

**AGENDA**

**MAPLEWOOD CITY COUNCIL**  
4:30 P.M., Thursday, June 21, 1990  
Community Room, Municipal Building

**A. CALL TO ORDER**

**B. 4:30 PRE-AGENDA MEETING**

**C. 5:30 COUNCIL/MANAGER MEETING**

**D. ADJOURNMENT**

**AGENDA**

**MAPLEWOOD CITY COUNCIL**

7:00 P.M., Monday, June 25, 1990

and

4:30 P.M., Thursday, June 28, 1990

Council Chambers, Municipal Building

Meeting No. 90-13

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 90-11 (May 31, 1990)
2. Minutes of Meeting No. 90-12 (June 11, 1990)

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

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

1. Approval of Claims
2. Budget Transfer - Planning Commission
3. Sale of Tax-Forfeited Land
4. Conditional Use Permit Renewal: 1810 County Road B (Fulk)
5. Time Extension: Portable Sign Permit (Red Wagon Liquors)
6. Administrative Overhead Charges - Improvement Projects
7. Interest on Developer Deposits
8. Corporate Resolution for Credit Cards at Wholesale Club
9. Project 84-14, Walter Street Budget Adjustment
10. Reschedule Beam Avenue Public Hearing
11. Change Order For Playcrest, Geranium and Sherwood Parks
12. U.S. Olympic Festival '90
13. Skateboards

EA PRESENTATIONS

1. Human Relations Commission Report - Re: John Glenn Middle School

F. PUBLIC HEARINGS

1. 7:00 P.M., Condor, Project 86-01: Assessment Hearing \_\_\_\_\_
2. 7:30 P.M., Street Vacation: Netnorlin Court \_\_\_\_\_
3. 7:45 P.M., Street Vacation: Harris Avenue \_\_\_\_\_
4. 7:55 P.M., Holloway Avenue (4 Votes)
  - a. Plan Amendment \_\_\_\_\_
  - b. Street Vacation \_\_\_\_\_
5. 8:10 P.M., Easement Vacation: 2242 White Bear Avenue \_\_\_\_\_

G. AWARD OF BIDS

1. Property, Liability and Workers Compensation Insurance \_\_\_\_\_
2. Beam Avenue Signals \_\_\_\_\_

H. UNFINISHED BUSINESS

1. Design Review Board Appeal: Gall Avenue (Seltun) \_\_\_\_\_
2. PUD Termination: Cave's English Street 2nd Addition \_\_\_\_\_
3. Code Amendment: Motor Fuel Stations (2nd Reading, 4 Votes) \_\_\_\_\_
4. Code Amendment: Truth-Sale-of-Housing (2nd Reading) \_\_\_\_\_
5. Open Space and Wetlands \_\_\_\_\_
6. Mall Area Traffic \_\_\_\_\_
7. City-Wide Watermain and Other Improvements \_\_\_\_\_

I. NEW BUSINESS

1. Footprint Lake Project: Plan Approval \_\_\_\_\_
2. Southlawn Drive and Maplewood Mall/Birch Run Intersection \_\_\_\_\_
3. Municipal State Aid Streets \_\_\_\_\_
4. Keller Parkway/County Road C Water Main, Project 88-10: Accept Project \_\_\_\_\_
5. County Road D Shoulder Paving Agreement \_\_\_\_\_

6. City Hall Update \_\_\_\_\_

J. VISITOR PRESENTATIONS

K. COUNCIL PRESENTATIONS

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

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**A. CALL TO ORDER**

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building, and was called to order at 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.

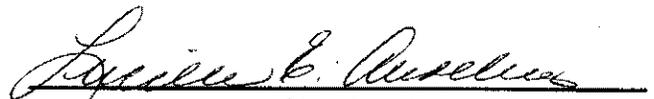
Seconded by Councilmember Zappa.

Ayes - Mayor Anderson, Councilmembers Juker and Zappa.

Nay - Councilmember Bastian.

M. ADJOURNMENT

10:47 P.M.

  
City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL  
7:00 P.M., Monday, June 11, 1990  
Council Chambers, Municipal Building  
Meeting No. 90-12

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers of the Maplewood City Hall, 1830 East County Road B, and was called to order by Mayor Anderson at 7:00 p.m.

B. ROLL CALL

Norman G. Anderson, Mayor	Present
Gary W. Bastian, Councilmember	Arrived at 7:03 p.m.
Frances L. Juker, Councilmember	Present
George F. Roszbach, Councilmember	Present
Joseph A. Zappa, Councilmember	Present

C. APPROVAL OF MINUTES

D. APPROVAL OF AGENDA

Mayor Anderson moved to approve the Agenda as amended:

1. Yard Waste
2. MWCC
3. Change in Conditions of Final Plats
4. Larpenteur & White Bear Avenue
5. Request for Engineer's Report of Highway Funds Lost in Past Year for Next Council Meeting

Seconded by Councilmember Bastian

Ayes - All

E. CONSENT AGENDA

Council removed and tabled Item E-4

Council removed Item E-6 to become I-11

Councilmember Zappa moved, seconded by Councilmember Bastian, Ayes All, to approve the Consent Agenda, Items 1, 2, 3 and 5 as recommended.

1. Approval of 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 Accounts Payable

PAYROLL:

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

2. 1990 Budget Change - Public Safety Department Study

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

3. Conditional Use Permit Renewal - Rolling Hills 2nd Addition

Approved renewal of a conditional use permit (CUP) for the Rolling Hills Mobile Home Park Second Addition.

4. Conditional Use Permit Renewal: 1810 County Road B (Fulk)

Tabled

5. Preliminary Plat Renewal: Beth Heights

Approved 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:

1. Conditions 1 through 3 and 5 through 9 remain unchanged.

2. Condition 4 is revised as follows:

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.

6. Preliminary Plat Renewal: Cave's English St. 2nd Addition

Discussed as Item I-11

EA. APPOINTMENTS AND PRESENTATIONS

Students from Presentation of Mary School and their coach were presented with Commendations for their participation and achievements in the Odyssey of the Mind program. Mayor Anderson presented Certificates to Michelle DuBay, Beth Grant, Jeff Radke, Steve Walsh, Eric Williams, Chris Yzerman and Coach Joyce Teibel.

F. PUBLIC HEARINGS

1. 7:00 p.m., 2305 Stillwater Road (Sarrack's)

a. Mayor Anderson convened the meeting for a public hearing regarding the request by Con/Spec Corporation for a variance to expand their parking lot five feet from the north lot line.

- b. Manager McGuire presented the staff report
- c. Community Development Director Geoff Olson presented the specifics of the proposal.
- d. Mr. Gust Sarrack, 2311 Case, owner, spoke on behalf of the proposal.
- e. Jim Kellison, ConSpec Corporation, spoke on behalf of the proposal.
- f. Mayor Anderson called for proponents or opponents of the proposal.
- g. Mayor Anderson closed the public hearing.
- h. Councilmember Juker introduced the following resolution and moved its adoption:

90 - 6 - 89

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, 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 approved.
2. The City Council held a public hearing on June 22, 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.
5. The fence is to be built to a minimum height of 6 feet above the level of the parking lot, the exact height to be determined by the architect and engineer to create a compatible height fence.

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.

Seconded by Councilmember Rossbach

Ayes - All

2. 7:15 p.m., 2280 Stillwater Avenue (Beaver Lake Lutheran Church)

- a. Mayor Anderson convened the public hearing regarding the proposed Lincoln Park Manor Seniors Building, whether it is to be built and whether the zoning should be changed. Such a change would require:
  1. Plan Amendment (4 Votes Required)
  2. Rezoning (4 Votes Required)
  3. Conditional Use Permit
- b. Manager McGuire presented the staff report.
- c. Community Development Director Olson presented the specifics of the proposal.
- d. Commissioner Robert Cardinal, Planning Commission, presented the Commission recommendation.
- e. Mayor Anderson called for proponents or opponents. A resident of Stillwater Avenue expressed his views.
- f. Mayor Anderson closed the public hearing
- g. Councilmember Juker introduced the following resolution and moved its approval:

90 - 6 - 90

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 C, church.
2. The City Council discussed the plan amendment on June 11, 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.

Seconded by Councilmember

Ayes - All

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

90 - 6 - 91

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 R-1.
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 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.

Seconded by Councilmember Rossbach

Ayes - All

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

90 - 6 - 92

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 terminated.
4. The City Council held a public hearing on June 11, 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.

Seconded by Councilmember Rossbach

Ayes - All

3. 7:30 p.m., Rolling Hills Mobile Home Park

- a. Mayor Anderson convened the public hearing regarding rezoning of the Rolling Hills 2nd Addition Mobile Home Park. This would require:
  1. Plan Amendment (4 Votes Required)
  2. Rezoning (4 Votes Required)
- b. Manager McGuire presented the staff report.
- c. Community Development Director Olson presented the specifics of the proposal.
- d. Dick Pearson, 1099 Crestview Drive, Hudson, WI, owner of Rolling Hills, spoke in opposition to the rezoning.
- e. Councilmember Zappa moved to table the item with instructions to staff to review the zoning in the area surrounding Rolling Hills and report back to the Council.

Seconded by Councilmember Juker

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

G. AWARD OF BIDS:

None

H. UNFINISHED BUSINESS:

1. 1990 Budget - Reduced State Aid

At the May 31 meeting, Council directed staff to prepare a list of reductions in department budgets totalling \$113,200 as an alternative to using the remaining General Fund Contingency Account and part of the General Fund balance.

- a. Manager McGuire presented the staff report.
- b. Finance Director Faust presented the specifics of the proposal.
- c. Councilmember Bastian moved to approve the following list of changes:

<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	

Seconded by Councilmember Zappa

Ayes - All

2. Mark's Nature Haven

- a. Preliminary Plat
- b. Rezoning

- 1. Manager McGuire presented the staff report
- 2. Community Development Director Olson presented the specifics of the proposal.
- 3. Commissioner Robert Cardinal of the Planning Commission presented the Commission recommendation.
- 4. Mayor Anderson called for proponents or opponents of the proposal. The following were heard:

Mr. Gregory J. Frank, Engineering Surveyor,  
PaceSetter Property Management, Plymouth, MN  
Ms. Beverly Stielow, 1285 Sterling Avenue S.  
Mr. Ron Sokolik, 2371 Carver Avenue  
Mr. Larry Grand, 2405 Carver Avenue  
Mr. Roger W. Singer, 1250 Dorland  
Mr. Larry Lyle, Planner, PaceSetter Property Management

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

90 - 6 - 93

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 January 18, 1990. The Planning Commission recommended to the City Council that said rezoning be R-1.
2. The Maplewood City Council held a public hearing on June 11, 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.

Councilmember Zappa seconded the motion.

Ayes - All

6. Councilmember Rossbach moved to approve the Mark's Nature Haven preliminary plat for 30 lots subject to the developer completing the following conditions before final plat approval:

- a. 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.
- b. The developer or the City must get the following:
  - (1) Permanent off-site drainage easements to the city for the existing posts 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.

- c. 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.
- d. 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.
- e. Change the six-foot-wide drainage/utility easements along all common side property lines to five feet.
- f. Grant the City a temporary 100-foot-diameter cul-de-sac easement for the temporary dead end of Crestview Drive.
- g. 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.
- h. 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.
- i. 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.

Seconded by Councilmember Zappa

Ayes - All

6. Councilmember Bastian moved that staff initiate a study of the feasibility of Estate Lot Zoning or to assure lot size compatibility

Seconded by Councilmember Juker

Ayes - All

### 3. Emergency Management Salaries

This item was tabled from the May 31 meeting with a request for additional information.

- a. Manager McGuire presented the staff report.
- b. Councilmember Bastian moved the salaries for the Director and Deputy Director of Emergency Management be increased to \$600 and \$375 per month respectively .

Seconded by Councilmember Zappa

Ayes - Bastian, Zappa, Rossbach  
Nays - Anderson, Juker

### 4. Community Center

- a. City Manager McGuire presented the staff report.
- b. Councilmember Bastian moved that an advisory committee be established, consisting of six appointed residents who would act as an objective review board. This committee would conduct a special public hearing at which potential user groups (theater, seniors, etc.) would be invited to make a formal presentation/request to the committee. Following the public presentations, the committee would develop a recommendation to the City Council. The six appointed residents would reflect the community as much as possible and would probably include a senior citizen, teen, etc.

Seconded by Mayor Anderson

Ayes - All

5. Council Policies

- a. Manager McGuire presented the staff report.
- b. City Attorney Kelly presented the specifics of the proposal.
- c. Councilmember Rossbach introduced the following ordinance and moved its adoption:

**Ordinance No. 664**

**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. Section 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.

Seconded by Councilmember Bastian

Ayes - All

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

**Ordinance No. 665**

**AN ORDINANCE AMENDING THE MAPLEWOOD  
CODE RELATING TO LOT DIVISIONS**

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

Section 1. Section 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.

Seconded by Councilmember Bastian

Ayes - All

e. Councilmember Rossbach introduced the following Ordinance and moved its adoption:

**Ordinance No. 666**

**AN ORDINANCE REGARDING CITY EVENTS**

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

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

CITY EVENTS. The Maplewood City Council may waive any requirements 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.

Seconded by Councilmember Bastian

Ayes - All

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

90 - 6 - 94

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.

Seconded by Councilmember Zappa

Ayes - All

**I. NEW BUSINESS**

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

a. City Manager McGuire presented the staff report.

b. Community Development Director Olson presented the specifics.

c. Kevin Powers, 735 E. County Road B, the applicant, presented his views on the proposal.

- d. Councilmember Bastian moved to 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.

Seconded by Councilmember Zappa

Ayes - All

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

- a. Manager McGuire presented the staff report.  
b. Community Development Director Olson presented the specifics of the appeal.  
c. Vicki Seltun, 2474 Gall Avenue, presented her views.  
d. Mayor Anderson called for proponents or opponents of the appeal. The following were heard:

Albert Giorgini, 2417 Gall Avenue  
Bruce Mogren, Stillwater, MN

- e. Councilmember Bastian moved to table this item to June 25.

Seconded by Councilmember Zappa

Ayes - All

3. Comprehensive Plan: Land use Classifications

- a. Manager McGuire presented the staff report.  
b. Director of Community Development Olson presented the specifics of the proposal.  
c. Councilmember Bastian moved to authorize the concept of replacing the land use classifications in the City's Comprehensive Plan with the City's zoning district classifications, with instruction to staff to report back to Council with a plan to clarify the classifications.

Seconded by Councilmember Zappa

Ayes - All

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

- a. Manager McGuire presented the staff report.  
b. Director of Public Works Haider presented the specifics of the proposal.  
c. Councilmember Bastian moved to table this item to June 25

Seconded by Councilmember

Ayes - All

5. Gonyea's Oak Heights - Cash Payment Proposal

- a. Manager McGuire presented the staff report.  
b. Director of Public Works Haider presented the specifics of the proposal.  
c. City Attorney Kelly spoke to clarify issues presented.  
d. Mayor Anderson moved to accept Gonyea's offer of cash payment in lieu of completion of storm sewer outlet from Pond 15 to Pond 16.

Seconded by Councilmember Juker

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

Motion Failed

6. Order Feasibility – Mall Area Traffic Improvements

- a. Manager McGuire presented the staff report.
- b. Director of Public Works Haider presented the specifics of the report.
- c. Councilmember Rossbach moved to table this item until June 25 with direction to staff to obtain more information from consultant..

Seconded by Councilmember Zappa                      Ayes – all.

7. Sophia and East Shore Drive – “No Parking” Signs

- a. City Manager McGuire presented the staff report.
- b. Mayor Anderson moved to approve posting of “No Parking” signs on the north side of Sophia between East Shore Drive and Phalen Place.

Seconded by Councilmember Juker                      Ayes – all.

8. Storage and Re-Use of Videotapes

- a. Manager McGuire presented the staff report.
- b. Assistant City Manager Maglich presented the specifics of the proposal.
- c. Mayor Anderson introduced the following resolution and moved its adoption:

90 – 6 – 95

VIDEOTAPE RETENTION POLICY

WHEREAS, the Minnesota Government Data Practices Act requires the City to retain the 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 form the time the request is received; and
5. Following the 30-day retention period, the tapes will be available for re-use.

Seconded by Councilmember Zappa. Ayes - All

9. Consolidation, Merger and Annexation

a. Councilmember Bastian moved the Council endorse the concept of joining with surrounding communities in providing various services and functions, and look at the various functions and to initiate discussions with other cities to determine whether joint efforts would be feasible. Staff is to report back to the Council by the end of 1990.

Seconded by Councilmember Zappa Ayes - All

Councilmember Juker moved to extend the meeting until all items were completed.

Seconded by Councilmember Bastian Ayes - All

10. City Hall Update

a. Manager McGuire reported on the status of the City Hall remodeling.

b. Director of Public Works Heider responded to questions regarding the specifics of the current status.

No action requested.

11. Preliminary Plat Renewal: Cave's English Street 2<sup>nd</sup> Addition

a. Councilmember Rossbach stated that his reason for requesting removal of this item from the Consent Agenda was that when the PUD was originally approved there was multiple housing planned for the area by the railroad tracks, which are no longer there, and it was the only multiple housing in the development.

b. Councilmember Rossbach moved that staff investigate the possibility of what can be done to change the area from Multiple Dwelling to single family.

Seconded by Councilmember Bastian. Ayes - All

c. Councilmember Bastian moved to table the Preliminary Plat Renewal of Cave's English Street 2<sup>nd</sup> Addition until July 9.

Seconded by Councilmember Rossbach. Ayes - All

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Yard Waste

a. Councilmember Rossbach requested that Council direct staff, particularly the health officer, to follow very closely the now continually open Ramsey County compost sites in Maplewood with regard to the periodic removal of grass clippings, as they have promised to do, to ensure that it is not left there to become a problem as it has in past years.

b. Councilmember Juker noted that, since there is now a disease that is killing birch trees, the City may be faced with the problem of removing those as well.

2. M.W.C.C.

- a. Councilmember Zappa requested that the Finance Director keep the Council informed with regard to what is happening at the Metropolitan Waste Control Commission.

3. Changes in Conditions of Final Plats

- a. Councilmember Zappa moved to direct staff to look into whether a contractor, when he comes in with a final plat, can be required to put in the utilities, plot out the lots and put in the roadways, all except the final layer of blacktop.

Seconded by Councilmember Rossbach

Ayes - All

4. Larpenteur and White Bear Avenue

- a. Councilmember Bastian noted that there are a number of signs in the City showing that Olympic Festival activities will be taking place at Aldrich Arena. One sign is posted at the North East corner of White Bear and Larpenteur, and is a very nice sign, but placed in the middle of a trash yard, with not only trash, but also weeds that are two or three feet tall. Since this intersection will be one of the main entrance ways to Maplewood, we should look at cleaning that up as well as other corners. The weed inspector should try to get these areas cleaned up before the activities start.
- b. Councilmember Juker inquired about what the City is doing in observance of the Olympic Festival.
- c. Park & Recreation Director Odegard explained that the Torch Run will occur here on July 4 - picking up the torch from White Bear Lake, and passing it to Little Canada. Additionally, the cover of the current Maplewood-in-Motion has a picture of the torch.
- d. Councilmember Juker indicated she felt there should be banners along the route of the torch run route.
- e. Councilmember Bastian moved that staff be directed to report back to Council at the June 25 meeting regarding promotion of the Olympic Festival.

Seconded by Councilmember Zappa

Ayes - All

5. Highway Funds Lost in Past Year

- a. Mayor Anderson moved that staff report at the June 25 meeting on the amount of highway aid funds lost during the past year because of street projects we have turned down.

Seconded by Councilmember Bastian

Ayes - All

Councilmember Bastian moved to adjourn the meeting at 10:53 p.m.

Seconded by Councilmember Zappa

Ayes - All

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City Clerk

AGENDA REPORT

Action by Council's

TO: City Manager  
 FROM: Finance Director *R. Baust*  
 RE: APPROVAL OF CLAIMS  
 DATE: June 19, 1990

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

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

ACCOUNTS PAYABLE:

\$ 317,445.60	Checks # 10408 thru # 10445 Dated 6-4-90 thru 6-12-90
<u>\$ 79,140.53</u>	Checks # 6283 thru # 6434 Dated 6-25-90
\$ 396,586.13	Total per attached voucher/check register

PAYROLL:

\$ 186,063.61	Payroll Checks
<u>\$ 36,574.28</u>	Payroll Deductions
\$ 222,637.89	Total Payroll
\$ 619,224.02	GRAND TOTAL

Attached is a detailed listing of these claims.

DFF:tmc

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
10408	541400	06/04/90	MINN. STATE TREASURER	DR LIC FEES	595.00	595.00
10409	541400	06/04/90	MINN. STATE TREASURER	VEH LIC FEES	14,488.00	14,488.00
10410	510100	06/04/90	MAPLE LEAF OFFICIALS ASSN.	FEES FOR SERVICE	5,556.75	5,556.75
10411	720600	06/05/90	POSTMASTER	POSTAGE	3,000.00	3,000.00
10412	181855	06/05/90	DAVIS, LOIS	PROGRAM SUPPLIES	12.13	
				EQUIPMENT SUPPLIES	9.53	
				PROGRAM SUPPLIES	11.00	
				PROGRAM SUPPLIES	9.95	
				EQUIPMENT SUPPLI	9.68	
				OFFICE SUPPLIES	10.92	
				MISC. COMM	4.64	
				POSTAGE	8.39	
				EQUIPMENT SUPP	10.58	86.82
10413	541400	06/06/90	MINN. STATE TREASURER	ST DR LIC FEE	544.00	544.00
10414	541400	06/07/90	MINN. STATE TREASURER	VEH LIC FEES	12,461.00	12,461.00
10415	541400	06/06/90	MINN. STATE TREASURER	DRIVERS LICENSES	741.00	741.00
10416	541400	06/06/90	MINN. STATE TREASURER	MOTOR VEH LIC	11,824.32	11,824.32
10417	240725	06/06/90	EMPLOYEE BENEFIT PLANS	PUBLISHING	185.00	185.00
10418	140400	06/06/90	CLERK OF DISTRICT COURT	DRIVERS LICENSES	129.50	129.50
10419	541400	06/07/90	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	278.50	278.50
10420	541400	06/07/90	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	8,060.50	8,060.50
10421	190400	06/07/90	DEPT. OF NATURAL RESOURCES	LEGAL & FISCAL	742.50	742.50
10422	722200	06/07/90	PUBLIC EMPLOYEE	PERA DEDUCTION PAYABLE	10,572.93	
				PERA CONTRIBUTIONS	13,638.56	24,211.49
10423	181855	06/08/90	DAVIS, LOIS	SUPPLIES EQUIPMENT	4.42	
				SUPPLIES JANITORIAL	12.88	
				MISCELLANEOUS COMMODITIES	11.65	
				PROGRAM SUPPLIES	15.63	
				TRAVEL & TRAINING	20.00	
				SUPPLIES EQUIPMENT	9.52	
				MISCELLANEOUS COMMODITIES	11.00	85.10
10424	190400	06/08/90	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYABLE	437.00	437.00
10425	711390	06/08/90	CAROL PETRA	ANIMAL	8.00	8.00

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
10426	531650	06/08/90	METRO WASTE CONTROL COMMISSN	SEWAGE TREATMENT	133,911.23	133,911.23
10427	541400	06/08/90	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	682.50	682.50
10428	541400	06/08/90	MINN. STATE TREASURER	MOTOR VEHICLE LIC.	9,630.53	9,630.53
10429	910500	06/08/90	VASKO RUBBISH REMOVAL	FEES FOR SERVICE	422.42	422.42
10430	851550	06/08/90	SYSTEMS SERVICE COMPANY	REPAIR & MAINT/UTILITY	132.50	132.50
10431	541400	06/11/90	MINN. STATE TREASURER	MOTOR VEH LIC.	17,712.00	17,712.00
10432	541400	06/11/90	MINN. STATE TREASURER	STATE DRIVERS LIC.	549.50	549.50
10433	010150	06/11/90	A.A.A. ALL CITY VACUUM	SUPPLIES JANITORIAL	45.90	45.90
10434	020050	06/11/90	ADVANCE CORPORATION	OFFICE SUPPLIES	36.90	36.90
10435	040915	06/11/90	ARNALS AUTO SERVICE	REPAIR MAINT VEHICLE	349.77	349.77
10436	040915	04/11/90	ARNALS AUTO SERVICE	REPAIR MAINT VEH	30.95	30.95
10437	042503	06/11/90	ASSOCIATION OF METRO	TRAVEL TRAINING	80.00	80.00
10438	042600	06/11/90	ASSN. OF TRAIN OFFICERS OF MN	TRAVEL TRAINING	50.00	50.00
10439	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
10440	720600	06/11/90	POSTMASTER	POSTAGE	2,420.00	2,420.00
10441	261100	06/12/90	FIRST MINNESOTA	FICA PAYABLE	8,433.20	
				FEDERAL INCOME TAXES PAYABLE	21,942.04	
				FICA CONTRIBUTIONS	8,433.20	38,808.44
10442	790160	06/12/90	SCHNEITTER FIREWORKS & IMPORT	PROGRAM SUPPLIES	3,097.60	3,097.60
10443	541400	06/12/90	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	10,546.44	10,546.44
10444	541400	06/12/90	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	601.00	601.00
10445	560100	06/12/90	MN STATE COMMISSIONER	STATE INCOME TAX PAYABLE	8,877.89	8,877.89
6283	010465	06/25/90	A.T. & T. COMMUNICATIONS	TELEPHONE	10.91	
				TELEPHONE	195.54	
				TELEPHONE	3.41	
				TELEPHONE	13.25	
				TELEPHONE	22.57	245.68

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6284	010575	06/25/90	ACE HARDWARE	SUPPLIES JANITOR	46.72	
				MAINT MATERIAL	24.16	
				SUPPLIES JANITOR	6.34	
				SUPPLIES JANITOR	34.81	
				MAINT MATERIAL	9.87	
				SUPPLIES JANITOR	11.14	
				MAINT MATERIAL	29.80	
				MAINT MATERIAL	16.55	
				MAINT MATE	40.20	
				MAINT MATERIAL	9.11	
				SUPPLIES EQUIP	54.21	
				SUPPLIES JANITOR	24.37	
				SUPPLIES EQUIP	21.88	
				PROGRAM SUPPLIES	1.51	
MAINT MATERIAL	156.37					
SUPPLIES VEHICLE	44.61					
SUPPLIES JANITOR	109.44					
MAINT MATERIAL	53.98					
SUPPLIES JANITOR	18.58	713.65				
6285	020400	06/25/90	AIR SIGNAL, INC.	OUTSIDE RENTAL	19.69	19.69
6286	040915	06/25/90	ARNALS AUTO SERVICE	REPAIR MAINT VEH	301.27	480.70
				REPAIR MAINT VEH	179.43	
6287	050350	06/25/90	AURELIUS, LUCILLE	TRAVEL TRAIN	361.22	361.22
6288	060800	06/25/90	BAILEY NURSERIES INC.	SUPPLIES	52.67	52.67
6289	070705	06/25/90	BERGAN, LINDA	PROGRAM FEES	17.00	17.00
6290	071000	06/25/90	CAROL BERGSTROM	PROGRAM REGISTRATION FEES	17.00	17.00
6291	071200	06/25/90	BEST BUY CO.	SUPPLIES-VEHICLE	79.98	79.98
6292	071705	06/25/90	BIO-LAB	PROGRAM SUPPLIES	10.00	10.00
6293	080900	06/25/90	BOARD OF WATER COMMISSIONERS	UTILITIES	62.16	206.16
				UTILITIES	26.16	
				UTILITIES	12.12	
				UTILITIES	87.12	
				UTILITIES	12.12	
6294	081160	06/25/90	PEGGY BONIN	PROGRAM REGISTRATION FEES	10.00	10.00
6295	081205	06/25/90	PAT BOVEE	PROGRAM FEES	43.00	43.00
6296	090500	06/25/90	BRACKE, LOUIS	FEES FOR SERVICE	420.00	420.00
6297	090525	06/25/90	BRAD RAGAN, INC.	SUPPLIES VEH	166.72	166.72

