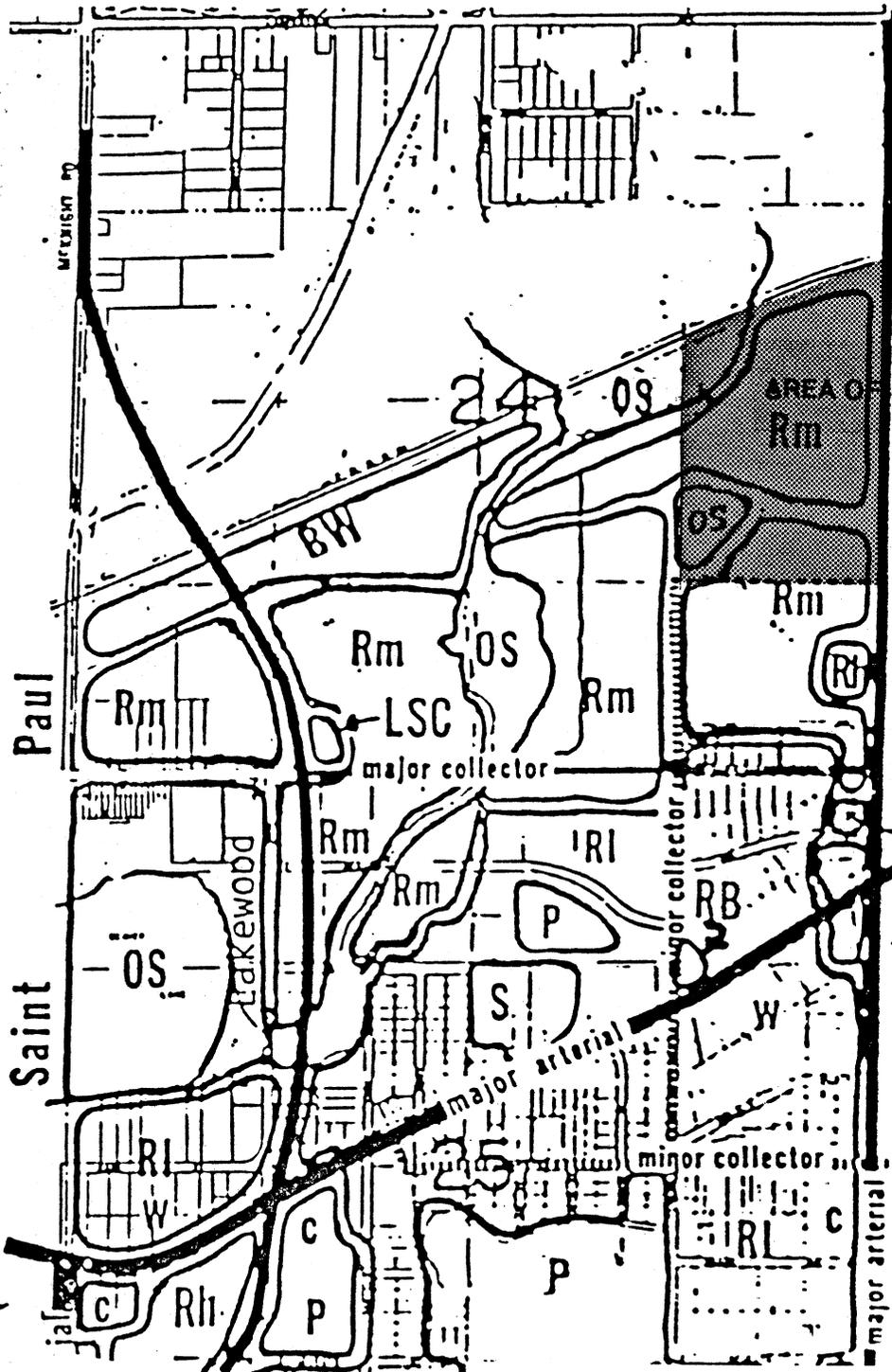
M-2, Heavy Manufacturing - A building may be erected or used and a lot may be used or occupied for any lawful use.

Attachments

1. Land Use Plan (Existing)
2. Land Use Plan (Proposed)
3. Property Line/Zoning Map (Existing)
4. Property Line/Zoning Map (Proposed)
5. Letter dated March 1, 1990 from Richard Gabriel
6. Plan Amendment resolution
7. Rezoning Resolution

SBZONINGC

Larpenteur



AREA OF PROPOSED CHANGE

Oakdale

Maryland Ave.

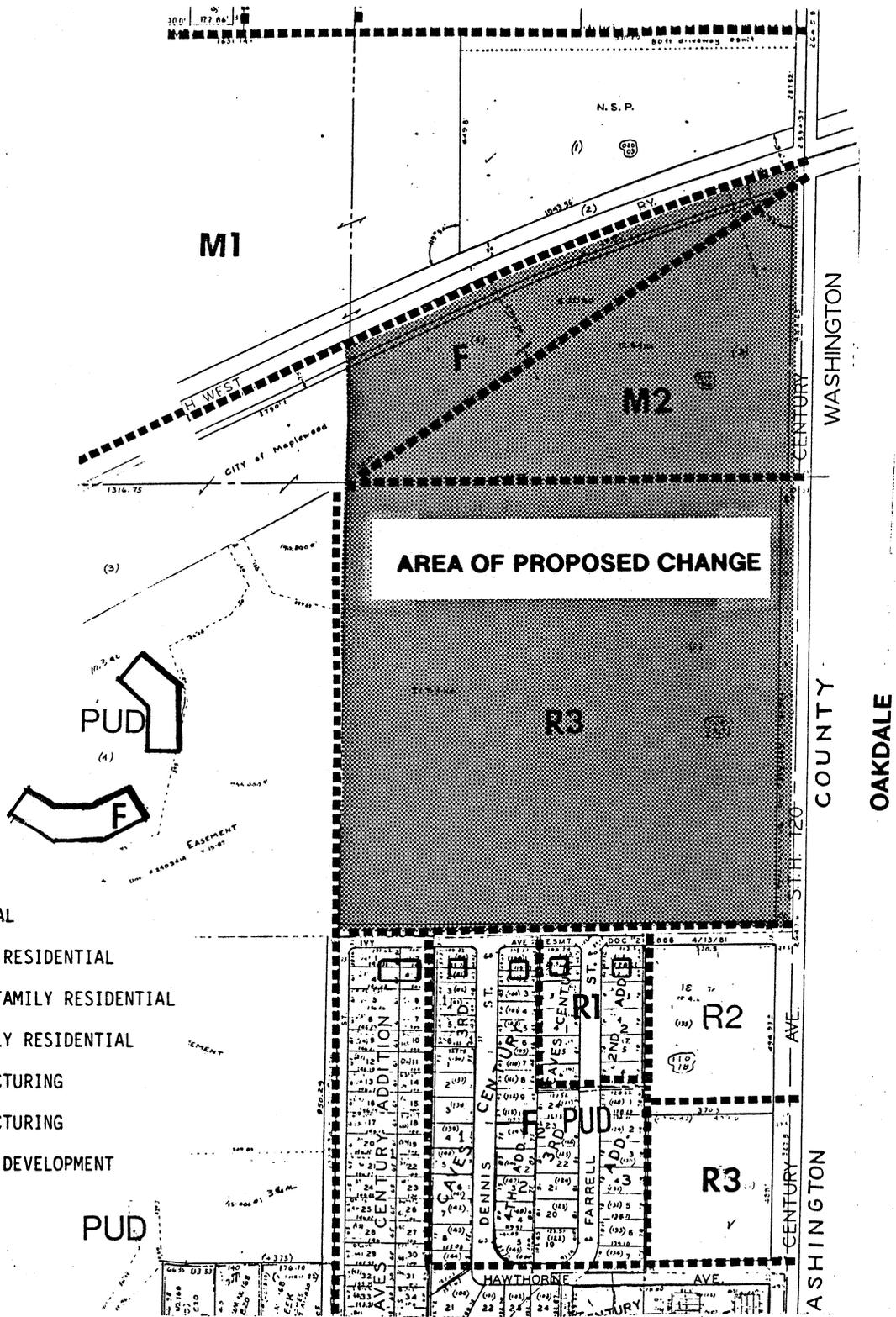
Stillwater Road

Harvester

- RL = LOW-DENSITY RESIDENTIAL
- RM = MEDIUM-DENSITY RESIDENTIAL
- RH = HIGH-DENSITY RESIDENTIAL
- OS = OPEN SPACE
- P = PARK
- S = SCHOOL
- LSC = LIMITED SERVICE COMMERCIAL

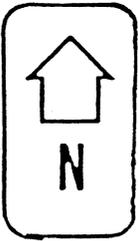
LAND USE PLAN
EXISTING

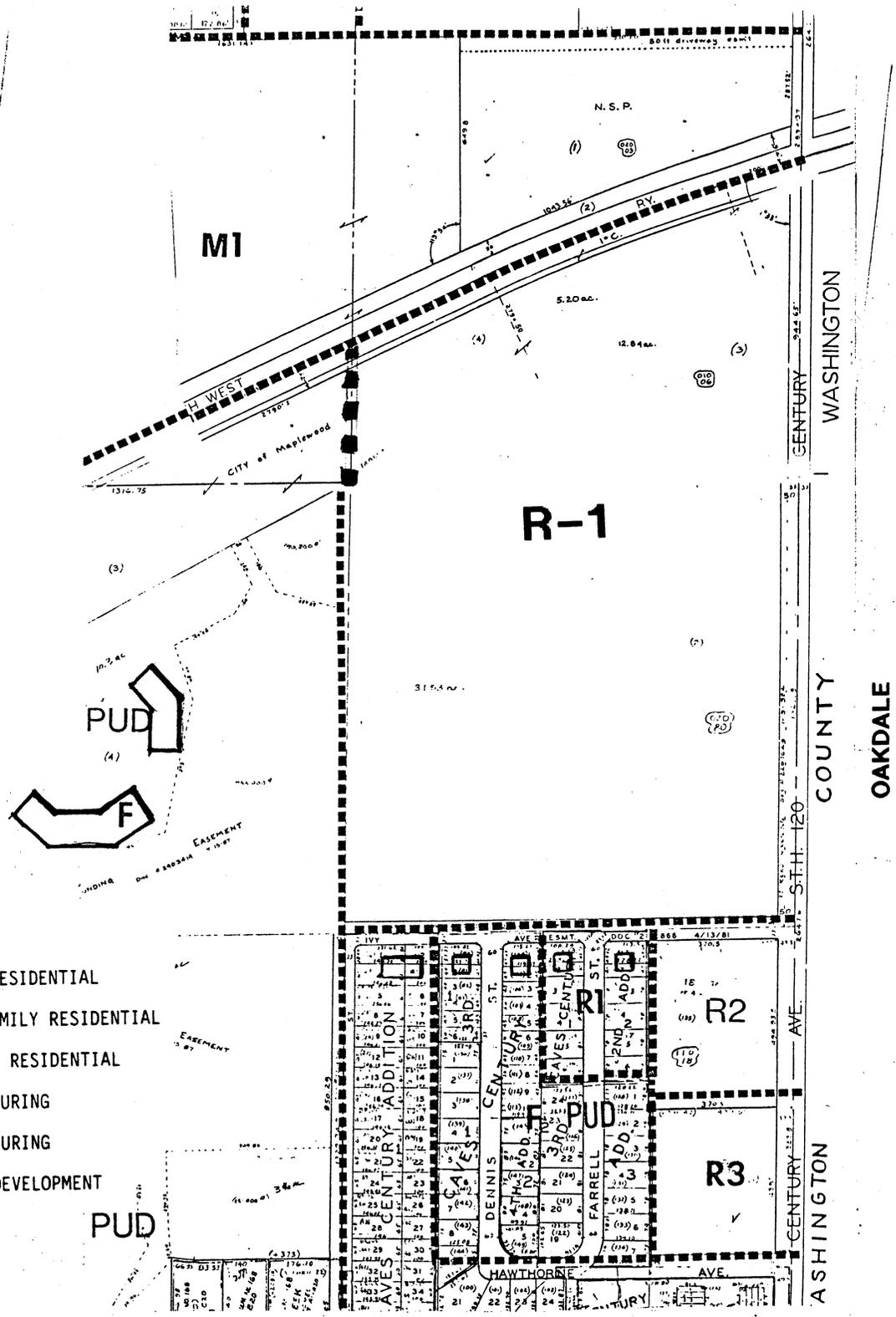




- F = FARM RESIDENTIAL
- R1 = SINGLE-FAMILY RESIDENTIAL
- R2 = SINGLE & TWO-FAMILY RESIDENTIAL
- R3 = MULTIPLE-FAMILY RESIDENTIAL
- M-1 = LIGHT MANUFACTURING
- M-2 = HEAVY MANUFACTURING
- PUD = PLANNED UNIT DEVELOPMENT

PROPERTY LINE / ZONING MAP
EXISTING





PROPERTY LINE / ZONING MAP
(PROPOSED)

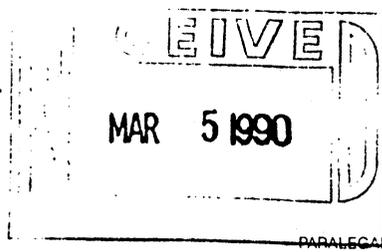


Rolling

THE LAW OFFICE OF
MANSUR, O'LEARY AND GABRIEL, P.A.

SUITE 200
ONE WEST WATER STREET
SAINT PAUL, MINNESOTA 55107

(612) 222-2731
FAX (612) 223-5114



EDWARD N. MANSUR
DANIEL B. O'LEARY
RICHARD J. GABRIEL
WILLIAM R. SPACE
CHARLES M. COCHRANE
SUZANNE WELLS SABATH

MARY S. ARRIGONI
VALERIE J. DRINANE
GERALDINE A. BOBICK

March 1, 1990

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

Re: Rolling Hills 1st and 2nd Addition
Our File 87-207

Dear Mr. Olson:

Your letter of February 21, 1990, to Richard Pearson has been directed to my attention for response. The property presently has three zoning classifications, R-3, multiple dwelling, M-2, heavy manufacturing, and F, farm residential.

The City has proposed that this zoning classification be changed to R-1, single-dwelling residential. Such a change would be inconsistent with the present use. I am aware of the fact that a conditional use permit has already been issued and that Mr. Pearson's use of the property would be grandfathered in. It can be expected that the mobile home park use will continue on into the foreseeable future. It is, therefore, inconsistent that the City at this time zone the property R-1.

It would be Mr. Pearson's desire that the property be zoned M-2 to allow maximum possible use of the property in the event the mobile home park use was discontinued. However, Mr. Pearson is cognizant of the City's desire that this property be devoted primarily for residential use. In light of the present use of the property it would appear to be most appropriate that the property be rezoned to R-3. If, in fact, the property is to be used for residential purposes it would most likely be utilized for residential multi-family dwellings such as apartments, duplexes or town homes. The property at present supports a relatively high density residential use and should be classified consistent with that use for zoning purposes. The R-3 zone classification would also be consistent with the R-M medium density land use designation of the property.

It is Mr. Pearson's primary request that the property be zoned

Mr. Geoff Olson
March 1, 1990
2

M-2, however, if the City intends that this property be used for residential purposes only in its land use planning, then it should be zoned R-3.

Very truly yours,

MANSUR, O'LEARY & GABRIEL, P.A.



Richard J. Gabriel

RJG:gab
cc: Mr. Richard Pearson

53/372

PLAN AMENDMENT RESOLUTION

WHEREAS, the City of Maplewood applied for an amendment to the City's Comprehensive Plan from OS, Open Space to RM, Residential Medium Density.

WHEREAS, this amendment applies to the northwestern portion of the Rolling Hills Mobile Home Park 2nd Addition.

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

1. The Planning Commission held a public hearing on May 21, 1990 to consider this plan amendment. City staff published a notice of this hearing in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended to the City Council that the plan amendment be approved.
2. The City Council discussed the plan amendment on _____, 1990. They considered reports and recommendations from the Planning Commission and City staff.

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

This area has been developed as part of the mobile home park.

Adopted on _____, 1990.

REZONING RESOLUTION

WHEREAS, the City of Maplewood applied for a rezoning from F, Farm Residential and M-2, Heavy Manufacturing to R-3, Multiple-dwelling Residential.

WHEREAS, this rezoning applies to the Rolling Hills Mobile Home Park property located west of Century Avenue South of the Chicago and Northwestern Railroad. The legal description is:

That portion of the SE 1/4 of the SE 1/4 of Section 24, Township 29, Range 22 lying southeasterly of the Chicago and Northwestern Railroad right-of-way.

WHEREAS, the history of this rezoning is as follows:

1. The Planning Commission reviewed this rezoning on May 21, 1990. They recommended to the City Council that the rezoning be approved.
2. The City Council held a public hearing on _____, 1990. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

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

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 on _____, 1990.

AGENDA REPORT

Action by Council:

TO: Mayor and City Council
 FROM: City Manager *Michael D. Hume*
 RE: 1990 BUDGET - REDUCED STATE AID
 DATE: June 4, 1990

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

INTRODUCTION

In response to the Council's request, budget changes totalling \$113,200 are proposed that do not decrease the General Fund Contingency Account nor decrease the fund balance in the General Fund.

BACKGROUND

On May 31, 1990, the City Council tabled action on 1990 Budget revisions to compensate for the \$113,200 reduction in State aid. Staff was requested to prepare a list of reductions in department budgets totalling \$113,200 for the June 11, 1990, Council meeting as an alternative to using the remaining General Fund Contingency Account balance and part of the fund balance.

I have reviewed the listings of possible budget revisions that department heads have submitted. The following budget changes will be least disruptive to City services:

<u>AMOUNT</u>	<u>DEPARTMENT</u>	<u>DESCRIPTION</u>
\$ 13,070	General Government	Consultant fees, capital outlay, miscellaneous commodities and services, revised insurance cost estimate
\$ 10,000	Finance	Truth in Taxation notices to taxpayers
\$ 17,130	Public Safety	Miscellaneous capital outlay items
\$ 10,000	Public Works	Temporary engineering aides
\$ 15,000	Parks & Recreation	Delete projects for the Nature Center and Gloster Park
<u>\$ 65,200</u>	Total expenditure reductions	
48,000	Increase in estimated revenues-administrative overhead charges for public improvement projects	
<u>\$113,200</u>	Total 1990 Budget revisions	

The \$48,000 increase in estimated revenues would result from the implementation of an administrative overhead charge on public improvement projects. This charge would be to reimburse the General Fund for administrative and financial management costs associated with public improvement projects. Currently projects are charged for in-house engineering; however, projects are not charged for costs incurred by the City Manager's office, City Clerk's Department, and Finance Department. The financial management costs incurred on public improvement projects result from processing bills for payment, accounting, and budget administration. Many of these costs are incurred over a 20-year period as this is the term of the special assessments and bond issues for public improvement projects.

Unfortunately, the City does not have any records that indicate what these costs are. However, it seems that an administrative overhead charge equal to 2% of the total expenditures for public improvement projects would be reasonable. A 2% administrative overhead charge the past three years would have generated revenues of \$48,232 to \$78,634 annually.

DISCUSSION

The expenditure reductions listed above are relatively small compared to the total budget; however, are difficult to make because we are close to being halfway through the 1990 Budget cycle. The implementation of the 2% administrative overhead charge on public improvement projects effectively reduces the pressure for expenditure reductions and corresponding decreases in City services. Also, it should be noted that the administrative overhead charge will produce revenues annually in the future which will help to alleviate future potential budget problems.

RECOMMENDATION

It is recommended that the Council approve the necessary budget changes listed above totalling \$113,200 to compensate for the reduced state aid.

MAM:kas

H-2

Action by Council:

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Mark's Nature Haven Preliminary Plat
DATE: June 5, 1990

Endorsed _____
Modified _____
Rejected _____
Date _____

The City Council, on May 14, tabled this item until June 11. The Council stated at the meeting that if the neighborhood residents and the developer do not resolve their problems, the City Council will intervene. The developer informed me that he had worked out an agreement with the neighbors. He will present this at the meeting.

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Preliminary Plat and Rezoning (F to R-1)
LOCATION: North of Carver Avenue
APPLICANT/OWNER: Pacesetter Property Management, Inc.
PROJECT TITLE: Mark's Nature Haven
DATE: June 5, 1990

INTRODUCTION

1. The applicant is requesting approval of a residential subdivision for 30 single-dwelling lots if he can plat all the lots. Part of this request is to plat a temporary dead-end street beyond 1000 feet. City Code limits cul-de-sacs to 1000 feet unless no other alternative is possible. If the City does not allow platting beyond 1000 feet, the developer is requesting 33 lots.
2. Staff is recommending a rezoning from F, farm residential, to R-1, single-dwelling residential. The reason for the rezoning is to prevent any farm-related nuisance uses, such as the raising of livestock.

BACKGROUND

On October 5, 1978, the City Council tabled action on a 37-lot plat for this site until:

1. The City completed a feasibility study to determine the location of Boxwood Avenue.
2. The developer made the design changes recommended in the staff report on the plat.

The applicant later withdrew the application.