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6298	090570	06/25/90	BRAUN ENGINEERING TESTING	OUTSIDE ENGINEERING FEES	14,608.04	14,608.04
6299	091100	06/25/90	JO ANN BRICHACEK	REC-REG FEES	30.00	30.00
6300	091450	06/25/90	BROWNING-FERRIS IND.	FEES FOR SERVICE	310.01	310.01
6301	091475	06/25/90	BRUNSON INSTRUMENT CO.	CONST COST	26.16	26.16
6302	101905	06/25/90	BUTTERWORTHS PUBLISHERS	SUBSCRIPT MEMBER	29.68	29.68
6303	101950	06/25/90	BYERLYS	PROGRAM SUPPLIES	16.32	16.32
6304	110272	06/25/90	CAHANES, ANTHONY	UNIFORMS CLOTHING	17.12	17.12
6305	110475	06/25/90	ANTHONY CARLONE	PROGRAM REGISTRATION FEES PROGRAM REGISTRATION FEES	13.20 20.00	33.20
6306	110480	06/25/90	CARLSON EQUIPMENT	VEH SUPPLIES	32.95	32.95
6307	131100	06/25/90	CHIPPEWA SPRINGS	FEES FOR SERVICE	99.89	99.89
6308	140400	06/25/90	CLERK OF DISTRICT COURT	CNTY DR LIC FEES	102.00	102.00
6309	150170	06/25/90	COLLINS ELECTRIC	REPAIR MAINT UTILITY	760.83	760.83
6310	170150	06/25/90	CURTIS 1000	SUPPLIES OFFICE	768.78	768.78
6311	180900	06/25/90	DALEY, PAT	FEES FOR SERVICE	822.00	822.00
6312	181300	06/25/90	DATA DISPATCH	FEES FOR SERVICE	25.00	25.00
6313	190060	06/25/90	DEGE GARDEN CENTER	PROGRAM SUPPLIES PROGRAM SUPPLIES	21.51 20.80	42.31
6314	190400	06/25/90	DEPT. OF NATURAL RESOURCES	DNR LIC FEES	424.00	424.00
6315	230500	06/25/90	EAST COUNTY LINE FIRE DEPT.	TRAVEL & TRAINING	126.00	126.00
6316	240375	06/25/90	EMERGENCY APPARATUS MAINT. INC	REPAIR MAINT VEH REPAIR MAINT VEH	839.40 727.66	1,567.06
6317	240725	06/25/90	EMPLOYEE BENEFIT PLANS	DEPOSITS	1,000.00	1,000.00
6318	260400	06/25/90	FAUST, DANIEL	INSURANCE	238.00	238.00
6319	270250	06/25/90	FLEET TECH SERVICE CORP.	REPAIR/MAINT VEH	113.09	113.09
6320	300500	06/25/90	G & K SERVICES	UNIFORMS & CLOTHING UNIFORMS & CLOTHING UNIFORMS & CLOTHING UNIFORMS & CLOTHING	284.05 172.25 274.86 48.68	

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UNIFORMS & CLOTHING	92.70	
				UNIFORMS & CLOTHING	48.67	921.21
6321	301045	06/25/90	WILLIAM L. GALLAGHER	EASEMENTS	500.00	500.00
6322	302600	06/25/90	GLADSTONE LUMBER MART.	SUPPLIES EQUIP	10.00	
				SUPPLIES EQUIP	30.95	
				SUPPLIES EQUIP	15.60	56.55
6323	310300	06/25/90	GOODYEAR TIRE COMPANY	REPAIR MAINT VEH	68.47	
				REPAIR MAINT VEH	121.94	
				REPAIR MAINT VEH	60.97	
				REPAIR MAINT VEH	20.00	271.38
6324	310650	06/25/90	GOPHER DISPOSAL	FEES FOR SERVICE	6,898.43	6,898.43
6325	310710	06/25/90	GOPHER STATE ONE-CALL, INC.	FEES FOR SERVICE	130.00	130.00
6326	320200	06/25/90	GRACE, DUANE	FEES FOR SERVICE	202.50	
				FEES FOR SERVICE	742.50	945.00
6327	320500	06/25/90	GROUP HEALTH INC.	HCMA DEDUCTION	2,029.04	
				HLTH LIFE DENTAL	10,901.78	
				INSURANCE CONTINUANCE	369.67	13,300.49
6328	320990	06/25/90	GUZIK, ANDREW	PROGRAM REG FEES	10.00	10.00
6329	330150	06/25/90	JO ANN HAGEN	PROGRAM REGISTRATION FEES	17.00	17.00
6330	330240	06/25/90	HANSEN, LYNN	PROGRAM REG FEES	20.00	20.00
6331	340110	06/25/90	HEJNY RENTALS, INC	SUPPLIES-EQUIPMENT	35.99	
				OUT RENTAL EQUIP	55.00	
				OFFICE SUPPLIES	114.98	
				FEES FOR SERVICE	16.00	
				OUT RENTAL EQUIP	10.00	231.97
6332	350700	06/25/90	MIRSHFIELDS	SUPPLIES-EQUIPMENT	37.90	
				SUPPLIES-EQUIPMENT	21.51	59.41
6333	351400	06/25/90	HORWATH, TOM	FEES FOR SERVICE	992.00	992.00
6334	370100	06/25/90	HUTCHINSON, ANN	VEH ALLOWANCE	10.79	10.79
6335	380450	06/25/90	I.P.C. PRINTING	PROGRAM SUPPLIES	7.00	
				PROGRAM SUPPLIES	7.00	14.00
6336	390300	06/25/90	INDUSTRIAL SUPPLY	SUPPLIES EQUIP	53.36	53.36
6337	391300	06/25/90	INTERNAL REVENUE SERVICE	TAX PENALTIES	57.01	57.01

VOUCHREG  
06/15/90 12:16

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6338	391500	06/25/90	INTERNATIONAL CONFERENCE	SUBSCRIPTIONS & MEMBERSHIPS	150.00	150.00
6339	400600	06/25/90	J.L. SHIELY CO.	MAINTENANCE MATERIAL	23.52	23.52
6340	401500	06/25/90	JOHN D SELLS & ASSOCIATES, INC	REPAIRS & MTNCE./EQUIPMENT REPAIRS & MTNCE/EQUIPMENT	200.00 123.90	323.90
6341	401525	06/25/90	JOHN MIROCHA, PH. D.	TRAVEL TRAIN	1,200.00	1,200.00
6342	401530	06/25/90	JOHN WILEY & SONS	SUPPLIES-OFFICE	29.11	29.11
6343	401900	06/25/90	JOLLY TYME FAVORS	PROGRAM SUPPLIES	40.00	40.00
6344	410270	06/25/90	KATHLEEN HALVERSON	PROGRAM REGISTRATION FEES	22.00	22.00
6345	410400	06/25/90	KATH HEATING	SUPPLIES-EQUIPMENT	7.50	7.50
6346	410430	06/25/90	JOANNE KELLEY	PROGRAM REGISTRATION FEES	17.00	17.00
6347	420075	06/25/90	DUWAYNE KILBO	PROGRAM REGISTRATION FEES	10.00	10.00
6348	430400	06/25/90	KNOX COMMERCIAL CREDIT	MAINTENANCE MATERIAL MAINTENANCE MATERIAL	35.80 52.74	88.54
6349	430800	06/25/90	KOKESH ATHLETIC	KOKESH ATHLETIC PROGRAM SUPPLIES	600.05 21.95	622.00
6350	460510	06/25/90	LEAGUE OF MINNESOTA CITIES	SUBSCRIPTIONS	64.00	64.00
6351	460610	06/25/90	LEHNE'S SERVICE INC	FEES FOR SERVICE	188.00	188.00
6352	460630	06/25/90	TERRI LEHMAN\	PROGRAM REGISTRATION FEES	9.00	9.00
6353	480700	06/25/90	LOTUS DEVELOPMENT CORP	SUBSCRIPTIONS & MEMBERSHIPS	49.00	49.00
6354	501400	06/25/90	MADISON NATIONAL LIFE	LTD INSURANCE	1,909.83	1,909.83
6355	501455	06/25/90		PROGRAM REGISTRATION FEES	10.00	10.00
6356	501900	06/25/90	MANPOWER TEMPORARY SERVICE	FEES FOR SERVICE	167.52	167.52
6357	511600	06/25/90	MASYS CORP	EQUIPMENT OTHER REPAIR/MAINT EQUIP	2,300.00 1,200.00	3,500.00
6358	520500	06/25/90	MCGUIRE, MICHAEL	VEH ALLOWANCE	350.00	350.00
6359	530500	06/25/90	MENARDS	OTHER CONSTRUCTION COSTS MAINT MATERIAL MAINTENANCE MATERIAL	5.90 4.29 46.29	56.48
6360	530650	06/25/90	METAL DOCTOR	SUPPLIES VEH	131.40	131.40

VOUCHREG  
06/15/90 12:16

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

PAGE 7

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6361	531950	06/25/90	MEYERS, PETRA	VEHICLE ALLOWANCE	46.70	
				VEHICLE ALLOWANCE	40.87	87.57
6362	540225	06/25/90	MIDWEST ANIMAL SERVICE	FEES FOR SERVICE	1,936.00	1,936.00
6363	540350	06/25/90	MIDWEST SIREN SERVICE	REPAIR & MAINT EQUIPMENT	450.00	450.00
6364	540720	06/25/90	MINN COMM	OUTSIDE RENTAL-EQUIPMENT	182.00	182.00
6365	541445	06/25/90	THE MINNEAPPLE COMPANY	PROGRAM SUPPLIES	77.35	77.35
6366	541900	06/25/90	MINNESOTA BLUEPRINT	SUPPLIES EQUIP	18.78	
				OTHER CONSTRUCTION COSTS	47.49	66.27
6367	560500	06/25/90	MN STATE TREASURER PERA	VEH LIC FEES	12,312.76	
				VEH LIC FEES	16,730.50	
				DR LIC FEES	617.00	
				DR LIC FEES	593.00	30,253.26
6368	570090	06/25/90	MOGREN BROS.	MAINT MATERIAL	102.76	
				MAINT MATERIAL	24.00	
				MAINT MATERIAL	89.56	
				MAINT MATERIAL	42.50	258.82
6369	570092	06/25/90	SUZANNE MOHRLANT	PROGRAM REGISTRATION FEES	10.00	10.00
6370	630945	06/25/90	NCR	REPAIRS & MTNCE./EQUIPMENT	52.00	52.00
6371	640550	06/25/90	NELSON, JEAN	VEHICLE ALLOWANCE	22.10	22.10
6372	640805	06/25/90	NELSONS AUTO SERVICE	REPAIR & MAINT/VEHICLE	18.95	18.95
6373	640815	06/25/90	ROBERT NICHOLSON	DEPOSITS PAYABLE	52.50	52.50
6374	660905	06/25/90	NORTH STAR WIPER & INDUSTRIAL	JANITOR SUPPLIES	163.50	163.50
6375	661105	06/25/90	NORTH STAR TURF, INC.	MAINTENANCE MATERIAL	4,084.00	4,084.00
6376	661155	06/25/90	NORTHEAST SUBURBAN TRANSIT COM	FEES FOR SERVICE	12,888.50	12,888.50
6377	662600	06/25/90	NORWEST INVESTMENTS SERVICES	INVESTMENT MGMT FEES REVENUE	82.50	82.50
6378	670500	06/25/90	NUTESON, LAVERNE	TRAINING	6.00	6.00
6379	680500	06/25/90	OCCUPATIONAL HEALTH SERVICES	FEES FOR SERVICE	46.00	46.00
6380	700460	06/25/90	P.C. EXPRESS/P.C. TRONICS	OFFICE SUPPLIES	23.00	23.00
6381	700775	06/25/90	PAPER WAREHOUSE	SUPPLIES EQUIPMENT	24.70	24.70
6382	710200	06/25/90	PECK, DENNIS	UNIFORMS & CLOTHING	8.49	8.49

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6383	710665	06/25/90	DIANE PERRY	PROGRAM REGISTRATION FEES	10.00	10.00
6384	711520	06/25/90	PHYSICIANS HEALTH PLAN	HCMA DEDUCTION	1,894.64	
				PHP INS DEDUCT	65.50	
				HLTH LIFE DENTAL	10,718.86	
				INSURANCE CONTIN	580.00	13,259.00
6385	720450	06/25/90	KATHY POLICANO	PROGRAM REGISTRATION FEES	7.00	7.00
6386	720762	06/25/90	PRECISION LANDSCAPE	FEES FOR SERVICE	800.00	800.00
6387	720768	06/25/90	PREMIER BANK	FEES FOR SERVICE	126.00	126.00
6388	721300	06/25/90	PROFESSIONAL PROCESS	FEES FOR SERVICE	80.33	
				FEES FOR SERVICE	26.50	106.83
6389	742900	06/25/90	RAY DAVIS & SONS	SUPPLIES VEHICLE	6.75	
				SUPPLIES VEHICLE	18.71	25.46
6390	750300	06/25/90	REEDS SALES SERVICE	REPAIR/MAINT EQUIP	22.80	22.80
6391	761330	06/25/90	CAROL RODRIGUEZ	PROGRAM REGISTRATION FEES	17.00	17.00
6392	770303	06/25/90	BARBARA RUSINAK	PROGRAM REGISTRATION FEES	17.00	17.00
6393	780100	06/25/90	S&D LOCK & SAFE	PROGRAM SUPPLIES	23.10	23.10
6394	780350	06/25/90	S.E.H.	OUT ENGINEER FEES	948.33	
				OUTSIDE ENGINEERING FEES	1,507.67	2,456.00
6395	780740	06/25/90	SAVOIE SUPPLY COMPANY, INC.	SUPPLIES-JANITORIAL	40.19	40.19
6396	800075	06/25/90	SEARS	SUPPLIES OFFICE	118.77	
				SUPPLIES-OFFICE	199.87	318.64
6397	820450	06/25/90	KATHRYN A. SMITH	PROGRAM SUPPLIES	55.03	
				TRAVEL & TRAINING	3.00	
				VEHICLE ALLOWANCE	10.40	
				VEHICLE ALLOWANCE	4.68	73.11
6398	820990	06/25/90	SOFTWARE DISTRIBUTION CENTER	SUPPLIES-OFFICE	7.00	7.00
6399	831500	06/25/90	SPECIALTY RADIO	SUPPLIES EQUIP	56.00	56.00
6400	831600	06/25/90	SPS OFFICE PRODUCTS	SUPPLIES-OFFICE	58.76	
				OFFICE SUPPLIES	43.75	
				SUPPLIES - OFFICE	82.27	
				OFFICE SUPPLIES	127.55	
				OFFICE SUPPLIES	79.13	
				SUPPLIES-OFFICE	179.34	
				OFFICE SUPPLIES	11.84	

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				OFFICE SUPPLIES	60.75	
				OFFICE SUPPLIES	17.60	
				SUPPLIES-OFFICE	23.10	
				SUPPLIES-OFFICE	36.16	
				SUPPLIES-OFFICE	8.99	729.24
6401	840300	06/25/90	ST.PAUL BOOK & STATION	PROGRAM SUPPLIES	24.89	
				SUPPLIES JANITOR	38.52	
				SUPPLIES JANITOR	16.83	
				SUPPLIES OFFICE	35.60	
				SUPPLIES EQUIP	56.00	171.84
6402	840340	06/25/90	ST.PAUL CANDY & TOBACCO, INC.	PROGRAM SUPPLIES	112.00	112.00
6403	840400	06/25/90	ST.PAUL CITY OF	REPAIR & MAINT/VEHICLE	56.50	56.50
6404	842100	06/25/90	STANDARD SPRING & ALIGNMENT	SUPPLIES VEH	225.65	225.65
6405	842150	06/25/90	JAMES STANSLASKI	PROGRAM REGISTRATION FEES	17.00	17.00
6406	843050	06/25/90	STATE OF MINNESOTA TREASURER	SUBSCRIPT/MEMBER	30.00	30.00
6407	850315	06/25/90	SUBURBAN PRINTING	PROGRAM SUPPLIES	63.00	63.00
6408	850390	06/25/90	DENNIS SVENDSEN	PROGRAM REGISTRATION FEES	17.00	17.00
6409	850805	06/25/90	SWANSON, MARY	PROGRAM REG FEES	28.00	28.00
6410	860055	06/25/90	T & D HOMES, INC	DEPOSITS PAYABLE	1,000.00	1,000.00
6411	860080	06/25/90	T.A. SCHIFSKY & SONS, INC	MAINT MATERIAL	1,791.86	1,791.86
6412	860100	06/25/90	T.J. AUTO PARTS	SUPPLIES-VEHICLE	92.86	92.86
6413	860315	06/25/90	T.K.D.A.	OUTSIDE ENGINEERING FEES	1,232.43	
				OUTSIDE ENGINEERING FEES	2,590.45	3,822.88
6414	860500	06/25/90	TARGET	PROGRAM SUPPLIES	176.16	
				PROGRAM SUPPLIES	28.55	
				PROGRAM SUPPLIES	41.94	
				PROGRAM SUPPLIES	79.92	324.57
6415	860650	06/25/90	TARGET STORES	PROGRAM SUPPLIES	19.97	
				PROGRAM SUPPLIES	139.98	
				PROGRAM SUPPLIES	5.99	
				OFFICE SUPPLIES	1.15	167.09
6416	860806	06/25/90	IEC	SUPPLIES-EQUIPMENT	92.00	92.00
6417	861200	06/25/90	GARY & CHERYL TEMBREULL	PROGRAM REGISTRATION FEES	20.00	20.00

CITY OF MAPLEWOOD  
VOUCHER/CHECK REGISTER  
FOR PERIOD 06

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
6418	880505	06/25/90	TREPANIER, EUGENE	PROGRAM REG FEES	17.00	17.00
6419	880675	06/25/90	TROPHIES UNLIMITED	PROGRAM SUPPLIES	29.25	
				PROGRAM SUPPLIES	98.00	
				PROGRAM SUPPLIES	135.00	262.25
6420	880750	06/25/90	TROY CHEMICAL INDUSTRIES	SUPPLIES JANITOR	49.88	
				SUPPLIES-JANITORIAL	31.85	81.73
6421	880855	06/25/90		SUPPLIES EQUIP	49.61	49.61
6422	881500	06/25/90	TWIN CITY FILTER SERVICE	SUPPLIES EQUIP	84.71	84.71
6423	900100	06/25/90	UNIFORMS UNLIMITED	UNIFORMS & CLOTHING	159.20	159.20
6424	900150	06/25/90	UNITED BUSINESS MACHINES	SUPPLIES-OFFICE	29.75	29.75
6425	900600	06/25/90	UNIVERSAL MEDICAL	SUPPLIES-EQUIPMENT	67.50	67.50
6426	910500	06/25/90	VASKO RUBBISH REMOVAL	FEES FOR SERVICE	371.76	371.76
6427	931475	06/25/90	BARBARA WALSH	REC REG FEES	30.00	30.00
6428	931550	06/25/90	NANCY WALTERS	PROGRAM REGISTRATION FEES	17.00	17.00
6429	940505	06/25/90	WEGWERTH, JUDY	PROGRAM REG FEE	17.00	17.00
6430	940550	06/25/90	WEHRMAN BERGLY ASSOCIATES INC	FEES CONSULTING	1,826.00	
				FEES CONSULTING	2,086.00	3,912.00
6431	940700	06/25/90	WESCO	MAINTENANCE MATERIAL	117.82	117.82
6432	942450	06/25/90	WILSON ACCESSORIES	PROGRAM SUPPLIES	57.54	57.54
6433	960400	06/25/90	XEROX CORP.	DUPLICATING	5.24	
				DUPLICATING	8.74	
				DUPLICATING	25.68	
				DUPLICATING	40.52	
				DUPLICATING	25.68	
				DUPLICATING	50.52	156.38
6434	980200	06/25/90	ZAPPA, JOSEPH	PROGRAM SUPPLIES	44.42	44.42
TOTAL CHECKS						457,334.71

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

0001

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015376	06/08/90	MICHAEL A McGUIRE	2,887.14
0015377	06/08/90	GAIL BLACKSTONE	1,918.16
0015378	06/08/90	GRETCHEN MAGLICH	1,386.78
0015379	06/08/90	KATHRYN SMITH	1,137.63
0015380	06/08/90	LOIS N BEHM	1,267.37
0015381	06/08/90	DAVID J JAHN	947.24
0015382	06/08/90	LYLE SWANSON	1,089.07
0015383	06/08/90	LARRY J CUDE	276.80
0015384	06/08/90	ANDREA J OSTER	1,043.50
0015385	06/08/90	WILLIAM MIKISKA	172.80
0015386	06/08/90	DANIEL F FAUST	2,154.77
0015387	06/08/90	ALANA K MATHEYS	1,152.30
0015388	06/08/90	DELORES A VIGNALO	1,131.50
0015389	06/08/90	LOIS DAVIS	1,216.54
0015390	06/08/90	CAROLE J ANDERSON	1,415.12
0015391	06/08/90	MARLENE LA MOTTE	115.50
0015392	06/08/90	LUCILLE E AURELIUS	1,989.75
0015393	06/08/90	BETTY D SELVOG	178.50
0015394	06/08/90	JEANNE L SCHADT	1,073.90
0015395	06/08/90	CONNIE L KELSEY	586.74
0015396	06/08/90	LORRAINE S VIETOR	1,014.70
0015397	06/08/90	PATRICIA A HENSLEY	597.78
0015398	06/08/90	CAROL JAGOE	857.90
0015399	06/08/90	JEANETTE E CARLE	1,055.87
0015400	06/08/90	SANDRA OLSON	756.91
0015401	06/08/90	MARY KAY PALANK	765.10
0015402	06/08/90	KENNETH V COLLINS	2,210.31

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
0015403	06/08/90	CAROLE L RICHIE	1,078.04
0015404	06/08/90	JOANNE M SVENDSEN	1,196.24
0015405	06/08/90	ROBERT D NELSON	1,905.37
0015406	06/08/90	ELAINE FULLER	428.95
0015407	06/08/90	CAROL F MARTINSON	1,098.37
0015408	06/08/90	VERNON T STILL	1,480.68
0015409	06/08/90	DONALD W SKALMAN	1,506.28
0015410	06/08/90	JOHN FRASER	1,408.02
0015411	06/08/90	RAYMOND J MORELLI	1,506.28
0015412	06/08/90	SCOTT L STEFFEN	1,526.61
0015413	06/08/90	DAVID L ARNOLD	1,617.48
0015414	06/08/90	JOHN J BANICK	1,695.88
0015415	06/08/90	JOHN C BOHL	1,553.59
0015416	06/08/90	ANTHONY G CAHANES	1,905.37
0015417	06/08/90	DALE K CLAUSON	1,506.28
0015418	06/08/90	RICHARD M MOESCHTER	1,617.52
0015419	06/08/90	JOHN H ATCHISON	1,506.28
0015420	06/08/90	JAMES YOUNGREN	2,038.20
0015421	06/08/90	YING YANG	664.50
0015422	06/08/90	WILLIAM F PELTIER	1,677.27
0015423	06/08/90	THOMAS J SZCZEPANSKI	1,566.78
0015424	06/08/90	CABOT V WELCHLIN	1,613.04
0015425	06/08/90	RICHARD J LANG	1,506.28
0015426	06/08/90	DALE RAZSKAZOFF	1,561.48
0015427	06/08/90	MICHAEL RYAN	1,617.48
0015428	06/08/90	MICHAEL J HERBERT	1,561.49
0015429	06/08/90	RICHARD C DREGER	1,617.48

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

0003

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015430	06/08/90	GREGORY L STAFNE	1,506.28
0015431	06/08/90	RONALD D BECKER	1,561.48
0015432	06/08/90	KEVIN R HALWEG	1,961.68
0015433	06/08/90	DERRELL T STOCKTON	1,574.15
0015434	06/08/90	PAUL G PAULOS-JR.	1,413.08
0015435	06/08/90	RICK A BOWMAN	1,430.28
0015436	06/08/90	FLINT D KARIS	1,498.28
0015437	06/08/90	STEPHEN J HEINZ	1,663.71
0015438	06/08/90	DAVID M GRAF	1,574.28
0015439	06/08/90	DAVID J THOMALLA	1,737.82
0015440	06/08/90	STEVEN PALMA	1,603.74
0015441	06/08/90	ROBERT E VORWERK	1,574.28
0015442	06/08/90	JOSEPH A BERGERON	1,548.99
0015443	06/08/90	JAMES MEEHAN	2,006.74
0015444	06/08/90	JON A MELANDER	1,758.49
0015445	06/08/90	SARAH SAUNDERS	869.90
0015446	06/08/90	JAMES M EMBERTSON	1,623.40
0015447	06/08/90	DUANE J WILLIAMS	1,529.08
0015448	06/08/90	JANET L RABINE	1,224.77
0015449	06/08/90	JULIE A STAHNKE	1,270.10
0015450	06/08/90	SCOTT K BOYER	1,178.54
0015451	06/08/90	CAROL NELSON	1,566.28
0015452	06/08/90	CYNTHIA WALDT	1,079.06
0015453	06/08/90	JOSEPH FEHR	1,033.34
0015454	06/08/90	KAREN A NELSON	987.98
0015455	06/08/90	JAYME L FLAUGHER	1,233.61
0015456	06/08/90	JUDITH WEGWERTH	537.23

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

0004

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015457	06/08/90	KENNETH G HAIDER	2,210.31
0015458	06/08/90	JUDY M CHLEBECK	1,134.70
0015459	06/08/90	WILLIAM PRIEFER	1,140.89
0015460	06/08/90	GERALD W MEYER	1,413.29
0015461	06/08/90	MICHAEL R KANE	1,521.52
0015462	06/08/90	BRYAN NAGEL	1,052.83
0015463	06/08/90	DAVID P LUTZ	1,225.19
0015464	06/08/90	HENRY F KLAUSING	1,249.10
0015465	06/08/90	JOHN SCHMOOCK	1,189.66
0015466	06/08/90	RONALD J HELEY	1,204.30
0015467	06/08/90	ERICK D OSWALD	1,148.30
0015468	06/08/90	RONALD L FREBERG	1,204.31
0015469	06/08/90	WILLIAM C CASS	1,826.32
0015470	06/08/90	TODD ZACK	432.00
0015471	06/08/90	RANDAL LINDBLOM	1,033.48
0015472	06/08/90	JAMES G ELIAS	1,391.50
0015473	06/08/90	JOHN DU CHARME	925.90
0015474	06/08/90	DENNIS L PECK	1,391.50
0015475	06/08/90	WILLIAM PRIEBE	1,992.92
0015476	06/08/90	BRUCE A IRISH	1,843.12
0015477	06/08/90	WALTER M GEISSLER	1,641.95
0015478	06/08/90	THERESA METZ	1,038.70
0015479	06/08/90	JOHN R LOFGREN	1,018.69
0015480	06/08/90	ROBERT D ODEGARD	1,989.75
0015481	06/08/90	LOIS J BRENNER	1,186.05
0015482	06/08/90	BARBARA A KRUMMEL	535.41
0015483	06/08/90	PAULINE STAPLES	1,762.32

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

0005

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015484	06/08/90	LUTHER JONES	72.00
0015485	06/08/90	ROBERT S ANDERSON	1,181.90
0015486	06/08/90	DENNIS P LINDORFF	1,181.90
0015487	06/08/90	WILLIAM GARRY	1,148.30
0015488	06/08/90	ROLAND B HELEY	1,226.03
0015489	06/08/90	MARK A MARUSKA	1,602.70
0015490	06/08/90	JAMES SCHINDELDECKER	1,036.30
0015491	06/08/90	DAVID WIEDL	320.25
0015492	06/08/90	MYLES R BURKE	1,249.10
0015493	06/08/90	MICHAEL BILOTTA	336.00
0015494	06/08/90	DANIEL BURKHART	414.00
0015495	06/08/90	ANDREA HANNEGAN	144.38
0015496	06/08/90	SHERRAL MILLER	140.00
0015497	06/08/90	KARI DREGER	120.00
0015498	06/08/90	JENNIFER FORD	49.00
0015499	06/08/90	ROBERT DAMIANI	201.25
0015500	06/08/90	MICHAEL GRAF	42.00
0015501	06/08/90	PETRA MEYERS	40.00
0015502	06/08/90	RONALD L BESETH-JR.	364.88
0015503	06/08/90	CARY RAHN	66.50
0015504	06/08/90	ROY G WARD	406.40
0015505	06/08/90	DOUGLAS J TAUBMAN	1,482.32
0015506	06/08/90	JANET M GREW HAYMAN	1,250.92
0015507	06/08/90	JEAN NELSON	414.49
0015508	06/08/90	JUDITH A HORSNELL	592.15
0015509	06/08/90	ANN E HUTCHINSON	898.55
0015510	06/08/90	RITA MACY	205.88

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

0006

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015511	06/08/90	KATHLEEN M DOHERTY	1,093.52
0015512	06/08/90	MARIE BARTA	1,002.59
0015513	06/08/90	GEOFFREY W OLSON	1,989.75
0015514	06/08/90	NANCY MISKELL	615.79
0015515	06/08/90	JOYCE L LIVINGSTON	569.94
0015516	06/08/90	KENNETH ROBERTS	1,237.69
0015517	06/08/90	THOMAS RIEDESEL	330.00
0015518	06/08/90	THOMAS G EKSTRAND	1,574.96
0015519	06/08/90	MARJORIE OSTROM	1,679.92
0015520	06/08/90	NICHOLAS N CARVER	1,311.50
0015521	06/08/90	ROBERT J WENGER	1,341.10
0015522	06/08/90	DANIEL CAMPANARO	480.00
0015523	06/08/90	EDWARD A NADEAU	1,225.10
0015524	06/08/90	GEORGE W MULWEE	1,225.10
0015525	06/08/90	LAVERNE S NUTESON	1,710.10
0015526	06/08/90	ROGER W BREHEIM	1,449.65
0015527	06/08/90	DAVID B EDSON	1,424.14
0015528	06/08/90	DAVID GERMAIN	1,225.10
0015529	06/08/90	DENNIS M MULVANEY	1,343.50
0015530	06/08/90	GEORGE C SPREIGL	1,195.50
0015531	06/08/90	ELIZABETH J WEILAND	1,239.96
0015532	VOID 06/08/90	CITY OF MAPLEWOOD (HCMA)	2,904.85
0015533	06/08/90	ICMA RETIREMENT TRUST-457	9,231.38
0015534	06/08/90	CITY & COUNTY EMP CR UNION	25,247.00
0015535	VOID 06/08/90	UNITED WAY OF ST. PAUL AREA	162.65
0015536	VOID 06/08/90	COMMERCIAL LIFE INSURANCE	102.82
0015537	VOID 06/08/90	MAPLEWOOD STATE BANK #1	21,942.04

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

0007

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0015538	VOID 06/08/90	MN STATE COMM OF REVENUE	8,933.19
0015539	VOID 06/08/90	FIRST MINNESOTA (FICA)	8,433.20
0015540	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	4,655.20
0015541	VOID 06/08/90	PUBLIC EMP. RETIREMENT ASSOC.	81.00
0015542	✓ 06/08/90	MN STATE RETIREMENT SYSTEM	317.90
0015543	✓ 06/08/90	AFSCME 2725	562.00
0015544	✓ 06/08/90	MN. MUTUAL LIFE INS. 19-3988	160.00
0015545	✓ 06/08/90	METRO SUPERVISORY ASSOC	18.00
0015546	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	407.30
0015547	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	5,346.98
0015548	✓ 06/08/90	L.E.L.S.	638.00
0015549	✓ 06/08/90	RAMSEY CO SUPPORT & COLLECT	400.00
0015550	VOID 06/08/90	EMPLOYEE BENEFIT PLANS	26.33
0015551	VOID 06/08/90	FIRST MINNESOTA	118.75
0015552	VOID 06/08/90	PHYSICIANS HEALTH PLAN	32.75
0015553	VOID 06/08/90	FIRST MINNESOTA (FICA)	8,433.37
0015554	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	4,930.35
0015555	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	531.02
0015556	VOID 06/08/90	PUBLIC EMP RETIREMENT ASSOC	8,020.46
GROSS EARNINGS AND DEDUCTIONS			297,700.15

Action by Council:

MEMORANDUM

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

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Budget Transfer - Planning Commission  
DATE: June 18, 1990

I am requesting a budget transfer of \$200 for the Planning Commission. Their travel and training expenses this year have been more than expected.

RECOMMENDATION

Approve a budget transfer of \$200 from the contingency account to account 101-107-4390.

go/memo2.mem (1990 budget)

MEMORANDUM

Action by Council

TO: City Manager  
 FROM: Tom Riedesel  
 SUBJECT: Sale of Tax-Forfeited Land  
 LOCATIONS: 2725 Conway Avenue  
 1706 Lark Avenue  
 DATE: June 12, 1990

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

INTRODUCTION

The County is asking whether the City wants two properties that have been forfeited to the State due to nonpayment of property taxes. The City may acquire the properties for public purpose or give approval to the State to sell them.

DISCUSSION

The City does not need these properties.

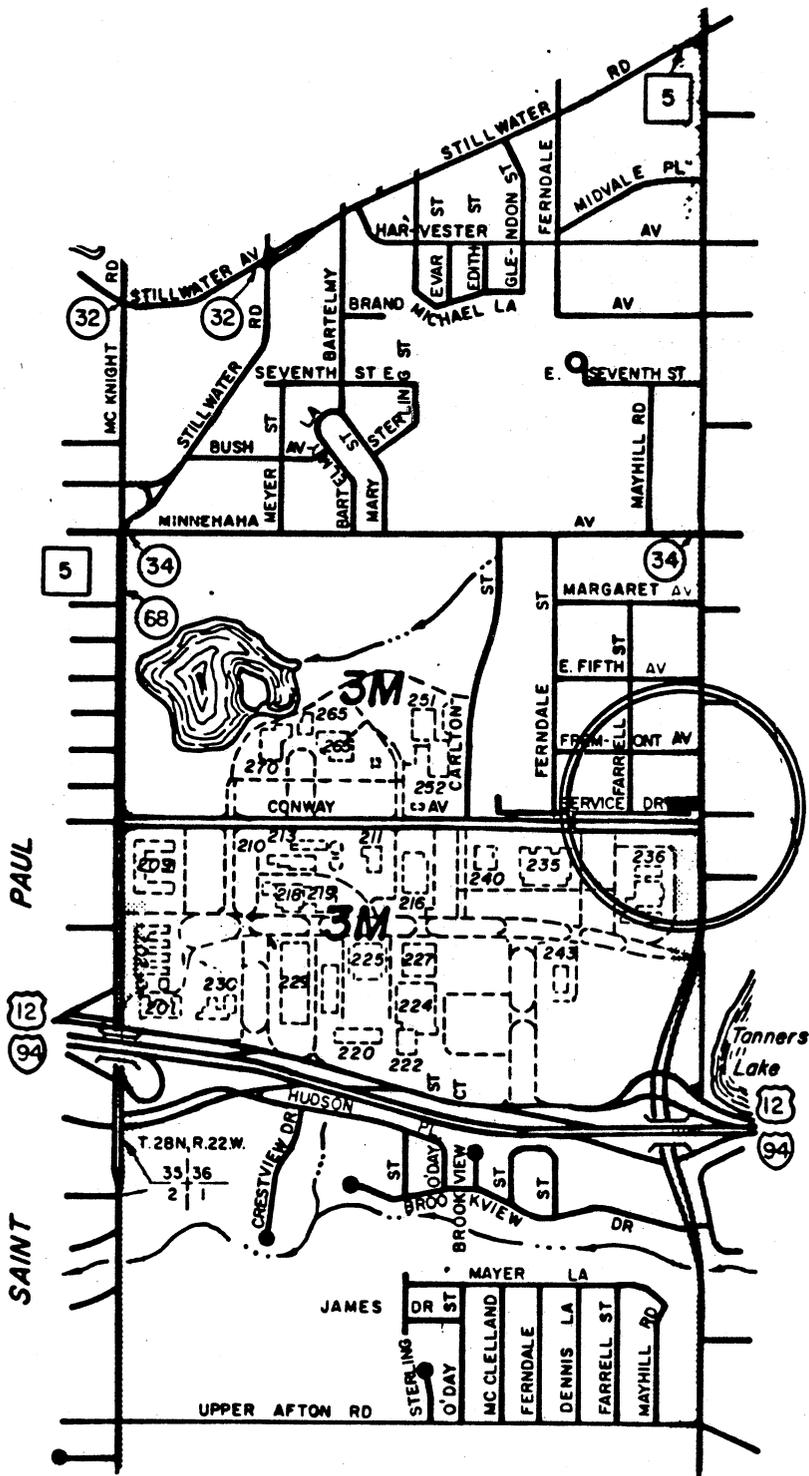
RECOMMENDATION

Approve the resolutions on pages 6 and 7 allowing the County to put these properties up for sale.

mb

Attachments:

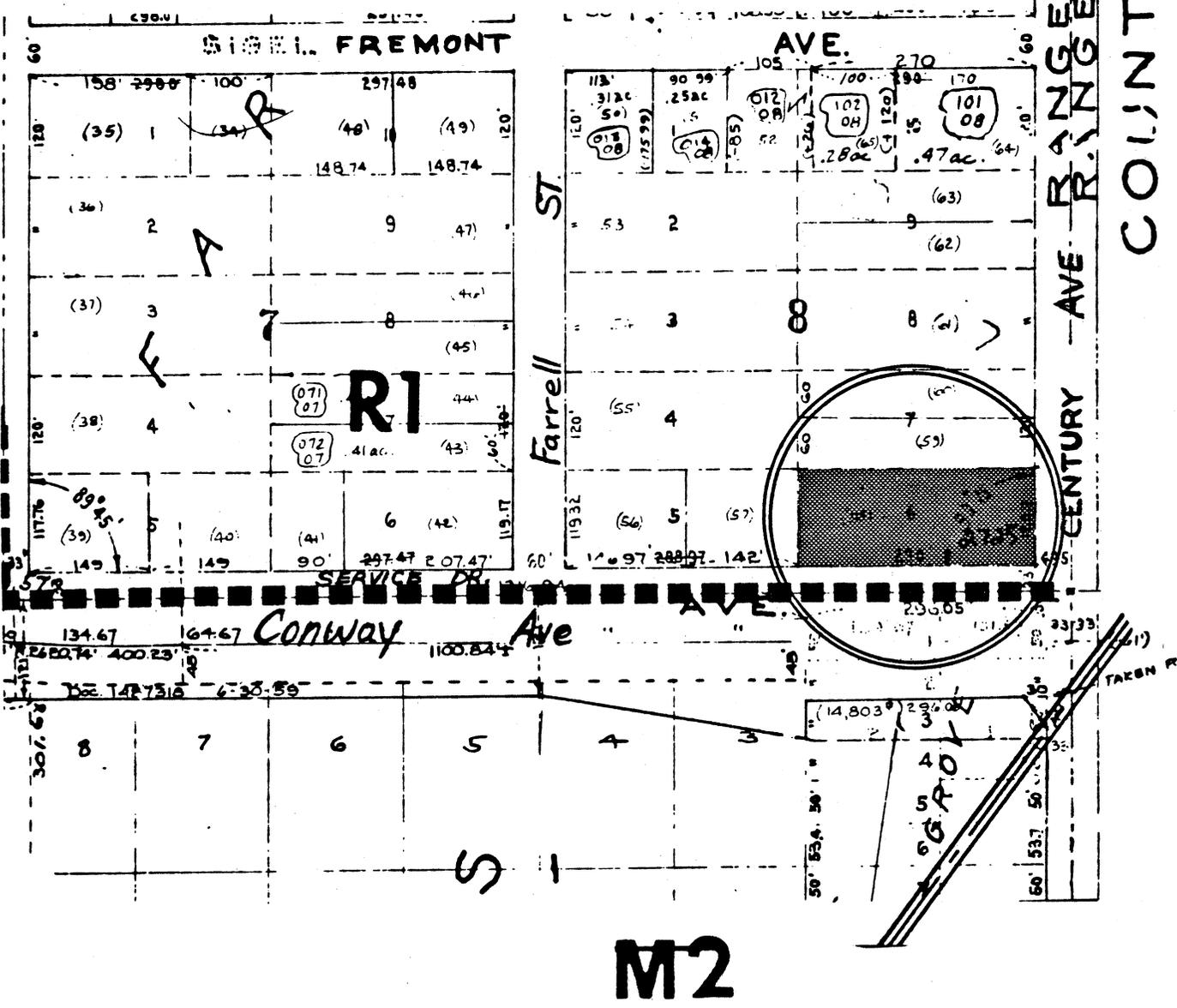
1. Location Map -2725 Conway Avenue
2. Property Line/Zoning Map -2725 Conway Avenue
3. Location Map -1706 Lark Avenue
4. Property Line/Zoning Map - 1706 Lark Avenue
5. Conway Avenue Resolution
6. Lark Avenue Resolution



# LOCATION MAP

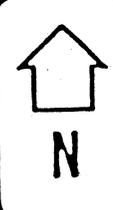
2725 Conway Avenue

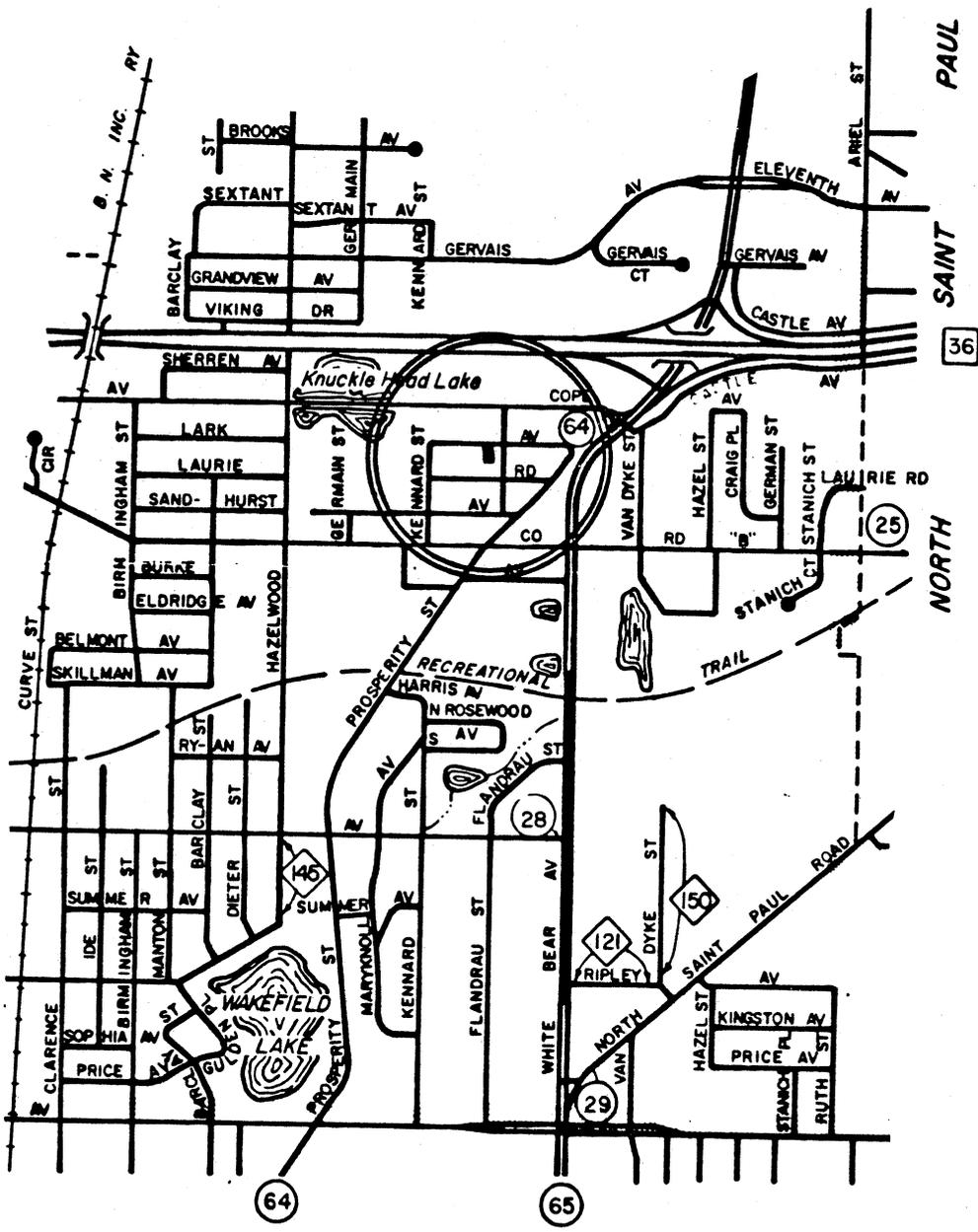




Tax Forfeited Land Site

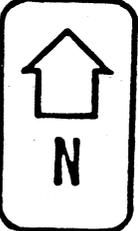
PROPERTY LINE / ZONING MAP

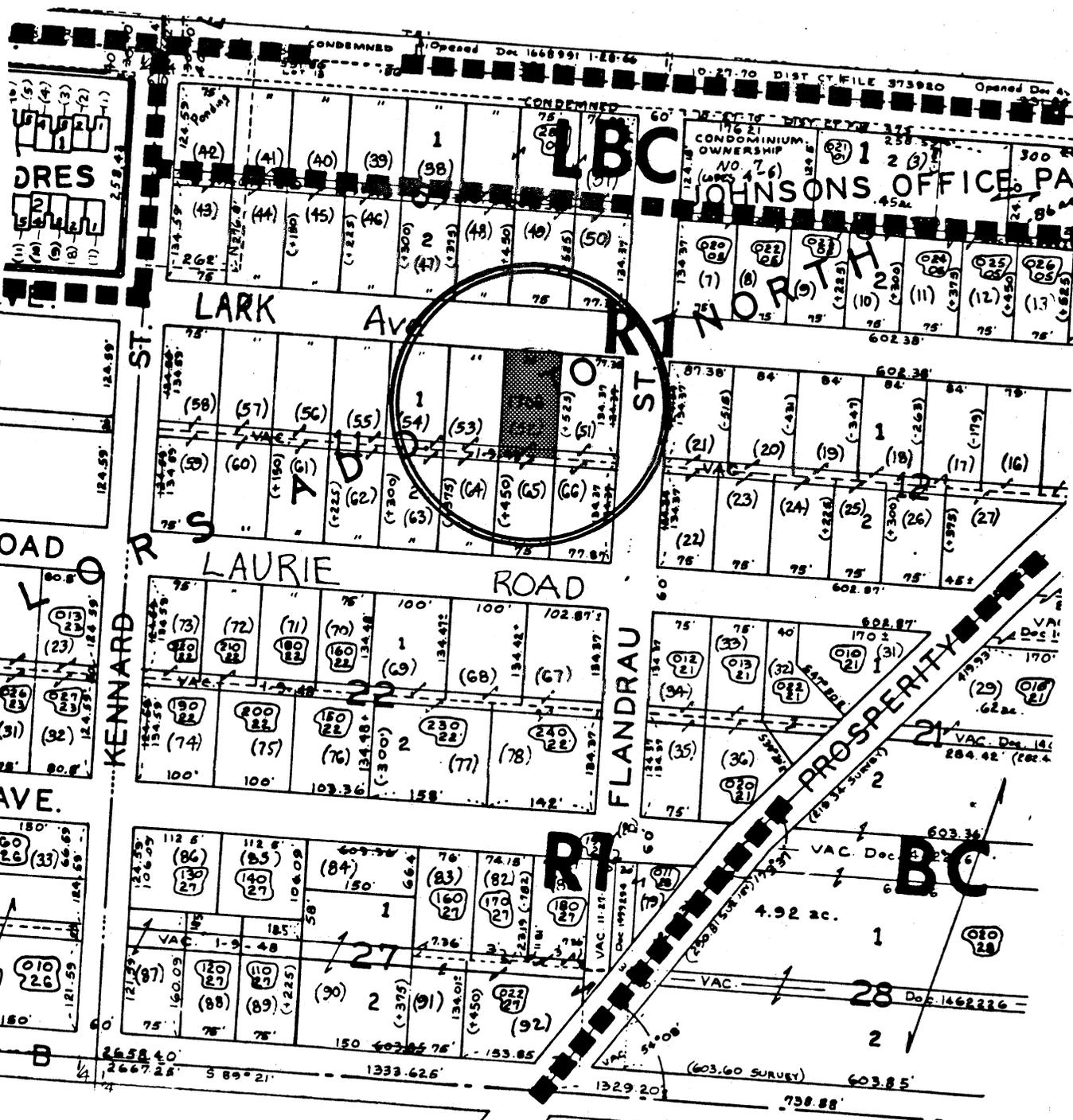




# LOCATION MAP

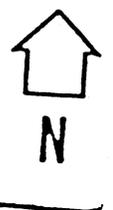
1706 Lark Avenue





Tax Forfeited Land Site

PROPERTY LINE / ZONING MAP



RESOLUTION APPROVING CLASSIFICATION AND SALE

WHEREAS, the Board of County Commissioners of Ramsey County by resolution dated February 20, 1990, classified as nonconservation land lying within the limits of the City of Maplewood; and

WHEREAS, the subject lands are described as Lot 6, Block 8, Farrell's Addition (PIN 36-29-22-14-0058) and

WHEREAS, a certified copy of the classification resolution together with a list of the land classified has been submitted for approval of the classification and sale of the land classified in accordance with Minnesota Statutes, Section 282.01, sub. 1;

WHEREAS, State law requires the City of Maplewood to: (a) act on the county's classification of this property as nonconservation and (b) find that there is no public use that the property can be put to before Ramsey County can offer this property for public auction, and

NOW, THEREFORE, BE IT RESOLVED that the classification of the land shown on said list as nonconservation land and the sale thereof be and hereby is approved; and

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is authorized to file a certified copy of this resolution in the tax-forfeited land section.

RESOLUTION APPROVING CLASSIFICATION AND SALE

WHEREAS, the Board of County Commissioners of Ramsey County by resolution dated February 20, 1990, classified as nonconservation land, certain land lying within the limits of the City of Maplewood; and

WHEREAS, the subject lands are described as the North One-Half (N 1/2) of vacated alley adjoining and the East 75 feet of West 525 feet of Lot 1, Block 11, Smith and Taylor's Addition to North St. Paul, (PIN 10-29-22-44-0052), and

WHEREAS, a certified copy of the classification resolution together with a list of the land classified has been submitted for approval of the classification and sale of the land classified in accordance with Minnesota Statutes, Section 282.01, sub. 1;

WHEREAS, State law requires the City of Maplewood to: (a) act on the County's classification of this property as nonconservation and (b) find that there is no public use that the property can be put to before Ramsey County can offer this property for public auction, and

WHEREAS, the City of Maplewood has no use for this property.

NOW, THEREFORE, BE IT RESOLVED that the classification of the land shown on said list as nonconservation land and the sale thereof be and hereby is approved; and

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is authorized to file a certified copy of this resolution in the tax-forfeited land section.