CRITERIA FOR APPROVAL

Section 36-485 of the City Code requires that the City Council approve rezonings based on the reasons stated in the resolution on page 17.

DISCUSSION

Stormwater

City ponding easements are needed over the existing ponds to the west and east. The east ponding easement may not be needed if the developer can design that portion of the pond on his property. The developer is proposing to dike the west end of the pond to prevent any overflow from effecting the adjacent owner.

Water Easement

The City needs a utility easement and construction of a 12-inch-diameter watermain from this plat to the existing line at the corner of Boxwood Avenue and Dorland Road. (See page 11.)

Excessive Cul-De-Sac Length

Section 30-8(b)(3) of City Code requires that the developer limit cul-de-sacs to 1,000 feet, unless no other alternative is possible. There is an alternative in this case. Crestview Drive will eventually connect to Boxwood Avenue. The Director of Public Safety recommends against allowing lots beyond 1000 feet. The City should, therefore, require that the developer plat all lots beyond 1,000 feet as an outlot.

RECOMMENDATION

1. Approval of the resolution on page 17 rezoning this property from f, farm residential, to R-1, single-dwelling residential.
2. Approval of the Mark's Nature Haven preliminary plat for 30 or 33 lots. Approval is subject to the developer completing the following conditions before final plat approval:
 - a. Designate any lots beyond 1000 feet from Carver Avenue as an outlot until Boxwood Avenue is connected to Schadt Drive.
 - b. Provide a tree replacement plan for the approval of the Director of Community Development, prior to grading or final plat approval. This plan shall show where the developer plans to remove, retain or replace large trees.
 - c. The developer or the City must get the following:
 - (1) Permanent off-site drainage easements to the City for the existing ponds on the adjacent properties to the west and east, north of Carver Avenue. The City Engineer may waive the easterly pond easement if the developer can design the pond on his property to handle the run-off.
 - (2) A 15-foot-wide off-site utility easement to the City for a watermain connection to the existing main at the intersection of Boxwood Avenue and Dorland Road. The applicant shall construct a 12-inch watermain as part of the watermain installation from Lakewood Drive to Carver Avenue.

- (3) A street and utility easement to the City for the part of Crestview Drive on 2405 Carver Avenue.

If this becomes a City project, the developer shall pay for all costs.

- d. Install standard city street lights at the intersections of Carver Avenue and Crestview Drive, and Birch Street and Crestview Drive. A third shall be required near the easterly lot line along Boxwood Avenue at the time the developer extends Boxwood Avenue. The exact location is subject to the approval of the City Engineer.
- e. Extend the storm sewer to the easterly lot line along Boxwood Avenue and to the intersection of Lakewood Drive and Birch Street with the construction of these streets.
- f. Change the six-foot-wide drainage/utility easements along all common side property lines to five feet.
- g. Grant the City a temporary 100-foot-diameter cul-de-sac easement for the temporary deadend of Crestview Drive.
- h. Provide a signed developer's agreement, with required surety, for all required public improvements, erosion control and tree replacement. This agreement shall include a requirement for the placement of temporary fencing, during construction, around woodlots to be saved.
- i. Deed the small remnant piece of land south of the proposed east-west street, south of Lot 1, Block 2, to the owners of 2405 Carver Avenue.
- j. The developer shall complete all grading for public improvements and overall site drainage. The City Engineer shall include any of this grading that is not completed before final approval in the developer's agreement.

CITIZEN COMMENTS

Staff mailed surveys to the 23 property owners within 350 feet of this site for their comments regarding this proposal. Of the ten replies, one was in favor (with concerns), one had no comment and seven objected.

In Favor

Refer to the letter on page 12.

Objections

1. Contractors do not maintain proper dust control efforts. There is a tremendous amount of air borne dust in our area. Also this is too many homes planned for this small area. Half that number would be more acceptable.
2. We are new homeowners in this area. One of the reasons we purchased a home in this neighborhood was because of its open space and semi-rural look. With the building that gone on in just the past year, this atmosphere has already diminished. We believe Maplewood needs to slow down its developing in this area. This project does not meet with our approval now or anytime in the future.
3. You have already put in over 100 home sites in the immediate area. The only way this project would be acceptable is if the lot size was increased.

And what is being done for a signal light on Carver and Highway 61 to handle the added traffic. We have lived at our present address for approximately 7 years. The reason for buying was the quiet and natural surrounding. Where is our closest park?

Look at the lot size 60 feet. What is this, tenement housing? 60 foot lots are the smallest around in the cities. Why change the existing zoning?

Staff Reply: The proposed lots meet population density and minimum lot-size requirements. The City of Maplewood has no jurisdiction concerning signalization of the intersection of Carver Avenue and Highway 61. The closest park to this site is Pleasant View Park, 825 feet to the north. The rezoning is necessary for adherence to the Maplewood Comprehensive Plan.

4. Lot #1 should be set aside for water drainage. If the builder uses lot #1 for building, the water draining from the hill will overflow onto the adjacent properties. Then a storm sewer will be needed, by this time the builder will be long gone and all the area property owners will be taxed to pay for the storm sewer instead of the builder who took his profit and left.

Staff Reply: The holding ponds in the area are intended by the Maplewood Drainage Plan to adequately handle surface runoff. The applicant would be required as a condition of this plat to acquire the necessary off-site ponding easements for dedication to the City.

5. I object because of the traffic on Carver Avenue and the destruction of a peaceful neighborhood. Leave as is (open and peaceful country.)
6. I think the property should be left open.
7. Refer to the letter and suggested alternate plat on pages 14 and 15.
8. Refer to the letter on page 16.

REFERENCE

Site Description

1. Site acreage: gross - 13.33; net - 10.8
2. Existing land use: an abandoned house, pole barn, miscellaneous sheds and debris
3. Existing easements: There is an existing 20-foot-wide access easement (10 feet on each property) for shared access to the subject site and to 2405 Carver Avenue to the west.

Surrounding Land Uses

Northerly: Maplewood Highlands single dwelling plat.
Southerly: Carver Avenue. South of Carver Avenue are single dwellings on large lots and a wetland area.
Easterly: Predominantly undeveloped property with single dwellings fronting on Carver Avenue.
Westerly: Single dwellings.

Planning

1. Land use plan designation: RL, Low Density Residential
2. Density: maximum allowed - 14 persons per net acre
proposed - 12.53 persons per net acre
3. The Comprehensive Plan proposes a minor collector roadway in the location of proposed Crestview Drive. This collector would continue easterly and connect with Schadt Drive at Sterling Street (See page 10.)
4. Zoning: existing - F; proposed - R-1
5. Section 30-8 (a) (3) of the Subdivision ordinance states that "cul-de-sacs", when used, shall be held to as short a distance as possible between the origin or main street and the end of the cul-de-sacs. In no case shall cul-de-sacs exceed 1,000 feet in length, unless no other alternative is possible.

Environmental Overview

Wetlands: There is a gully running through the center of the area from north to south and a marsh on the north side of Carver Avenue. The marsh is part of a larger one that has been divided by Carver Avenue and the shared entrance drive which accesses both the subject property and the lot to the west. The marsh collects runoff from the proposed plat and abutting areas and then flows into Fish Creek.

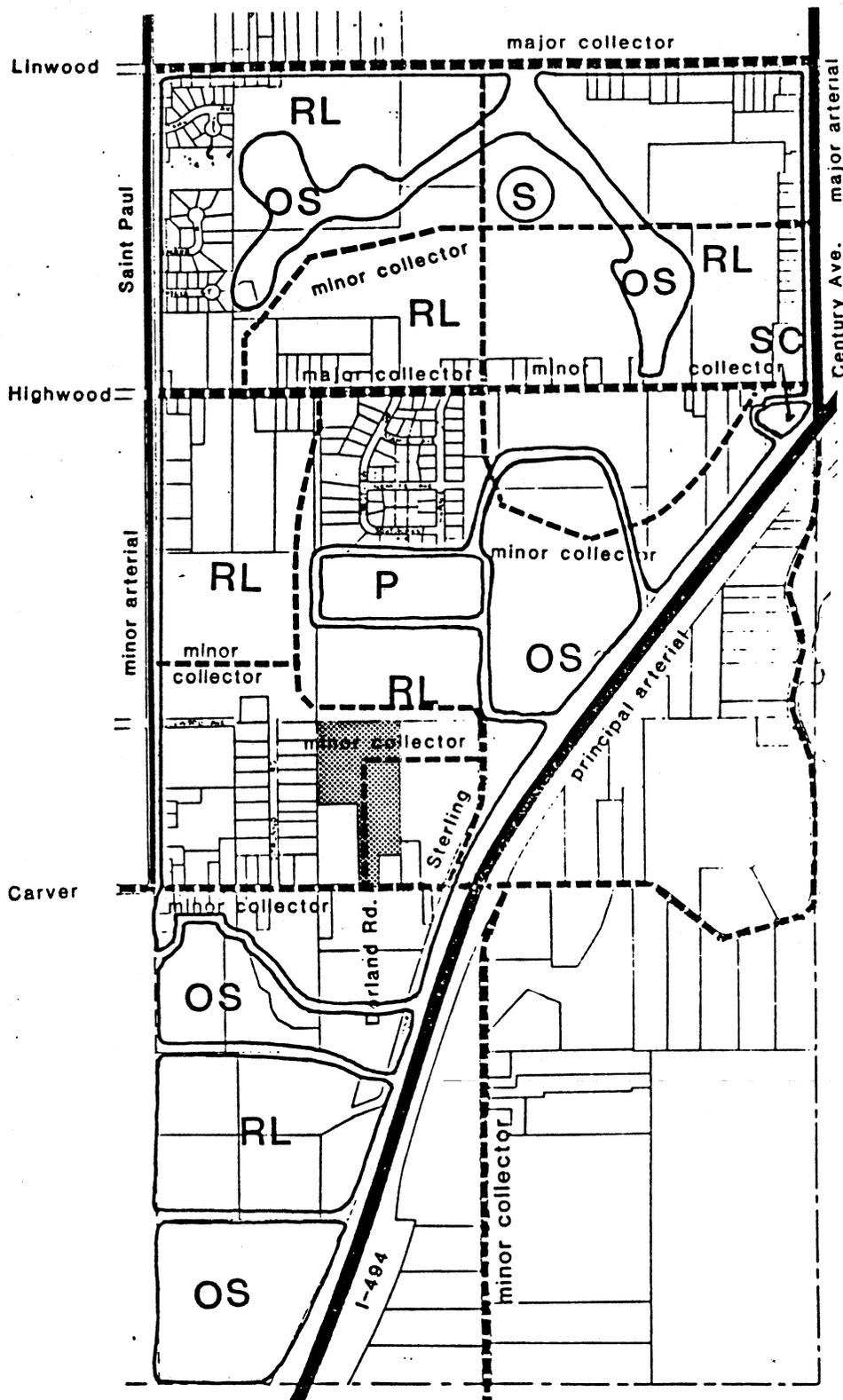
Trees and woodlots: The site is covered with trees. The majority are small cottonwoods, boxelders and poplars. Staff found only five large trees (over eight inches in diameter).

Soils: The Ramsey Soil and Water Conservation District has stated that the soils are suitable for development. The developer should take proper measures to control erosion.

Slopes: The steepest slopes on this site have a 22% grade. Code prohibits construction on existing slopes in excess of 40%. The Code requires that the developer provide erosion control and grade stabilization on slopes greater than 12%.

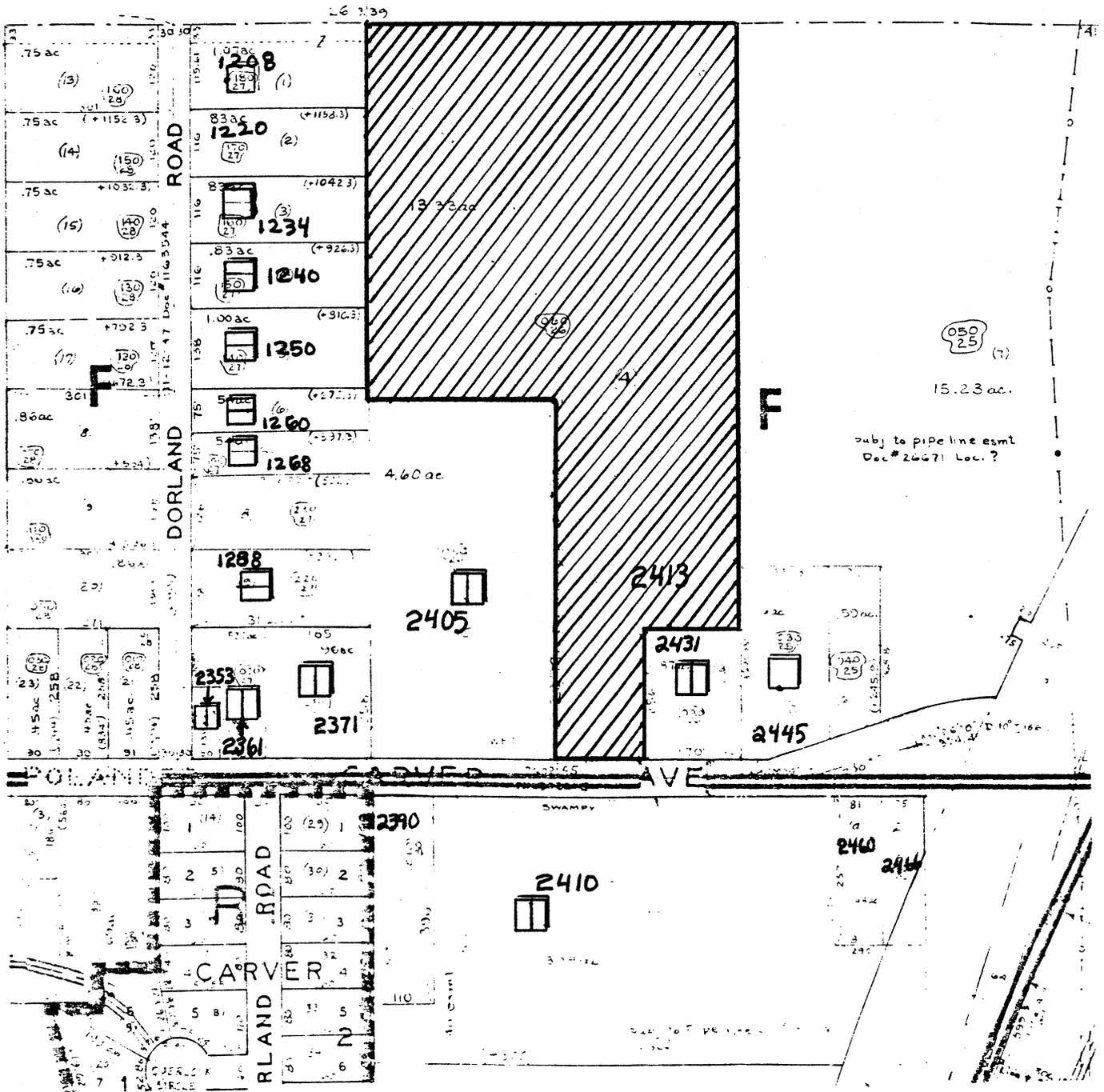
go/memo20.mem

1. Land Use Plan
2. Property Line/Zoning Map
3. Preliminary Plat
4. Significant Trees and Required Easements
5. Letter: Roger Singer
6. Survey: Grands
7. Survey: Wilds
8. Rezoning Resolution
9. Drainage Analysis
10. Preliminary Plat (separate attachment)



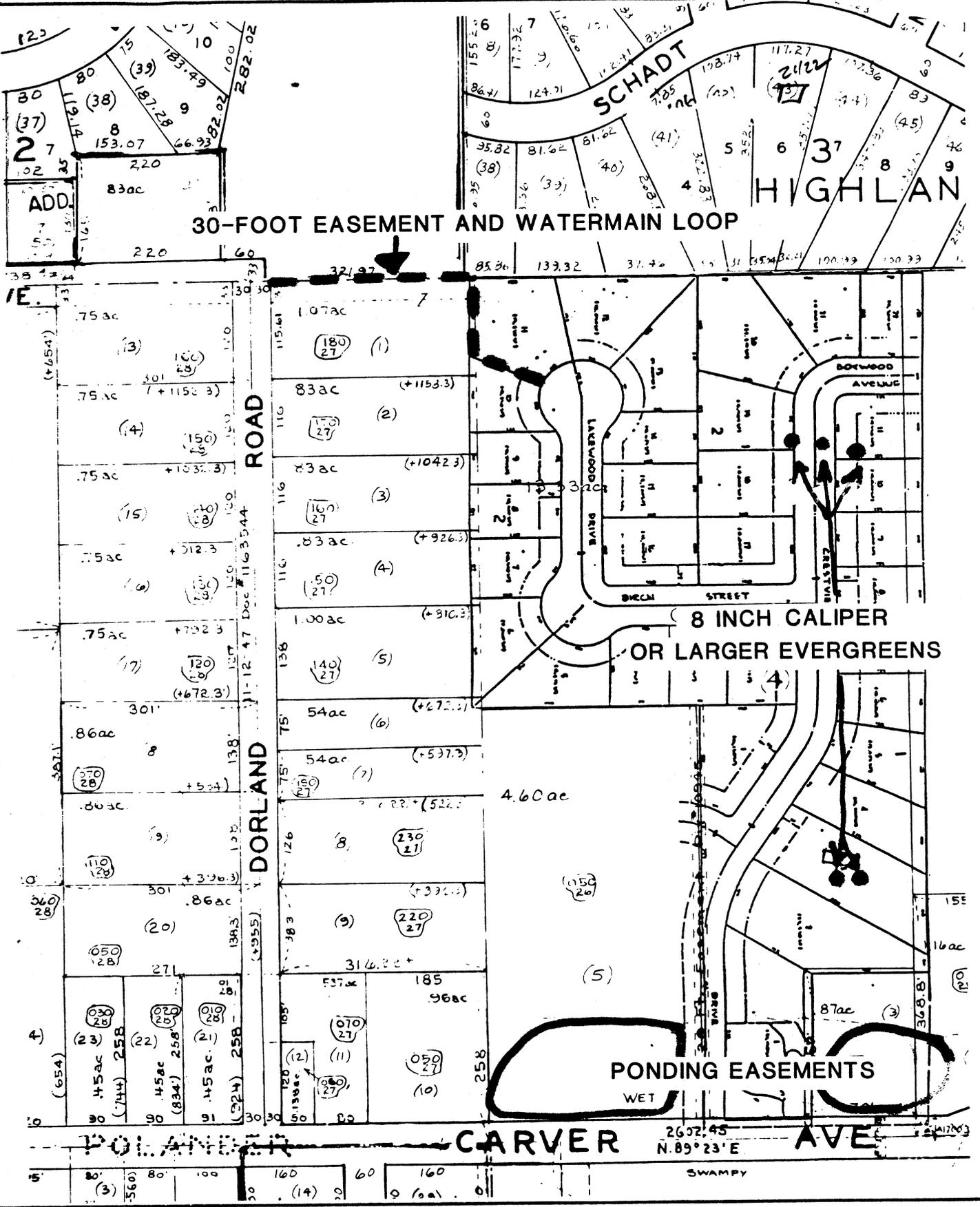
HIGHWOOD NEIGHBORHOOD LAND USE PLAN





PROPERTY LINE / ZONING MAP





SIGNIFICANT TREES AND REQUIRED EASEMENTS



DEC 1 1989

November 27, 1989

Geoff Olson
Director of Community Development
City of Maplewood, Minnesota

Subject: Proposed Preliminary Plat
Pacesetter Property Management, Inc.

Dear Geoff;

Thank you for the opportunity to have some input on the plating of the property located to the rear of 2413 Carver Avenue. Also for the time that Kenneth Roberts spent with me in discussion of the property.

As I stated to Ken, I am in favor of the proper plating and development of the property but I do have some reservations and/or comments about this attempt. They are basically the same as I expressed at the time of the last proposed plating that was turned down in June of 1978.

While the proposal does not appear to exceed the density requirements of the City Plan, it is inconsistent with the density of the developed and developing lands which abut it. This plat has only 4 lots less than the plat of Miller's Battle Creek Addition, 1978. The density discussed at that time was closer to an average of 2 lots per gross acre. This average would yield approximately 26 to 27 lots total.

Also the long dead end streets or cul-de-sac streets are still a problem with this plat as they were with the earlier proposals. This weakness, along with the need for information about the land use of the property to the Southwest, 4.6 Acres, and the 16 Acres to the East presents a question

as to the proper alignment of the proposed roads. One cannot tell whether they will meet the need of the adjacent property or not. They present public safety problems and added drainage questions. They show no regard for the steep grades that would be encountered.

The environmental considerations that were discussed on the earlier proposed plat are still present today and should be of major concern. The gully through the center of the property must be handled with extra care. Properly engineered grading to cope with the soil, slope and storm water flow is essential.

In conclusion, I would like to state that I am fully confident that you will review this plat with the competence your office has shown in the past. I am available at most any time if I can be of any assistance to you or your staff or to the developer.