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

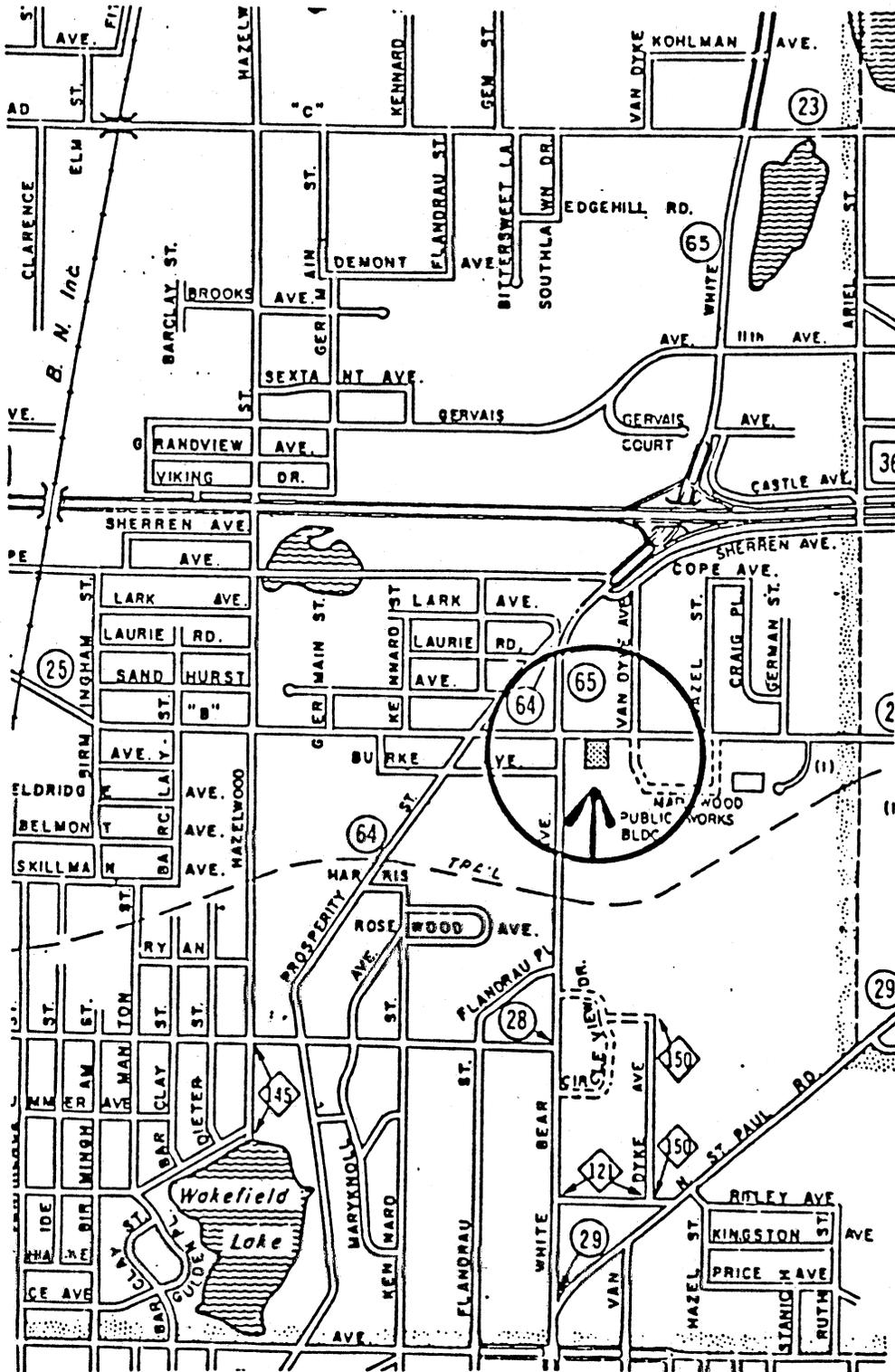
Renewal of this conditional use permit for five years, subject to the previous conditions of approval.

j1

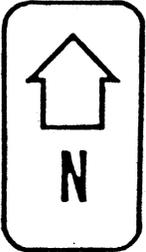
FULKCUP.mem

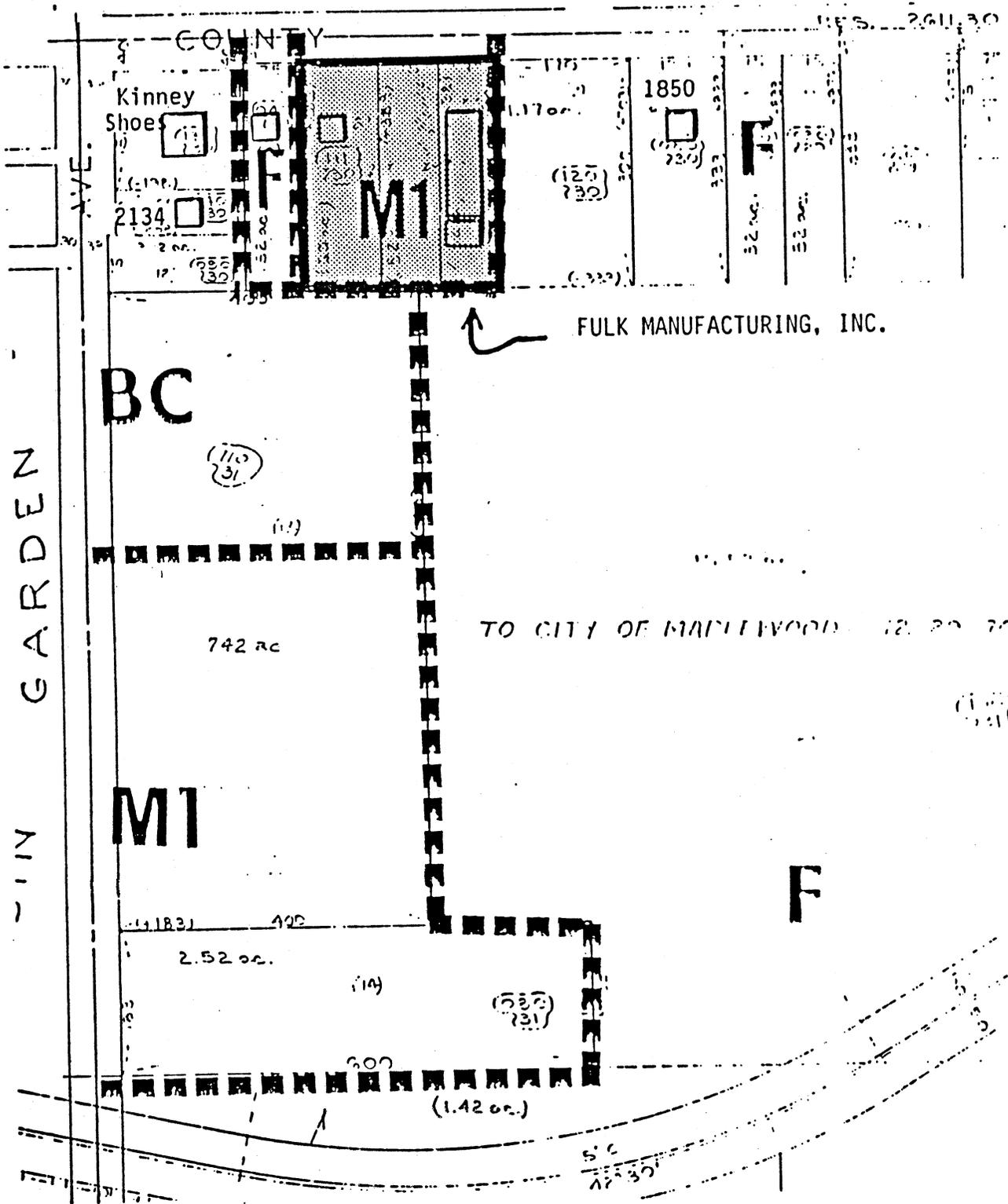
#### Attachments

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



LOCATION MAP





PROPERTY LINE / ZONING MAP





Action by Council

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

MEMORANDUM

TO: City Manager  
FROM: Thomas Ekstrand, Associate Planner  
SUBJECT: Time Extension: Portable-Sign Permit  
LOCATION: 2290 Maplewood Drive  
APPLICANT: Red Wagon Liquors  
OWNER: Menards, Inc.  
DATE: June 11, 1990

INTRODUCTION

The applicant is requesting approval of a time extension for their portable-sign permit. Their permit expired on May 9, 1990. They are trying to get a permanent sign put up. Until then, they want to keep their portable sign for visibility from the west side of the building. Refer to the applicant's letter on page 4.

CODE REQUIREMENT

Section 36-279 (b) states that "no portable sign shall be permitted for a period to exceed 20 days at the same location, and only one portable sign may be located on a lot at any one time. Portable signs may not be permitted on the same lot more than twice per year, except by special permit from the City Council. The City Council may approve additional portable signs by special permit for multiuse commercial centers.

DISCUSSION

The City Council has approved 20-day extensions for portable signs at the Maplewood Square, Maplewood Plaza and Maple Ridge shopping centers. Council should be cautious about going beyond 20 days. This would set a precedent for other shopping centers.

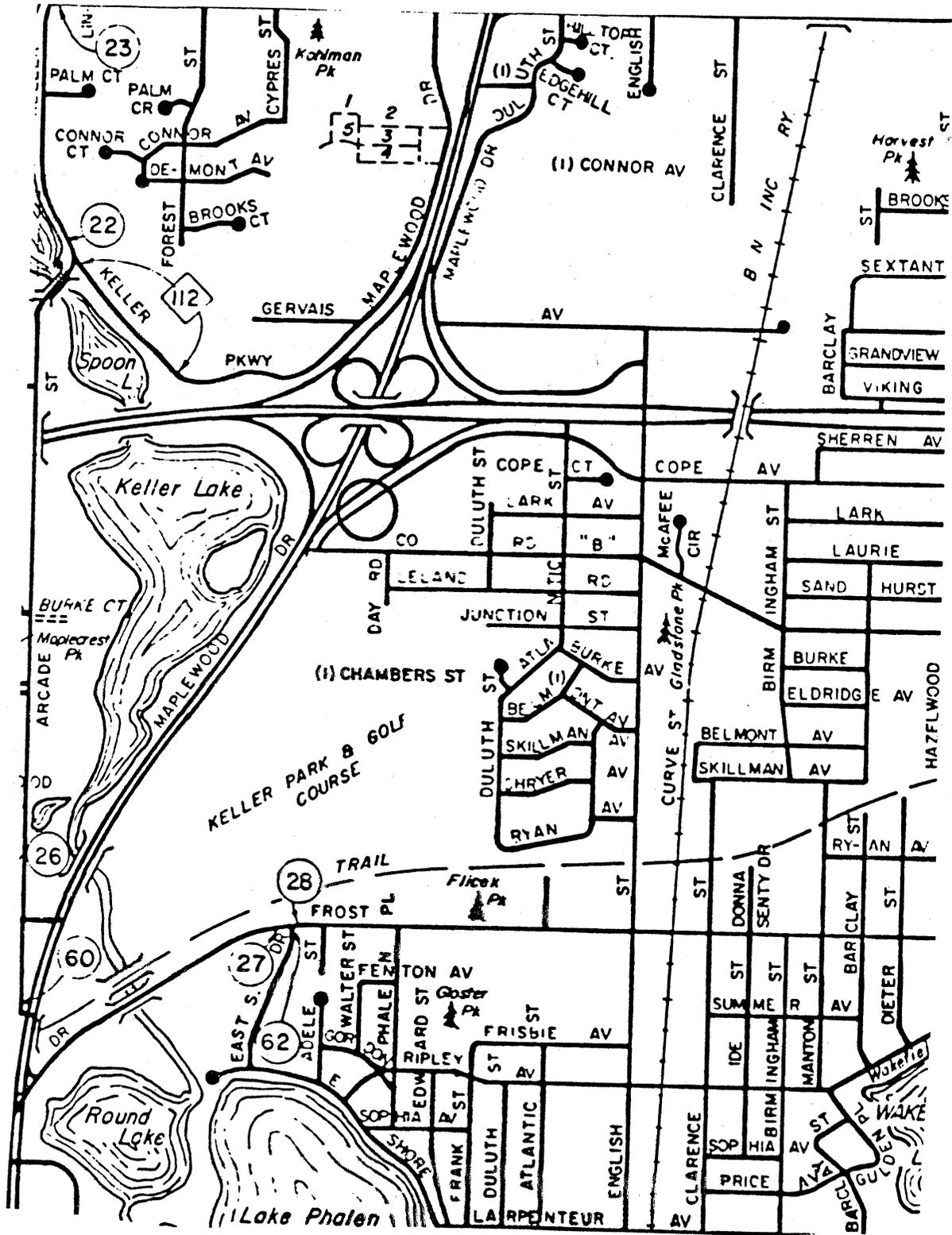
RECOMMENDATION

Approval of a 20-day time extension for a portable sign for Red Wagon Liquors at 2290 Maplewood Drive.

TEREDWAG (section 9)

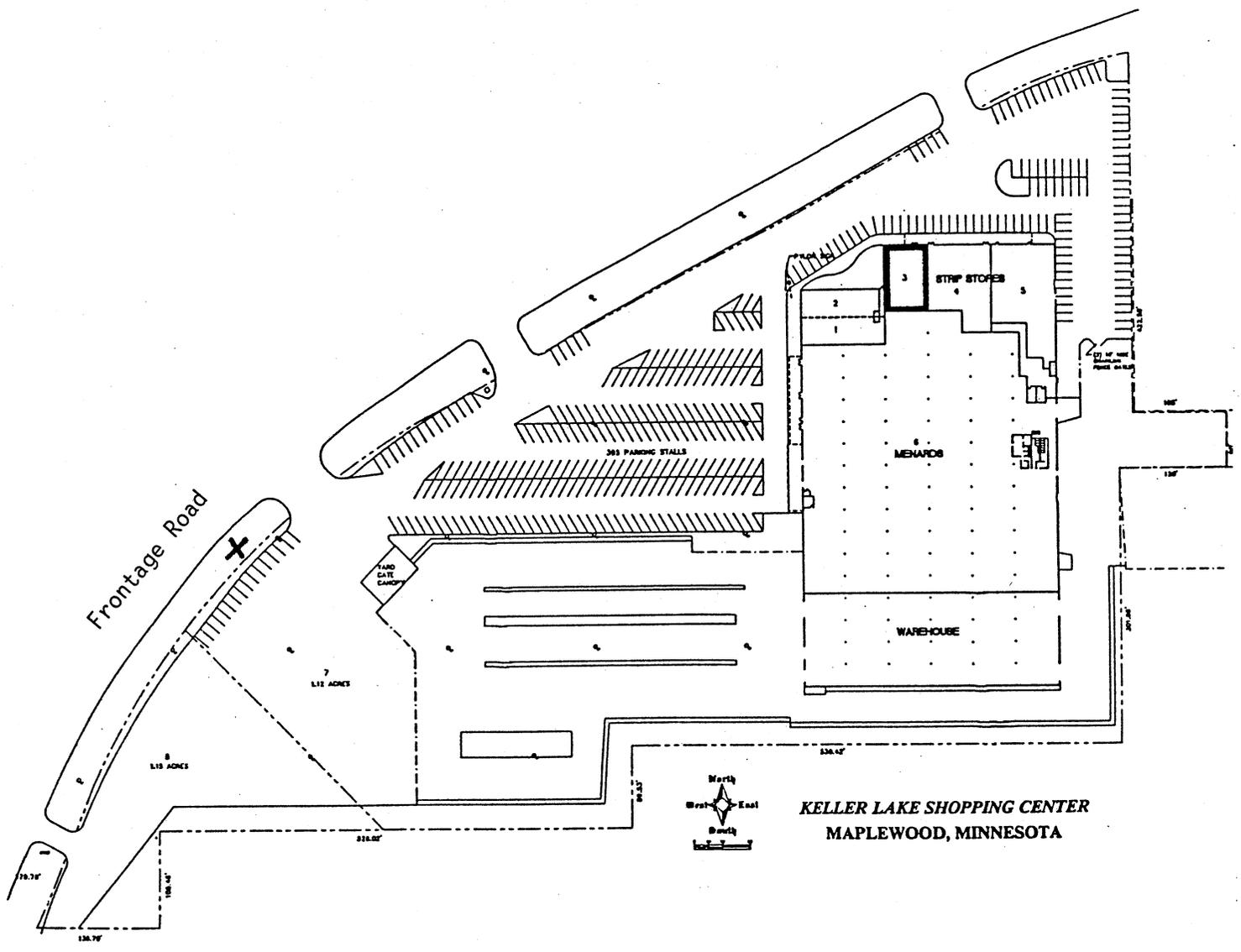
Attachments

1. Location Map
2. Site Plan
3. Applicant's letter of request dated June 8, 1990



# LOCATION MAP

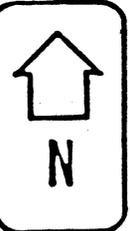


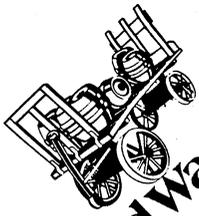


**KELLER LAKE SHOPPING CENTER  
MAPLEWOOD, MINNESOTA**

# SITE PLAN

X = Sign Location





**Red Wagon  
Liquors**

2290 MAPLEWOOD DR., MAPLEWOOD, MN 55109  
484-9542

JUN 08 1990

Mayor and Council Members:

Could you please grant us an extension of the portable sign, that is up now at the Menard's Keller Lake Shopping Center, while we do preliminary work toward applying for a permit for a permanent sign?

It is very important to have a sign on the west as we're not visible from the west side. The main entrance to the parking lot is on the west side of Menard's Keller Lake Shopping Center.

Thank you.

Thomas J. DeFoe  
Lillian M. DeFoe



AGENDA NUMBER E-6

Action by Council

AGENDA REPORT

TO: City Manager  
FROM: Finance Director *R. Hunt*  
RE: ADMINISTRATIVE OVERHEAD CHARGES - IMPROVEMENT PROJECTS  
DATE: June 18, 1990

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

INTRODUCTION

It is proposed that a resolution be adopted to begin charging public improvement projects for administrative overhead.

BACKGROUND

On June 11th, the City Council approved a \$48,000 increase in 1990 estimated revenues for administrative overhead charges on public improvement projects. In order to begin charging public improvement projects for this, a resolution should be adopted to formalize the policy and procedures.

DISCUSSION

The attached resolution provides that all special assessment projects be charged monthly an administrative overhead charge equal to 2% of all expenditures for the current month on the project. This will be an easy procedure to follow that will keep project cost data current on a monthly basis.

RECOMMENDATION

It is recommended that the attached resolution be adopted.

DFF:tmc

## R E S O L U T I O N

WHEREAS, significant administrative and financial management costs are associated with public improvement projects for costs incurred by the City Manager's office, City Clerk's Department and Finance Department; and

WHEREAS, the financial management costs incurred on public improvement projects result from processing bills for payment, accounting and budget administration; and

WHEREAS, 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; and

WHEREAS, an administrative overhead charge equal to 2% of the project expenditures would be a reasonable charge to reimburse the General Fund for these administrative costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA, that all public improvement projects that have special assessments shall be charged monthly an administrative overhead charge equal to 2% of all expenditures for the current month on the project and that this amount shall be reimbursement to the City's General Fund for administrative costs.

BE IT FURTHER RESOLVED, that this policy be retroactive to January 1, 1990.

Action by Council

**A G E N D A   R E P O R T**

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

**TO:** City Manager  
**FROM:** Finance Director *W. Faust*  
**RE:** INTEREST ON DEVELOPER DEPOSITS  
**DATE:** June 19, 1990

INTRODUCTION

It is proposed that a formal policy be adopted regarding the City payment of interest on developer deposits.

BACKGROUND

Periodically City staff requires developers to make a cash deposit with the City to guarantee completion of work on projects. Included in this category are deposits to guarantee the completion of grading, installation of landscaping and construction of fences. Generally, interest has been paid on these deposits only if requested by the developer. When interest is paid, the rate is equal to the average rate earned on City investments.

The problem with this policy is that when refunds are issued it is sometimes unclear whether or not interest should be paid. Also, the calculation of the interest earned can be time consuming because the interest rate on City investments is constantly changing.

A better procedure would be to pay interest on all deposits at a fixed rate of 5.0% simple (i.e., not compound) interest. This would be easy to calculate and would enable staff to tell developers the exact interest rate that they will earn on their deposits. This rate is comparable to the current rate on passbook savings accounts. Financial institutions are currently paying 5-1/4% (banks) and 5-1/2%, (savings and loan associations). Also, it is proposed that interest earned up to \$10 be kept by the City to cover accounting and processing of developer deposits.

RECOMMENDATION

It is recommended that the attached resolution be adopted to establish that 5.0% simple interest be paid on all developer deposits.

DFF:tmc

**R E S O L U T I O N**

WHEREAS, developers make cash deposits with the City of Maplewood to guarantee the completion of grading, landscaping and other things necessary to complete their projects; and

WHEREAS, it is fair and equitable to pay the developer a nominal amount of interest on their deposit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA, that 5.0% simple interest be paid on all developer deposits.

BE IT FURTHER RESOLVED, that interest earned up to \$10 be kept by the City to cover accounting and processing of developer deposits.

AGENDA NO. E-8

Action by Council:

**A G E N D A   R E P O R T**

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

**TO:** City Manager  
**FROM:** Assistant Finance Director *(Anderson)*  
**RE:** CORPORATE RESOLUTION FOR CREDIT CARDS AT WHOLESALE CLUB  
**DATE:** June 19, 1990

The attached resolution needs to be adopted in order to make purchases at the Wholesale Club.

CJA:tmc

# Card Services

## Corporate Resolution

Whereas, The City of Maplewood, ("Corporation") desires to obtain financial accommodations from INB National Bank ("Bank") pursuant to the use of a number of Bank's Credit Cards ("Cards") by the officers, agents, and employees of the Corporation; and

Whereas, the corporation intends that its officers, agents, and employees be authorized to use such Cards for corporate business; and

Now, therefore, be it resolved that the Corporation shall apply to Bank for issuance of a sufficient number of Cards as, in the judgment of the officer or officers hereinafter authorized, the Corporation may require;

Resolved further that Norman Anderson, the ~~President~~ <sup>Mayor</sup> of The City of Maplewood, the ~~City Manager,~~ <sup>City Manager,</sup> Mike McGuire, the ~~Assistant Secretary of the Corporation,~~ <sup>Secretary of,</sup> Lucille Aurelius, and they hereby are, authorized, directed, and empowered, in the name of the Corporation, to apply to Bank for the issuance of such Cards and to execute such application forms and agreements as required by Bank to designate the officers, agents, and employees authorized to use such Cards, and to pay all indebtedness incurred by use of such Cards, whether authorized or unauthorized.

Resolved Further that Bank is authorized to act upon this resolution until written notice of its revocation is delivered to Bank, and the authority hereby granted shall apply with equal force and effect to the successors in office to the officers herein named.

## Certification

I, Lucille Aurelius, Secretary of The City of Maplewood, a corporation incorporated under the laws of the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of a resolution of the ~~Board of Directors~~ <sup>Board of Directors</sup> of said corporation, duly adopted at a meeting of the ~~Board of Directors~~ <sup>City Council</sup> of said corporation which was duly called and held in all respects as required by law and the by-laws of said corporation, at the office thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I further certify that said resolution is still in full force and effect and has not been amended or revoked and that the specimen signatures below are the signatures of the officers authorized to sign for this corporation by virtue of this resolution.

In witness whereof, I have hereunto set my hand as Secretary, and affixed the corporate seal of said corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal)

\_\_\_\_\_  
Secretary (Signature)

Action by Council

AGENDA REPORT

TO: City Manager  
FROM: Public Works Administrative Assistant  
SUBJECT: Project 84-14, Walter Street Improvements  
DATE: June 1, 1990

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

Introduction

A budget adjustment is necessary as expenditures on this completed project have exceeded the budget by \$7,900.

Background

The over-budget situation is primarily the result of legal fees and land appraisal fees necessitated by the assessment appeals filed by the Johnsons and the Silberbauers. Legal fees and land appraisal fees have totalled \$4,537 and \$6,180, respectively, for this project.

Recommendation

It is recommended that a budget adjustment in the amount of \$7,900 be established to cover these higher than anticipated costs.

WJP

jw *Bill*

## AGENDA REPORT

Action by Council

TO: City Manager

FROM: Assistant City Engineer Irish

SUBJECT: Beam Avenue, T.H. 61 to County Road D, Project 88-12  
Reschedule Public Hearing

DATE: June 19, 1990

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

A public hearing for this project was previously scheduled for June 25, 1990, as requested in the attached May 21, 1990, agenda report. Due to vacations and moving the location of the engineering department, it was not possible to mail the required notices within the statutory limits. It is requested that the public hearing be rescheduled for July 9, 1990.

Copies of the original feasibility report are attached for reference. A resolution is attached to reschedule the date of the public hearing.

BAI

jc  
Attachments

PROJECT NO. 88-12

FOLDER NO. 1

INITIALS jcu

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

AGENDA REPORT

TO: City Manager  
FROM: Assistant City Engineer  
SUBJECT: Beam Avenue, T.H. 61 to County Road D, Project 88-12--  
Schedule Public Hearing  
DATE: May 21, 1990

Introduction

The subject project was previously ordered. However, state aid review raised questions regarding the duplication of transportation needs served by the future extension of County Road D from its current alignment to Beam Avenue on the west side of T.H. 61. These questions could not be resolved within the year after the public hearing approval. It is requested that a new public hearing be scheduled to renew the approval of the project.

Background

Negotiations are in progress with state aid. It is anticipated that a proposed settlement to allow state aid funding of the 36-foot-wide street as previously ordered can be reached by the time of the requested public hearing. No other particulars of the project are recommended for change.

Recommendation

It is recommended that the attached resolution which schedules a June 25, 1990, public hearing be adopted. Copies of the original feasibility report for reference will be transmitted separately.

BAI

jc  
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 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 9th day of July, 1990, at 8:20 to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.

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

MEMORANDUM

To: Michael A. McGuire, City Manager  
From: Robert D. Odegard, Director of Parks & Recreation  
Subj: Change Order For Playcrest, Geranium and Sherwood Parks  
Date: June 15, 1990

Introduction

Two Fall seedings were attempted last year in Playcrest, Sherwood Geranium and Hazelwood Parks. Due to the drought conditions, there was very little success and re-seeding was attempted this Spring. The catch was improved, however, the excessive amount of rain that we have had has created a great deal of erosion. Erosion has been especially detrimental on the hillsides and along the drainage ways, creating deep gullies. It is now recommended that since seeding will not hold in these erosion areas, we repair the areas and sod them. Cost for preparation of the area, sodding and staking are estimated as follows:

- Playcrest - 3,270 sq. yds. @ \$1.45 per sq. yard - \$4,741.50
- Geranium - 2,263 sq. yds. @ \$1.45 per sq. yard - \$3,281.35
- Sherwood - 2,780 sq. yds. @ \$1.45 per sq. yard - \$4,031.00

Recommendation

It is requested that the City Council approve a Change Order for sod for the contract with Enebak Construction Company in an amount not to exceed \$12,600.

There is sufficient money in this year's Park Development account to cover this expenditure.

MEMORANDUM

To: Michael A. McGuire, City Manager  
From: Robert D. Odegard, Director of Parks & Recreation  
Subj: U.S. Olympic Festival '90  
Date: June 15, 1990

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

Introduction

On June 11th, the City Council requested information as to what the city is doing to participate and promote the U.S. Olympic Festival '90.

Background

Approximately eighteen months ago, the city contacted the U.S. Olympic Festival and requested participation in the Olympic Torch Run and the possibility of having it come through Maplewood. Our efforts were successful and a committee was requested to work with Program Coordinator Doug Taubman on this event. Mr. Taubman has worked with the overall Torch Run Committee, the sponsor McDonald's, and the final selected applicants for the run. Approximately fifty runners will participate in the Torch Run through Maplewood on July 4th. Attached is a map indicating the route for the run. We expect the Torch Run to stop at Wakefield Park where we will light a lantern, which will be used later in the evening to begin the Fireworks Display. We believe that we have a clever way of transporting the torch from Maplewood to Little Canada via a canoe from Keller Island up to Spoon Lake.