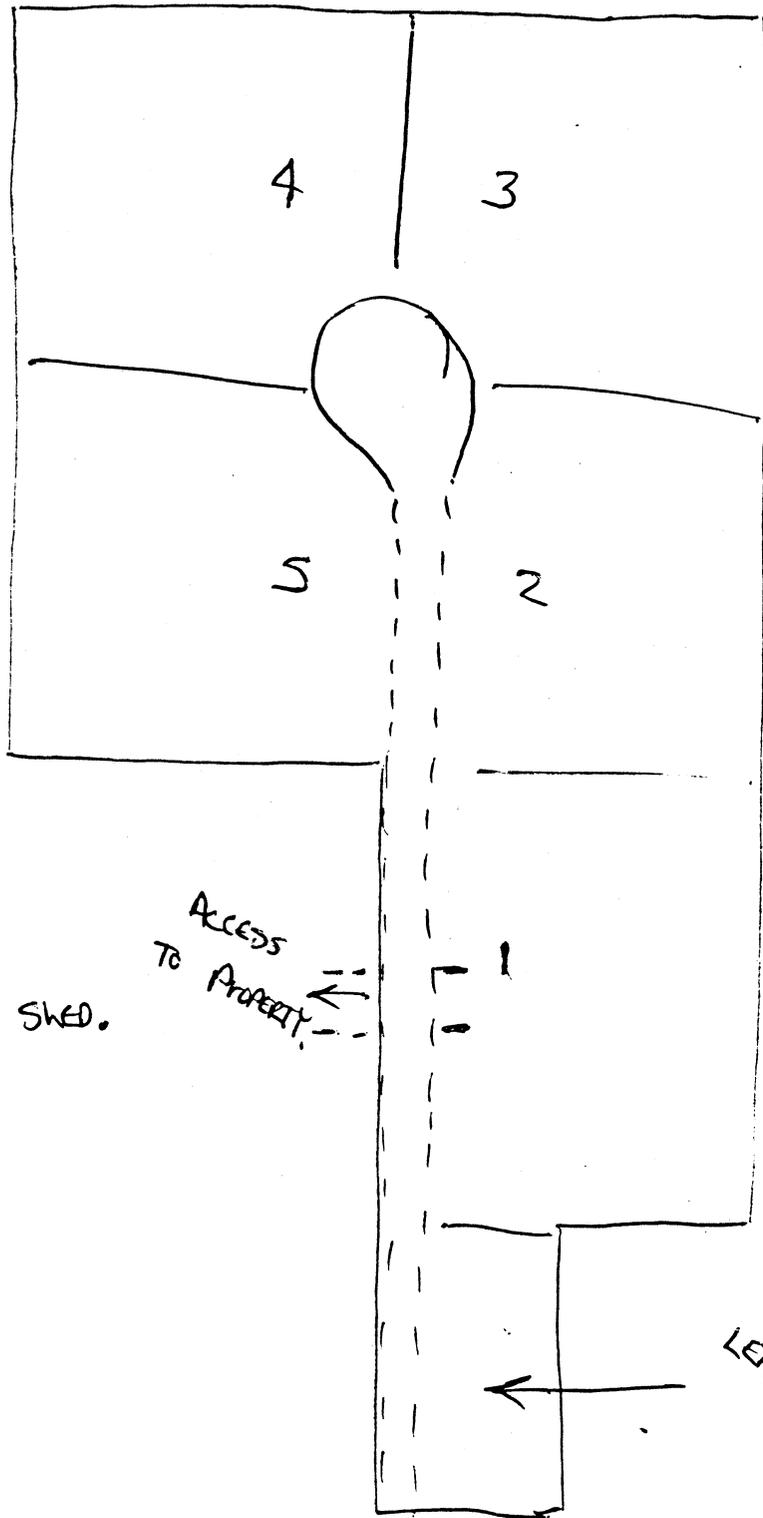
Thank you for your time and consideration of the comments I have given on this plat.

Yours Sincerely,

A handwritten signature in cursive script that reads "Roger W. Singer". The signature is written in dark ink and is positioned to the right of the typed name.

Roger W. Singer
1250 Dorland Rd.
Maplewood, Mn. 55119

- 1) I live at 2405 Carver Ave., adjacent to the proposed development. I want to know how the developers are going to handle the spring run off water when it runs off all the hills they plan to develop. I know for a fact that when warm weather hits as it has in the past four springs since I've lived there, four inch deep river of water runs down my driveway and cuts large grooves in the yard of the property they bought.
- 2) I'm also not in favor of the number of houses in this development. I think the city should make the developer follow continuity of the existing developers, for example the community that is being built just on the top of the hill from this land. The lots are larger, the houses are larger, instead of the dense layout that they have scheduled. ~~_____~~
~~_____~~. I suggest larger lots, larger homes, and less traffic.
- 3) After the state remolded Hwy 61, they merged Bailey Rd, with Carver Ave, in the same intersection, which makes it virtually impossible to access 61 in rush hour. With 33 homes, which means 66 more cars to that intersection, only shows me big time traffic problems.
- 4) I also want to address the problem of water, sewer, and gas service to which I am now connected in Carver Ave. When the developer puts in a new street they will disturb my service. I want to know how it will be connected and how long it will take. Another question that has to be answered for various reasons, is the street's water, sewer, and gas stubs, that should be provided so the land behind my house and barn does not become land locked, should something happen to me or whatever.



* ~~DEVELOPER~~ DEVELOPER PAYS
 ALL EXPENSES FOR WATER SHED.

* 5 LOTS.

LEAVE POND NATURAL

November 5, 1989

Geoff OLson
AICP
Director of Community Development

Dear Mr. Geoff Olson:

Our Concerns and some of our questions:

We will need in a written statement, what you as the Director of Community Development will do if and when:

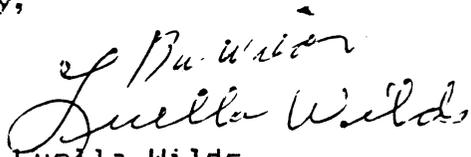
1. The runoff of water from this project comes from the northside of Carver Ave, under the coulvert and fills the swamp on the south side , and deteriorates the driveway to 2410 Carver Ave.
2. The driveway is still in unstable condition since they put the waterline in on Carver Ave about 15 years ago. NO ONE will or has taken the responsibility for filling it in properly. We have made a number of calls to find out who should do it, but everyone is passing it to the next company.

So in closing, we can not make any comments in favor or not of this project until we know what all of the probabilitys are.

We have enclosed a map of where our property is located.

If you would like to have us show you, what we are speaking about feel free to call. Our phone# is 735-8879.

Sincerely,



Robert & Luella Wilds
2410 Carver Ave.
Maplewood, MN 55119

REZONING RESOLUTION

WHEREAS, Pacesetter Property Management, Inc. initiated a rezoning from F, farm residence district to R-1, single-dwelling residential for the following-described property:

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 28, Range 22, except the South 256 feet of the East 170 feet thereof, also except the West 1/2 of the Southwest 1/4 of said Northeast 1/4 of the Northwest 1/4.

This property is also known as 2413 Carver Avenue, Maplewood;

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

1. This rezoning was reviewed by the Maplewood Planning Commission on _____, 1990. The Planning Commission recommended to the City Council that said rezoning be _____.
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.



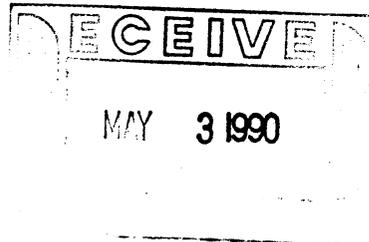
McCombs Frank Roos Associates, Inc.

15050 23rd Avenue North, Plymouth, Minnesota 55447

Telephone
612/476-6010
612/476-8532 FAX

Engineers
Planners
Surveyors

May 2, 1990



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

SUBJECT: Pacesetter Property Management, Inc.
Marks Nature Haven
Maplewood, Minnesota
MFRA #9116

Dear Mr. Olson:

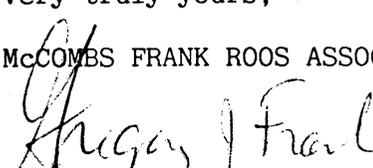
Provided herewith, in conjunction with the City Council's action to reconsider the preliminary plat and rezoning for Pacesetter's proposed Mark's Nature Haven project, are the following:

- 1.) Drainage analysis regarding the ponding area and a proposed control structure outfall to mitigate an existing drainage problem and the increased runoff from development.
- 2.) Revised Sketch Plan that reduces the number of lots to 30 from the originally requested 33 lots.

We understand that the City Council will consider this project on May 14, 1990. If you should have any questions or need additional information, please contact us.

Very truly yours,

McCOMBS FRANK ROOS ASSOCIATES, INC.


Gregory J. Frank, P.E.

GJF:aju

Enclosures

cc: Ken Haider, Director of Public Works (w/attachments)
Pacesetter Property Management, Inc. (w/attachments)

DRAINAGE ANALYSIS
FOR
MARK'S NATURE HAVEN
MAPLEWOOD, MINNESOTA
MFRA #9116

INTRODUCTION:

As part of the preliminary plat and rezoning requests for Mark's Nature Haven, considerable public comment was made at Public Hearings relative to existing drainage problems downstream of the project site, and to the impact that the proposed development would have on the drainage. This study (1) evaluates the existing run-off based on the present drainage characteristics of the watershed, (2) evaluates the run-off from the watershed based on the development of Mark's Nature Haven and an assumed similar density development for the area east of Mark's Nature Haven (which is currently undeveloped), and (3) makes recommendations for storm sewer improvements to correct the existing drainage problems and to mitigate any drainage resulting from the development of Mark's Nature Haven and the site to its east.

The storm water modelling and ponding analysis performed in this study is based on TR-20 and TR-55 computer models.

Existing Run-Off and Drainage

The existing tributary area north of Carver Avenue that drains into the twin ponds at the entrance to Mark's Nature Haven is 31.2 acres, of which Mark's Nature Haven is 13.3 acres, or 43 percent of the tributary area. The western boundary of the western pond is not well defined, and during intense rainfall events, the pond level rises and encroaches on the property immediately to the west. The pond then outflows to a storm sewer system on the north side of Carver that runs westward along Carver for approximately 1100-feet, then crosses Carver Avenue and flows generally southward. A June, 1988 study of this system by Toltz, King, Duvall, Anderson and Associates, Inc. concluded that this outlet system is adequate if kept in good condition.

Based on a TR-55 modelling of the site, the existing peak run-off for a 100-year storm event from the ponds tributary area north of Carver Avenue is 16 cfs. The background printout data for the modelling is attached.

Projected Future Run-Off and Drainage

A TR-55 modelling of the site was completed based on the proposed development of Mark's Nature Haven and the underdeveloped area to its east at a similar, urban density. The estimate for the watershed's peak discharge is 30 cfs for a 100-year storm event. The computer analysis is attached (subtitled "Drainage with Proposed Conditions").

Proposed Improvements

To control the ponding, a dike is proposed to an elevation of 880 along the west side of the existing pond, along with a 12-inch storm water control structure outlet from the pond. Refer to the "Preliminary Grading and Drainage Plan" (attached). Based on the proposed diking, the storage volume in the pond system and the discharge rate from the 12-inch pipe at various stages is as follows:

<u>Elevation</u>	<u>Storage Volume (acre/feet)</u>	<u>Discharge (cfs)</u>
877	0	0
878	0.72	2.3
879	1.67	4.5
880	2.84	6.0

Using a TR-20 hydrology model (attached), and based on the projected future run-off from the watershed, including Mark's Nature Haven and the site to its east, a 100-year storm even will pond to an elevation of approximately 879, with a peak discharge rate of approximately 4.5 cfs. As earlier noted, the existing hydrology of the site results in a peak discharge of 16 cfs. With the proposed berming and control structure, the ponding area is restricted to eliminate the existing ponding on downstream properties, and the peak discharge rate to the downstream system is reduced by approximately 70%, to 4.5 cfs from the 16 cfs.

Attachments

TR-55 Curve Number Computation: Drainage with Existing Conditions
TR-55 Curve Number Computation: Drainage with Proposed Conditions
12" Outlet TR-20 Hydrology
Preliminary Grading and Drainage Plan (Revision A - 05/01/90)

land use plan for the property west of 1055 Gervais Avenue and south of Gervais Avenue extended from RL, residential low density to BW, business warehouse, on the basis that:

- (1) The property has been zoned M-1, light manufacturing for many years.
- (2) The property could be developed for commercial use, if truck traffic is not allowed through the conditional use permit process, without adverse affect to surrounding uses.
- (3) The properties to the east are developed commercially.

Commissioner Gerke seconded

Ayes--Barrett,
Cardinal, Fischer,
Gerke, Larson,
Rossbach, Sletten

6. NEW BUSINESS

a. Preliminary Plat and Rezoning: Mark's Nature Haven

Tom Ekstrand, Associate Planner, presented the staff report.

Greg Frank, representing the applicant, said he objected to conditions 2. a., c., d., and h of the staff recommendation. Mr. Frank said this proposal would be economically unfeasible since financing must cover all of the lots, but only a limited number of lots could be sold.

Commissioner Rossbach moved the Planning Commission recommend:

- (1) Approval of the resolution rezoning this property from F, farm residential to R-1, single dwelling residential.
- (2) Approval of the preliminary plat for Mark's Nature Haven, subject to the following conditions being satisfied before final plat approval:
 - (a) Lot 11, Block 1 and Lots 3-16 and 19-22, Block 2, shall be designated as an outlot and shall not be platted for construction until Boxwood Avenue is connected to Schadt Drive.

- (b) A tree replacement plan shall be submitted for the approval of the Director of Community Development prior to grading or final plat approval. This plan shall designate the large trees that are to be removed, where their replacements will be planted and those to be retained.
- (c) The applicant shall secure off-site drainage easements over the existing holding pond on the east side of future Crestview Drive north of Carver Avenue. These shall be dedicated to the City as permanent easements.
- (d) The applicant shall secure an off-site utility easement for watermain connection to the existing main at the intersection of Boxwood Avenue and Dorland Road. The applicant shall construct this utility connection, which shall be a twelve-inch watermain, as part of the watermain installation from Lakewood Drive to Carver Avenue.
- (e) Crestview Drive and Boxwood Avenue shall have a pavement width of 36 feet. This street shall be posted for no-parking along the east side.
- (f) The right-angle curve at the intersection of Crestview Drive and Boxwood Avenue shall be redesigned as a 90-foot-radius curve, as measured along the center of the road.
- (g) Standard City street lights shall be installed at the intersection of Carver Avenue and Crestview Drive, and Birch Street and Crestview Drive. A third shall be required near the easterly lot line along Boxwood Avenue at the time Boxwood Avenue is extended. The exact location is subject to the approval of the City Engineer.
- (h) The proposed six-foot-wide drainage/utility easements along all common side property lines shall be changed to five feet so sideyard setback requirements can be met.
- (i) A temporary 100-foot-diameter cul-de-sac bulb easement shall be granted to the City for the temporary dead end of Crestview Drive.

- (j) A signed developer's agreement shall be submitted, with required surety, for all required public improvements, erosion control and tree replacement. This agreement shall include a requirement for the placement of temporary fencing during construction around woodlots to be saved.
- (k) The plat shall be revised so that Crestview Drive would be entirely within the applicant's site and so Lot 1, Block 2, would meet all lot width and frontage requirements.
- (l) The small remnant piece of land south of the proposed east-west street south of Lot 1, Block 2, shall be deeded to the owners of 2405 Carver Avenue or the City of Maplewood.
- (m) A deed to convey an outlot to the City for a one-foot-wide strip of land between the Crestview Drive right-of-way and the west lot line, from Carver Avenue to the proposed east-west stub street. A restriction shall be recorded against the title stating that this outlot may not be used for access to Crestview Drive or transferred to another ownership until a fair reimbursement of costs for street, water and sewer is made to the City. The City Council shall determine what a fair reimbursement is. The City shall then attempt to reimburse this money to the developer. If the developer cannot be located, the City shall retain this money.

Commissioner Larson seconded

Ayes--Barrett,
Cardinal, Fischer,
Gerke, Larson,
Rossbach

Nays--Sletten

7. VISITOR PRESENTATIONS

8. COMMISSION PRESENTATIONS

a. January 8 Council Meeting

Commissioner Gerke reported on the January 8 meeting.

b. Representative for the January 22 Council Meeting: Bob Cardinal

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

M E M O R A N D U M

TO: Mayor and City Council
FROM: City Manager *Michael A. McGuire*
RE: **EMERGENCY MANAGEMENT SALARIES**
DATE: June 4, 1990

At the May 31, 1990 meeting, the City Council requested additional information relative to Emergency Management salaries.

1. What number of hours are the Director and Deputy Director expected to work?

A number of years ago, 10 hours per week was established for each one. In talking to Larry Cude, he informed me that they both spend considerably more time in the positions.
2. Who appoints the Director?

According to Section 11-3 of the City Code: "The director shall be appointed by the Mayor, ratified by the Council, report administratively to the City Manager, shall serve for an indefinite term..."

MAM:kas

Item No. H-4
Action by Council

Please Note: Re: Community Center

Endorsed _____
Modified _____
Rejected _____
Date _____

This item was tabled from the May 31, 1990, Meeting. Please refer to your
May 31 Packet for information regarding this item.

H-5

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101
(612) 224-3781

JOHN F. BANNIGAN, JR.
PATRICK J. KELLY
JAMES J. HANTON
JANET M. WILEBSKI

FAX (612) 223-8019

June 4, 1990

Mr. Michael McGuire
City Manager
Maplewood City Hall
1830 East County Road B
Maplewood, MN 55109

Re: *City of Maplewood Council Policies*

Dear Mr. McGuire:

Pursuant to the Council's request, I have reviewed the proposed Maplewood City Council Policies. For purposes of clarification, I will address each of the sections and specific paragraphs on an individual comment basis. In addition, I have enclosed several proposed ordinances that should be in ordinance form rather than City Council Policy.

Councils enact policies through ordinances and resolutions. Any council enactment which regulates or governs people or property and provides a penalty for its violation is an ordinance. As a result, the Council must pass (in ordinance form) all police regulations for public health, morals, economic well being, welfare, and safety. Any regulation should be of general application within the City and of a permanent and continuing nature.

Councils should use resolutions for any action of a temporary, routine or administrative nature. The Courts often view proceedings in the form of motions which is equivalent to a resolution. Resolutions are probably sufficient for most simple administrative acts. If the Council has any doubt as to whether an ordinance is necessary, it is best to proceed as if the action requires an ordinance.

Section 1. Land Use Policies, 1.1 Final Plats. I have discussed this Section extensively with the City Planner and we agree that if this was placed in an ordinance form there would be no flexibility with respect to waiver in the most extreme or unusual circumstances. The policy should be clearly stated in an all plat applications in order that the developer clearly understands the time elements and council position. Council policy is appropriate in this matter.

1.2 Double Dwelling Locations. As you know, the zoning ordinance controls with respect to the density requirements of certain areas. Double dwellings, as a council policy, lacks the strength of enforceability. Mr. Olson informs me that the Comprehensive Land Use Plan is currently under review. It is suggested that this paragraph should be incorporated in the Comprehensive Land Use Plan in order to establish some impact on new applications and rational for supporting the Council's double dwelling location position.

1.3 Residential Traffic Routes. Again, this matter should be incorporated in the language of the Comprehensive Land Use Plan in order to establish rational and enforceability.

1.4 Deed Filing. This matter should be in ordinance form since it affects property. In addition, the Planner has recommended that deeds must be filed within one year. (See attached suggested ordinance).

1.5 Lot Divisions. This matter should be placed in ordinance form under lot divisions. (See attached suggested ordinance).

1.6 Letter of Credit-Street Work. The request for a letter of credit is not unusual and a legitimate requirement. As result, I have placed the letter of credit in ordinance form in order to place the public on notice of the requirement. (See attached suggested ordinance).

1.7 Street Construction. In order to place the developer and public on notice, I suggest that the category of street construction be placed in ordinance form. (See attached suggested ordinance).

Section 2. Procedural Guidelines, 2.1 Agenda Items Tabled. Technically this should be placed within the Maplewood City Rules of Procedure. One advantage is that the voting public then understands the reasoning on a particular council action. The suggested placement of the agenda items tabled would be on Page 3, a new Paragraph C which would incorporate the language.

2.2 Absent Councilmember. This matter is completely appropriate with respect to a past council policy.

2.3 Attendance of Applicant. This matter is acceptable as council policy, however, for purposes of notice to all individuals, the Council may want to place this under the Council Rules of Procedure. Specifically the appropriate section for consideration would be Section 2 - Agenda for Regular Meeting, Paragraph D, Page 3 with the suggested language.

2.4 Council Presentations. and 2.5 Date Stamp. Both are appropriate as council policies.

Section 3. Administrative, 3.1 Check Receipt Policy. I believe a resolution would be most appropriate, specifically, it sets the City's policies with respect to an administrative act. (See attached suggested resolution).

3.2 City Events. I suggest that this matter be placed in ordinance form as a general catch-all in order to accomplish a legal basis what the policy directs. (See attached suggested ordinance).

3.3 Ordinance Compliance. I believe the City does not have to address this in its policies, in that, it does not exclude or exempt itself from ordinances and governing conduct.

Section 4. Miscellaneous, 4.1 Multiple Liquor Interests Prohibited. Michael, I have addressed the issue to you in a memo under separate cover.

4.2 New Employees. and 4.3 Board Appointees. Both are acceptable as a council policy.

If you have any questions, please do not hesitate to call.

Sincerely yours,

BANNIGAN & KELLY, P.A.



Patrick J. Kelly

PJK:ks
Enclosures

RESOLUTION

WHEREAS, an increasing number of persons are transacting business with the City of Maplewood and paying by check;

WHEREAS, City is requesting verification with respect to the individual or parties paying by check;

WHEREAS, the City desires a check receipt policy;

NOW, THEREFORE, be it resolved the City adopts the following check receipt policy, to-wit:

CHECK RECEIPT POLICY. All persons transacting any business with City, and paying by check, must provide the City his/her telephone number and a valid driver's license or state identification card. Persons unable to provide this information or identification may be denied service by City Staff, unless otherwise authorized or approved by the respected department head or city manager or designee.

Mayor

ATTEST:

City Clerk

Ayes -
Nays -

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 9-1,
STREET ACCESSIBILITY REQUIREMENTS;
EXCEPTIONS OF THE MAPLEWOOD CITY CODE**

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

Section 1. §9-1 of the Maplewood Code of Ordinances is hereby amended as follows:

Section 9-1 Street Accessibility and certificate of occupancy requirements; exceptions,

(a) No building permits will be issued for any construction within the City, unless the building site is located adjacent to an existing street which is dedicated and maintained as a City street, or unless provision for street construction has been made in full compliance with this code, and in no case until grading work, as provided in this code, has been completed and certified to the Clerk by the City Engineer; except that, in isolated incidences, the Council may enter into an agreement with the property owner for special handling of an unusual situation, which agreement shall be recorded so as to run with the land affected;

(b) The City shall not issue any certificates of occupancies in an approved plat, until the developer has laid the first layer of asphalt on the platted street(s).

Section 2. This ordinance shall take effect upon its passage and publication.

Mayor

ATTEST:

City Clerk

Ayes -
Nayes-

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MAPLEWOOD
CODE RELATING TO LOT DIVISIONS

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

Section 1. §30-15. Lot Divisions is hereby amended to read as follows:

- (a) For the purposes of this section, a lot division is defined as the division of a tract of land into two (2) or three (3) lots.
- (b) The Director of Community Development may approve or cause to be modified plans for a lot division. The Director must first determine, however, that the plans meet all city ordinances and policies, and that the proposal would not have an inverse impact on the subject property or surrounding properties. If the director makes a negative determination or the applicant wishes to appeal the decision, the case shall be sent to the City Council for action.
- (c) A letter of credit may be required as a condition to lot splits on plats in order to guarantee the proper repair and patching of streets after the installation of utilities in the streets or right-of-ways.
- (d) Only one (1) lot division application for each subject lot shall be accepted in any single calendar year.
- (e) Deeds must be filed within one year of approval by the City of a lot division.

Section 2. This ordinance shall take effect upon its passage and publication.

Mayor

ATTEST:

City Clerk

Ayes -
Nayes-

ORDINANCE NO. _____

AN ORDINANCE REGARDING CITY EVENTS

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

Section 1. §2-8 of the Maplewood City Code is hereby adopted to read as follows:

CITY EVENTS. The Maplewood City Council may waive any requirement for payment of license fee or permit fee for any city-sponsored event.

Section 2. This ordinance shall take effect upon its passage and publication.

Mayor

ATTEST:

City Clerk

Ayes -
Nayes-

Action by Council:

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Director of Community Development
SUBJECT: Fence Height Request
LOCATION: 735 County Road B
OWNER/APPLICANT: Kevin Powers
DATE: June 1, 1990

INTRODUCTION

Mr. Powers is requesting that the City Council approve an eight-foot-high fence along the rear and part of the west property lines. (See the site plan and drawing of the fence on pages 4 and 5.) City Code limits the height of residential fences to six feet. The City Council must approve higher fences. The purpose of the fence is to screen Mr. Power's yard and house from the new homes going up to the north. Mr. Powers needs an eight-foot-high fence because the new homes to the north will be higher than Mr. Power's lot.

BACKGROUND

The developer filled part of the lots to the north so the buildings, driveway and front yards will drain to Laurie Court. The previous drainage was to the south.

DISCUSSION

As you can see from the attached photos on page 6, a six-foot fence would not do Mr. Power's much good. An eight-foot fence would give him some privacy without adversely effecting the adjacent owners. The property owner to the west is in favor.

Fences over six feet require a building permit. The Council should make this a condition of their approval.

RECOMMENDATION

Approve an eight-foot-high fence along the north and part of the west side of 735 County Road B, subject to getting a building permit.

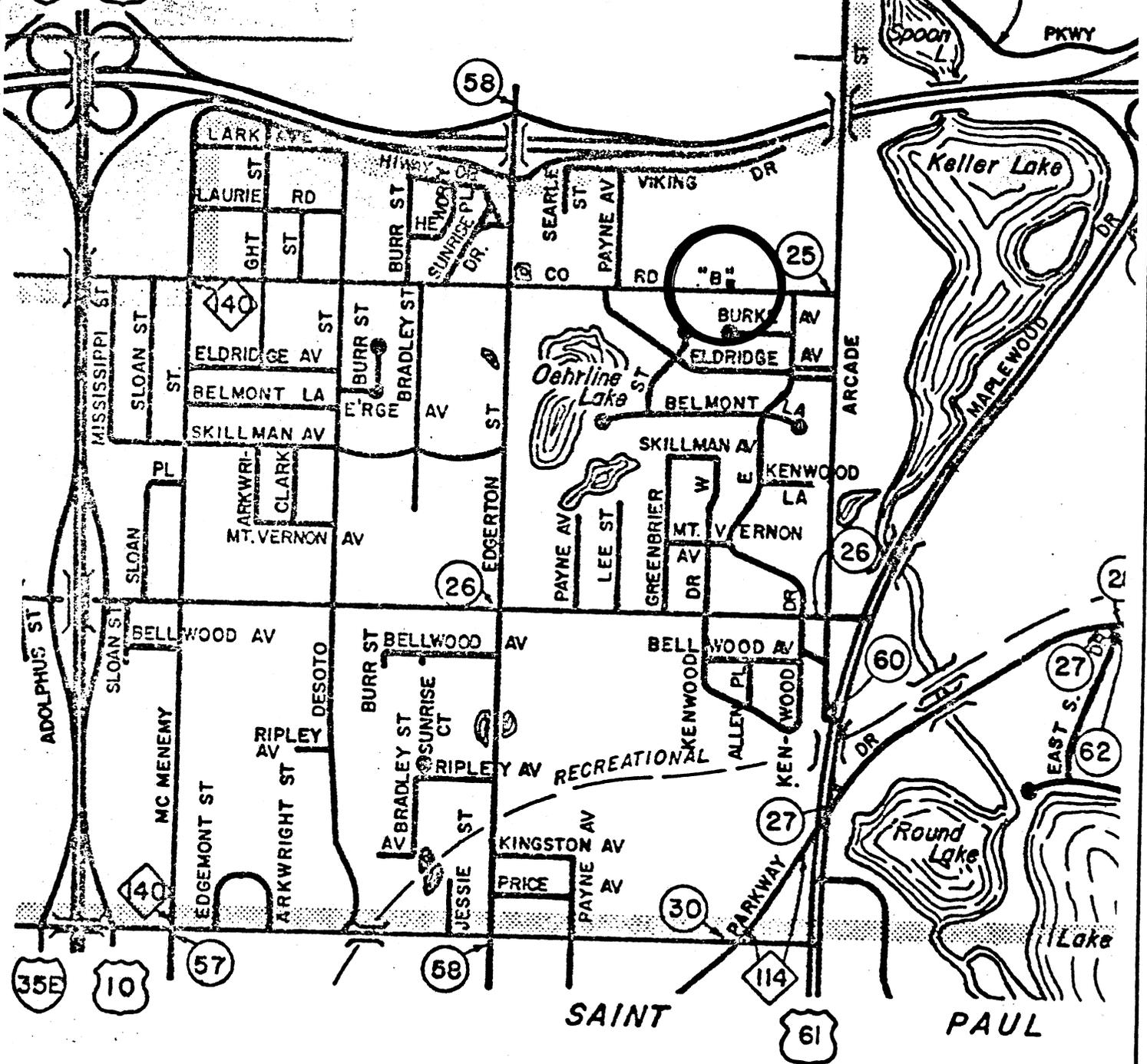
go/mem011.mem

Attachments:

- 1. Location map
- 2. Property line/zoning map
- 3. Site plan
- 4. Fence drawing
- 5. Photos

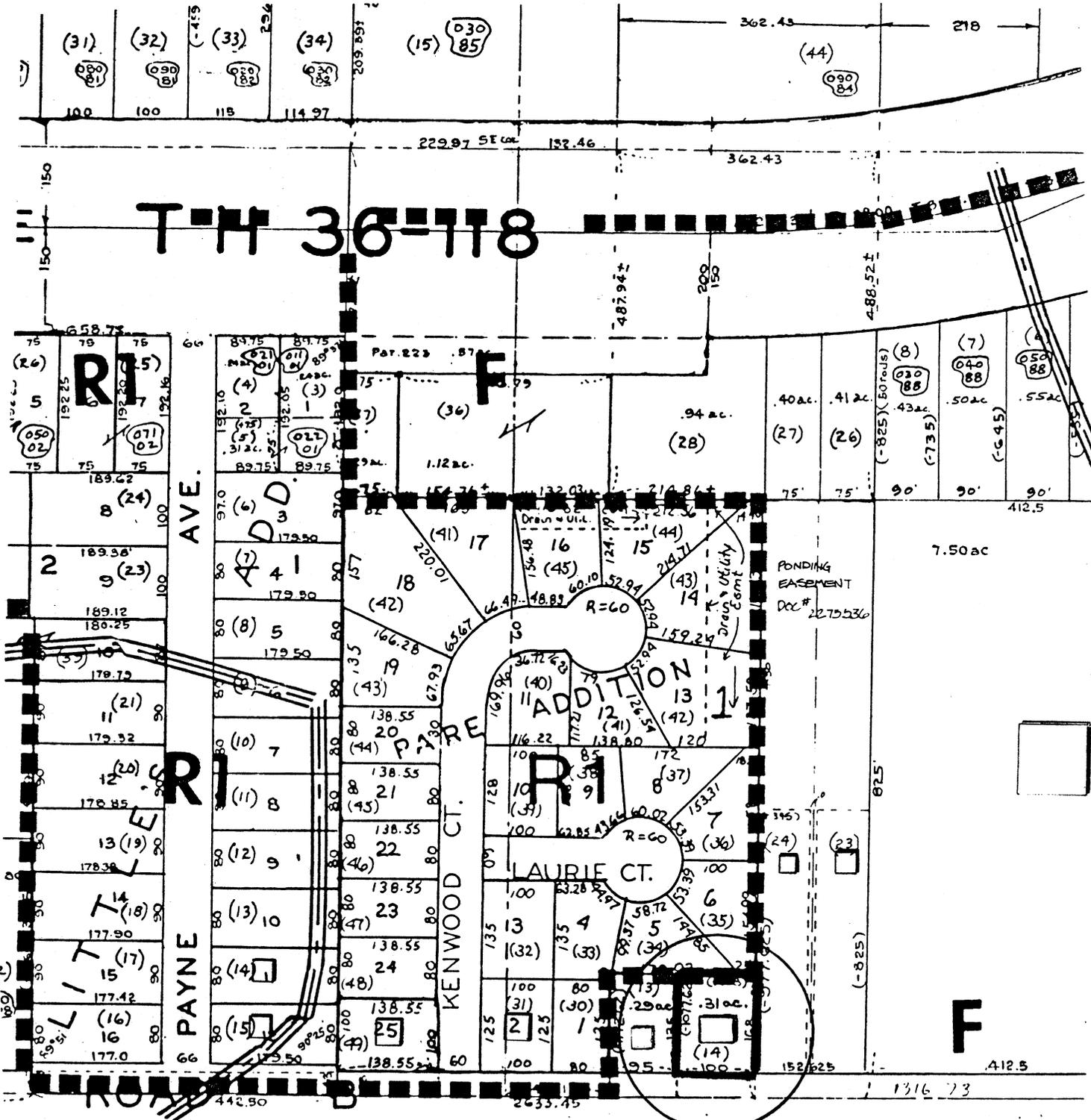
- 3 BELLCREST DR
- 4 DEAUVILLE DR
- 5 MERIDIAN DR

2400N. _____



LOCATION MAP





PROPERTY LINE / ZONING MAP



PARE
CORP.
(OWNER)

PARE
CORP.
(OWNER)

- PROPOSED FENCE

FENCE HEIGHT VARIANCE TO 10' REQUESTED

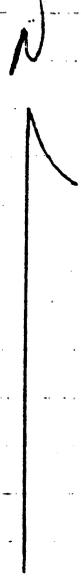
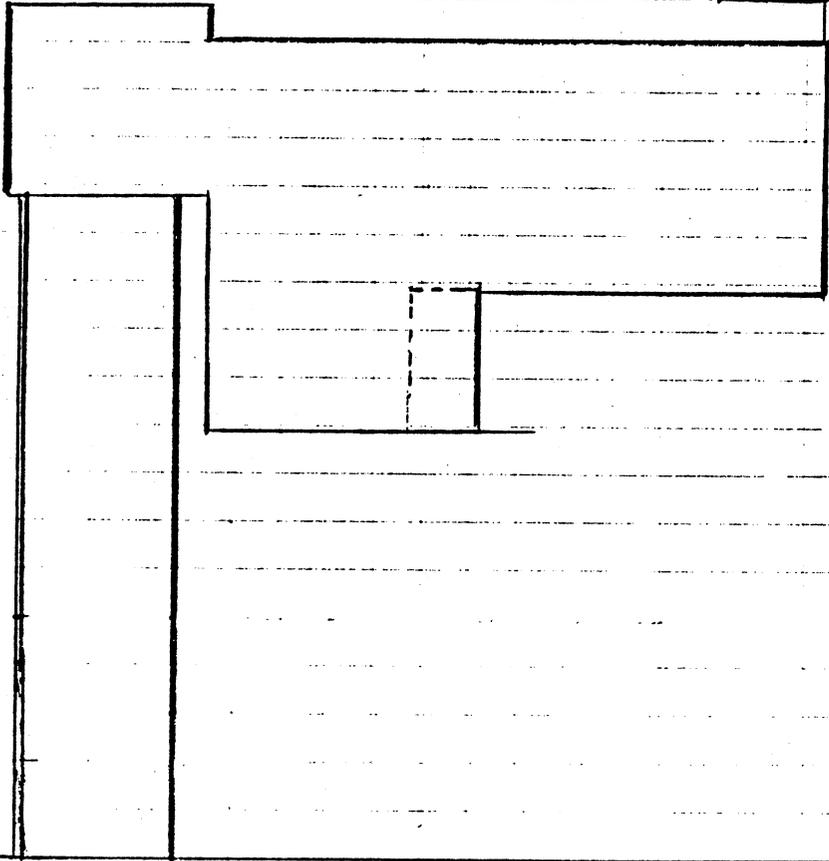
By KEVIN & MARY ANN POWERS
OWNERS 735 E. COUNTY RD B.
MAPLEWOOD, MN, 55117



DECK

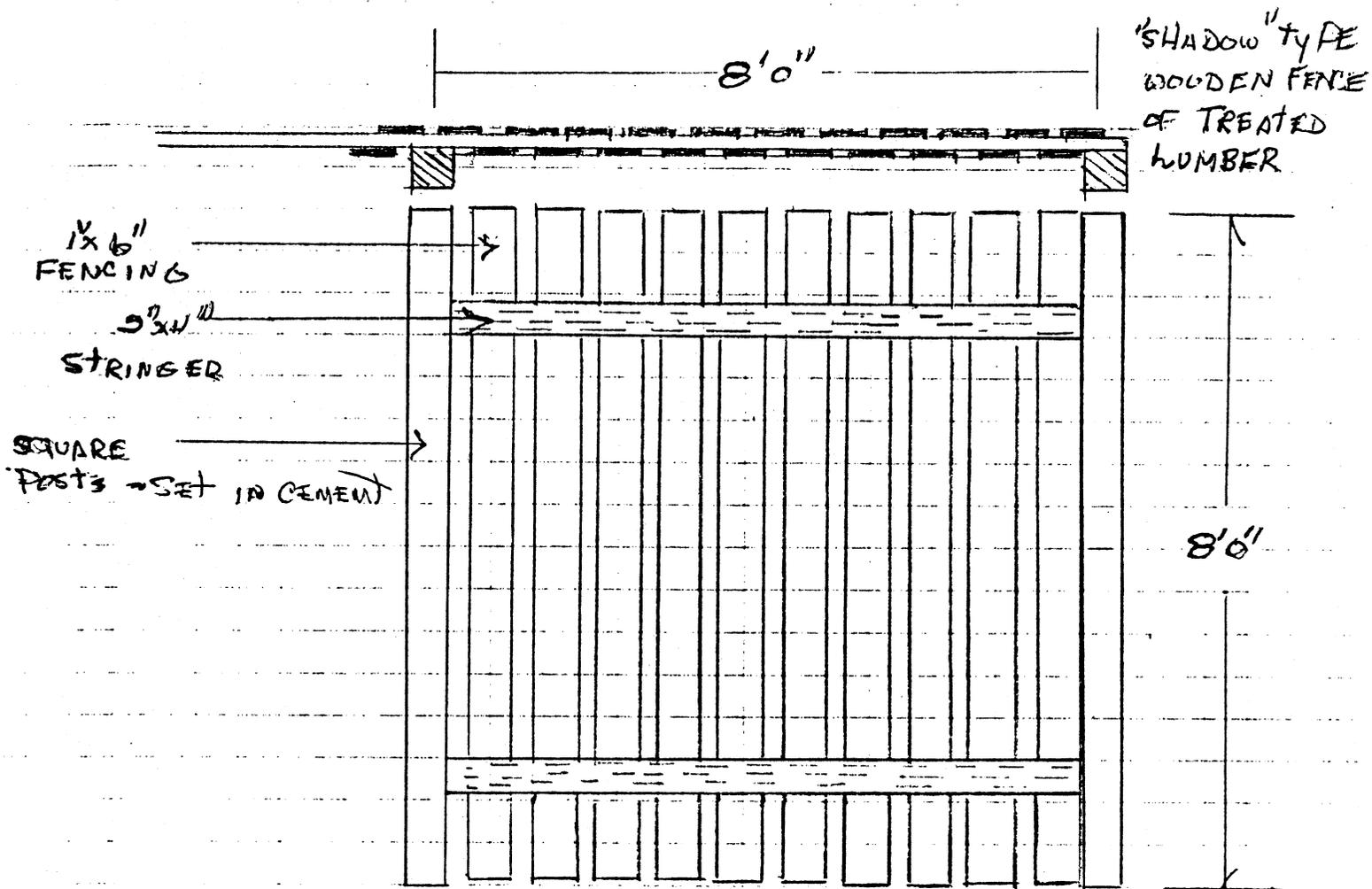
- PROPOSED FENCE

MRS WILLIAM L. COMBE (OWNERS)
735 E COUNTY RD B LETTE ATTACHED APP.



PAGE 1 of 2 ATTACHED TO
APPLICATION FOR FENCE HEIGHT VARIANCE TO 10'

735 E. COUNTY RD. B.



PAGES 2 of 2 ATTACHED TO
APPLICATION FOR FENCE HEIGHT VARIANCE TO 10'

735 E. COUNTY RD. B

WEST SIDE
OF OUR LOT

GRADE LEVEL
OF BUILDING LOTS
BEING DEVELOPMENT

GRADE LEVEL
OF OUR LOT
735 E. COUNTY RD. B



EAST SIDE
OF OUR LOT

GRADE
LEVEL

GRADE
LEVEL



To City of Maplewood

Because of grading done in past year for the development of single family houses, the grade level in back of our home was raised to a height that the 6ft. fence we had planned to put up would offer little privacy; therefore, we are respectfully requesting a fence height variance to 10 ft.

Ht. of Proposed →
FENCE

Kevin F. & Mary Ann Powers
owners
735 E. County Rd. B
Maplewood, Mn. 55117

Kevin Powers
attached to Variance application

PROPOSED →
HEIGHT



Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: **Design Review Board Appeal**
 LOCATION: County Road D and Gall Avenue (Section 2)
 APPLICANT: Victoria L. Seltun
 OWNER: DeSoto Associates
 PROJECT TITLE: Twin Homes
 DATE: May 21, 1990

INTRODUCTION

Victoria L. Seltun is appealing the Design Review Board's approval of Richard Schreier's proposed twin homes. Ms. Seltun's appeal, however, is against allowing the two double bungalows, despite the R-2, Double-Dwelling Residential zoning. This is not an appeal of the architectural or site plans. Refer to the letter beginning on page 4.