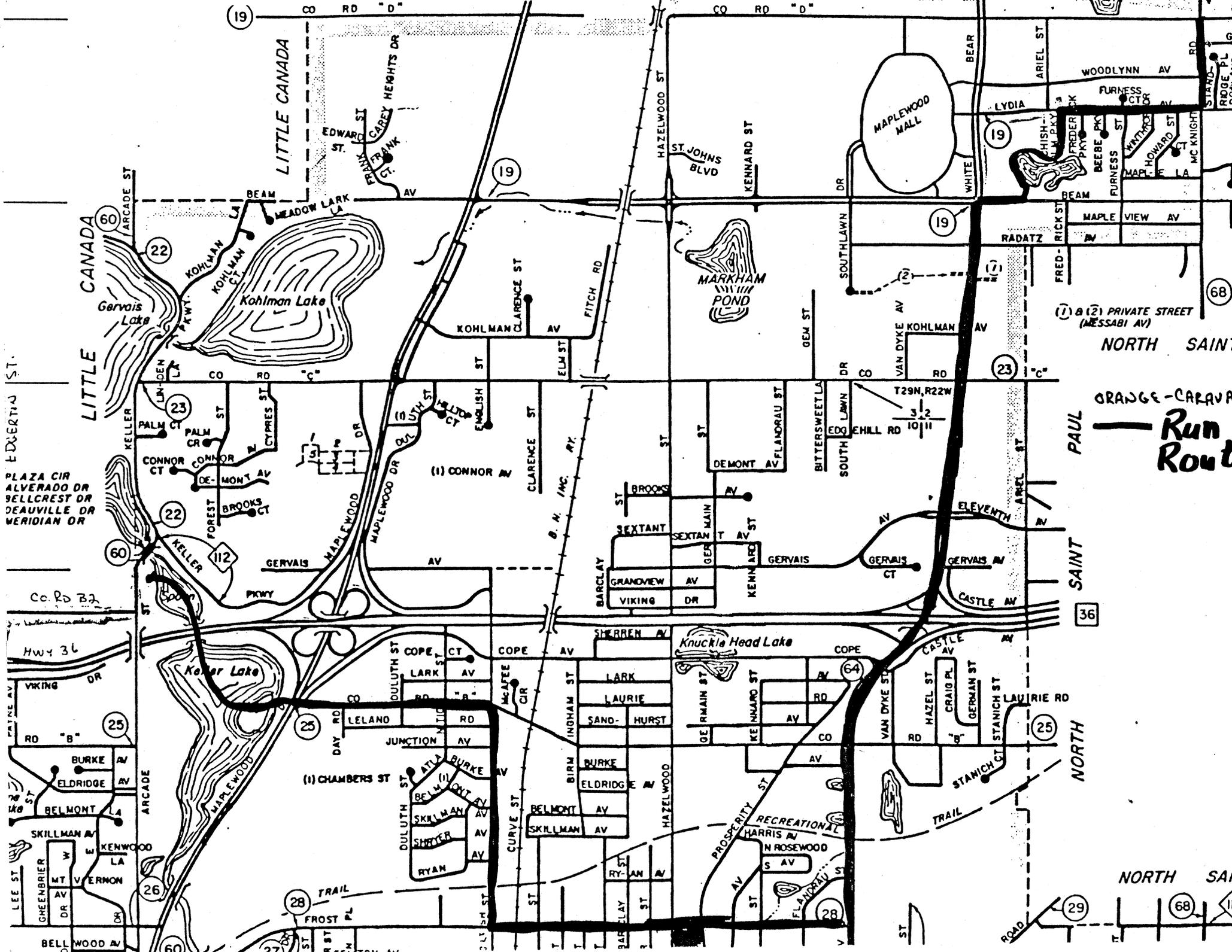
Since the Torch Run is the most important event that we are directly involved with as a city, we have promoted it through an article in the Maplewood Review, the cover of Maplewood In Motion (July/August 1990 issue), the Mayor's Message on Page 2, and a full page of information on Page 18. When tickets for the Olympic Festival events were made available, we immediately contacted the Festival box office and reserved seats for three Festival events, which are advertised on Page 21 of Maplewood In Motion. On July 7th and 8th, the Indoor Speedskating event will be held at Aldrich Arena.

I have contacted the U.S. Festival administration office regarding additional signs for Maplewood, or the placement of banners, flags, and posters in the city, and we may purchase those through Festival vendors. The exact price for banners was not available at this writing, but considering normal costs for banners plus attachments on light poles, the costs are very high.

Recommendation

In terms of actual events happening in Maplewood, it is not recommended that additional costs be incurred for banners and signage. If the city wishes to have special signs or temporary banners that could be used for other events, these items should be included a total Public Relations budget.

✓c: City Clerk



(1) B (2) PRIVATE STREET (MESSABI AV)

NORTH SAINT

ORANGE-CARAVAN

**Run Route**

PAUL SAINT

36

NORTH

NORTH SAINT

EDBERTIA ST.

LITTLE CANADA

PLAZA CIR  
ALVERADO DR  
BELLCREST DR  
DEAUVILLE DR  
MERIDIAN DR

Co Rd B2

Hwy 36

RD "B"

BELL WOOD AV

GHEENBRIER MT VERNON DR

SKILLMAN AV

BELMONT LA

ELDRIDGE AV

BURKE AV

VKING DR

RD "B"

Co Rd B2

ST

FOREST BROOKS CT

CONNOR CT

DE-MONT AV

CONCOR CT

PALM CT

KELLER

ARCADIA ST

60

LITTLE CANADA

ARCADIA ST

19

CO RD "D"

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Action by Council:

MEMORANDUM

To: Michael A. McGuire, City Manager  
From: Robert D. Odegard, Director of Parks & Recreation  
Subj: Skateboards  
Date: June 15, 1990

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

Introduction

The City Council requested information regarding skateboarding facilities in the City of Maplewood.

Background

The City of Maplewood has previously had an outdoor skateboarding facility that was privately owned. The facility in the area of English and Cope was open for a short period of time and then closed.

Our calls to adjacent communities have indicated that skateboard areas have not been developed due to the concern for liability coverage. Labor costs for constant supervision, construction of a safe facility, and inspection of proper equipment would be prohibitive.

In terms of skateboarding for recreational activity, many of the skateboarders have been observed using city streets, sidewalks, and city trails. In some places they have built their own skateboard jumps in front of their own homes.

It is my understanding that at the last elected officials meeting with School District #622, this item was brought up for discussion and referred to the partnership.

Recommendation

Considering the heavy liability that is involved in skateboarding, I cannot recommend that the city become involved in this activity nor make the investment for such a facility.

✓c: City Clerk

EA-1  
Action by Council:

MEMORANDUM

DATE: June 1, 1990

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

NOTE: The memo of April 23, 1990 to the City Council was a preliminary report and was not meant to be a final report. This is the Commission's final report and recommendation.

TO: Maplewood City Council

FROM: Karla V. Sand, Chair  
MAPLEWOOD HUMAN RELATIONS COMMISSION

RE: St. Paul Pioneer Press Article - March 30, 1990

This report is in response to the Maplewood City Council's request for information on the incident of 3/29/90 at John Glenn Middle School reported in the St. Paul Pioneer Press on 3/30/90. (copy attached)

Human Relations Commission members met with appropriate school district and community personnel as follows:

- a) Carol Engel met with Michael Herbert, Maplewood Police Department. He agreed to attend the May 1, 1990 Human Relations Commission meeting.
- b) Dawn Vassar met with Fulton Klinkerfues, John Glenn Middle School Principal; Bud Lanning, Assistant Principal, and Juvenile Police Officer, Michael Herbert. Report is attached.
- c) Paul Sand met with Carver Fouks, North St. Paul Senior High School Principal. Report is attached.
- d) Michael Herbert and Chief Ken Collins of the Maplewood Police Department attended the May 1 Commission meeting. Notes in Commission Minutes of 5/1/90.

SUMMARY

Commissioner Engel reported that Officer Herbert is concerned about incidents involving students in our community and is interested in discussing solutions (long and short term) with the Commission. He agreed to attend the May 1 Commission meeting.

Commissioner Vassar reported that representatives from John Glenn did not think the incident reported in the Pioneer Press was racially motivated, that it developed out of a personal conflict between two John Glenn students.

Commissioner P. Sand met with Carver Fouks of North St. Paul Senior High School who gave background on the social changes in the school population and how they are affecting the behavior and discipline of students. He stressed that more minorities are moving into the community, more foster children are moving into the neighborhoods, and there are several children living in single-parent families. All of these situations add stress to the school environment because of the discipline and behavior problems.

The report to the Commission on May 1 by Michael Herbert and Ken Collins suggested that there exist racial overtones to some of the conflicts they are seeing, and that these tend to be generated by a certain few individuals. A criminal element is another factor present in many of these conflicts.

Comments by school administrators in the attached reports suggest an absence of a problem or that skirmishes among young people are being kept under control may reflect in part a concern to maintain their schools' images in a favorable light. The Human Relations Commission is concerned that if racial problems do exist, that they be acknowledged as such so that the process of improving relations can begin.

The signs are there that our community population as well as that of the state and nation is changing and we as leaders need to provide a smooth path -- this may mean being pro-active rather than reactive in dealing with human relations issues in Maplewood.

The Commission's 1990 priority is to begin work in the local school community to set the stage for long-term educational programs either with the schools or with the community.

With the City Council's approval, the Human Relations Commission recommends that the school board address the issues of this report.

kvs

Attach.

## Police defuse potential fisticuffs between black, white teen-agers in Maplewood

**P**olice converged at John Glenn Middle School in Maplewood on Thursday afternoon to prevent an expected fight between a large group of black and white high school students.

No fight occurred and there were no injuries.

Police, called by school officials, peacefully dispersed the crowd and took several students to police headquarters for questioning, said Sgt. Carol Nelson. She said she did not know whether any of the juveniles were arrested.

Principal F.B. Klinkerfeus said administrators called police after

hearing rumors that a large group of area high school students were going to gather at the school in the afternoon.

Klinkerfeus declined to comment on whether the conflict was racially motivated, but several middle school students said it began several days ago with a feud between two middle school boys, one black and one white.

The antagonists set Thursday to fight outside an apartment complex across the street from the school at Ramsey County Road B and Hazelwood Street, and each threatened to bring older high school friends and relatives, several students said.

About 40 white teen-agers and five black teen-agers showed up at the apartment complex between 2 p.m. and 2:30 p.m., before police intervened, the students said.

The feuding boys were allegedly escorted home by middle school officials earlier in the day in an effort to head off trouble, according to some students. Klinkerfeus declined to comment on the report and said no middle school student was involved in the gathering.

A rumor that some of the high school students were white supremacist "skinheads" was not true, several students said.

## MINUTES

### MAPLEWOOD HUMAN RELATIONS COMMISSION

Tuesday, May 1, 1990--7:00 P.M.  
Maplewood City Hall

#### Attendees:

Sr. Claire Lynch	Dawn Vassar
Scott Rostron	Carol Engel
Fat Williamson	Mike McQuire
Karla Sand	Gail Blackstone
Paul Sand	Gretchen Maglich

I. MINUTES--M/S/A minutes of the April 3 meeting as amended in section II C 3--Materials from St. Paul HR department.

#### II. NEW BUSINESS

A. Karla presented 1989 Annual Report to the city council in April. Council members asked her about the John Glenn incident and monitoring city personnel policies. One member suggested a Maplewood Human Rights Day in April 1991. Brief commission discussion of this idea included suggestions to involve government, schools, the business community, churches, the Chamber of Commerce, and local civic groups. It was suggested that we could use it as an educational/awareness tool and possibly involve the state Dept. of Human Rights. This will be a major agenda item next month.

B. Karla reported that there was no substantive legislation on HR issues in the session just concluded.

#### III. OLD BUSINESS

A. John Glenn Middle School incident--Chief Ken Collins and Officer Mike Herbert of the Maplewood Police Department attended this portion of the meeting at the commission's request. Mike Herbert is assigned full time to District 622 and spends most of his time at North and the two middle schools. He described the incident at John Glenn as one with racial overtones. He stated that the people involved were primarily present and former North High students and that of the 200-225 present, perhaps 25-50 represent a "hardcore" group most of whom have been expelled for a variety of reasons. Several of these same individuals have been arrested by the police for other crimes. Herbert stated that there were a variety of racially motivated fights and other incidents at North during the last school year and that that climate continues to be present. He stated that the school administration has dealt swiftly and equitably with these incidents and that after a few of the "hardcore"

individuals had been removed from the school, things calmed down. Herbert and Collins indicated that the current problem is best dealt with by the police, but that sensitivity training is very much needed especially at the elementary level. Chief Collins said that as far as he is aware, the school board has never addressed these issues. The commission decided that our revised report to the city council should cover the following issues:

- racial overtones of John Glenn incident
- criminal element involved in these activities
- possibility of dialogue with the school board on these issues.

- B. Thoughts concerning commission involvement in this issue included working through the following areas:
- Paul's urban/suburban program for dialogue among ninth and tenth graders
  - District 622's PEER council--Scott serves on the curriculum portion of this body
  - Multicultural/Gender Fair issues
  - HR Essay on a topic such as "Does freedom of speech include ethnic slurs?"

#### IV. REPORTS

- A. No current grievances.
- B. Karla reported that the state League is working on procedures to respond to incidents such as the recent ones in White Bear Lake and Inver Grove Heights.
- C. Scott reported that the committee on Seniors and Others with Special Living Needs is progressing. The seniors component will be a key one for the proposed Maplewood community center.
- D. City Of Maplewood--passed out copies of Scott's article.

Next month's meeting will be Monday, June 4, 1990 at 7:00.

TO: Karla Sand, Chairperson  
Maplewood Human Relations Commission

FROM: Dawn Vassar  
Commissioner

RE: Report of the Interview with:  
a) John Glenn Principal Fulton Klinkerfues,  
b) Assistant Principal Bud Lanning, and  
c) Juvenile Police Officer Michael Herbert  
April 9, 1990, 10:00 - 10:25 a.m.

Two John Glenn students had a conflict because one said the other's girlfriend didn't like him. The school became aware of the conflict and met with the two students on Wednesday, March 28, 1990. A police officer was also present. The two students had contacted older students from the high school for help. High school students had been coming around John Glenn.

Klinkerfues said that the school learned "through the grapevine" that something was brewing for Thursday, March 29. North High School gets out earlier than John Glenn, and approximately 200 young people (of which about 10 were black) began congregating at John Glenn between 2:10 and 2:30 on Thursday. Police were present to assist school administrators in steering John Glenn students home in a different direction once school let out. No John Glenn students, including the two who initially had the conflict, were among those who converged on the school. Among those who converged were some drop-outs and some "self-professed racists" from North High, according to officer Herbert.

The St. Paul Pioneer Press had reporter(s) present at the incident. This reporter tried to ask John Glenn students about what they thought motivated the incident. (The paper explained to the police that it had received numerous phone calls from young voices tipping it off that this was a story to cover.) The initial two students told adults later that they regretted calling for the high school students.

Klinkerfues feels that John Glenn was victimized by this incident. Lanning said that it could have occurred at any location and was no longer related to the initial conflict between the two students, as the older students took over for their own reasons.

Young people of high school age have continued to drive around the area of John Glenn since the incident which was reported in the paper. One of these individuals is recognized as a self-professed racist. Others are not high school students, but drop-outs.

Incidents of conflict are continuing at North High School. However, when North High took action recently against about five students representing both sides, things calmed down at the

school, causing Herbert to suggest that only a core group is attempting to stir trouble.

(No one wanted to support the comment that students described as self-professed racists were "skinheads.")

Klinkerfues said that black students have attended John Glenn since 1962. Overall attitude of the interviewees appears to be that, though certain individuals may have wanted to make this and other events racial, the majority of individuals involved were not so inclined.

#### RECOMMENDATION

Commission would do well to interview individuals at North High where disturbance appears to continue.

Meeting with Carver Fouks, Principal of North St. Paul Senior High School - April 19, 1990

Purpose of the meeting was to be briefed on the recent incident involving black and white students at John Glenn Middle School. Information concerning the incident was requested by the Maplewood City Council.

Carver gave background information on the incident. Over the past years, there has been an increase of minority students (mostly African Americans) that have come to attend the high school. These students, not all, but a majority have passed through the court system (Totem Town) and have been placed in foster homes located in the school district. Most students bring with them disciplinary problems, high absenteeism, and low grades. Many view the school as a time to socialize and not to study. When arriving at the school, the minority students tend to segregate themselves from white students. Friction between whites and blacks often is over a male black student dating a white female student. Fights have broken out over such relationships. Fights also have been within the minority groups. Keep in mind that many white transient students also have behavioral problems.

As for the report of 'skinheads' in the school - is erroneous. Although there are three or four who reportedly (ego trip) say they are skinheads, when confronted by officials they say they are only joking. The skinheads are not a threat and the few that say they are skinheads are only attempting to get peer recognition. Students simply ignore them.

Fights that do occur are not tolerated by school officials and suspensions are always administered. Because of state regulations and mandatory attendance laws, the students are re-admitted until another incident occurs.

As for racial slurs in the hallways and classrooms, this is simply not a problem. Teachers and school administrators are told that upon hearing a slur, disciplinary action must be taken, generally resulting in a suspension. Students know action will be swift, hence refrain from engaging in racial slurs.

Last year found one student (who had been identified as a ringleader and who was an 18 year old sophomore) to be at the root of many incidents involving whites against blacks. He was expelled on numerous occasions, but such suspensions did not change his behavior.

There are approximately 30 foster care shelters in the district. The trend is toward more shelters.

As for the John Glenn incident, North St. Paul students, both black and white, learning about a possible fight went to the area of John Glenn. Both blacks and whites rode together. They went

Carver Fouks  
April 19, 1990

there to see what was going on, not to become involved.

I left the meeting with the impression that school officials are in control of the situation and disciplinary action is being taken.

However, I discussed with Carver that with the increased trend of more minorities into the system, there will need to be intensive sensitivity training for students, teachers, and administration.

That multi-cultural and multi-racial training must be an on-going educational process, not only in social studies classrooms which may touch only the surface of human relations problems but more inter-department education that will have a long-term impact on students and educators alike.

The Maplewood Human Relations Commission with its expertise and networks can play an important, positive role in assisting the school district achieve unity within cultural and racial diverse groups within the school environment and the community. The warning signs are there. The problems are not so bad that they can't be overcome. As community leaders we need to be more proactive rather than re-active when addressing human relations problems.

Paul O. Sand  
Commissioner  
4/90

AGENDA ITEM F-1

Action by Council:

AGENDA REPORT

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

TO: City Manager  
FROM: Assistant City Engineer Bruce Irish  
SUBJECT: Condor Storm Sewer--Western Branch, Project 86-01--  
Assessment Hearing  
DATE: June 19, 1990

The assessment hearing mailing list books for the subject project are herewith transmitted. A resolution is attached to adopt the assessment roll.

BAI

jw  
Enclosure

RESOLUTION  
ADOPTION OF THE ASSESSMENT ROLL

WHEREAS, pursuant to proper notice duly given as required by law, the city council has met and heard and passed upon all objections to the proposed assessment for the construction of Condor Storm Sewer--Western Branch as described in the files of the city clerk as Project 86-01, and has amended such proposed assessment as it deems just,

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of twenty years, the first of the installments to be payable on or after the first Monday in January 1991, and shall bear interest at the rate of nine (9.0) percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1990. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the council, as authorized by Minnesota Statutes Section 420.051, to reimburse the city by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

F-1

TO CITY CLERK,

6-18-90

I AM OVER 65 YEARS OF AGE AND I  
WOULD APPRECIATE INFORMATION FOR  
DEFERMENT FOR THE ASSESSMENT I MUST  
PAY FOR THE CONDOIR SEWER PROJECT  
IMPROVEMENT NO. 6052.

MY- PINS ID IS 12-28-22-21-0045

Thank you

Fred J Alfonso

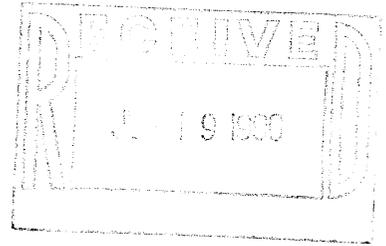
2455 Londin Ln #217

Maplewood, Mn

55119

June 18, 1990

Mr. Michael McGuire  
City Manager  
City of Maplewood  
Maplewood, MN. 55109



Subj: Project No. 86-01, Condor Storm Sewer.

Dear Mr. McGuire:

I am writing this as the owner of a condominium at Connemara II, 2455 Londin Lane. First of all, let me say it is good to see this project moving forward. However, I wish to express my concern as to the equitability of the proposed assessment. I understand the assessment is \$231.00 per unit at Connemara II, and \$500.00 per single family home.

I would like to ask the following questions at the assessment hearing on June 25, 1990:

1. What is the total acreage of the area that has contributed to this problem?
2. What is the total acreage of the area that is being assessed for this project?
3. What per cent of these totals represents the surface area of the Connemara II property?
4. What per cent of the total cost of this project do you propose to be borne by the residents of Connemara II?
5. What principle of assessment is being used?
6. Is this principle consistent with that which was used in assessing for the water tower?
7. Did you ever consider that Connemara II is a victim in this case in that our land has been eroded by upstream runoff that should have been controlled by you, and now we we must help pay for the problems caused by this runoff? Please do not use your difference of opinion with Condor as an out.
8. Is it fair to assess me for problems cause by upstream runoff?
9. Did not the property immediatly to the West of Connemara contribute anything to the problem?

*Richard D. Martinson*

Richard D. Martinson  
2455 Londin Lane #214  
Maplewood, MN. 55119

Action by Council:

MEMORANDUM

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

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Street Vacation & Address Change - Netnorlin Ct.  
DATE: June 18, 1990

The City Council tabled the vacation of Netnorlin Court and the address change for 3048 Netnorlin Court until June. The Council had three questions:

1. What is fair compensation for a change in address?
2. How much of lots 18 and 19 are needed for drainage?
3. What problems could happen in the future with lot 22?

Compensation for Address Changes

The City has never paid property owners for address changes. The last change was Ide Street, north of Frost Avenue, to Donna Senty Drive. There is no cost to the property owners, unless they choose to update their drivers licenses or checks before they expire. It is, however, an inconvenience.

Lots 18 and 19

The Engineering Department recommends that Mr. Nettleton deed a drainage easement to the City over lot 19.

Lot 22

Anne Fesenmaier (3033 McKnight Road) owns lot 22 and the abutting lot to the east. The staff report recommends that Ms. Fesenmaier combine these lots with one tax identification number. The property owner could then not sell the lots separately. I cannot think of any other problems with lot 22.

RECOMMENDATION

Adopt the recommendation on page 2 of the December 19 staff report, with the additional condition that Mr. Nettleton deed the City a drainage easement over lot 19.

go/memo3.mem (section 2N)  
Attachment: December 19 staff report

## MEMORANDUM

TO: City Manager  
FROM: Ken Roberts, Associate Planner  
SUBJECT: **Street Vacation and Address Change**  
LOCATION: Netnorlin Court, South of Woodlynn Avenue  
APPLICANT/OWNER: Mack Nettleton  
DATE: December 19, 1989

### SUMMARY

#### INTRODUCTION

##### Request

The applicant is requesting the vacation of Netnorlin Court which is on the south side of Woodlynn Avenue west of McKnight Road. (Please see the map on page 5.) This would require a new address for 3048 Netnorlin Court.

##### Reason for the Request

The street and lots were planned and platted but the street was never constructed. Due to the grade changes and other existing conditions of the property, the applicant now feels that it is most feasible to vacate the street and reconfigure Lots 18 and 19 into two new lots fronting on Woodlynn Avenue.

#### BACKGROUND

January 21, 1971: The City Council gave final approval to the Netnorlin subdivision.

July 11, 1979: Mr. Nettleton applied for a building permit to construct a single-family home on Lot 23, Block One, Netnorlin Addition (3048 Netnorlin Court).

October 9, 1989: Council tabled this request to investigate potential drainage problems including City acquisition of Lot 21.

November 13, 1989: Council tabled this request until Mr. Nettleton could be present.

#### DISCUSSION

The existing house (on the southeast corner of Woodlynn and Netnorlin Court) would be required to change its address to one on Woodlynn Avenue and have its driveway meet all current standards for setbacks, size and type of construction. If any changes are required for the driveway, they should be paid for by the applicant and be subject to the City Engineer's approval.

The City Engineer has also noted that the curb and boulevard section along Woodlynn Avenue will be required to be reconstructed. This is because the curb and gutter radiuses for Netnorlin Court were installed along the south side of Woodlynn Avenue in anticipation of the street. This portion of Woodlynn Avenue will need to be rebuilt so that the concrete curb and gutter is continuous along the south side of the street and so that the public boulevard area is regraded and seeded to meet City standards. In addition, sanitary sewer and water main were stubbed to the southern edge of the portion of Netnorlin Court which was constructed when Woodlynn Avenue was built. It does not appear reasonable to have these utility stubs removed so easements will be required over them as shown in the drawings on pages 5 and 6. These requirements shall be the responsibility of the applicant and shall be subject to the City Engineer's approval.

Regarding the lot layout and ownership, the applicant has stated that the owner of Parcel 13 adjoining Lot 22 to the east owns Lot 22. This was done by that individual in order to preserve some of the open space in the area. If Lot 22 is combined with the property to the east (Parcel 13) so that they have one parcel identification number, then Parcel 22 would not need the construction of Netnorlin Court.

#### RECOMMENDATION

1. Approve the resolution on page 9 to vacate Netnorlin Court, subject to retaining a 50-foot-wide egress and ingress easement from Woodlynn Avenue to Lot 21 for City maintenance of the drainage area. In addition, the following conditions must be completed before the City files the street vacation resolution with Ramsey County:
  - a. The driveway for 3048 Netnorlin Court shall meet all City standards for setbacks, size and type of construction. Any changes that are required for the driveway shall be the responsibility of the applicant and shall be subject to the City Engineer's approval.
  - b. A drainage and utility easement shall be required over the 20-by 50-foot area of the Netnorlin Court right-of-way as shown on the maps on pages 6 and 7. This easement shall be subject to the review and approval of the City Engineer.
  - c. Lot 22 of Netnorlin Addition shall be required to be combined with Parcel #02-29-22-11-0013 adjoining it on its east side so that they have one parcel identification number. Lots 18 and 19 of Netnorlin Addition shall be required to be combined with one parcel identification number.

- d. Payment of deferred assessments on Lots 18, 19 and 22 of \$1,142.74.
2. In addition, prior to City approval of a lot reconfiguration for Lots 18 and 19, the applicant shall reconstruct the curb and gutter along the south side of Woodlynn Avenue so that it is continuous and shall regrade and seed the public boulevard. This shall be subject to the approval of the City Engineer.
3. Change the address of 3048 Netnorlin Court to 2234 Woodlynn Avenue.

## REFERENCE

### SITE DESCRIPTION

Gross effected area: 103,385 square feet (2.37 acres),  
including Lot 23

Net effected area: 87,281 square feet (2.00 acres), not  
including Lot 23

Existing land use: Undeveloped (except for Lot 23)

### SURROUNDING LAND USES

North: Woodlynn Avenue. Across the street are the Woodlynn  
Heights Townhomes.