BACKGROUND

April 5, 1989: The City approved the lot division that created these twin-home lots.

April 24, 1990: The Review Board approved the proposed twin-homes. Refer to the conditions of approval on page 5.

CODE REQUIREMENTS

Section 25-65 (b) states that the Board's decision shall be final, unless appealed to the City Council by the applicant, City Staff or any affected person within ten days after the Board's decision.

DISCUSSION

Despite the applicant's concerns, the R-2 zoning allows twin homes. This area has been zoned R-2 for many years. It is unfortunate the seller did not make the zoning clear.

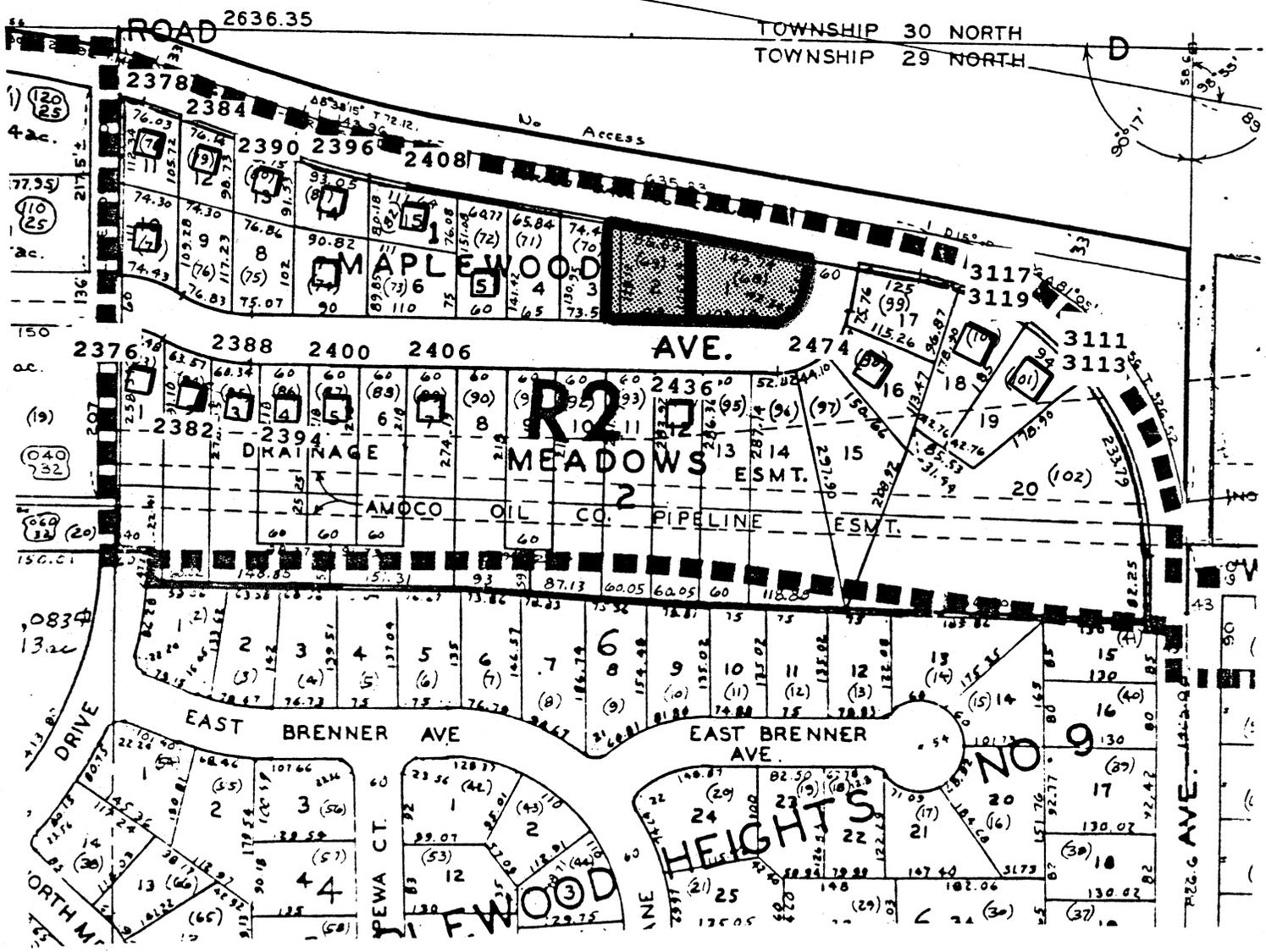
RECOMMENDATION

No change to the Design Review Board's motion.

TETWINS

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Letter from Victoria L. Seltun dated April 30, 1990
4. Community Design Review Board motion dated April 24, 1990



TOWNSHIP 30 NORTH
TOWNSHIP 29 NORTH

PROPERTY LINE / ZONING MAP



RECEIVED
MAY 1 1990

FREDRIKSON & BYRON

A PROFESSIONAL ASSOCIATION

1100 INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55402-3397
TELEX 290569 FREDRIKSON MPS
TELECOPIER (612) 347-7077
TELEPHONE (612) 347-7000

WRITER'S DIRECT DIAL

(612) 347-7148

April 30, 1990

JOHN P. BYRON
BERTIN A. BISBEE, JR.
JOHN M. EALMER
RICHARD F. HANSEN
JEROME B. PEDERSON
ROBERT G. WEBER
ROBERT F. SANDS
KBITH A. LIBBRY
ROBERT B. WHITLOCK
RAYMOND M. LAZAR
THOMAS R. KING
JOHN H. STOUT
JAMES L. BAILLIE
WILLIAM I. KAMPY
R. BERTRAM GREENER
WARREN E. MACK
JOHN L. POWERS
CHARLES F. DIESSNER
QUENTIN T. JOHNSON
TIMOTHY M. HEANEY
JAMES R. HALLER
ROBERT H. ZALK
LEO G. STERN
THOMAS W. GARTON
DOBSON WEST
JOHN A. SATORIUS
MICHAEL A. STERN

NEIL A. WEIKART
WILLIAM J. BRODY
JOHN H. MERKLE
THOMAS T. FOSSE
GLENN R. AYRES
STEPHEN R. BERGERSON
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ERIC S. ANDERSON
DAVID R. BUSCH
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DAVID C. GORUD
KONRAD J. FRIEDEMANN
LARRY J. BERG
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JAMES B. PLATT
DAVID P. BUNDE
PATE KNOWLES

RICHARD A. ROSS
GREGORY P. KAIHOI
SHARON K. FRIER
ROBERT K. RANUM
MARY S. RANUM
LARRY D. HAUSE
CLINTON E. CUTLER
RANDY B. EVANS
SHEVA J. SANDERS
MARY P. BAUMAN
LAURIE J. MILLER
ROBERT C. BOISVERT, JR.
ANNE M. RADOLINSKI
SIMON C. ROOT
MARY E. STRAND
LYNN M. GARDIN
JOHN F. WURM
RICHARD G. MORGAN
DANIEL J. MARTENS
SUSAN J. HARDMAN-CONKLIN
NANCY I. ONKKA
RONDA P. BAYER
BRADLEY P. L. SYVERSON

STEVEN N. BECK
ANN M. LADD
MARY ANNE COLOVIC
JON C. NUCKLES
JOAN E. KLEIN
CATHERINE A. RUDENICK
GREGORY G. FREITAG
DAVID R. MARSHALL
ROBERT J. STEWART
F. CHEY TAYLOR
CYNTHIA D. STRICKER
FRANCIS P. HALM
TODD A. WIND
JAY L. KIM
KRISTI K. CARLSON
JAY M. QUAM
RICHARD D. SNYDER
BRONWEN L. COUND
KATHLEEN A. URADNIK
WM. DAVID TAYLOR III
EDWARD S. HOTCHKISS
THOMAS B. ARCHBOLD

WELLS J. WRIGHT (1912-1985)

OF COUNSEL

HAROLD M. FREDRIKSON
EARL F. COLBORN, JR.
KARL F. DIESSNER

Maplewood City Council
c/o Mr. Tom Ekstrand
City of Maplewood
1830 E. County Road B
Maplewood, Minnesota 55109

Re: Proposed Twin Homes to be Built by Richard
Schreier in Maplewood Meadows Housing Develop-
ment (Gall Avenue & County Road D)

Dear Members of the City Council:

This letter is sent to appeal the April 24, 1990
decision of the Maplewood Community Design Review Board which
approved the design review of proposed twin homes to be built
by Richard Schreier in the Maplewood Meadows Housing
Development in which I live.

The proposed twin homes will be built on Lots 1 and 2,
Block 1. My property address is located directly across the
street at 2474 Gall Avenue, Lot 16, Block 2. Mr. Schreier has
already constructed twin homes directly behind us, on Lots 18
and 19, which our property line touches (we had no opportunity
to oppose this twin home request because we were not given
notice of the construction). We oppose this construction be-
cause of the effect it will have on the resale value of our
home (since our home will be surrounded by rental property),
together with the sixteen other homes in the development, and
due to the fact that the development was originally platted out
as a single family housing development, to which we were in-
duced to build in. Sixteen families have also relied on repre-
sentations that they were building in a single family housing
development. A petition is enclosed signed by all residents of
the Maplewood Meadows Housing Development appealing to the City
Council to deny the request of Richard Schreier to construct
twin homes in our development.

FREDRIKSON & BYRON

A PROFESSIONAL ASSOCIATION

Maplewood City Council
Page 2
April 30, 1990

My husband and I built the first home in Maplewood Meadows in September, 1988. At that time a sign appeared in the development advertising "single family homes to be built by National Builders and sold by Paul Redlinger of Coldwell Banker." A copy of this sign is attached as Exhibit 1. At no time were we told that the development was zoned "R-2" or "multi-dwelling." We were given a plat of how the housing development would be laid out. At that time, there was absolutely no possibility that multi-dwelling units could be constructed in the development. A copy of the original plat map is attached as Exhibit 2. As you can see, Lots 18 and 19 were originally platted out to be three small, undevelopable lots. Lots 1 and 2 were platted out "single family." Although easements are mentioned on the plat drawing, nothing is mentioned about how the development was zoned at the time.

Again, the development was advertised as 34 single family homes to be built by National Builders. Being the first potential buyer into the development, we were concerned about how the development would look. National Builders and Coldwell Banker took us through other National Builders "single family" housing developments in Vadnais Heights and Lindstrom to see what their developments were like. After seeing the developments, we were induced to build in Maplewood Meadows. Almost two years have passed and 16 other families have built homes in the development.

The lots in Maplewood Meadows are owned by Bruce Mogren of Edina Realty and Richard Schreier. Mr. Mogren and Mr. Schreier have manipulated the plat drawings to suit their individual interests, to the detriment of the families who have already built homes in the development. Mr. Mogren has sold lots to any builder who has come along. He sold one lot to a builder who built a home without a garage. Subsequently the home has not sold. He sold one home to Jacobs Homes, whose owner has been criminally indicted in Cottage Grove for not paying subcontractors. Liens were placed on the homes built by Jacobs Homes and people lost their homes. Subsequently, this home has not sold. Mr. Mogren and Mr. Schreier are now trying to develop the two most expensive lots remaining in the development with the cheapest form of housing available, rental property. Mr. Mogren and Mr. Schreier had the plat drawing revised to accommodate their wishes, without notice to any of the residents of the development.

FREDRIKSON & BYRON

A PROFESSIONAL ASSOCIATION

Maplewood City Council
Page 3
April 30, 1990

We feel that Mr. Mogren and Mr. Schreier are not making a good faith effort to sell the remaining lots in the development and feel they are constructing rental property just to keep the money rolling in in the meantime. The 16 remaining lots are in terrible condition. Weeds are over three feet high, garbage, and junk cars litter the lots. Most of the signs advertising the lots for sale have fallen down. Mr. Mogren does not advertise the lots for sale in the newspaper as he did approximately a year ago. We feel that Mr. Mogren and Mr. Schreier have not given the development a chance to develop. If the lots were maintained and proper signs advertised the lots for sale, they might sell. The residents of the housing development oppose rental property in the development, as it will most likely scare away all future potential builders of single family homes in the development. Once the rental property was constructed on Lots 18 and 19, all development took place at the other end of the street. The proposed twin homes will be constructed right in the center of all remaining lots to be developed. We have lived in the development for almost two years. We have seen it develop. We do not feel these lots will sell as quickly with rental property in the development.

The residents of Maplewood Meadows only oppose the twin homes because they are being built for rental property. Everyone in the development has lived in rental property and knows what it is like. Most of us built our homes to get away from rental property and finally live in a nice neighborhood with other homeowners. The following factors reflect why we are opposed to rental property in the development:

1. We have spoken with an appraiser at United Mortgage Corporation and have been informed that rental property will affect the resale value of our home. The home will not sell as quickly and we may not be able to get our money out of any major improvements we make to the home. A realtor at Burnett Realty provided us with the same information.

2. The property is leased on a month-to-month basis. This could lead to an influx of transient residents into the neighborhood. Renters do not have the same pride in their property as owners of homes and are not as concerned about maintenance and upkeep. A renter will most likely not report problems to a landlord for fear that their rent will increase if improvements must be made. Most importantly, a renter likely doesn't care. As long as the rent is cheap and the dwelling is habitable, they will be happy. I lived in rental property for six years, I know what it's like.

FREDRIKSON & BYRON

A PROFESSIONAL ASSOCIATION

Maplewood City Council
Page 4
April 30, 1990

3. The existing twin homes have only been up for less than a year and already have maintenance problems. The driveways were constructed improperly and water builds up at the bottom. This has never been corrected. Shingles and aluminum siding have fallen off due to the high winds in the area. This has never been corrected. Tenants have informed me that Mr. Schreier has never been out to check on the condition of the property since it was rented out. Mr. Schreier stated at the Community Design Review meeting that tenants should call him when there are maintenance problems. As I mentioned previously, as long as the building is habitable, why should a tenant complain. It's been a year, rent is due to increase soon. Mr. Schreier also stated that we should call him when we notice problems. Why should I, as a homeowner, have to contact Mr. Schreier's secretary to keep him advised of the status of his property. I did not buy a home to babysit someone else's rental property.

4. Our biggest concern is the volume of people who will be coming and going from the rental property. One of the units currently rented from Mr. Schreier has so many people coming in and out that even the tenants have no idea who lives there. This may have a negative impact on the future sale of lots in the development and on the resale value of our homes.

We appeal to the City Council to deny the request of Richard Schreier to construct rental property in the development. As I stated previously, we have been induced to build in the development understanding the development was zoned for single family homes. This is what the plat drawing shows. Homeowners can work together to solve problems that develop in the neighborhood. This is not so with renters. With renters, we will be forced to communicate with a rental company only between the hours of 9:00 a.m. and 5:00 p.m. The time the problems occur will most likely be after 5:00 when there will be no opportunity to take corrective action.

Please consider the damage rental property will have to the value of our homes. We realize that misrepresentations were made to us as to the zoning of the property, but the development was doing just fine as a "single family" housing development. We don't understand the rush to construct rental property into the development. I understand that that is the benefit of building single family homes in a development zoned multi-family. If the lots don't sell, you can slap up rental property to keep the money coming in. We don't feel that is the case with our development. If more of an effort was made

FREDRIKSON & BYRON

A PROFESSIONAL ASSOCIATION

Maplewood City Council
Page 5
April 30, 1990

to sell the lots, they would be developed single family.
Two-thirds of the lots have sold in the last nine months.

We urge the City Council to take steps to re-zone the property, if necessary, to keep it a single family housing development, as it was originally platted out to be. Between the 16 homeowners in the development, we have over \$1.2 million dollars invested in our homes. Mr. Schreier proposes to build twin homes for rental on lots which only total \$46,000. We think the investment of 16 homeowners is worthy of protection. Mr. Schreier has other sources of investment income, we don't. We don't want to sell our homes. If the twin homes are constructed, that will be the reaction of many homeowners, including ourselves. Please give consideration to our request. Again, if the twin homes were built to be sold to owners, we would not have this concern. We are concerned about the damage rental property will have to the resale value of our homes. Thank you for your time in considering this request. If you have any questions, I may be reached at the number referenced above, or at 779-7105.

Sincerely,



Victoria L. Seltun
Legal Assistant

/vs
9488L

PETITION

We, the undersigned residents of the Maplewood Meadows housing development, hereby urge the Maplewood City Council to deny the application of Richard Schreier to construct twin homes on Lots 1 and 2, Block 1 of our development. We oppose this construction project because it will (1) destroy the uniformity of the "single family" development we were induced to build in, (2) lead to a decrease in the property values of our homes, and (3) lead to an influx of transient residents into our neighborhood.

Maplewood Meadows was advertised to us as a development of 34 "single family" homes. We relied on this representation in purchasing our homes. We consider the construction of multi-unit dwellings in our development to be a breach of our purchase agreements. If the City Council approves the request of Richard Schreier, we will be forced to institute appropriate legal action to preserve our neighborhood.

NAME	PROPERTY ADDRESS
1. <i>Victoria S. Seelan</i>	2474 Gall Ave.
2. <i>Jeffrey K. Seltzer</i>	" "
3. <i>Albert Scognini</i>	2417 Gall Ave
4. <i>Tim Tasler</i>	2406 Gall Ave.
5. <i>Paula Lubins</i>	2400 Gall Ave.
6. <i>Kim Cho</i>	2394 Gall ave.
7. <i>Tracy Jarberg</i>	2388 Gall Ave
8. <i>Ann M. Vacinek</i>	2377 Gall Ave
9. <i>Jacqui Johnson</i>	2382 Gall Ave
10. <i>Charles Johnson</i>	2382 Gall ave
11. <i>Vicki Jones</i>	2376 Gall ave.
12. <i>Dee J. Johnson</i>	2399 Gall Ave.
13. <i>Michelle Vega</i>	2436 Gall ave.
14. <i>Victoria Vera</i>	2436 Gall Ave
15. <i>Taurina Vera</i>	2436 Gall Ave.
16. <i>Angela M. Johnson</i>	2390 E. COUNTY ROAD D

- 17. *Bonnie McCormack 23846 R.R.D* _____
- 18. *Gerald McCormack 2384 Co. R.D. "D"* _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____
- 26. _____
- 27. _____
- 28. _____
- 29. _____
- 30. _____

Single Family Homes
STARTING AT \$76,900



PAUL RECLINGER
483 2010
631-2457



NATIONAL BUILDERS

MAPLEWOOD MEADOWS

FEATURES IN OUR HOMES

1. Lot in approved FHA subdivision
2. All assessments in and paid
3. Underground utilities: gas, electric, telephone
4. Asphalt drive (16 foot), standard 4 foot sidewalk
5. Two car attached garage, ceiling sheetrocked
6. Torsion bar garage door
7. Steel clad foam insulated entry door
8. Certificate for 300 yards of sod
9. 2 x 6 construction, R-23 walls
10. R-40 insulation in ceiling
11. Front choice of cedar, stucco or masonite woodsman siding-(exlude 912 split)
12. All oak trim, oak bifold closet doors and passage doors
13. Clad double insulated thermopane gliding windows
14. Energy efficient gas furnace
15. Energy efficient gas hot water heater (40 gallon)
16. 100 amp electric service
17. Blacktop street with concrete curb and gutter
18. Well laid out basement suitable for expansion
19. Stainless steel double sink
20. Drain tiled for dry basement
21. Two fire detectors and wiring for door bell
22. High 8' ceiling in lower level, with sheetrock above foundation
23. Formica counter tops
24. Wrought Iron railings
25. Front and backyard outside water faucets
26. Large laundry tub
27. Custom built oak cabinets
28. Rough-in for telephone in master bedroom and kitchen
29. Fiberglass molded shower enclosure
30. Glued and nailed tongue and grooved floors
31. Close to schools, churches, hospitals, shopping centers and freeway access to downtown St. Paul and Minneapolis
32. Dishwasher and garbage disposal (Sears)
33. 24 x 36 plate glass mirror in bath
34. Sheetrock glued to reduce nailpopping
35. Moen fixtures
36. Three coat wood finish system

BUYERS HAVE CHOICE OF: Carpeting and vinyl (\$1,500, varies per model)
Countertop
Lighting (includes door bell and hood fan) \$350
Vinyl or carpeting in dining area
Cabinet designs
Cabinet hardware
Outside paint color

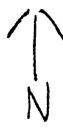
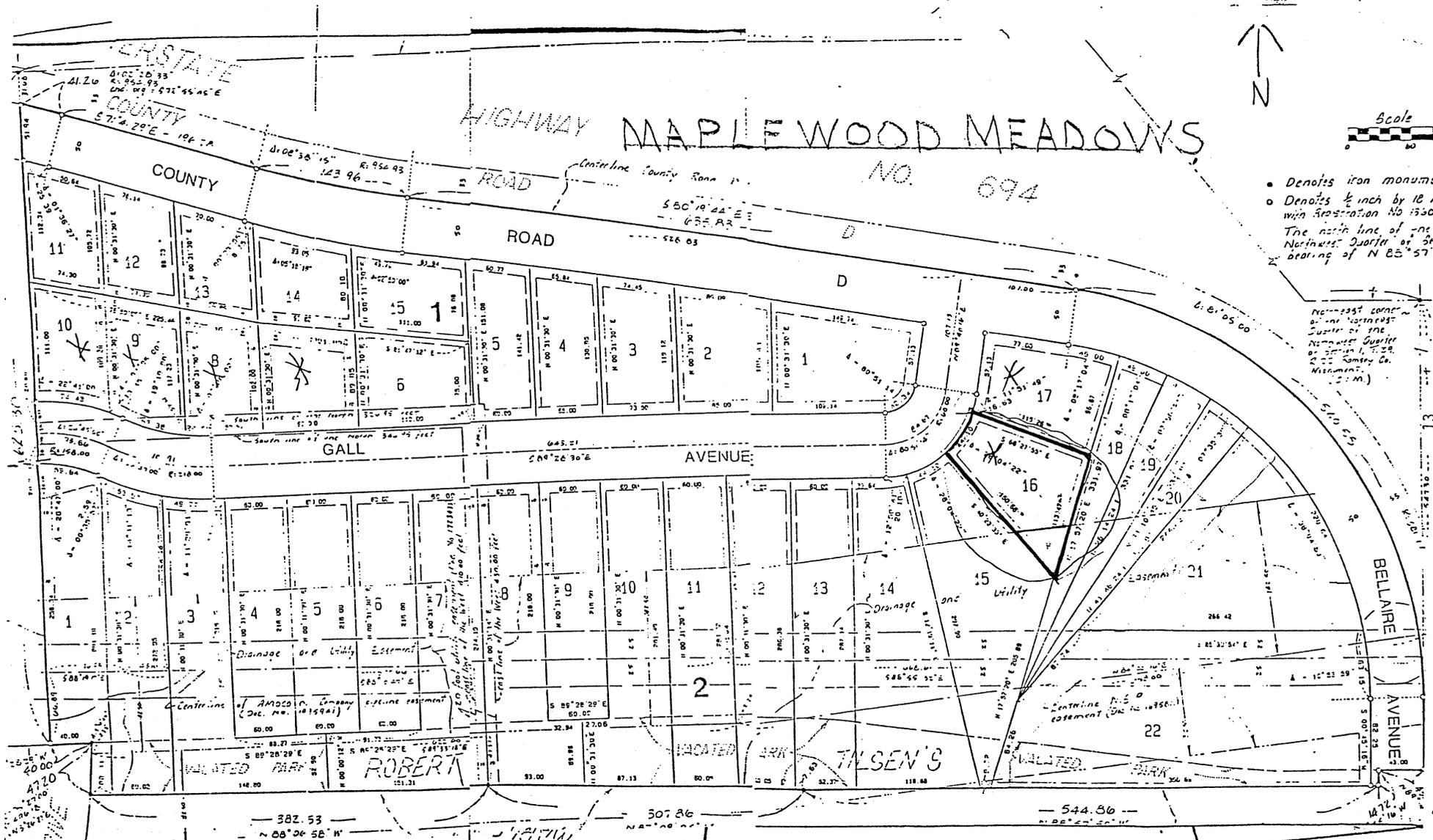
As we are constantly changing and upgrading our quality, National Builders, reserves the right to change the prices, plans, specification, material or construction techniques without prior notice or obligation.

SOLD BY COLDWELL BANKER

PAUL REDLINGER

OFFICE 483-2010

HOME 631-2457



- Denotes iron monument
 - Denotes 1/2 inch by 10 inch with Registration No 1330
- The north line of the Northwest Quarter of Section 1, T. 28, R. 22, County Co. Minnesota, (S.M.)

Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 1, T. 28, R. 22, County Co. Minnesota, (S.M.)

MAPLE WOOD HEIGHTS

Exhibit 2

5/88

Boardmember Molin moved the Review Board allow the existing fence to stay the way it is.

Boardmember Erickson seconded Ayes--Moe, Erickson,
Molin, Holder

Nays--Anitzberger

- b. Twin Homes - Desoto Associates, Gall Avenue and County Road D

Dick Schreier, 2125 Desoto Street, was present at the meeting and discussed with board members the required setbacks for these proposed twin homes.

Vickie Seltun, 2474 Gall Avenue, presented a petition from the neighbors stating they do not want rental property in their neighborhood. Ms. Seltun said the aluminum siding and shingles are falling off of the existing townhomes on Gall Avenue. Ms. Seltun said the neighbors would like to have this proposed twin homes property rezoned. The chairman referred these neighbors to the Planning Commission or City Council for rezoning or an appeal.

Boardmember Erickson moved approval of the twin homes on Gall Avenue for Desoto Associates. Approval is subject to the applicant complying with the following conditions:

1. Repeating the design review process if construction has not begun within two years.
2. Restoring any adjacent property that may be damaged by this construction.
3. Submitting grading, drainage, utility and erosion plans to the City Engineer for approval.
4. Continually maintaining the building exteriors.
5. Verifying that Building B has a 30-foot setback from the County Road D right-of-way.
6. Providing no more than an 18-inch deck or step projection into any required setback.
7. Meeting all requirements of the driveway code.

8. A 2 1/2 inch balled and burlapped tree shall be planted in the front yard of each unit on Gall Avenue.
9. The final color scheme shall be based on staff's approval.

Boardmember Anitzberger seconded Ayes--Moe, Erickson,
Anitzberger, Holder,
Molin

c. Parking Lot Screening - ABRA Auto Body, 2806 Maplewood Drive

Jim Benson, The Chase Company, was present representing ABRA Auto Body. In January 1990, the City Council required that ABRA submit a plan for additional screening to be considered for the north and west sides of their property. Mr. Benson said he understood the City Council was requiring screening only for the proposed parking lot expansion area. A board member said he attended the January City Council meeting at which this item was discussed and he felt the Council was reacting to the fact that ABRA in its original plans had projected that all overnight parking would be inside the building, but ABRA now has more business than they anticipated and does not have enough inside parking. The board members discussed the history of this property, zoning and what future development may be built in this area.

Boardmember Erickson moved approval of plans date-stamped 3-1-90 to require that fencing shall be put in on the north and west sides of the parking lot expansion only. The trees and berm shall be put in as proposed. The fence shall be a decorative wooden fence and shall be subject to staff approval. The material will more than likely be cedar.

Boardmember Holder seconded Ayes--Moe, Erickson,
Anitzberger, Holder,
Molin

d. Sign Proposal - Pet Food Warehouse, 3000 White Bear Avenue

Secretary Ekstrand presented the staff report for two wall signs requested by the Pet Food Warehouse to replace the Jerry's Food signs.

Action by Council

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Director of Community Development
SUBJECT: Comprehensive Plan - Land Use Classifications
DATE: May 1, 1990

INTRODUCTION

I am proposing that the City replace the land use classifications in the Comprehensive Plan with the City's zoning district classifications. I am proposing this change for several reasons:

1. Using one set of classifications for the land use plan and another for the zoning ordinance is confusing. The public rarely understands the difference, even though the City tries to explain it at public hearings. People understand zoning better than land use plans. If the City Council approves this change, the City could describe the land use plan to the public as a future zoning map.
2. Most of the land use classifications are too vague. This causes three problems:
 - a. It is difficult to decide which zone goes with which land use classification. The first two columns on the chart on page 7 compare the land use classifications with the corresponding zoning districts. Some of the land use classifications have more than one zoning district to choose from. The LSC classification, in particular, has five zoning districts to choose from.
 - b. The boundaries of the land use designations on the land use plan are not always clear. If the zoning districts were used, we could use the zoning maps to clear up any question of land use boundaries.
 - c. The Courts may allow the most permissive zone that fits under a vague land use classification. The City may want a more restrictive zone. Identifying the future zone on the land use plan will avoid this problem. As an example, the City could zone a property shown for LSC, limited service commercial use on the land use plan to BC(M), business commercial modified, LBC, limited business commercial (offices) or NC, neighborhood commercial. The property owner may want a BC(M) zone, while the City wants an LBC zone. It may be difficult to defend a denial of the BC(M) rezoning in court, since the rezoning would be consistent with the land use classification.

Changing the land use classifications to zoning classifications should be easy. Most of the land in the City already has its

long-term zoning or there is a one-to-one relationship between the land use classification and a zoning district. As an example, a property zoned for BC, business commercial use would also have a BC use on the land use plan. A problem may occur where a property does not have a long-term zoning and there is more than one choice for a zoning district. The City would have to determine what the long-term zoning should be. There are four such areas. One area is planned for LSC, limited service commercial use. (Refer to the map on page 3.) There are five different zones that the City Council can choose from. The other three areas are planned for RM, residential medium density use. (Refer to the maps on pages 4-6.) The Council could rezone these areas R-2, double-dwelling or R-3, multiple dwelling. I would notify these property owners of the changes when I schedule the public hearing for the adoption of whole Plan. The chart on page 7 compares the current land use classifications with the zoning districts. The third column shows the proposed land use classifications.

I called Ann Hurlburt, the head of local land use planning at the Metropolitan Council. She told me that she would approve the use of the same names for the land use classifications and zoning districts. She was not aware of any other City that uses this approach. Many cities, however, have a one-to-one correspondence between their zoning districts and land use classifications.

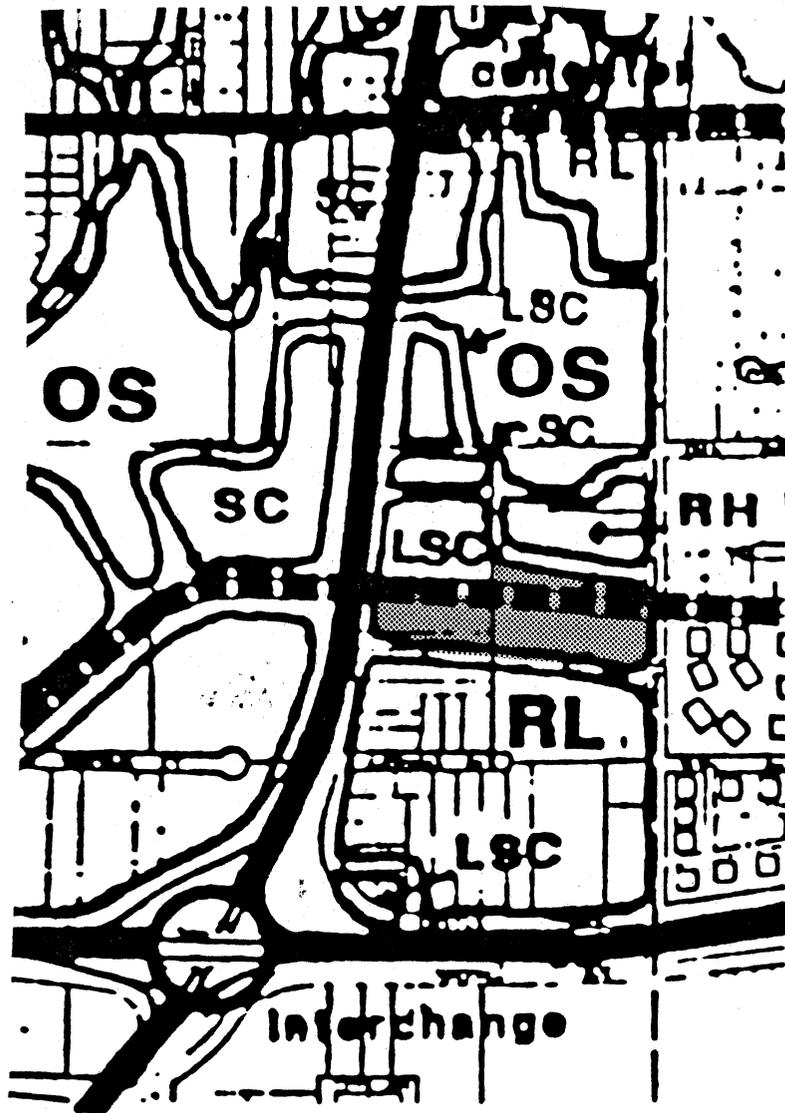
RECOMMENDATION

Authorize staff to replace the land use classifications in the City's land use plan with zoning classifications. Staff will bring back the specific changes for approval with the update of the Comprehensive Plan.

go/memo4.mem

Attachments:

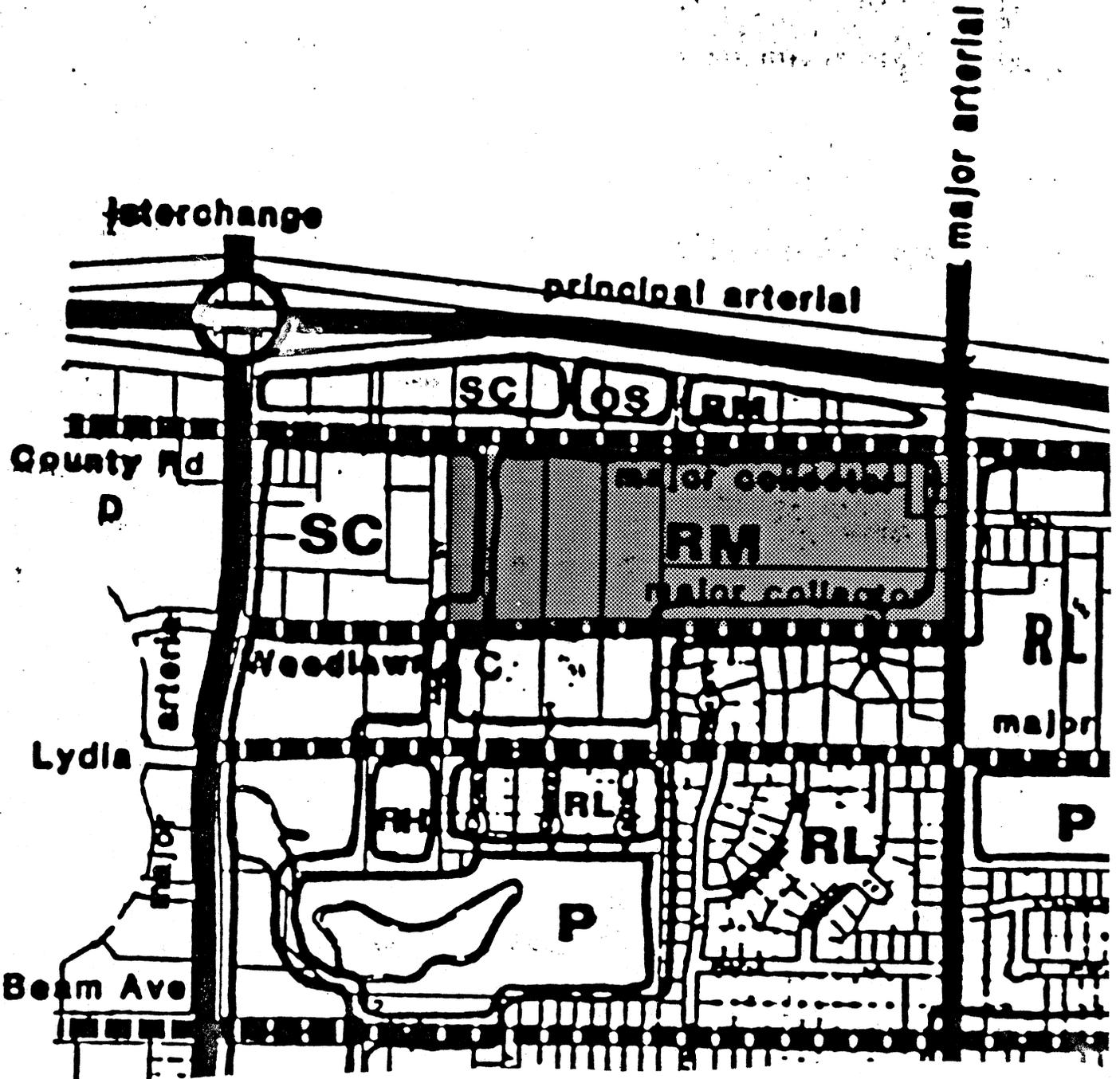
1. 4 land use maps
2. Land Use and Zoning Classification Chart



White Bear Ave.