East: Single-family homes

South: Single-family homes

West: Single-family homes

### PLANNING

Land use plan designation: RL, Low Density Residential

Zoning: R1, Single Dwelling Residential

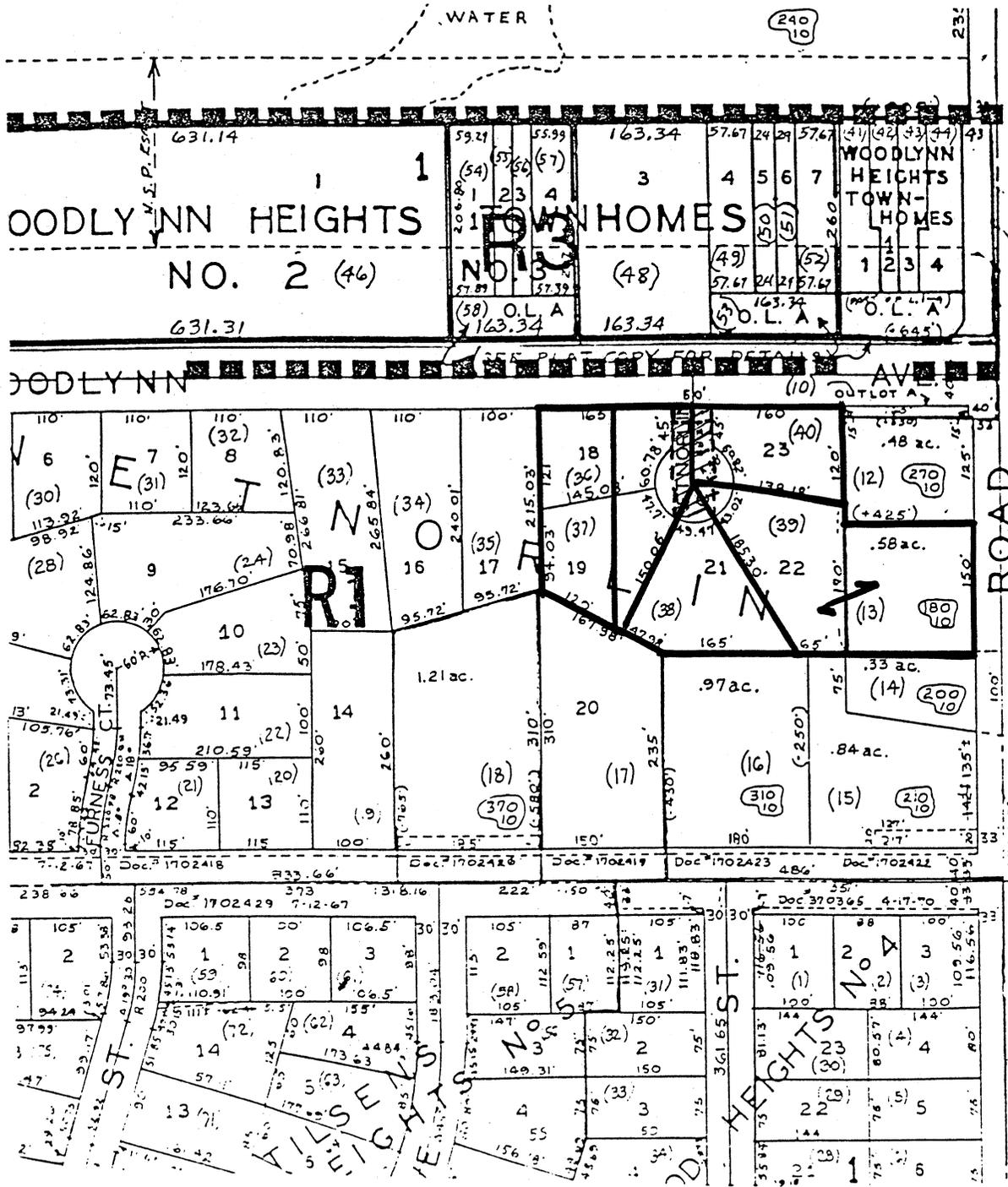
netnorct.mem

jl

### Attachments

1. Property Line/Zoning Map
2. Concept lot layout
3. Woodlynn Avenue construction plan
4. Applicant's vacation request statement
5. Street vacation resolution



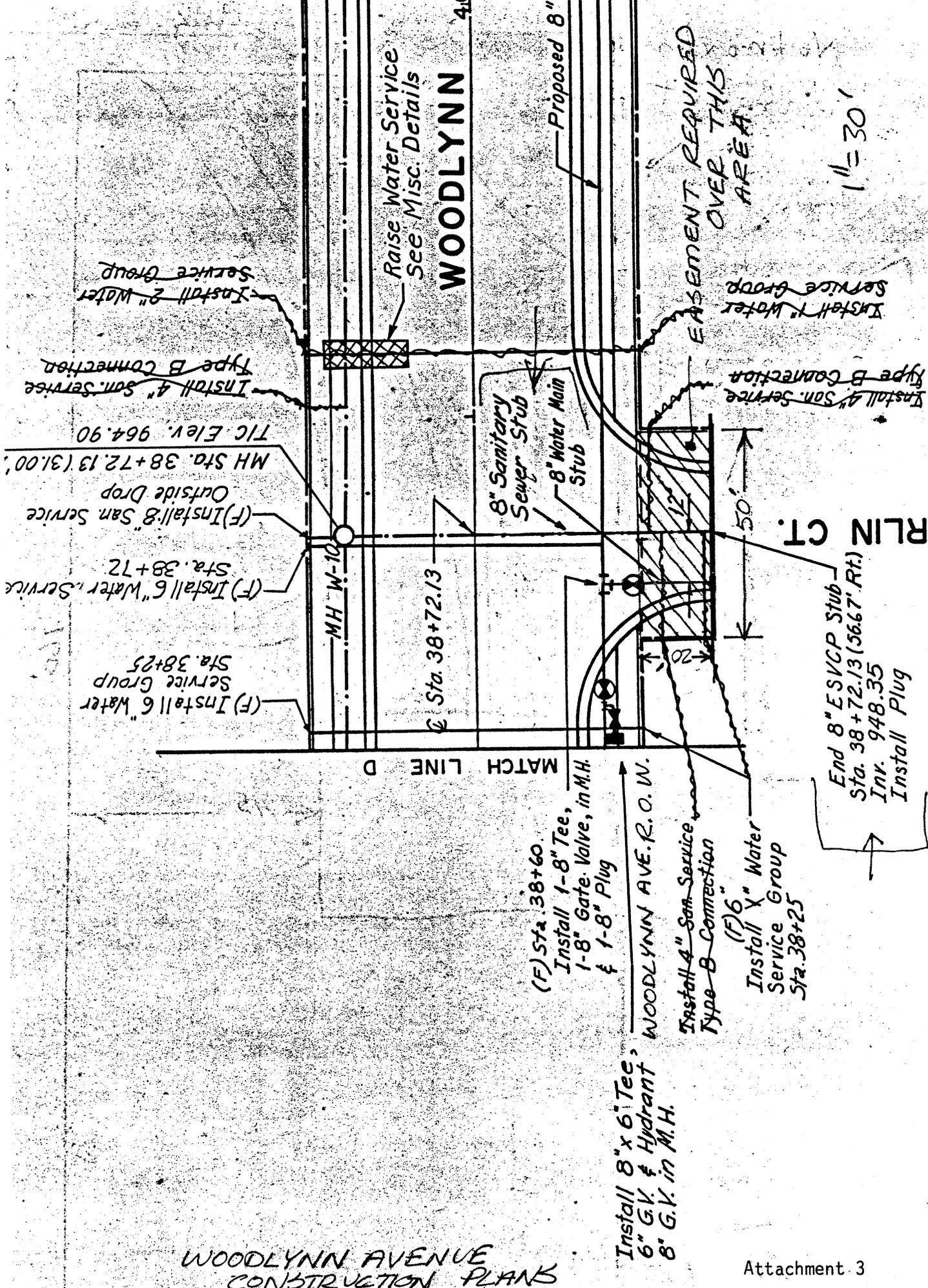


CONCEPTUAL LOT LAYOUT

Access Easement



WOODLYNN AVENUE  
CONSTRUCTION PLANS



(F) Sta. 38+60.  
Install 1-8" Tee,  
1-8" Gate Valve, in M.H.  
& 1-8" Plug

Install 8" x 6" Tee,  
6" G.V. & Hydrant  
8" G.V. in M.H.

Install 4" San. Service  
Type B Connection

(F) 6" Water  
Service Group  
Sta. 38+25

End 8" ESVCVP Stub  
Sta. 38+72.13 (5667' Rt.)  
Inr. 948.35  
Install Plug

(F) Install 6" Water Service  
Group Sta. 38+25

(F) Install 6" Water Service  
Sta. 38+72

(F) Install 8" San. Service  
Outside Drop  
MH Sta. 38+72.13 (31.00')  
TIC Elev. 964.90

Install 4" San. Service  
Type B Connection

Install 2" Water  
Service Group

Raise Water Service  
See Misc. Details

WOODLYNN

8" Sanitary  
Sewer Stub

Proposed 8"

8" Water Main  
Stub

EASEMENT REQUIRED  
OVER THIS  
AREA.

Install 4" San. Service  
Type B Connection

Install 1" Water  
Service Group

NETNORLIN CT.

1" = 30'

Statement of Reasons for Vacation Request.

As the majority landowner on the proposed cul de sac, Netnorlin Court, I would like to request that Netnorlin court be vacated in order to facilitate the reorienting of two new lots toward Woodlynn Ave. in place of the three current lots (18,19,20) that have proposed access toward Netnorlin Court. The reasons for this vacation are as follows:

1. An extreme elevation change will result in either a steeply sloping cul de sac or in using a prohibitive amount of fill to bring up the existing grade. The cost of such an excavation project will be prohibitive.
2. Lot 19 sits in a seasonal drainage shed. Again, to make it a buildable lot would require a prohibitive amount of fill, compaction and expense.
3. The necessary excavation and contour change would destroy a large amount of oak and aspen as well and alter the natural beauty of the area.
4. According to the village engineer's office, there would be major problems involved in connecting into the storm and sanitary sewer mains in Woodlynn Ave. due to the elevation change.
5. Anne Fesenmaier, owner of lot 22, prefers not to develop that property but to continue to use it as a natural area as it abuts the property of her present home.
6. The cost of building the cul de sac basically cancels out the value of the extra lot that would be gained if the cul de sac was installed.

STREET VACATION RESOLUTION

WHEREAS, Mack Nettleton initiated proceedings to vacate the public interest in the following-described property:

Netnorlin Court

WHEREAS, the following adjacent properties are affected:

Lots 18, 19, 21, 22 and 23, Netnorlin Addition

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

1. A majority of the owners of property abutting said street have signed a petition for this vacation;
2. This vacation was reviewed by the Planning Commission on September 18, 1989. The Planning Commission recommended to the City Council that this vacation be approved.
3. The City Council held a public hearing on January 8, 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 street, public interest in the property will accrue to the following-described abutting properties:

Lots 18, 19, 21, 22 and 23, Netnorlin Addition

NOW, THEREFORE, BE IT RESOLVED by the Maplewood City Council that it is in the public interest to grant the above-described vacation on the basis of the following findings of fact:

1. When the adjoining properties are replatted, the street right-of-way will not be used as an access to any of the abutting properties.
2. The adjoining property owners have no interest in improving the street.
3. This street segment will not be needed for area traffic circulation of emergency vehicle access.



VII. NEW BUSINESS

A. ~~Street Vacation: Sherren Avenue~~

~~The staff report was presented by Ken Roberts, Associate Planner. A commissioner asked if this street is vacated, would the street continue to be called Sherren Avenue and, if so, would the Maplewood Care Center retain the same address. Staff said it will be proposed that the Maplewood Care Center's address be changed to a White Bear Avenue address.~~

~~Commissioner Cardinal moved the Planning Commission recommend approval of the resolution to vacate Sherren Avenue right-of-way between White Bear Avenue and the former right-of-way of Hazel Street (in front of the Maplewood Care Center).~~

~~Commissioner Fischer seconded~~

~~Ayes--Axdahl, Ayers,  
Barrett, Cardinal,  
Fiola, Fischer,  
Sletten~~

B. Street Vacation: Netnorlin Ct. (Nettleton)

Ken Roberts, Associate Planner, presented the staff report.

Mack Nettleton, the applicant, was present at the meeting but Mr. Nettleton did not have any comments.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution to vacate Netnorlin Court, subject to the following conditions being completed before the City files the street vacation resolution with Ramsey County:
  - a. The driveway for 3048 Netnorlin Court shall meet all City standards for setbacks, size and type of construction. Any changes that are required for the driveway shall be the responsibility of the applicant and shall be subject to the City Engineer's approval.
  - b. A drainage and utility easement shall be required over the 20- by 50-foot area of the Netnorlin Court right-of-way. This easement shall be subject to the review and approval of the City Engineer.

- c. Lot 22 of Netnorlin Addition shall be required to be combined with Parcel #02-29-22-11-0013 adjoining it on its east side so that they have one parcel identification number. Lots 18, 19 and 21 of Netnorlin Addition shall be required to be combined with one parcel identification number. Lot 21 must be acquired by the applicant.
  - d. Payment of deferred assessments on Lots 18-22 of \$1,546.80.
2. In addition, prior to City approval of a lot reconfiguration for Lots 18, 19 and 21, the applicant shall reconstruct the curb and gutter along the south side of Woodlynn Avenue so that it is continuous and shall regrade and seed the public boulevard. This shall be subject to the approval of the City Engineer.
  3. Change the address of 3048 Netnorlin Court to 2234 Woodlynn Avenue.

Commissioner Sletten seconded

Ayes--Axdahl, Ayers,  
Barrett, Cardinal,  
Fiola, Fischer,  
Sletten

C. Preliminary and Final Plat: Woodlynn Heights Townhomes No. 4

Ken Roberts, Associate Planner, presented the staff report. Mr. Roberts said, after reviewing the tapes of the City Council meeting of December 8, 1986, that sidewalks would be required by the City Council along the north side of Woodlynn Avenue in conjunction with development of the townhomes.

Mack Nettleton, the applicant, said if sidewalks are required for his previous development on Woodlynn Avenue, all developers should be required to provide sidewalks for their previous developments. Mr. Nettleton said he didn't think it was ethical or legal to require him to provide sidewalks for his previous developments.

A commissioner asked what the Planning Commission's past policy had been regarding these townhouses. Staff said the Planning Commission did not have conditions on the previous Woodlynn Heights townhomes requiring

June 22, 1990

Mayor Anderson and the Maplewood City Council

Concerning the Nettleton easement and development on Woodlynn Avenue

If the easement is granted please urge Mr. Nettleton to preserve the large oak trees on his lot.

The value of the natural vegetation in drainage is so vital that I hope the City chooses to leave the seasonally flooded wetland it aquired in the center of the block in its natural state.

Whatever future plan is approved for this area should have the least detrimental impact on the unique natural features of this block. It is a valuable buffer to the excess development west of the Mall to retain a block that has a diverse community of plants, animals, birds, insects, and even people!

Also, please do not change the F Zoning of the large parcel to the north of Woodlynn Avenue until the City is ready to give up on having designated OPEN SPACE to offset pavement, buildings, and traffic.

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

**MEMORANDUM**

TO: City Manager  
 FROM: Ken Roberts, Associate Planner  
 SUBJECT: **Street Vacation**  
 LOCATION: Harris Avenue between Hazelwood and Prosperity Road  
 APPLICANT: City Engineering Department  
 DATE: May 31, 1990

**INTRODUCTION**

The City Engineering Department has requested the vacation of two portions of Harris Avenue, between Hazelwood Street and Prosperity Road. The Engineering Department has requested these vacations as a part of the Footprint Lake storm sewer improvement project. (See the map on page 5.)

**BACKGROUND**

March 7, 1983: The City Council held a public hearing to consider the vacation of the east 170 feet of Harris Avenue lying west of Prosperity Road. The Council granted this vacation subject to the retention of a utility easement.

**CRITERIA FOR APPROVAL**

State law states that a City cannot vacate a street unless the vacation is in the public interest.

**DISCUSSION**

The two portions of the Harris Avenue right-of-way as shown on the map on page 5 should be vacated subject to the retention of a public utility easement. This is to aid the City Engineering Department in their work on the Footprint Lake storm sewer project. The construction of Harris Avenue between Prosperity Road and Hazelwood Street is not possible due to the storm water pond and topography. It has been the City's policy to vacate unneeded public rights-of-way. In 1983, the City vacated the eastern portion of the right-of-way lying west of Prosperity Road.

There are two portions of the right-of-way that should remain as public property. The middle portion will be part of the Footprint Lake storm water pond which the City must own in fee title. The property owner to the north is using the western portion of the right-of-way for a driveway. If vacated, the 30 feet of right-of-way would go to the property to the south. This would take the driveway from the home to the north. In addition, this right-of-way will provide access for maintenance crews to the pond area.

## RECOMMENDATION

Approve the resolution on page 6 to vacate two portions of the Harris Avenue right-of-way. These are between Hazelwood Street and Prosperity Road. These vacations are in the public interest because:

1. There is no need for a public street in this location.
2. The adjoining properties have adequate street access.
3. The adjoining property owners have no interest in having the street constructed.
4. It has been the City's policy to vacate unused rights-of-way whenever possible.

This vacation should be subject to the retention of a 30-foot-wide easement for public purposes.

## REFERENCE

### Surrounding Land Uses

- North: An existing pond and a single-family home.
- East: Single-family homes and Prosperity Road.
- South: The rear yards of single-family homes facing Prosperity Road and Hazelwood Street.
- West: The unimproved Harris Avenue right-of-way and single family homes on Hazelwood Street.

### Legal

Chapter 412.851 of Minnesota State law states that "the council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so . . ."

### Attachments

1. Location Map
2. Property Line/Zoning Map
3. Vacation Resolution

kenmem39



SCHOOL S A B I N 7 STRICT

R2  
G  
PROSPERITY

STATE TRAIL

(HARRIS) SKILLMAN

AVE.

PROPOSED VACATIONS

VACATION APPROVED IN 1983

HAZELWOOD

F D NELSON'S HOMESITES

R1

HOMESITES

MARYKNOLL HOMESITES No 2

KENNARD

PROPERTY LINE / ZONING MAP



## VACATION RESOLUTION

WHEREAS, the City Engineering Department applied for the vacation of the following described street segments:

That part of the Harris Avenue right-of-way abutting the North line of Lot 2, Block 1, F.D. Nelson's Homesites and the Easterly 20 feet of the Harris Avenue right-of-way abutting the north line of Lot 1, Block 1, F.D. Nelson's homesites.

WHEREAS, the history of this vacation is as follows:

1. The Planning Commission discussed this vacation on June 4, 1990. They recommended to the City Council that this vacation 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 abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the vacation is approved, public interest in the property will accrue to the following abutting properties:

Lots 1 and 2, Block 1, F.D. Nelson's Homesites

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

1. It is in the public interest.
2. There is no need for a public street in this location.
3. The adjoining properties have adequate street access.
4. The adjoining property owners have no interest in having the street constructed.
5. It has been the City's policy to vacate unused rights-of-way whenever possible.

This vacation is subject to the retention of a 30-foot-wide public utility easement.

Adopted on \_\_\_\_\_, 1990.

1. There is the potential for seven or eight new lots on the north side of Holloway Avenue if the street is built.
2. Constructing Holloway Avenue would improve emergency vehicle access for the homes and apartments on Furness and Howard Streets.
3. Constructing Holloway Avenue would relieve traffic on the surrounding local streets. This would be particularly desirable on 6th Street, which has no sidewalks, as children use this street to walk to Webster School.
4. The intersections of 6th and 7th Streets at North St. Paul Road are less safe than the intersection of Holloway Avenue and North St. Paul Road.
5. Constructing Holloway Avenue would make the intersection of Furness and 6th Streets safer by eliminating the off-sets.
6. The school district would like a local street, a sidewalk or a trail constructed along this right-of-way. If one of these were to occur, there would be a reduction in their bussing costs. This is because the children who live on Beebe Road would have safe, direct walking access to Webster School. Bussing would then not be necessary.

Commissioner Gerke seconded

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

Nays--Cardinal

The motion passed.

6. NEW BUSINESS

a. Street Vacation: Harris Avenue

Ken Roberts, Associate Planner, presented the staff report for this City engineering department requested street vacation.

Commissioner Rossbach asked the City engineer if the pond area will be developed, since a right-of-way to the pond area will be required. The City engineer

responded that the right-of-way will be required for pond area maintenance purposes.

Commissioner Rossbach moved the Planning Commission recommend approval of the resolution to vacate two portions of the Harris Avenue right-of-way. These are between Hazelwood Street and Prosperity Road. These vacations are in the public interest because:

- (1) There is no need for a public street in this location.
- (2) The adjoining properties have adequate street access.
- (3) The adjoining property owners have no interest in having the street constructed.
- (4) It has been the City's policy to vacate unused rights-of-way whenever possible.

This vacation should be subject to the retention of a 30-foot-wide easement for public purposes.

Commissioner Fischer seconded

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

The motion passed.

~~7. VISITOR PRESENTATIONS~~

~~8. COMMISSION PRESENTATIONS~~

~~a. Council Meeting: May 31~~

~~Commissioner Fischer reported on this meeting.~~

~~b. Representative for the June 11 Council Meeting: Bob Cardinal~~

~~8. STAFF PRESENTATIONS~~

~~Ken Roberts, Associate Planner, presented an update on the proposed Truth-in-Housing permit.~~

~~9. ADJOURNMENT~~

~~Meeting adjourned at 8:40 p.m.~~

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

**MEMORANDUM**

TO: City Manager  
FROM: Ken Roberts, Associate Planner  
SUBJECT: **Plan Amendment and Street Vacation**  
LOCATION: Holloway Avenue between Furness Street and Beebe Road  
APPLICANT: City Council  
DATE: May 30, 1990

**INTRODUCTION**

The City Council, on April 23, requested the vacation of Holloway Avenue, between Beebe Road and 6th Street in North St. Paul. The City Council requested this vacation after denying a proposal to construct this street. The City's Land Use Plan shows Holloway Avenue as a "major collector street." (Refer to the map on page 4.) The vacation of this planned street would be inconsistent with the Comprehensive Plan. Council should, therefore, amend the plan if they want to vacate Holloway Avenue.

**BACKGROUND**

May 23, 1988: The City Council denied a proposal to construct this portion of Holloway Avenue, including the upgrading of Holloway Avenue east to McKnight Road. Maplewood property owners were in opposition to assessments and the additional traffic that would travel through their area if the City built a collector street.

August 22, 1988: The City Council held a public hearing to delete Holloway Avenue as a collector street on the City's land use plan. At this hearing the Council also considered the vacation of the south one-half of Holloway Avenue, between Beebe Road and 6th Street in North St. Paul. The City Council took no action on these requests.

November 28, 1988: The City Council held a public hearing to consider the construction of Holloway Avenue from Beebe Road to Furness Street. The Council ordered the improvement project.

February 21, 1989: The North St. Paul City Council held a public hearing to consider the construction of Holloway Avenue from 6th Street to 7th Street. The Council ordered the project.

April 23, 1990: The City Council denied a proposal to construct Holloway Avenue between Furness Street and Beebe Road. The Council also requested that staff investigate the vacation of Holloway Avenue.

**CRITERIA FOR APPROVAL**

State law states that a City cannot vacate a street unless the vacation is in the public interest.

## DISCUSSION

The conditions that existed in 1988 which prompted the City Council to take no action on this request are still present today. The North St. Paul City Council is for the keeping of the right-of-way. The property owners in North St. Paul would not be able to divide their properties if the street is vacated. Mr. Engwer, one of the owners of the property to the south of the street, understands the overall need to have the street constructed. If constructed, the street would improve emergency vehicle access to the properties on Furness and Howard Streets. The school district supports the completion of the street as it would reduce their bussing costs. (See the letter on page 6.) The Ramsey County Public Works Department supports the keeping of this right-of-way as noted in their letter on page 7. Additionally, after completion, the County Board has resolved to accept this street as a County Road. (See the resolution on page 8.)

## RECOMMENDATION

Take no action on the plan amendment and street vacation. This is on the basis that vacation would not be in the public interest because:

1. There is the potential for seven or eight new lots on the north side of Holloway Avenue if the street is built.
2. Constructing Holloway Avenue would improve emergency vehicle access for the homes and apartments on Furness and Howard Streets.
3. Constructing Holloway Avenue would relieve traffic on the surrounding local streets. This would be particularly desirable on 6th Street, which has no sidewalks, as children use this street to walk to Webster School.
4. The intersections of 6th and 7th Streets at North St. Paul Road are less safe than the intersection of Holloway Avenue and North St. Paul Road.
5. Constructing Holloway Avenue would make the intersection of Furness and 6th Streets safer by eliminating the off-sets.
6. The school district would like a local street, a sidewalk or a trail constructed along this right-of-way. If one of these were to occur, there would be a reduction in their bussing costs. This is because the children who live on Beebe Road would have safe, direct walking access to Webster School. Bussing would then not be necessary.

If the City Council chooses to vacate the street, approval should be subject to:

1. The approval of the North St. Paul City Council.
2. Retaining an easement for utilities and a bikeway or sidewalk.

**REFERENCE**

Surrounding Land Uses

North: Five double-fronting lots in North St. Paul. Each lot could be split to create lots fronting on Holloway Avenue if it is built. Of these lots, two could be split again fronting on Holloway. This would allow for a total of seven potential lots.

East: The improved Holloway Avenue and Furness Street rights-of-way.

South: Undeveloped land planned and zoned for multiple-family use. The City approved an apartment plan in 1981.

West: The improved Holloway Avenue and Beebe Road rights-of-way.

>>\*

Legal

Chapter 412.851 of Minnesota State law states that "the council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so . . ."