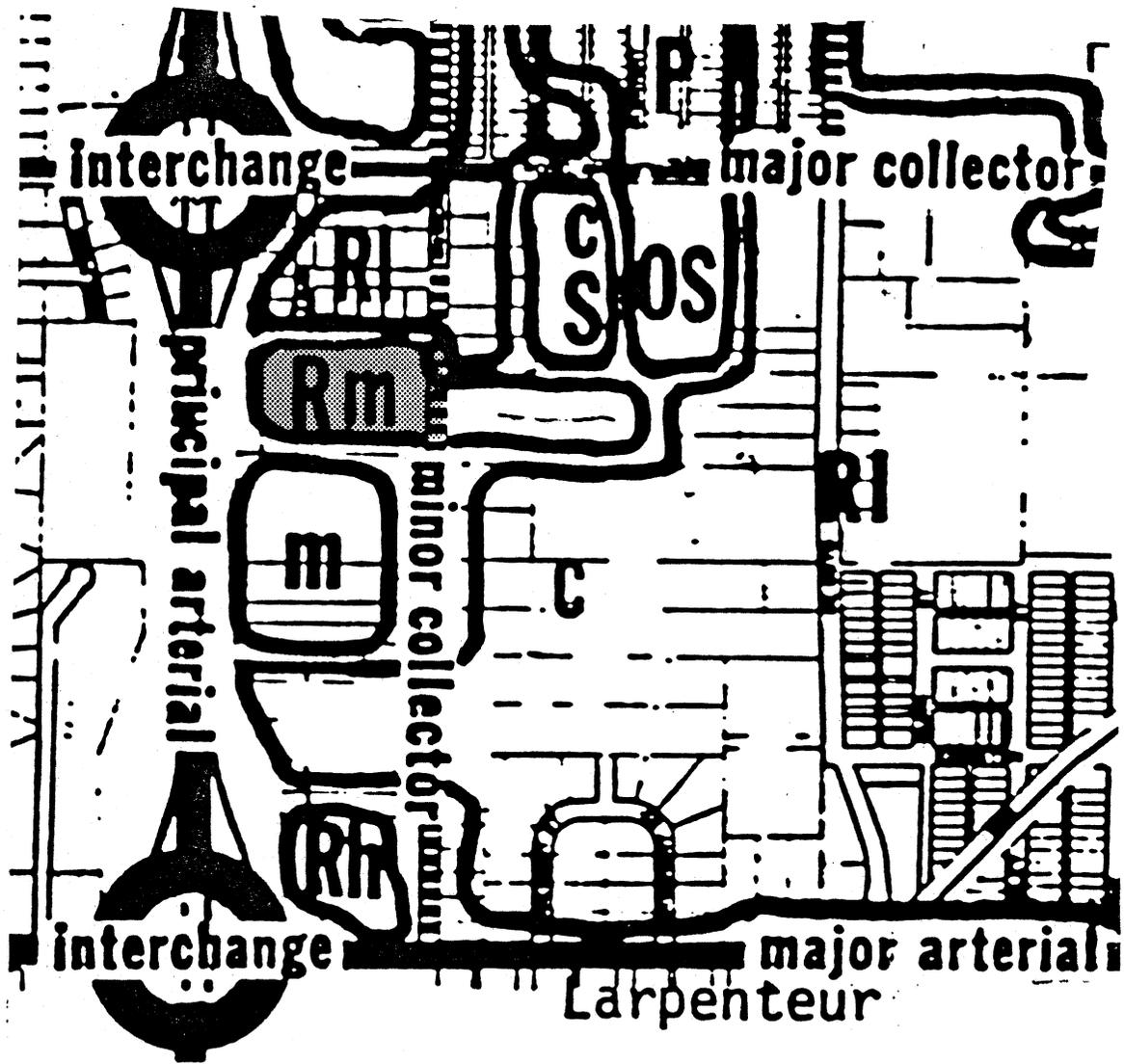
HAZELWOOD NEIGHBORHOOD LAND USE PLAN





**MAPLEWOOD HEIGHTS
NEIGHBORHOOD LAND USE PLAN**

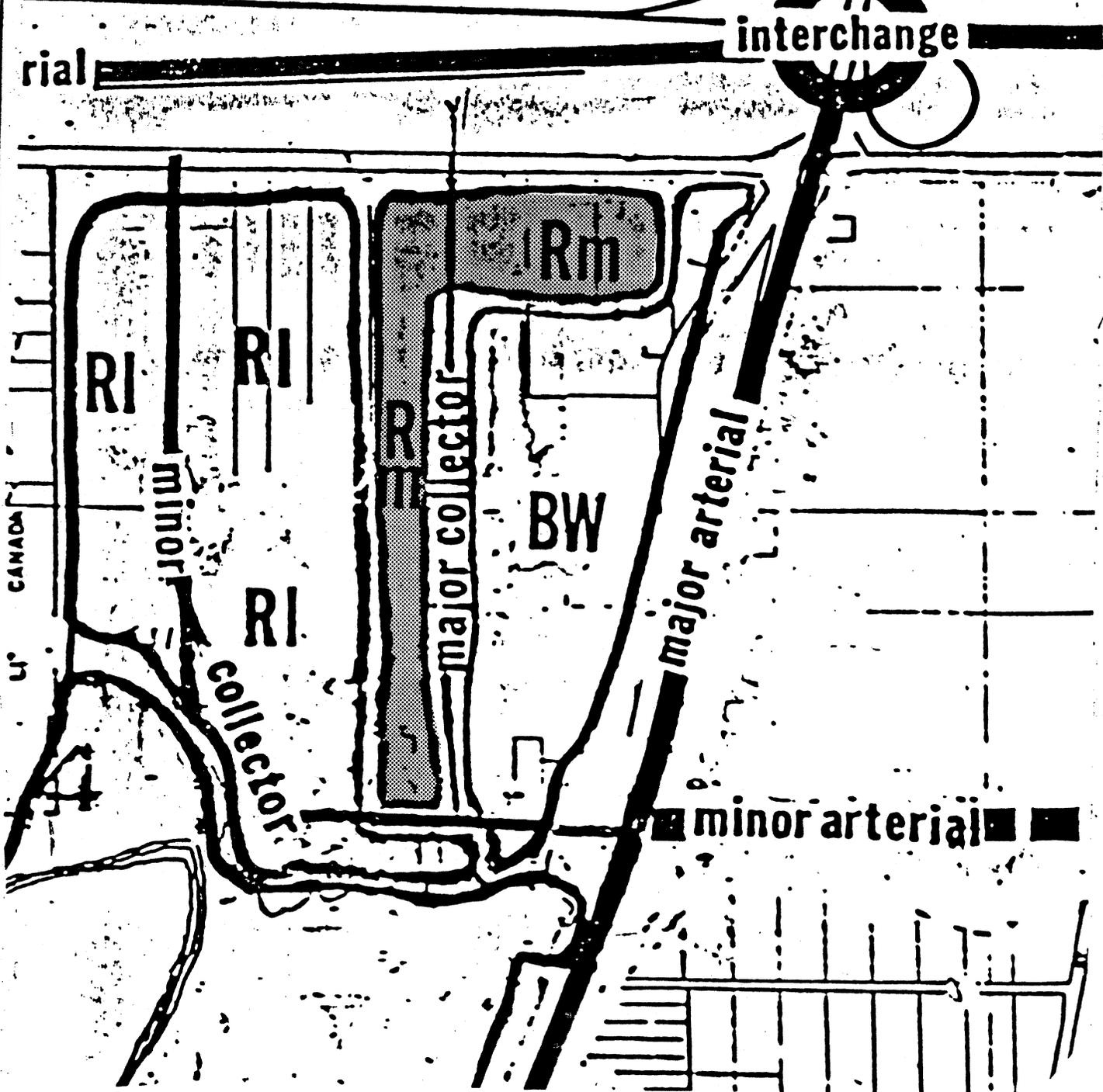




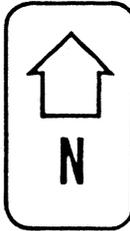
**Parkside
NEIGHBORHOOD LAND USE PLAN**



Vadnais Heights



Kohlman Lake
NEIGHBORHOOD LAND USE PLAN



LAND USE AND ZONING CLASSIFICATIONS

<u>Current Land Use</u>	<u>Current Zoning</u>	<u>Proposed Land Use</u>
OS	F	OS
C, S, M, P, W	F or R-1	C, S, M, P, W
RL	F or R-1	R-1, OS or R-3L
RM	R-3 or R-2	R-3M or R-2
RH	R-3	R-3H
LSC	LBC, CO, NC, BC(M), M-1	LBC, CO, NC, BC(M), M-1
SC	BC or M-1	BC or M-1
RB	BC(M)	BC, LBC, BC(M)
BW	M-1	M-1
DC	BC	BC
DR	M-1, M-2	M-1, M-2

KEY

<u>Land Use</u>	<u>Zoning</u>
OS = open space	F = farm residential
C = church	RE = residential estate
S = school	R-1 = single-family
M = municipal facility	R-2 = double dwelling
P = park	R-3 = multiple dwelling
W = water facility	NC = neighborhood commercial
RL = residential low density	LBC = limited business commercial
RM = residential medium density	CO = commercial office
RH = residential high density	BC(M) = business commercial modified
LSC = limited service commercial	BC = business commercial
SC = service commercial	M-1 = light manufacturing
RB = residential or business	M-2 = heavy manufacturing
BW = business commercial	
DC = diversified commercial	
DR = development research	

R-3L = low density multiple dwellings
R-3M = medium density multiple dwellings
R-3H = high density multiple dwellings

findings required by ordinance are the basis for this approval.

Commissioner Cardinal seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Sigmundik, Sinn

Nays--Rossbach

This motion passed.

6. UNFINISHED BUSINESS

a. Comprehensive Plan - Land Use Classification

Secretary Olson presented the staff report. The commissioners discussed the proposed change in the land use classifications with staff.

Commissioner Rossbach moved the Planning Commission recommend authorizing staff to replace the land use classifications in the City's land use plan with zoning classifications. Staff will bring back the specific changes for approval with the update of the Comprehensive Plan.

Commissioner Anitzberger seconded

Ayes--Anitzberger,
Axdahl, Barrett,
Cardinal, Fiola,
Fischer, Gerke,
Rossbach, Sigmundik,
Sinn

This motion passed.

7. VISITOR PRESENTATIONS

8. COMMISSION PRESENTATIONS

a. Council Meeting: May 14

Secretary Olson reported on this meeting.

b. Representative for the May 31 Council Meeting: Gary Gerke

9. STAFF PRESENTATIONS

10. ADJOURNMENT

Meeting adjourned at 9:09 p.m.

Action by Council:

AGENDA REPORT

TO: City Manager

FROM: Assistant City Engineer Bruce Irish

SUBJECT: City-Wide Water Main Extensions & Miscellaneous Improvements, Project 90-07--Schedule Public Hearing

DATE: June 6, 1990

Endorsed _____

Modified _____

Rejected _____

Date _____

Introduction

The subject feasibility report is transmitted separately. A resolution is attached to schedule a public hearing.

Background

The feasibility study was ordered by the council on March 26, 1990.

Recommendation

It is recommended that a public hearing be held at 7 p.m. on July 9, 1990.

BAI

jw
Attachment

RESOLUTION

ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the city engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to city-wide water main extensions and miscellaneous improvements, City Project 90-07, by construction of water main and services together with sanitary sewer and services, storm sewer, and streets where applicable, and

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

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

1. The report of the city engineer advising this council that the proposed city-wide water main extensions and miscellaneous improvements, City Project 90-07, by construction of water main and services together with sanitary sewer and services, storm sewer, and streets where applicable is feasible and should best be made as proposed, is hereby received.
2. The council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$5,188,000.
3. A public hearing will be held in the council chambers of the city hall at 1830 East County Road B on Monday, the 9th day of July, 1990, at 7 p.m. to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.

AGENDA REPORT

Action by Council:

TO: City Manager
 FROM: Assistant City Engineer Bruce Irish
 SUBJECT: Gonyea's Oak Heights--Cash Payment Proposal
 DATE: June 5, 1990

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Introduction

A plat condition for Gonyea's Oak Heights subdivisions was the construction of a storm sewer outlet from Pond 15, adjacent to 1060 South McKnight Road, to Pond 16 which is just south of the intersection of Highwood and McKnight. A reference map is attached. Due to circumstances beyond the control of the developer, the required storm sewer has not been built. Rather than continue to provide for a letter of credit until the legal concerns regarding lack of an outlet for the entire drainage area have been resolved, the developer has proposed a cash payment to the city to satisfy the plat condition.

Background

The developer has offered to pay the city \$47,000 in lieu of construction of the storm sewer. The developer states that the work was originally bid at approximately \$40,000 as part of the larger contract for the whole subdivision improvements. It may cost more as a stand-alone construction project.

The engineering department estimate of the construction cost of this storm outlet is \$57,600. This does not include costs of engineering to revise the existing plan and provide for inspection or any contingencies. An itemized breakdown is given in the following:

Mobilization/Traffic Control	1 ls @ 4,000	=	\$ 4,000
36" RCP Class III	553 lf @ 55	=	30,500
MH	3 ea @ 1,800	=	5,400
Inlet Structure	1 ea @ 4,500	=	4,500
36" FES & Rip Rap	1 ea @ 4,000	=	4,000
Sod 25 FF 553	1550 sy @ 1.75	=	2,700
Relay 12" W.M.	340 lf @ 15	=	5,100
Driveway	1 ls @ 300	=	300
Bituminous Curb	340 lf @ 3.25	=	1,100
ESTIMATED CONSTRUCTION COST			\$57,600

If the developer's proposal for cash payment in lieu of construction of the required storm sewer is accepted by the

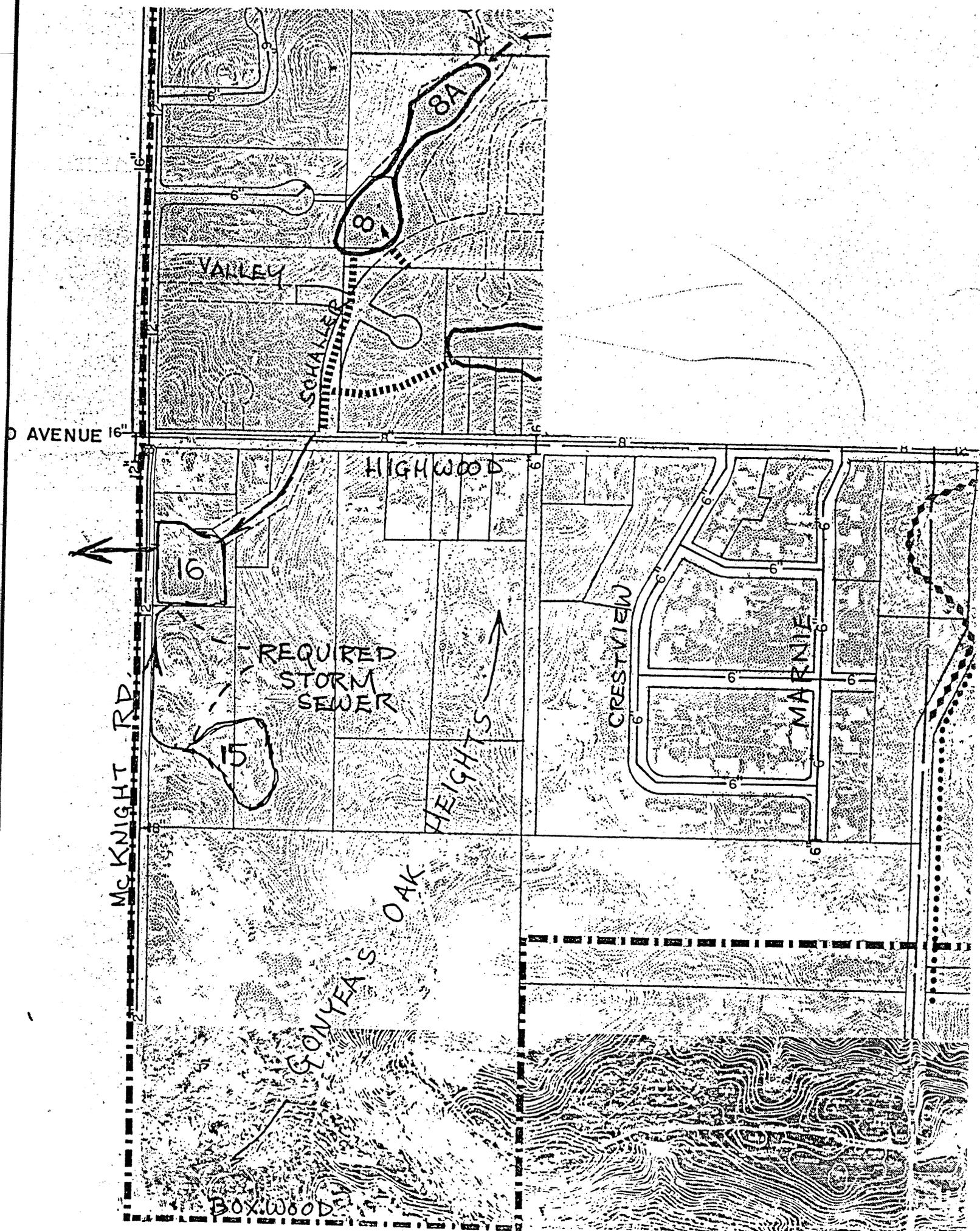
council, then the construction of the storm sewer would become the sole responsibility of the city. Since Pond 15 is a landlocked hole with no overland flow path below that of abutting private property, there is potential for flooding damage to private property. In fact, city maintenance personnel have had to pump the pond on several occasions to limit encroachment onto private property. It is proposed to include the construction of this storm sewer with the proposed project to provide for an outlet for the entire drainage area. It is planned to present the feasibility report for the entire drainage area outlet at the second June meeting of the council.

Recommendation

The proposed cash payment may not cover the full costs of the required construction. However, acceptance of the developer's cash payment proposal is thought to be the most practical course of action at this point.

BAI

jw
Attachment



AGENDA REPORT

Action by Council:

TO: City Manager
FROM: City Engineer
SUBJECT: Mall Area Traffic Improvements
DATE: June 5, 1990

Endorsed _____
Modified _____
Rejected _____
Date _____

The consultant, Strgar-Roscoe-Fausch, Inc., has submitted a proposal consistent with the work requested by the city council in March. The proposal is to conduct the work on a time and material basis with a cost not to exceed \$13,250. For the level of detail provided, this amount seems reasonable.

It is recommended the city council authorize the consultant to proceed and establish a budget to be financed by tax-increment funds.

KGH

jw

SRF

STRGAR-ROSCOE-FAUSCH, INC.

CONSULTING ENGINEERS

TRANSPORTATION ■ CIVIL ■ STRUCTURAL ■ PARKING ■ LAND SURVEYORS

MAY 21 1990

May 17, 1990

Mr. Kenneth G. Haider, P.E.
Director of Public Works
CITY OF MAPLEWOOD
1830 East County Road B
Maplewood, Minnesota 55109

RE: PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR SURVEYING AND PRELIMINARY ENGINEERING FOR INTERSECTION AND ROADWAY MODIFICATIONS ON WHITE BEAR AVENUE FROM COUNTY ROAD "D" THROUGH THE I-694 INTERCHANGE

Dear Mr. Haider:

We are pleased to submit this proposal for our services relative to the above referenced project.

SCOPE OF SERVICES

The scope of our work as we understand it, is to perform the following tasks:

Phase I--Surveys

1. Perform a detailed survey of the area along White Bear Avenue through the County Road "D" intersection, and each ramp intersection of the I-694 interchange to establish existing right-of-way and roadway widths.
2. Prepare a base map with the survey results.

Phase II--Concept Layout

1. Prepare 1" = 50' concept layouts of the project area for each of three alternative designs.
2. Prepare preliminary engineering cost estimates for each alternative.
3. Attend meetings with the City of Maplewood, Ramsey County and Mn/DOT Metro East to present and discuss the layouts.
4. Issue a summary memorandum and make a presentation of the alternates to the Maplewood City Council.

Suite 150, One Carlson Parkway North, Minneapolis, Minnesota 55447
612/475-0010 FAX 612/475-2429

BASIS OF PAYMENT

We would propose to perform the work on an hourly basis at a rate of 2.5 times salary cost for the actual time expended, reimbursement for out-of-pocket expenses (printing, reproduction, etc.) at cost and for mileage at a rate of \$0.26 per mile.

Based on the outlined Scope of Services, we estimate the cost of our services for the project to be \$13,250. We will not exceed this amount without your approval.

The estimate of our fee is based on the Scope of Services. It is understood that if the Scope or the extent of the work should be adjusted at any time, the fee will be adjusted accordingly.

NOTICE TO PROCEED

A signed copy of this proposal or a separate letter of authorization returned to this office will serve as notice to proceed. We will begin the work immediately thereupon and complete the project within a mutually agreed upon time schedule. This proposal is valid for 30 days and shall terminate thereafter if not accepted by the owner in writing.

We sincerely appreciate your consideration and hope that we may look forward to working with you on this project. Please feel free to contact us if additional information regarding the subject is required.

Very truly yours,

STRGAR-ROSCOE-FAUSCH, INC.



Dennis R. Eyler, P.E.
Principal

DRE:bba

APPROVED

Name _____

Title _____

Date _____

I-7

RECEIVED

MAY 23 1990

MAPLEWOOD
POLICE

Action by Council:

M E M O R A N D U M

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: ✓ Kenneth V. Collins, Director of Public Safety
 Kenneth G. Haider, Director of Public Works

FROM: Michael A. McGuire, City Manager *MAM*

RE: "NO PARKING" SIGNS

DATE: May 21, 1990

Please review the attached letter requesting "no parking" signs on the corner of Sophia and East Shore Drive and prepare an agenda report for the June 11th meeting.

MAM:kas

Attachment

MAY 21 1990

Philip and Connie Paquette
1772 East Shore Drive
St. Paul, Minnesota 55109

May 8, 1990

Maplewood City Council
1830 East County Road B
Maplewood, Minnesota 55109

Dear Council Members,

We have lived at the corner of Sophia and East Shore Drive for fourteen years. In that time, we have seen the vehicle and pedestrian traffic around the lake increase significantly.

We request that "No Parking" signs be placed on the north side of Sophia between Phalen Place and East Shore Drive for the following reasons:

1. The road is narrow and Emergency vehicles cannot get by when cars are parked on both sides. This is especially critical in the winter months with snow build up from snowplowing .
2. Many vehicles now park as close as possible to the stop sign at the corner of Sophia and East Shore Drive, making it difficult for drivers to see the sign.
3. We have two small children. We are concerned that drivers cannot see them with so many cars parked thus making it hazardous for the children.
4. The parking of cars is inconvenient for the neighborhood. Campers and pick-up trucks are parked there all day and in the evening while their owners are out fishing.

Adequate parking is provided around the lake for public use. Perhaps the only way to encourage the use of the public parking is to restrict parking on residential streets.

We ask that you grant our request for a parking ban for the reasons stated above. Thank you for your consideration in this matter.

Sincerely,
Philip J. Paquette
Connie Paquette
Philip and Connie Paquette

Action by Council:

AGENDA REPORT

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: Michael McGuire, City Manager
FROM: Gretchen Maglich, Assistant City Manager *Gretchen Maglich*
RE: STORAGE AND RE-USE OF VIDEOTAPES
DATE: June 1, 1990

BACKGROUND

The City plans to begin videotaping City Council meetings in June. Videotapes of City Council meetings are considered to be government records under the Minnesota Government Data Practices Act. Although the official record of the Council meetings is the written minutes, the Act requires the City to retain these tapes as an official City record for years unless the City Council obtains permission from the State's Records Retention Panel to dispose of the tapes more frequently. The standard retention schedule would be very expensive as well as creating a storage problem. Therefore, the Ramsey/Washington Counties Suburban Cable Commission (RWCSCC) is recommending that the City Council adopt a policy for tape retention and disposition. The Records Retention Schedule that was adopted by the City Council on April 9, 1990, did not cover videotape technology.

The policy presented for your review states that tapes will be retained for 30 days, and after those 30 days have passed, the tape will be erased and become available for re-use. The thirty day period is recommended, because it is a reasonable amount of time for an individual to request to review a tape or have it copied.

The policy outlines a procedure for copying a tape. The tapes are accessible to the public for viewing free of charge. If a person would like a copy made, they would submit a written request and pay a reasonable amount to cover the cost of the tape and the labor involved in copying. The actual copying cost will be set by the City to cover any cost that the City incurs. The City of North St. Paul has adopted a similar policy. However, their retention policy is 15 days. The copy charge is the same.

The attached resolution contains the provisions for the videotape policy as outlined above.

RECOMMENDATION

It is hereby recommended that the City Council adopt the resolution to establish a City policy regarding the retention, disposition and copying of videotapes of public meetings.

MAM:kas

Attachment

RESOLUTION NO.

VIDEOTAPE RETENTION POLICY

WHEREAS, the Minnesota Government Data Practices Act requires the City to retain the videotapes of public meetings for years; and

WHEREAS, all public government data including videotapes must be maintained in such a manner as to make it easily accessible for convenient use of the public; and

WHEREAS, the establishment of the City of Maplewood's retention, disposition and copying policy is contingent upon the acceptance of this policy by the Minnesota State Records Disposition Panel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood that:

1. The videotapes of public meetings will be stored for a period of 30 calendar days following a meeting;

2. Within the 30 days, the tape will be available for viewing free of charge during that time;

3. A copy of the tape may be requested during that 30 day period. The request must be in writing. The copying charge will be a flat rate for a single tape 2 or less hours in duration. This duplication charge will be composed of the cost of a new tape plus the time required to copy the tape. The copying charge shall be paid before the copy is released;

4. Copies of the tapes will be provided as soon as possible from the time the request is received; and

5. Following the 30 day retention period, the tapes will be available for re-use.

Passed by the Maplewood City Council on _____, 1990.

Attest:

Lucille E. Aurelius, City Clerk

Norman G. Anderson, Mayor

Agenda Number I-9

Action by Council:

AGENDA REPORT

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: Mayor and City Council
FROM: City Manager *Michael McGuire*
RE: **CONSOLIDATION/MERGER AND ANNEXATION**
DATE: June 5, 1990

INTRODUCTION

At the last regular Council meeting, Staff was directed to place on the agenda this item. A copy of an LMC memo and the State law dealing with consolidation is attached to this report.

COMMENTS

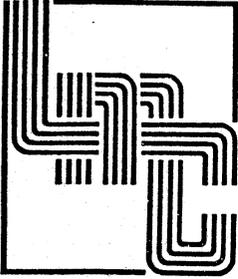
Certain benefits and cost savings/economies associated with consolidation seem likely. Whether those savings are enough to justify consolidation should be thoroughly researched and documented before the Municipal Board gets involved.

RECOMMENDATION

If the City Council feels that consolidation with a neighboring community or communities should be pursued further, Staff should be given direction to meet with the Staff for that community or communities.

MAM:kas

Attachment



league of minnesota cities

300 hanover building, 480 cedar st., saint paul, minn. 55101

information

for municipal officials

390c.1

Rev: November, 1980

CONSOLIDATION OF CITIES

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Effective date	5

This memorandum outlines the requisites and procedure for the consolidation of two or more cities in Minnesota. (See generally M.S. 414.041.) It does not include a discussion of the merger of a town with a city. Since that subject is treated in the statutes as an annexation of unincorporated land to a city, it is considered in the League memo entitled, "Annexation of Land to Minnesota Cities", 390b.1.

The Minnesota Municipal Board

Minnesota has a single comprehensive law on incorporation and consolidation of cities and changes in city boundaries. It created a state commission, the Minnesota Municipal Board, to conduct proceedings and issue orders for the creation of a city, the combination of two or more governmental units, and the alteration of municipal boundaries.¹

The three members of the part-time board are appointed by the governor for four-year terms, and at least one must be a lawyer. The board chooses a full-time executive director who also must be a lawyer. In proceedings for the consolidation of cities, two county commissioners are added to the board from the county in which most of the affected land is located. Neither of the commissioners may be from a district in which any part of the cities to be consolidated is located unless two other commissioners are unavailable. (M.S. 414.01, Subd. 2.)

The statute provides that in consolidation proceedings, as in other proceedings before the board, the executive director or any board member may receive and report evidence. If evidence is received by one board member or the director, that official must make a report of the evidence to the board. When all members of the board do not attend a hearing, the director must have a transcript of the hearing made and distributed to all board members if requested by a party. The party then makes its decision based on all the evidence submitted. When the evidence is received by fewer than two permanent members, the board's order is stayed for 30 days during which time any party may de-

mand a rehearing by the full board. (M.S. 414.01, Subd. 12.)

The law contemplates that meetings and hearings may be held by means of electronic media (e.g. conference telephone call), but at the request of any party, the board must meet physically. (M.S. 414.011, Subd. 8; M.S. 414.09, Subd. 1.)

REQUISITES FOR CONSOLIDATION

The cities must be abutting - the statute (M.S. 414.01, Subd. 6) defines "abutting" to include areas whose boundaries at least touch one another at a single point including areas where boundaries would touch but for an intervening roadway, railway, waterway, or parcel of publicly owned land. Two or more cities can be consolidated if all are "connected by common boundaries, so that each city shares a common boundary with at least one of the included cities." (See M.S. 414.041, Subd. 1.)

The proceeding is under the control of the state municipal board, and it must find that certain conditions exist before consolidation can take place.

PROCEDURE FOR CONSOLIDATION

Initiating the proceeding

1. The proceeding is commenced by:
 - a) submitting to the executive director of the board a resolution of the city council of each affected municipality; or
 - b) submitting to the executive director a petition signed by at least five percent of the resident voters of a municipality who voted for governor at the last general election; or
 - c) by the municipal board on its own motion.

¹ Minnesota Municipal Board, Metro Square Building, 7th and Robert Streets, St. Paul, MN 55101.

2. The petition or resolution must include:

- a) the name of each included city;
- b) description of boundaries;
- c) the reasons for requesting consolidation;
- d) the names of all parties entitled to notice under M.S. 414.09 (i.e. names of the clerks of the present cities, the clerk of any town or city abutting the included cities, the chairman of the county board of the county containing the included cities, and the secretary of each planning agency having jurisdiction over the affected area).

3. The party initiating the proceeding must serve copies of the petition or resolution on all of the included cities.

Appointment of a consolidation commission

After the proceeding is initiated, the board must appoint a consolidation commission of at least five members from each city. These are chosen from ten candidates submitted by each council. From a separate list of three persons submitted by each council, the board must appoint a commission chairperson who is a resident of an affected county but a nonresident of the affected cities. A member may hold an elected or appointed office. Consolidation commission members hold office until a consolidation report has been issued by the commission. The municipal board fills vacancies in the commission by appointment. The commission must make operational and procedural rules including quorum requirements.

Hearings by the consolidation commission

The commission must conduct hearings on the proposed consolidation. Hearings must include but not be limited to the following:

- a. The contents of any city charter for the proposed consolidated city or the form of government of the city.
- b. Analysis of whether the proposed city should have a ward system.
- c. Each factor that must be considered by the municipal board under M.S. 414.041; Subd. 5. See following section "Municipal board determination."

Report by consolidation commission

Based on these factors and other matters coming before it, the consolidation commission must then issue a report to the municipal board with its findings and recommendations. This must be done within two years from the date of the commission's original appointment.

The public hearing by municipal board

1. Time and place

A public hearing must be held by the board not less than 30 nor more than 120 days after it receives the report of the consolidation commission. The hearing is held at some convenient place in the county in which the majority of the affected territory is located.

2. Notice

- a. The executive director of the board must mail notice of the hearing to the county in which all or a part of the territory is located, to all included cities, to any town or city abutting the affected territory, and to any planning agency exercising authority or advisory jurisdiction over all or a part of the area.
- b. The director must publish notice of the hearing for two successive weeks in a legal newspaper of general circulation in the area.
- c. Proceedings initiated by the board on its own motion must be set for hearing at least 30 days after mailed notice.

Municipal board determination

1. The board must consider and may accept, amend, return to the consolidation commission for amendment or further study, or reject the commission's findings and recommendations based upon the board's written determination of what is in the best interests of the affected cities.
2. If the board finds that consolidation will be for the best interest of the cities, it shall order the consolidation subject to local approval when required by law. See next section.

3. As a guide in making its determination, the board must consider the following factors:

- a. Present population, past population growth and projected population of the included cities;
- b. Quantity of land within the included cities, and natural terrain including general topography, major watersheds, soil conditions, and such natural features as rivers, lakes, and major bluffs;
- c. Degree of contiguity of the boundaries between the included cities;
- d. Analysis of whether present planning and physical development in the included cities indicates that the consolidation of these cities will benefit planning and land use patterns in the area, and the present transportation issues, including proposed highway development;
- e. Analysis of whether consolidation is consistent with comprehensive plans for the area;
- f. Analysis of whether governmental services now available in the included cities can be more effectively provided by consolidation;
- g. Analysis of whether there are existing or potential environmental problems and whether municipal consolidation will help improve such conditions;
- h. Analysis of tax and governmental aid issues involved in the consolidation of the included cities;
- i. Analysis of the effect of consolidation on area school districts; and
- j. Analysis of applicability of the state building code.

In all cases, the board must set forth the factors which are the basis for the decision.

3. If the board orders consolidation, the order must provide for the election of new officers in accordance with M.S. 414.09. This section requires the election to be held not less

than 45 nor more than 60 days after the issuance of the order. The board appoints an acting clerk for election purposes as well as three election judges who must be residents of the area. The board also designates polling places within the new city.

The acting clerk prepares the election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four nor less than two weeks before the election. The acting clerk must publish the opening and closing dates for filing at least one week before the first day to file together with information as to the clerk's office address, his office hours and the filing fee. The clerk must also publish notice of the election date for two successive weeks immediately prior to the election. The notice must state the purpose, date, and polling places for the election and the time the polls will be open which must be at least five hours.

If the new city is a statutory city, the election is conducted in conformity with statutory city election law so far as applicable. If the new city is a home rule city, the election is conducted in conformity with the charter and laws for conducting city elections. Any person eligible to vote in a municipal election within the area of the new city is eligible to vote at the election.

Any excess in the expense of conducting the election over receipts from filing fees is a charge against the new city. Any excess of receipts is deposited in the treasury of the new city.

4. The municipal board may, in accordance with M.S. 272.67, Subd. 1, order the community divided into urban service districts and rural service districts as specified in Subd. 2, i.e. the rural district generally must be unplatted and undeveloped. These districts are separate taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments. In other words, the rural district would be taxed at a lower rate than the urban district because it would receive less service from the city than the urban district. These districts may be changed by the city council in the same way an ordinance is changed in accordance with the statute. It does not appear that the

council is required to wait any period before changing the service districts, but may change them immediately in accordance with other provisions in the statute.

5. Alternatively, where one city is receiving substantially fewer municipal services, the board may provide that the mill levy of such a city shall be increased in substantially equal proportions over a period of not more than five years to equality with the mill levy in the remainder of the new city. The board will determine the length of time based on the period reasonably required to effectively provide substantially equal municipal services (M.S. 414.041, Subd. 4a).
6. If the most populous of the included cities is a statutory city, the new city becomes a statutory city and optional plan A is the plan of government, although another plan may be adopted at any time pursuant to M.S. 412.551. If the most populous city is a home rule city, the new city will be governed by the charter governing that city, but any ward system is automatically voided.

If the consolidation commission has included a proposed home rule charter as part of its findings and recommendations, the municipal board may in its order combine the issue of the adoption of the charter and the vote on approval of the order for consolidation into one question on the ballot and must then submit it at a special or general election as provided in M.S. 410.10 relating to home rule charters generally. Presumably, if a proposed charter is recommended by the consolidation commission, submitted by the municipal board to the electorate by inclusion of the proposed charter form in its consolidation order, and approved by the electorate, adoption of the form of government of the largest consolidating city is avoided. The statute is unclear as to the requisite majority since 50% plus one vote in each of the cities proposed for and voting on consolidation would be adequate to approve consolidation if an election is required. However, 51% approval would be necessary to adopt a home rule charter under M.S. 410.11. Since a separate referendum is required by M.S. 414.041, Subd. 6, in each city, arguably, a 51% majority in each would be necessary to adopt the proposed charter.

7. The ordinances of all the included cities continue in effect within their former boundaries until repealed by the governing body of the new city.
8. The new city assumes the name of the most populous city, unless previous to the election of officers a different name is selected by joint resolution of a majority of the included cities or by the consolidation commission.
9. The board may establish a ward system in the new city in which event there must be not less than three nor more than seven wards. The city may abandon the ward system by 4/5 vote of the council at any time after two years have elapsed.
10. The number of license privileges in the included cities cannot be diminished by reason of the consolidation.
11. Upon consolidation, all money, claims, or properties, including real estate owned, held, or possessed by the former cities, and any proceeds or taxes levied by such cities, collected and uncollected, become the property of the new city to use or dispose of for such public purposes as the council claims best subject to the claims of creditors.
12. Any bonded indebtedness of a town or former city which was consolidated into a new city, for such things as swimming pools, sewers, municipal facilities, and other proper expenditures, must be paid for by the persons living within the boundaries of the old community unless the councils of the affected communities agree, by resolution, that the new community will assume the bonded indebtedness of the old units of government. In other words, unless there is a prior agreement that the bonded indebtedness will be paid off by the newly created unit of government as a whole, residents in the old units have to pay off their own debt. (M.S. 414.067, Subd. 2.)
This law was adopted in 1971, and according to the executive director of the municipal board, there has been no practical or legal experience with it. Thus, the details of any possible agreement on bonded indebtedness prior to a consolidation are unknown. It is not clear, for example, whether the merging communities could agree that the new city

would assume only a portion of their individual debts. These questions will only be answered as the statute is utilized in actual situations and a body of legal precedent develops.

13. The municipal board must indicate in its orders the estimated increased costs to newly enlarged cities resulting from annexations and consolidations, and the time period that such cities shall be allowed special levies for those increased costs pursuant to M.S. 275.50, Subd. 5(s). (M.S. 414.01, Subd. 15.)
14. If the consolidation is denied or defeated in a referendum, no proceeding for consolidation of the same cities can be initiated for at least two years from the date of the order unless authorized by the board.

Approval by the cities to be consolidated

1. Proceedings initiated by voter petition

- a. If the consolidation is initiated by petition of voters, the board's order for consolidation is final upon approval by resolution of each city council unless ten percent or more of the resident voters of an affected city who voted for governor at the last general election petition the city council for a referendum on the consolidation. The petition must be submitted within 90 days of the final date of the board's order or the date of final approval of the board's order by the city councils, whichever is later.
- b. Upon receipt and verification of the petition, the board must order the cities to conduct separate referenda at a general or special election held on the same day. The referenda are held within six months of receipt of the petition. Costs of each referendum is borne by the city holding it.

- c. The consolidation is approved if a majority of those voting in each city vote in its favor. Results must be certified to the executive director of the municipal board within ten days and that officer then notifies all parties of the election results.

2. Proceedings initiated by council resolutions

- a. If the consolidation originates with council resolutions, the board's order for consolidation is final unless there is a petition as provided in 1 above. In that case, an election is held as provided in those paragraphs.

3. Proceedings initiated by municipal board

- a. If the consolidation is initiated by the board on its own motion, the order must be approved both by each council by majority vote and by the voters at a general or special election. The form of the ballot is fixed by the board.
- b. If a majority of the votes cast on the question in each city are in favor, the order is approved. If the council of one city disapproves the consolidation, it is nevertheless deemed to have approved it if the petition came from the voters of that city and the proposition received the necessary majority at the election.

In the case of all elections, the form of the ballot is fixed by the municipal board.

Effective date

The executive director of the municipal board must send copies of the order to all parties entitled to notice under M.S. 414.09 and to all other parties of record. He must also send copies of the order and the document initiating the proceeding to the secretary of state and to the county auditor of the county in which the territory is located.

If the necessary local approval has been secured, the board order becomes effective upon the election and qualification of new municipal officers.

414.041. Consolidation of two or more municipalities

Subdivision 1. Initiating the proceeding. Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities. The proceeding shall be initiated in one of the following ways:

(a) Submitting to the executive director a resolution of the city council of each affected municipality;

(b) Submitting to the executive director a petition signed by five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(c) By the board on its own motion.

The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09. The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Subd. 2. Appointment of consolidation commission. Upon receipt of a petition or a resolution requesting consolidation or upon the board's own motion, the board shall appoint a consolidation commission from a list of ten candidates submitted by each affected city council. The commission shall be composed of not fewer than five members from each affected municipality. From a separate list of three persons submitted by each affected city council, the board shall appoint a commission chair who is not a resident of an affected municipality but who resides in an affected county.

No person is disqualified from serving on a consolidation commission by reason of holding other elected or appointed office. Consolidation commission members shall hold office until a consolidation report has been issued by the commission. The board shall fill vacancies in the commission by appointment. The consolidation commission shall make rules with reference to its operation and procedures including quorum requirements with reference to its operations and procedures.

Subd. 3. Commission's hearing and report. The consolidation commission shall conduct hearings regarding the proposed consolidation. The hearings shall include, but are not limited to, the following subjects:

(a) The contents of any city charter for the proposed consolidated city or the form of government of the proposed consolidated city;

(b) Analysis of whether a ward system shall be included in the form of government of the proposed consolidated city; and

(c) Each factor considered by the board under subdivision 5, clauses (a) to (i).

Based on these factors and upon other matters which come before the consolidation commission, the commission shall issue a report to the municipal board with findings and recommendations within two years from the date of the board's initial appointment of the commission.

Subd. 4. Board's hearing and notice. Upon receipt of the commission's report, the executive director shall designate a time and a place for a hearing in accordance with section 414.09.

Subd. 5. Board's order. In arriving at its decision, the board shall consider the following factors:

(a) Present population, past population growth and projected population of the included municipalities;

(b) Quantity of land within the included municipalities; and natural terrain including general topography, major watersheds, soil conditions, and such natural features as rivers, lakes and major bluffs;

(c) Degree of contiguity of the boundaries between the included municipalities;

(d) Analysis of whether present planning and physical development in the included municipalities indicates that the consolidation of these municipalities will benefit planning and land use patterns in the area; the present transportation network and potential transportation issues, including proposed highway development;

(e) Analysis of whether consolidation of the included municipalities is consistent with comprehensive plans for the area;

(f) Analysis of whether governmental services now available in the included municipalities can be more effectively or more economically provided by consolidation;

(g) Analysis of whether there are existing or potential environmental problems and whether municipal consolidation will help improve such conditions;

(h) Analysis of tax and governmental aid issues involved in the consolidation of the included municipalities;

(i) Analysis of the effect of consolidation on area school districts; and

(j) Analysis of the applicability of the state building code.

The board shall consider and may accept, amend, return to the commission for amendment or further study, or reject the commission's findings and recommendations based upon the board's written determination of what is in the best interests of the affected municipalities.

The board shall order the consolidation if it finds that consolidation will be for the best interests of the municipalities. In all cases, the board shall set forth the factors which are the basis for the decision.

If the board orders consolidation, it shall provide for election of new municipal officers in accordance with section 414.09. If the most populous of the included municipalities is a statutory city, the new municipality shall be a statutory city and the plan of government shall be Optional Plan A, provided that an alternate plan may be adopted pursuant to section 412.551, at any time. If the most populous of the included municipalities is a home rule charter city or organized under a statute other than chapter 412, the new municipality shall be governed by its home rule charter or the statutory form under which it is governed except that any ward system for the election of council members shall be inoperable. If the commission's findings and recommendations include a proposed home rule charter for the new municipality, the board may in its order combine the issue of the adoption of the charter and the vote on approval of the order for consolidation into one question on the ballot, and shall submit it in a special or general election as provided in section 410.10. The ordinances of all of the included municipalities shall continue in effect within their former boundaries until repealed by the governing body of the new municipality.

Notwithstanding any other provision of law to the contrary, the board may in its order establish a ward system in the new municipality, in which event it shall establish not less than three nor more than seven wards, each of which shall elect one council member. When more than two years have elapsed after consolidation, the governing body may, by a four-fifths vote, abolish the ward system.

The new municipality shall assume the name of the most populous municipality unless previous to the election another name is chosen by joint resolution of a majority of the included municipalities or by the consolidation commission.

The number of license privileges existing in the included municipalities prior to consolidation and pursuant to state law shall not be diminished as a result of the consolidation.

If the consolidation is denied or defeated in a referendum, no proceeding for the consolidation of the same municipalities may be initiated within two years from the date of the board's order unless authorized by the board.

Subd. 6. Final approval of the consolidation. (a) If the consolidation was initiated by a petition of the resident voters of a municipality, the board's order for consolidation shall be final upon approval by resolution of the city councils in each of the affected municipalities unless ten percent or more of the resident voters of an affected municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation. The petition must be submitted within 90 days of the final date of the board's order or the date of final approval of the board's order by the city councils, whichever is later. Upon receipt and verification of the petition, the board shall order the municipalities to conduct separate referenda at a general or special election in each municipality on the same day, and the referenda shall be held within six months of the receipt of the petition. Costs of the respective referenda shall be borne by the respective municipality. A majority of those voting in each city must approve the proposed consolidation. The results of the referenda shall be certified to the executive director of the municipal board by the chief election judge within ten days after the referenda. The executive director shall upon receipt of the certificate notify all parties of the election results.

(b) If the consolidation was initiated by a city council resolution of each affected municipality, the board's order for consolidation shall be final unless ten percent or more of the resident voters of an affected municipality petition for a referendum as provided in clause (a).

(c) If the consolidation was initiated by the board's own motion, no consolidation order of the board involving existing municipalities shall become effective unless adopted by the council of each affected municipality by a majority vote and unless the consolidation order of the board is approved by the qualified voters of the affected municipalities at a general or special election set according to law. The form of the ballot shall be fixed by the board; and, if a majority of the votes cast on the question in each municipality are in favor of its adoption, the order of the board shall become effective as provided herein.

(d) Notwithstanding a disapproval of the board's order for consolidation by a city council of an affected municipality required to approve the board's order in clause (a) or (c), the board's order for consolidation shall nevertheless be deemed approved by that city council if ten percent or more of the resident voters of that municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation as provided in clause (a), and a majority of those voting in that municipality approve the board's order for consolidation.

Subd. 7. Differential taxation. Where one municipality is receiving substantially fewer municipal services, the board may provide that the mill levy of such a municipality shall be increased in substantially equal proportions over a period of not more than five years to equality with the mill levy in the remainder of the new municipality, such period to be determined by the board on the basis of the period reasonably required effectively to provide substantially equal municipal services.

Subd. 8. Effective date. The consolidation shall be effective upon the election and qualification of new municipal officers, or at such later date as set by the board in its order.

Laws 1969, c. 1146, § 13, eff. June 10, 1969. Amended by Laws 1973, c. 123, art. 5, § 7; Laws 1973, c. 621, § 5; Laws 1975, c. 271, § 6; Laws 1978, c. 705, § 23, eff. March 29, 1978; Laws 1979, c. 287, § 1; Laws 1986, c. 444.