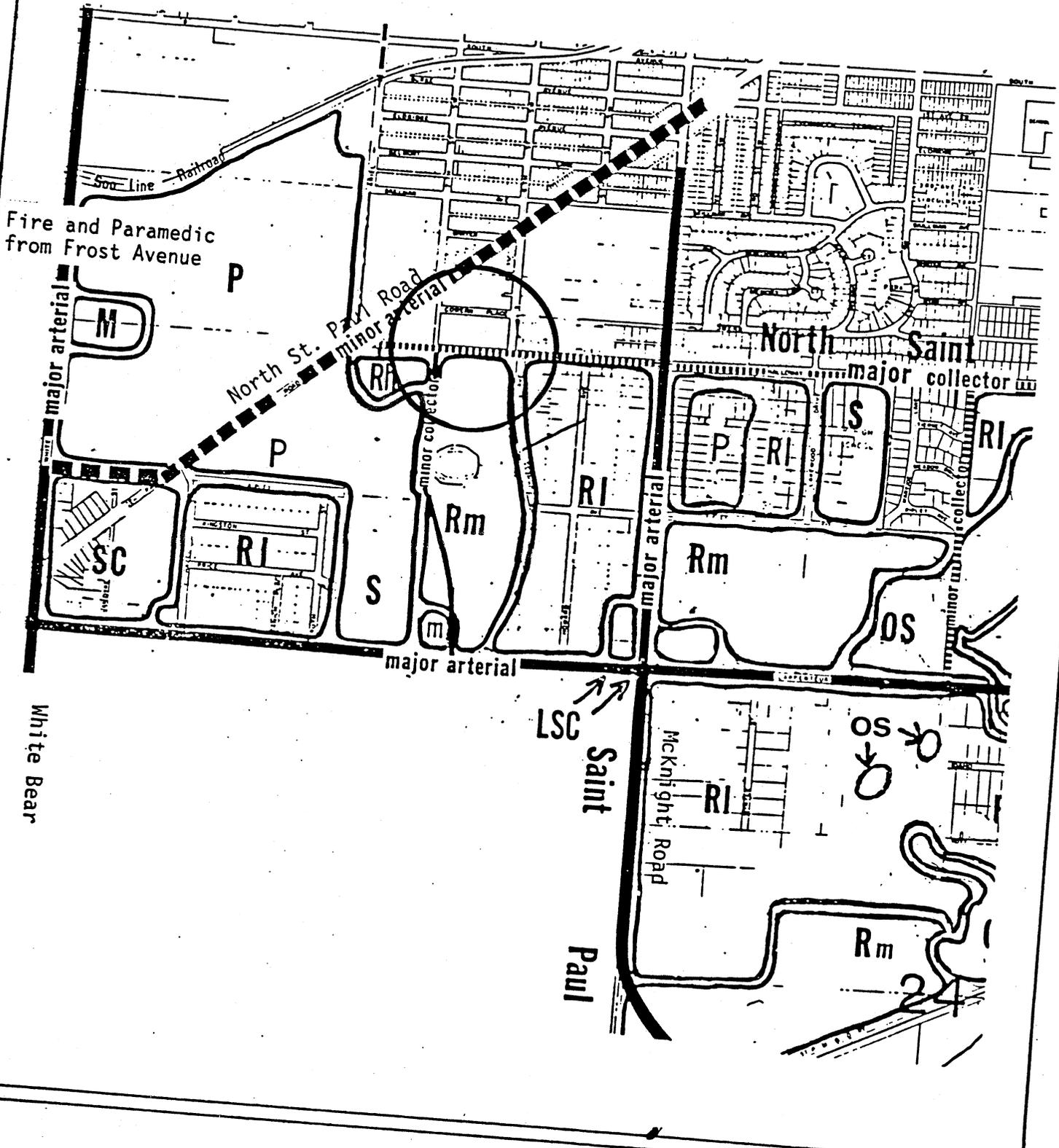
Public Works

There is an existing sanitary sewer in the right-of-way.

Attachments

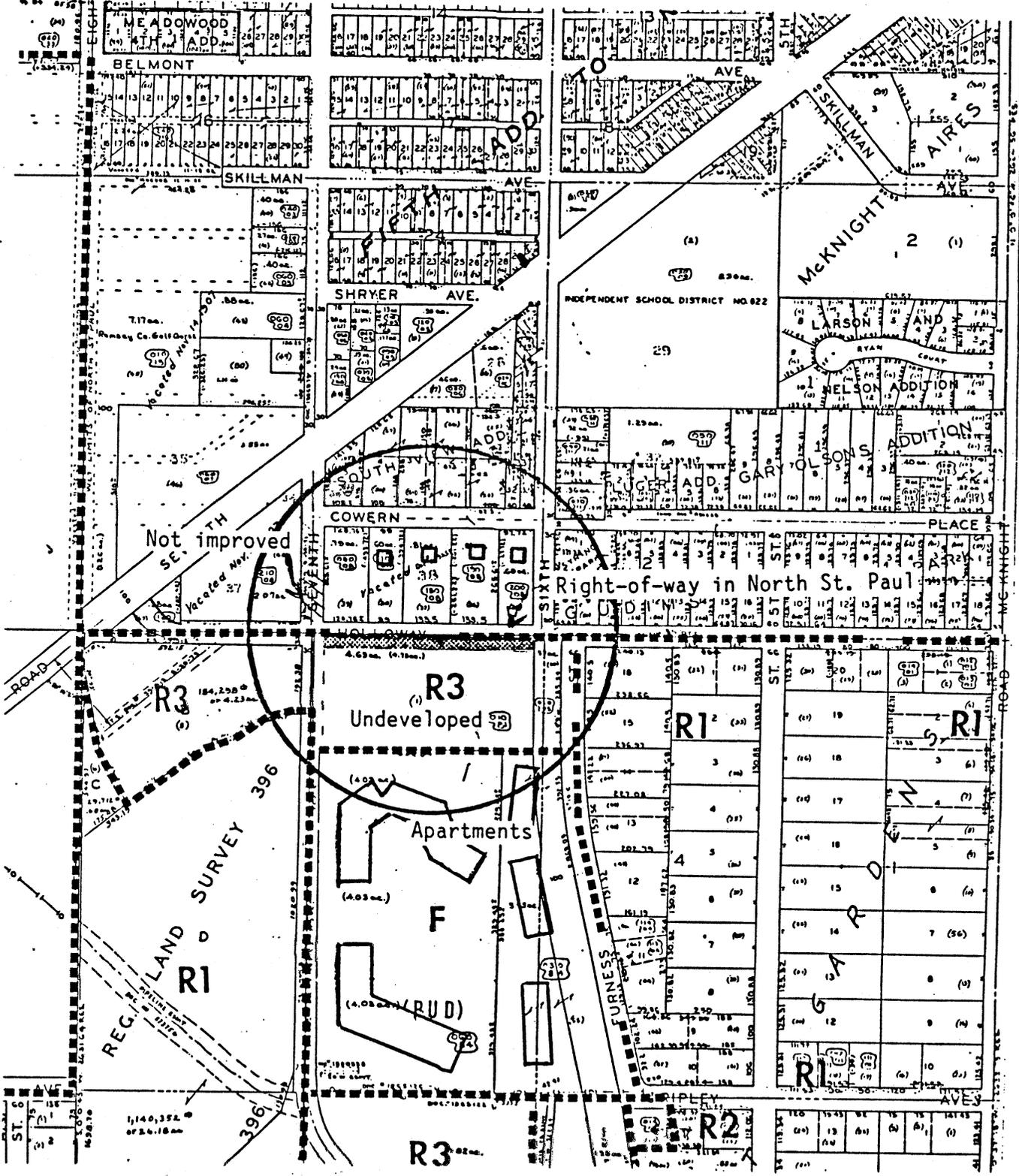
1. Hillside Neighborhood Land Use Plan
2. Property Line/Zoning Map
3. Letter from ISD #622
4. Letter from Ramsey County Engineer
5. Resolution from Ramsey County Commissioners

kenmem32



Hillside  
NEIGHBORHOOD LAND USE PLAN





# PROPERTY LINE / ZONING MAP



INDEPENDENT SCHOOL DISTRICT NO. 622

(612)770-4603

2055 East Larpenteur Avenue  
Maplewood, MN 55109

4 22 '88



April 27, 1988

The Honorable John Greavu  
Mayor, City of Maplewood  
City Hall  
1830 East County Road B  
Maplewood, MN. 55109

Dear Mayor Greavu:

On behalf of North St. Paul - Maplewood - Oakdale Schools I would like to express our support for the continuation of Holloway Avenue from Beebe Road to Sixth Street.

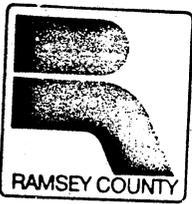
Our interest in this continuation is one of further cost savings to our taxpayers. With the completion of that street, those children from the apartments of Beebe Road will have safe direct walking access to Webster School, thereby eliminating the need for a bus. The cost savings to taxpayers is estimated at \$15,000 per year. We ask that the Planning Commission and City Council in their deliberations consider this need and honor the developers request.

In addition, we would like you to consider a sidewalk along that street to provide safe walking access to our students and other pedestrians.

Sincerely,

Brian C. Buchmayer  
Director of Business Affairs

cc: Mike McGuire, City Administrator  
Geoff Olson, City Planner  
Richard St. Germain, Superintendent  
School Board, ISD 622  
Ron Parrucci, Dir. Operations



**Ramsey County Department of Public Works**

350 St. Peter Street  
Suite 270  
Saint Paul, Minnesota 55102  
(612) 298-4127

7.26.88

**Kenneth E. Weltzin**  
Director  
and  
County Engineer  
**Paul L. Kirkwold**  
Deputy Director  
and  
Assistant County Engineer

July 22, 1988

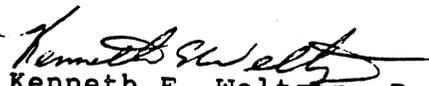
Geoff Olson  
1830 E. County Road B  
Maplewood, MN 55109

Vacation of Holloway Avenue

The Ramsey County Public Works Department supports the Maplewood and North St. Paul staff recommendation to not vacate the right-of-way.

Ramsey County Board Resolution 83-181, dated March 14, 1983, resolved to accept this portion of Holloway Avenue as a County road when constructed.

Sincerely,

  
Kenneth E. Weltzin, P.E.  
Director and County Engineer

KEW:MK:th  
Att: Resolution 83-187

**Resolution**  
Board of  
*Ramsey County Commissioners*

Presented By Commissioner Norgard Date March 14, 1983 No. 83- 181  
Attention: \_\_\_\_\_

Budgeting & Accounting; K. Weltzin, Co. Public Works Dept.

Lucille Aurelius, Maplewood City Clerk

WHEREAS, The Cities of North St. Paul and Maplewood have requested Ramsey County to designate Holloway Avenue from North St. Paul Road/Seventh Avenue (CSAH 29) to McKnight Road (CSAH 68) as a county road; and

WHEREAS, The Cities of North St. Paul and Maplewood want to construct this roadway under a cost sharing joint agreement; and

WHEREAS, The engineering staff of the Ramsey County Public Works Department has reviewed the request of the Cities of North St. Paul and Maplewood and concur that this portion of Holloway Avenue meets the criteria for a county road; Now, Therefore, Be It

RESOLVED, That the Board of Ramsey County Commissioners hereby accepts this segment as County Road 119 upon completion of the new construction; and Be It Further

RESOLVED, That the County Engineer is authorized to negotiate with the Cities of North St. Paul and Maplewood a cost sharing joint agreement similar to the existing agreement for the reconstruction of Holloway Avenue from Century Avenue to McKnight Road; and Be It Further

RESOLVED, That the proposed agreement plus the plans and specifications for the project shall be approved by the Board of Ramsey County Commissioners prior to construction.

WARREN W. SCHABER, Chairman

By *Warren W. Schaber*  
Chief Clerk - County Board

MINUTES OF THE MAPLEWOOD PLANNING COMMISSION  
1830 EAST COUNTY ROAD B, MAPLEWOOD, MINNESOTA  
JUNE 4, 1990

1. CALL TO ORDER

Chairman Axdahl called the meeting to order at 7:32 p.m.

2. ROLL CALL

Commissioner Roger Anitzberger	Present
Commissioner Lester Axdahl	Present
Commissioner Richard Barrett	Present
Commissioner Robert Cardinal	Present
Commissioner Sue Fiola	Present
Commissioner Lorraine Fischer	Present
Commissioner Gary Gerke	Present
Commissioner Dennis Larson	Absent
Commissioner William Rossbach	Present
Commissioner Marvin Sigmundik	Absent
Commissioner Brian Sinn	Present

3. APPROVAL OF MINUTES

a. May 21, 1990

Commissioner Gerke moved approval of the minutes of May 21, 1990, as submitted.

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

4. APPROVAL OF AGENDA

Commissioner Barrett moved approval of the agenda as submitted.

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

5. PUBLIC HEARING

A. Holloway Avenue

Ken Roberts, Associate Planner, presented the staff report for this proposed vacation of Holloway Avenue, between Beebe Road and 6th Street in North St. Paul, and an amendment of the comprehensive plan.

Commissioner Rossbach asked staff to further explain why the Council has denied the proposal to construct this street.

Commissioner Fischer said that Holloway Avenue is designated as a major collector street on the comprehensive plan and that this designation was a wise one as it is the same alignment as Frost Avenue and Roselawn Avenue halfway between Larpenteur Avenue and County Road B.

The hearing was opened for discussion from the public.

Mr. Engwer said he would like to have this issue decided at this meeting. Mr. Engwer said he could understand from a planning standpoint why Holloway Street should be constructed.

Commissioner Fischer said that in the past the Council had assured the neighbors when the higher density zoning was approved that this area would not be developed until Holloway Avenue was constructed. Commissioner Fischer also stated that traffic now infiltrates all over the area and not on a designated collector.

Commissioner Gerke asked Mr. Engwer for the north/south dimensions of his property. Mr. Engwer responded it is 329 feet deep.

Commissioner Cardinal asked staff why the Council has requested this vacation. Ken Roberts responded that his understanding is that if the street is not going to be constructed, the Council wants to vacate it. Mr. Roberts said staff's position is that the street should be constructed and not vacated.

Commissioner Fischer said that many proposals for street construction were considered at the time the Furness Street apartments were constructed and all of the proposals included constructing Holloway Avenue between Furness Street and Beebe Road.

Commissioner Fischer moved the Planning Commission recommend taking no action on the plan amendment and street vacation. This is on the basis that vacation would not be in the public interest because:

1. There is the potential for seven or eight new lots on the north side of Holloway Avenue if the street is built.

2. Constructing Holloway Avenue would improve emergency vehicle access for the homes and apartments on Furness and Howard Streets.
3. Constructing Holloway Avenue would relieve traffic on the surrounding local streets. This would be particularly desirable on 6th Street, which has no sidewalks, as children use this street to walk to Webster School.
4. The intersections of 6th and 7th Streets at North St. Paul Road are less safe than the intersection of Holloway Avenue and North St. Paul Road.
5. Constructing Holloway Avenue would make the intersection of Furness and 6th Streets safer by eliminating the off-sets.
6. The school district would like a local street, a sidewalk or a trail constructed along this right-of-way. If one of these were to occur, there would be a reduction in their bussing costs. This is because the children who live on Beebe Road would have safe, direct walking access to Webster School. Bussing would then not be necessary.

Commissioner Rossbach seconded

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

The motion passed.

Commissioner Fischer moved the Planning Commission recommend City Council move to construct the one-block extension of Holloway Avenue between Furness Street and Beebe Road in an expeditious fashion.

Commissioner Gerke seconded

Commissioner Fischer moved to amend her motion moving the Planning Commission recommend City Council move to construct the one-block extension of Holloway Avenue between Furness Street and Beebe Road in an expeditious fashion for the reasons stated in denying the vacation, as follows:

1. There is the potential for seven or eight new lots on the north side of Holloway Avenue if the street is built.
2. Constructing Holloway Avenue would improve emergency vehicle access for the homes and apartments on Furness and Howard Streets.
3. Constructing Holloway Avenue would relieve traffic on the surrounding local streets. This would be particularly desirable on 6th Street, which has no sidewalks, as children use this street to walk to Webster School.
4. The intersections of 6th and 7th Streets at North St. Paul Road are less safe than the intersection of Holloway Avenue and North St. Paul Road.
5. Constructing Holloway Avenue would make the intersection of Furness and 6th Streets safer by eliminating the off-sets.
6. The school district would like a local street, a sidewalk or a trail constructed along this right-of-way. If one of these were to occur, there would be a reduction in their bussing costs. This is because the children who live on Beebe Road would have safe, direct walking access to Webster School. Bussing would then not be necessary.

Commissioner Gerke seconded      Ayes--Anitzberger,  
Axdahl, Barrett, Fiola,  
Fischer, Gerke, Rossbach,  
Sinn

Nays--Cardinal

The motion passed.

6. NEW BUSINESS

a. Street Vacation: Harris Avenue

Ken Roberts, Associate Planner, presented the staff report for this City engineering department requested street vacation.

Commissioner Rossbach asked the City engineer if the pond area will be developed, since a right-of-way to the pond area will be required. The City engineer

MEMORANDUM

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

TO: City Manager  
FROM: Thomas Ekstrand, Associate Planner  
SUBJECT: Drainage Easement Vacation  
LOCATION: 2242 White Bear Avenue (Section 11)  
APPLICANT: U-Haul  
DATE: June 7, 1990

SUMMARY

INTRODUCTION

U-Haul is requesting the vacation of a 10-foot-wide drainage easement at the south end of the site.

BACKGROUND

On June 5, 1990, the Design Review Board approved plans for U-Haul's proposed building and site remodeling. The Board also recommended approval of the easement vacation.

CRITERIA FOR EASEMENT VACATION

Chapter 412.851 of State law allows the City to vacate any public easement if the vacation is in the public interest.

DISCUSSION

There is no need to keep the drainage easement. The existing storm sewer is in the vacated alley south of the easement. As a condition of the vacation, the applicant should dedicate a drainage easement over this vacated alley or provide documentation that this easement exists.

RECOMMENDATION

Vacation of the 10-foot-wide drainage easement, based on the findings that:

- a. It is in the public interest.
- b. There is no need for the drainage easement since the storm sewer pipe is located in the vacated alley to the south.

Approval is subject to:

- a. The applicant providing documentation that the City has a drainage easement over the adjacent vacated alley, or
- b. Dedicating a drainage easement to the City over the vacated alley.

## REFERENCE

### SITE DESCRIPTION

1. Site size: .75 acres
2. Existing Land Use: U-Haul Rental Center

### SURROUNDING LAND USES

North and West: White Bear Avenue  
Southerly: Maplewheel Lounge  
Easterly: Park Schwinn

### PAST ACTION

November 11, 1975: The City Council approved the U-Haul Rental Center in the existing fuel station building.

### PLANNING

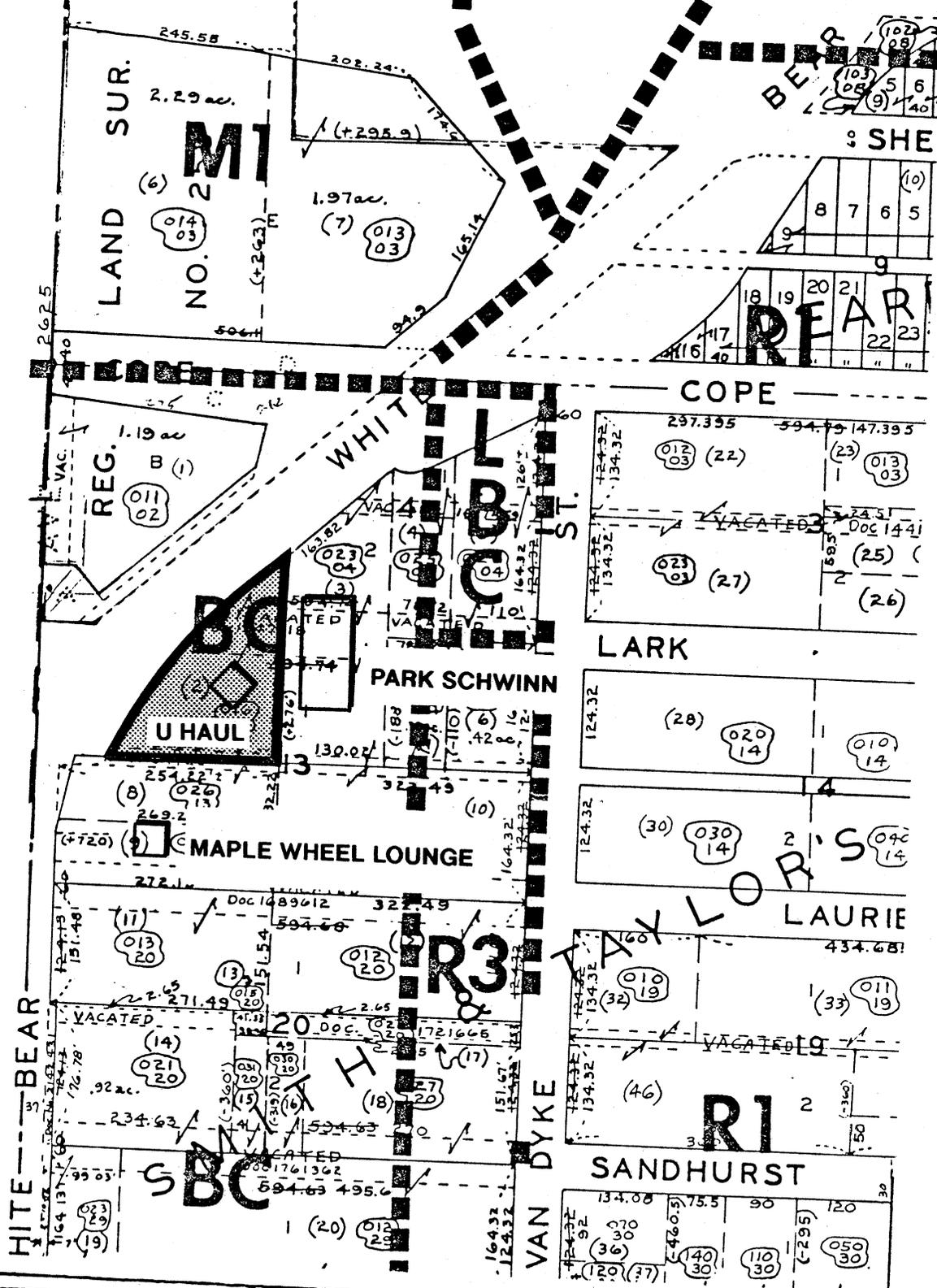
1. Land Use Plan designation: SC, Service Commercial
2. Zoning: BC, Business Commercial

### TEEASVAC

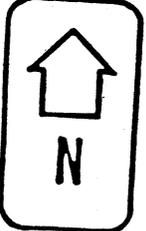
#### Attachments

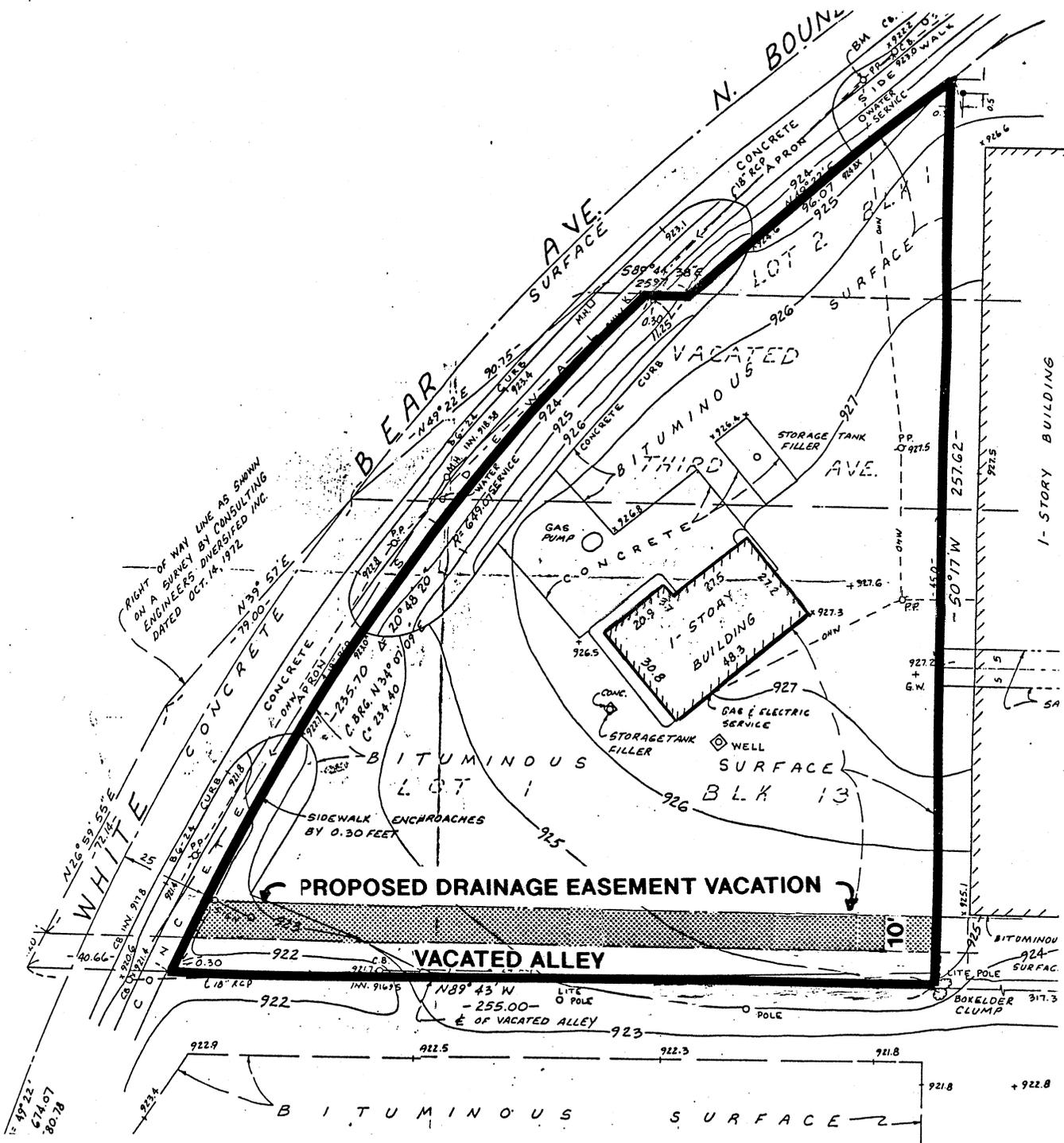
1. Location Map
2. Property Line/Zoning Map
3. Existing Site Plan with proposed easement vacation
4. Proposed Site Plan
5. Applicant's letter dated May 21, 1990
6. Vacation Resolution





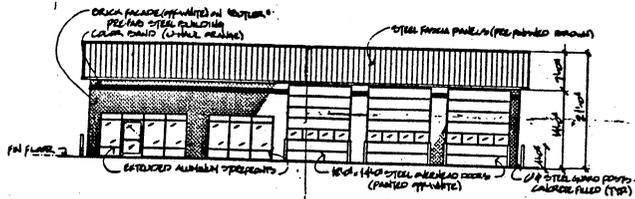
**PROPERTY LINE/ZONING MAP**



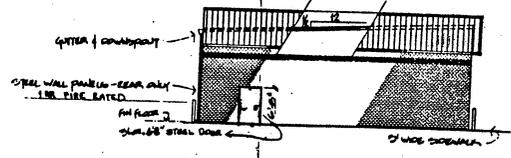


# EXISTING SITE PLAN

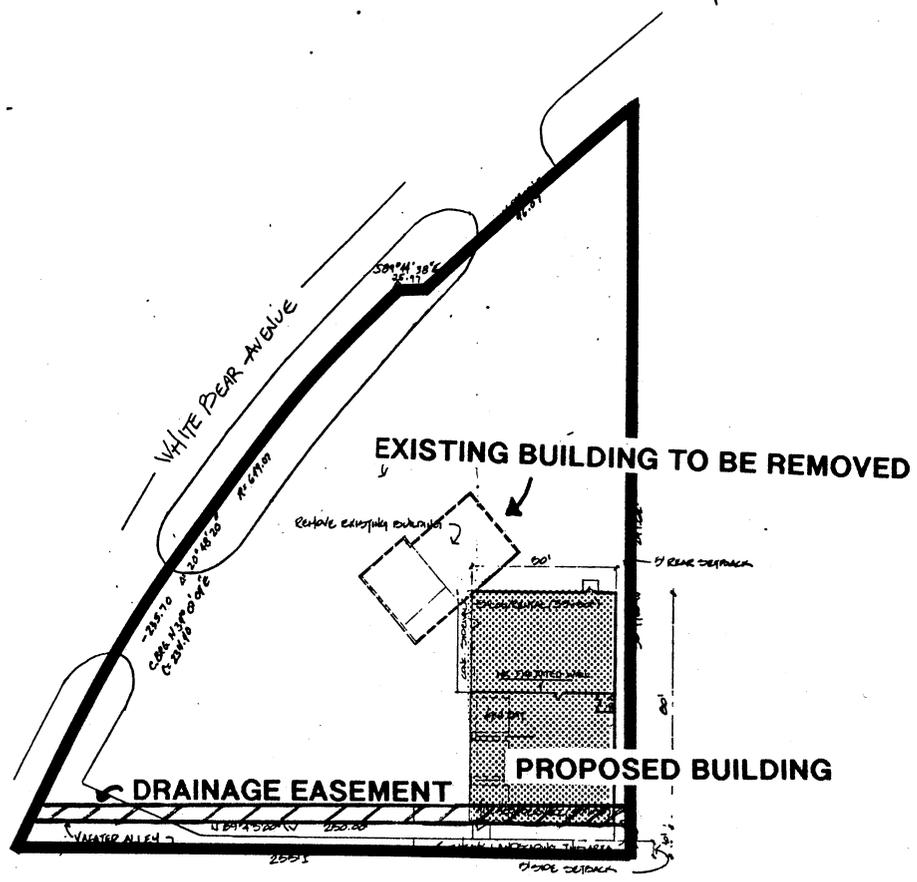




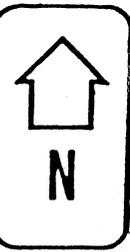
FRONT (WEST) ELEVATION  
9'6" x 11'0"



SIDE (WEST) ELEVATION  
9'6" x 11'0"



**PROPOSED SITE PLAN**





U-HAUL CO. OF MINNESOTA

9890 CENTRAL AVENUE NE • BLAINE, MINNESOTA 55434-3540 • PHONE (612) 780-9746

May 21, 1990

Members of the Planning Commission  
and City Council  
City of Maplewood  
Maplewood, MN 55109

U-Haul Co. of Minnesota is requesting a vacation of easement for the purposes of constructing a new U-Haul retail facility. The portion of property as described in the public vacation application is under an easement for a drainage ditch. This area is approximately two feet higher in elevation than the natural drainage lane to the south of our property by the survey for URBCO International dated October 1975, and does not serve as a drainage area.

By allowing this vacation you would allow us to place our new building into the southeast corner of our property. This in turn would allow us to continue our retail operation while constructing the new facility.

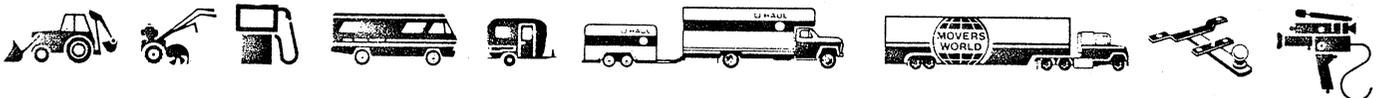
We plea for your unanimous vote to accept this vacation so that we can upgrade our retail facility; thereby, contributing to the beautification of the City of Maplewood.

Sincerely,

Steve Lonergan

SL:b

Attachment 5



## VACATION RESOLUTION

WHEREAS, U Haul Company of Minnesota applied for the vacation of the following-described easement:

The ten-foot-wide drainage easement lying north of and adjacent to the vacated alley in the westerly 214.37 feet of Block 13, Smith and Taylor's Addition to North St. Paul.

WHEREAS, the history of this vacation is as follows:

1. A majority of the property owners abutting this (street, alley or easement) signed a petition in favor of this vacation;
2. The Community Design Review Board discussed this vacation on June 5, 1990. They recommended to the City Council that this vacation be approved.
3. The City Council held a public hearing on \_\_\_\_\_, 1990. City staff published a notice in the Maplewood Review and sent notices to the abutting property owners as required by law. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the vacation is approved, public interest in the property will accrue to the following abutting properties:

2242 White Bear Avenue, Ramsey County Property  
Identification Number 11-29-22-33-0002.

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

1. It is in the public interest.
2. There is no need for the drainage easement since the storm sewer pipe is located in the vacated alley to the south.

Approval is subject to:

1. The applicant providing documentation that the City has a drainage easement over the adjacent vacated alley, or
2. Dedicating a drainage easement to the City over the vacated alley.

Adopted on \_\_\_\_\_, 199\_.

Attachment 6

AGENDA REPORT

Action by Council:

TO: City Manager

Endorsed \_\_\_\_\_

FROM: Finance Director *L. Gust*

Modified \_\_\_\_\_

RE: QUOTES ON PROPERTY, LIABILITY AND WORKERS COMPENSATION INSURANCE

Rejected \_\_\_\_\_

DATE: 6-18-90

Date \_\_\_\_\_

INTRODUCTION

It is proposed that the present insurance coverages be renewed with the League of Minnesota Cities Insurance Trust (LMCIT), Hartford Insurance Company and United Fire and Casualty. Also, it is proposed that the City continue to not carry the optional coverages for umbrella liability and inverse condemnation liability.

BACKGROUND

The City's present coverages expire June 30, 1990. On April 9th, the City Council assigned markets to the Ekblad, Pardee & Bewell, Inc. and Hadtrath & Associates, Inc. agencies. Both of these agencies submitted proposals for property and liability insurance coverages. A proposal was also received directly from the LMCIT for workers compensation coverage.

Our insurance consultant, Craig Morseth, Corporate Risk Managers, Inc., has analyzed these proposals and his report is attached. (Regarding fireworks liability insurance, it will be purchased from the LMCIT as it has been in the past.)

RECOMMENDATION

Our consultant has recommended that (a) property and liability coverages be continued with the LMCIT because this is the lowest cost option, (b) boiler insurance be continued with Hartford and workers compensation with the LMCIT as these were the only proposals received, and (c) employee bonds be renewed with United Fire and Casualty as the lower cost proposal from Auto Owners would require that 58 employees complete application forms.

Our City Attorney, Pat Kelly, has recommended that the City not purchase umbrella or inverse condemnation coverage due to the high premium for a small amount of coverage.

I concur with the recommendations of the insurance consultant and City Attorney.

BUDGET IMPACT

The recommended base insurance coverage will cost \$319,790 which is an increase of \$18,669 and 6.2%.

ACTION REQUIRED

Council approval of the above recommendations.

DFP:tmc

# Corporate Risk Managers, Inc.

7525 mitchell road • suite 109 • eden prairie, minnesota 55344 • (612) 937-8942

June 13, 1990

Mr. Dan Faust  
Finance Director  
City of Maplewood  
1830 E. County Road B  
Maplewood, MN 55109

RE: July 1, 1990-91 Property/Casualty Insurance Renewal

Dear Dan:

The attached summary compares the quotes submitted by the two agencies which applied to quote the City of Maplewood's insurance. The two agencies are Ekblad, Pardee & Bewell, Inc. and Hadtrath & Associates, Inc.

PENCO, another major insurance company that writes municipalities, was also offered the business. They declined to quote because of insufficient time to underwrite.

PENCO also told the agent they would not be willing to write the City's police liability as part of their program at this time. They do not want to write this coverage for metro cities. Police liability would be cost prohibitive to write monoline and include it with a PENCO program. Plus, from a claims standpoint, it is best to keep all liability coverages with one carrier.

In comparing the renewal LMCIT premium with the current LMCIT premium, the cost has increased \$4,258 or 2.4%. The increase is caused by higher property values due to inflation and a 9% increase in expenditures. The LMCIT did take rate decreases in the property and auto coverages.

Hadtrath & Associates offered an alternative to the LMCIT using USF&G for the property and Titan Insurance on the liability. The cost for this alternative was \$3,447 more, however, there is a substantial difference in the deductibles. These deductibles are much lower and they are shown next to the coverage price.

The bond is presently written with United Fire & Casualty. Ekblad, Pardee & Bewell quoted an alternate with Auto Owners at a \$163 savings. The only drawback is all 58 "class I" rated employees have to fill out a two page application. The City needs to decide if the cost of having 58 employees complete this application offsets the \$163 premium savings.

Only one boiler quote was submitted. That was with the current carrier, Hartford. Their price remains the same as last year.

Mr. Dan Faust  
June 13, 1990  
Page 2

The LMCIT's workers' compensation estimated deposit premium is up \$14,411 or 10%. The LMCIT took a 15% across the board rate increase effective 1/1/90, plus, payroll is up \$350,000. This is offset by a 4% decrease in the experience modification.

Attached is workers' compensation summary which gives an indication of the City's results at this time on your retro program. The summary shows two things: 1) Using a six year average for losses, the City would still save \$12,000 a year on workers' compensation costs. 2) Using the 1989-1990 losses in the retro formula for that year, there is a potential savings of \$60,000.

The summary also shows the losses for the period 1984-1985. There was downward loss development of \$5,000 in 1988-89. There was upward development of losses in 1987-88 of \$8,000 and \$34,000 in 1986-87. This upward development was caused by increased reserves.

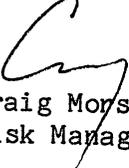
After the quotes on the attached summary, I have shown the net cost of each proposal. The net cost shows the factors to consider if the City chooses to switch insurance companies. These are the LMCIT dividend, cost of tail coverage since the LMCIT policy is claims made and savings from the use of lower deductibles. Based on these factors, my recommendation is to renew with the LMCIT, Hartford on the boiler and continue the bond with the current carrier, United Fire and Casualty.

At the end of the summary are three optional quotes. Currently, Maplewood does not carry any of these coverages. Note there are two alternatives for umbrella liability. The non-waiver keeps the statute immunity at \$600,000 but provides excess coverages for those claims that could be made outside the immunity statutes. The waiver, or higher priced option waives all statutory immunity. Based on the small difference in price, we would recommend the waiver option if the City elects excess coverage. This provides the best protection to the City.

The Inverse Condemnation is a coverage the City needs to decide if it needs. Fireworks liability should be purchased if the City puts on a fireworks display. Without this coverage, the City would be self-insuring the exposure.

Please let me know if you have any questions or if I can be of further assistance.

Sincerely,

  
Craig Morseth, CPCU  
Risk Manager

CM/jp

CITY OF MAPLEWOOD

July 1, 1990-91 Workers' Compensation Renewal

Retro Option: Minimum - \$ 65,285  
Maximum - \$ 200,724

Total Paid Losses

1989 - 1990	\$ 3,000 (7/1 - 2/1 plus estimated 25% for IBNR)
1988 - 1989	\$ 2,659
1987 - 1988	\$ 18,953
1986 - 1987	\$173,939
1985 - 1986	\$ 25,361
1984 - 1985	\$ 84,117

Based upon an estimated six year average of \$51,338 for losses paid in the year 1990-91, the City of Maplewood could save approximately \$12,013 from the standard premium of \$138,904.

Should the losses stay at \$3,000 for the 1989-90 policy year, the potential savings to the City of Maplewood would be approximately \$60,000.

CITY OF MAPLEWOOD

JULY 1, 1990-91 PROPERTY/CASUALTY RENEWAL

Coverage Current Type/Limits	Current Cost 1989 - 1990	New Limits	LMCIT Work. Comp. 1990 - 1991	Ekblad/Pardee/Bewell LMCIT 1990 - 1991	Hadtrath & Assoc. Titan/USF & G 1990 - 1991
<u>Property</u> Limit: \$11,758,554 Blanket Bldg./Contents/PIO All Risk, Replacement Cost Deductible: \$25,000/Occur. \$50,000/Aggreg. Company: LMCIT	\$ 19,622	\$11,860,520 @ 90%		\$ 17,331	\$ 18,508 USF & G (\$2,500 Deduct.)
<u>EDP Equipment/Media</u> Limits: \$305,973 \$ 1,000 Media \$ 10,000 Extra Exp. Deductible: All Lines Agg. Company: LMCIT	Incl.	\$346,353		Incl. in Inland Marine Premium	Incl. USF & G (\$ 250 Deduct.)
<u>Valuable Papers</u> Limit: \$30,000 City Hall Deductible: All Lines Agg. Company: LMCIT	Incl.			Incl.	Incl. USF & G (\$ 250 Deduct.)
<u>Inland Marine</u> Limit: \$604,748 Cont. Equip. \$503,724 Misc. Equip. \$139,939 Voting Mach. \$ 7,500 LE Bailee \$ 10,000 Mech. Tools \$ 20,000 Fine Arts Deductible: All Lines Agg. Company: LMCIT	7,441 Incl. Incl. Incl. Incl. Incl.	\$655,392 \$573,904		7,590	Incl. USF & G (\$ 500 Deduct. Contractor's) (\$ 250 Deduct. on balance)
<u>Comp. General Liability</u> Limit: \$600,000 BI, PD & Personal Injury Deductible: All Lines Agg. Company: LMCIT Claims Made	104,631			114,748	160,400 Titan (No Deduct.)
<u>Comprehensive Auto</u> Limit: \$600,000 CSL BI/PD \$600,000 UN/UIM All Lines Agg. Ded. Comp. All Lines Agg. Ded. Coll. Company: LMCIT	30,699			26,121	Incl. Titan

## CITY OF MAPLEWOOD

JULY 1, 1990-91 PROPERTY/CASUALTY RENEWAL

Coverage Current Type/Limits	Current Cost 1989 - 1990	New Limits	LNCIT Work. Comp. 1990 - 1991	Ekblad/Pardee/Bewell LNCIT 1990 - 1991	Hadtrath & Assoc. Titan/USF & G 1990 - 1991
<u>Public Officials Liab.</u> Limit: \$600,000 Deduct: All Lines Aggregate Retro Date: 7/1/81 Company: LNCIT Claims Made	\$ 6,946			\$ 7,827	Incl. Titan
<u>Glass</u> Coverage at Nature Center Company: LNCIT	17			18	Incl. USF & G
<u>Bond</u> Faithful Performance Blanket Position Bond Limit: \$50,000 All Employees Company: United Fire & Cas.	1,847			1,826 United Fire  1,663 Auto Owners	Incl. Titan
SUB-TOTAL	\$171,203			\$175,461	\$178,908
<u>Boiler &amp; Machinery</u> Limit: \$500,000/Accident Direct Damage \$ 1,000 Water Damage \$ 1,000 Ammonia Cont. \$ 5,000 Expediting Exp. \$ 25,000 Extra Expense Deductible: \$500 Company: Hartford	\$ 5,425			\$ 5,425 Hartford (\$500 Deduct.)	\$ 5,425 Hartford
<u>Workers' Compensation</u> Limit: Statutory Experience Mod. - .91 Company: LNCIT	124,493 Retro Option 43,573 Min. 165,654 Max.	Exp. Mod. .87	138,904 Retro Option 65,285 Min. 200,724 Max.	138,904	138,904
TOTALS	\$301,121		\$138,904	\$319,790	\$323,237

## CITY OF MAPLEWOOD

JULY 1, 1990-91 PROPERTY/CASUALTY RENEWAL

Coverage Current Type/Limits	Current Cost 1989 - 1990	New Limits	LMCIT Work. Comp. 1990 - 1991	Ekblad/Pardee/Bewell LMCIT 1990 - 1991	Hadtrath & Assoc. Titan/USF & G 1990 - 1991
Additional factors to consider in switching carriers from the LMCIT -----				\$319,790 (Quoted Price)	\$323,237 (Quoted Price)
				- 56,705 (LMCIT dividend based on 1989)	+ 67,281 (Cost of Tail)
				+ 35,000 (Payments made within large deductible)	
				----- \$298,085 (Final Cost)	----- \$390,518 (Final Cost)
<u>Umbrella Liability</u> Limit: \$1,000,000 \$ 10,000 SIR	Currently do not carry			\$ 74,004 Non-Waiver 91,025 Waiver	Not Quoted
<u>Inverse Condemnation</u> Limit: \$ 600,000 Deductible: \$25,000	Currently do not carry			4,016 LMCIT	Not Quoted
<u>Fireworks Liability</u> Limit: \$ 600,000 Deductible: \$25,000	Currently do not carry			480 LMCIT	Not Quoted

MEMORANDUM

Action by Council:

TO: City Manager  
FROM: City Engineer  
SUBJECT: Beam Avenue Signals--Project 89-15, Award Bid  
DATE: June 20, 1990

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

Attached are the list of bidders and recommendation for award from the engineer.

It is recommended the city council award the bid to Collins Electrical Construction Company.

KGH

jw  
Attachments

JUN 19 1990



3535 VADNAIS CENTER DRIVE, ST. PAUL, MINNESOTA 55110 612 490-2000

June 18, 1990

RE: MAPLEWOOD, MINNESOTA  
TRAFFIC SIGNAL SYSTEMS  
BEAM AVENUE  
S.A.P. 62-619-14  
SEH FILE NO'S: 90044-46

Mr. Ken Haider  
City of Maplewood  
1830 East County Road B  
Maplewood, MN 55109

Dear Mr. Haider:

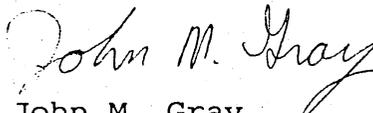
Two bids were received for the installation of two traffic signal systems and for the construction of a left turn lane along Beam Avenue in the City of Maplewood. The apparent low bidder was Collins Electrical Construction Company of St. Paul in the amount of \$262,721.80. The other bid, from Peoples Electric Co., was for \$275,394.35. The original Engineer's Estimate was \$284,000.00.

Based on the amount bid for each construction item by Collins Electric, as well as on the breakdown of participation by the City and by CSAH funding, the City of Maplewood's share of the costs is \$178,200.00. The remaining \$84,521.80 is covered under S.A.P. 62-619-14. The Engineer's Estimate had projected the City's share of the costs to be \$200,313.34, with the remaining \$83,686.66 projected to be covered by CSAH funding.

Collins Electric has a great deal of experience in the construction of traffic signal systems. Their subcontractor for the turn lane construction work, Ashbach Construction, is also well equipped to do the job. We therefore recommend award of the contract to Collins Electric.

Enclosed are copies of the bid forms from Collins Electric and Peoples Electric. Please review these and keep them for your records. Should you have any questions regarding the bids, please contact me.

Sincerely,

  
John M. Gray,  
Project Engineer

JMG/cih  
Enclosure

cc: Bob Weber, Ramsey County

CLIENT MAPLEWOOD CLIENT PROJ. NO. \_\_\_\_\_

PROJECT BEAM AVE. CONSTRUCTION SEH PROJ. NO. 90044, 90045, 90046

BIDDER	BID BOND 10%	BID AMOUNT
<u>COLLINS ELECTRIC</u>	X	\$ 262,721.80
<u>PEOPLES ELECTRICAL CONTR.</u>	X	\$ 275,394.35
<u>RIDDLE CONTROLS</u>		
<u>TOTAL ASPHALT</u>		
<u>TRAFFIC CONTROL CORP.</u>		
<u>VERTA CORP.</u>		
<i>estimate</i>		\$ 284,000

MEMORANDUM

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

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Design Review Board Appeal - Gall Avenue  
DATE: June 12, 1990

The City Council tabled this item at their last meeting to allow Mr. Mogren to meet with the neighbors. I have attached a copy of the previous staff report.

If the Council would like to avoid this situation in the future, they should request that Staff prepare an ordinance that would separate small-lot single dwellings and double dwellings into two zoning districts.

go/mem011.mem (sect. 1)  
Attachment: May 21 staff report

## 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.

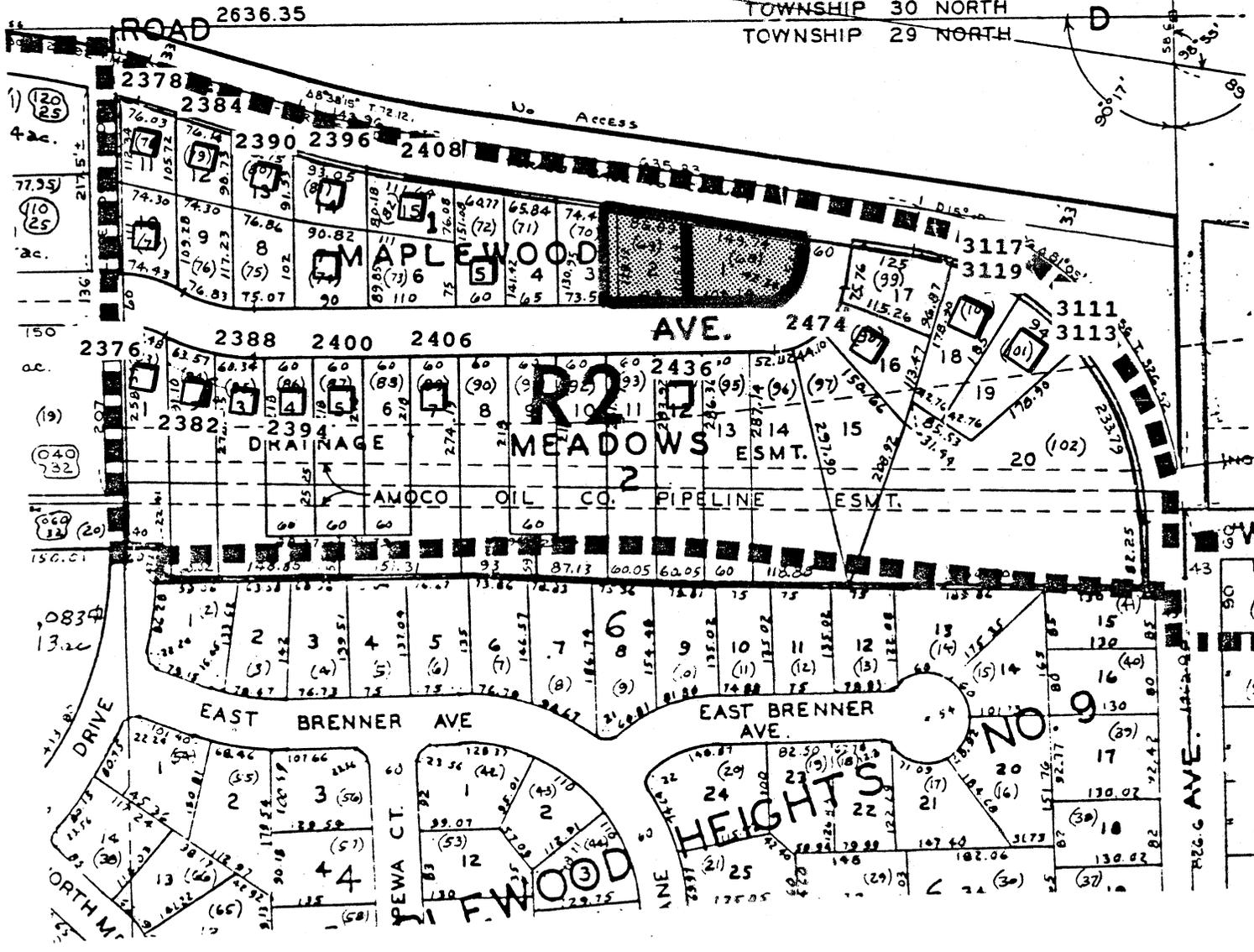
### TETWINS

#### Attachments

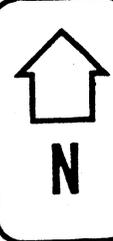
1. Location Map
2. Property Line/Zoning Map
3. Letter from Victoria L. Seltun dated April 30, 1990
4. Community Design Review Board motion dated April 24, 1990



TOWNSHIP 30 NORTH  
TOWNSHIP 29 NORTH



# PROPERTY LINE / ZONING MAP



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. PALMER  
 RICHARD R. HANSEN  
 JEROME B. PEDERSON  
 ROBERT G. WEBER  
 ROBERT P. SANDS  
 KEITH A. LIBBEY  
 ROBERT B. WHITLOCK  
 RAYMOND M. LAZAR  
 THOMAS R. KING  
 JOHN H. STOUT  
 JAMES L. BAILLIE  
 WILLIAM I. KAMPP  
 R. BERTRAM GREENBER  
 WARREN E. MACK  
 JOHN L. POWERS  
 CHARLES F. DIESSNER  
 QUBNTIN 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. MELBY  
 THOMAS S. FRASER  
 GLENN R. AYRES  
 STEPHEN R. BERGERSON  
 JOHN A. GRIMSTAD  
 ERIC S. ANDERSON  
 DAVID R. BUSCH  
 DENNIS M. COYNE  
 DAVID C. GRORUD  
 KONRAD J. FRIEDEMANN  
 LARRY J. BERG  
 JOHN J. BRIART  
 JOHN G. KOST  
 KATHLEEN A. HUGHES  
 JOHN M. KONECK  
 THOMAS R. WILHELMY  
 PAUL L. LANDRY  
 KENT G. HARBISON  
 TED S. MEIKLE  
 PATRICIA A. BEITHON  
 MICHAEL A. TRITTIPO  
 LINDA C. SCHWARTZ  
 JAMES B. PLATT  
 DAVID P. BUNDE  
 FAYE KNOWLES

RICHARD A. ROSS  
 GREGORY P. KATHOI  
 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. MAERTENS  
 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. CHET 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

KARL F. DIESSNER

EARL F. COLBORN, JR.

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.

<u>NAME</u>	<u>PROPERTY ADDRESS</u>
1. <u>Diolain G. Seebur</u>	<u>2474 Hall Ave.</u>
2. <u>Jeffrey K. Seebur</u>	<u>" "</u>
3. <u>Albert Scarpini</u>	<u>2417 Gall Ave</u>
4. <u>Tim Tasler</u>	<u>2406 Gall Ave.</u>
5. <u>Paula Lubins</u>	<u>2400 Hall Ave.</u>
6. <u>Kim Cho</u>	<u>2394 Hall Ave.</u>
7. <u>Tracy Jasberg</u>	<u>2388 Hall Ave</u>
8. <u>Ann M. Vacinek</u>	<u>2377 Hall Ave</u>
9. <u>Tracy Johnson</u>	<u>2382 Gall Ave</u>
10. <u>Charles Johns</u>	<u>2382 Gall ave</u>
11. <u>Vickie Jones</u>	<u>2376 Hall Ave</u>
12. <u>Lee J. Johnson</u>	<u>2399 Hall Ave.</u>
13. <u>Michelle Vera</u>	<u>2436 Gall Ave.</u>
14. <u>Victoria</u>	<u>2436 Gall Ave</u>
15. <u>Taurina Vera</u>	<u>2436 Gall Ave.</u>
16. <u>Abigail W. Johnson</u>	<u>2390 E. COUNTY ROAD D</u>

- 17. Anna McCormack 23876 RLD \_\_\_\_\_
- 18. Gerald McCormack 2384 C-RD "D" \_\_\_\_\_
- 19. \_\_\_\_\_
- 20. \_\_\_\_\_
- 21. \_\_\_\_\_
- 22. \_\_\_\_\_
- 23. \_\_\_\_\_
- 24. \_\_\_\_\_
- 25. \_\_\_\_\_
- 26. \_\_\_\_\_
- 27. \_\_\_\_\_
- 28. \_\_\_\_\_
- 29. \_\_\_\_\_
- 30. \_\_\_\_\_



Single Family Homes  
STARTING AT \$76,900  
**COLDWELL BANKER**  
PAUL REDINGER  
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

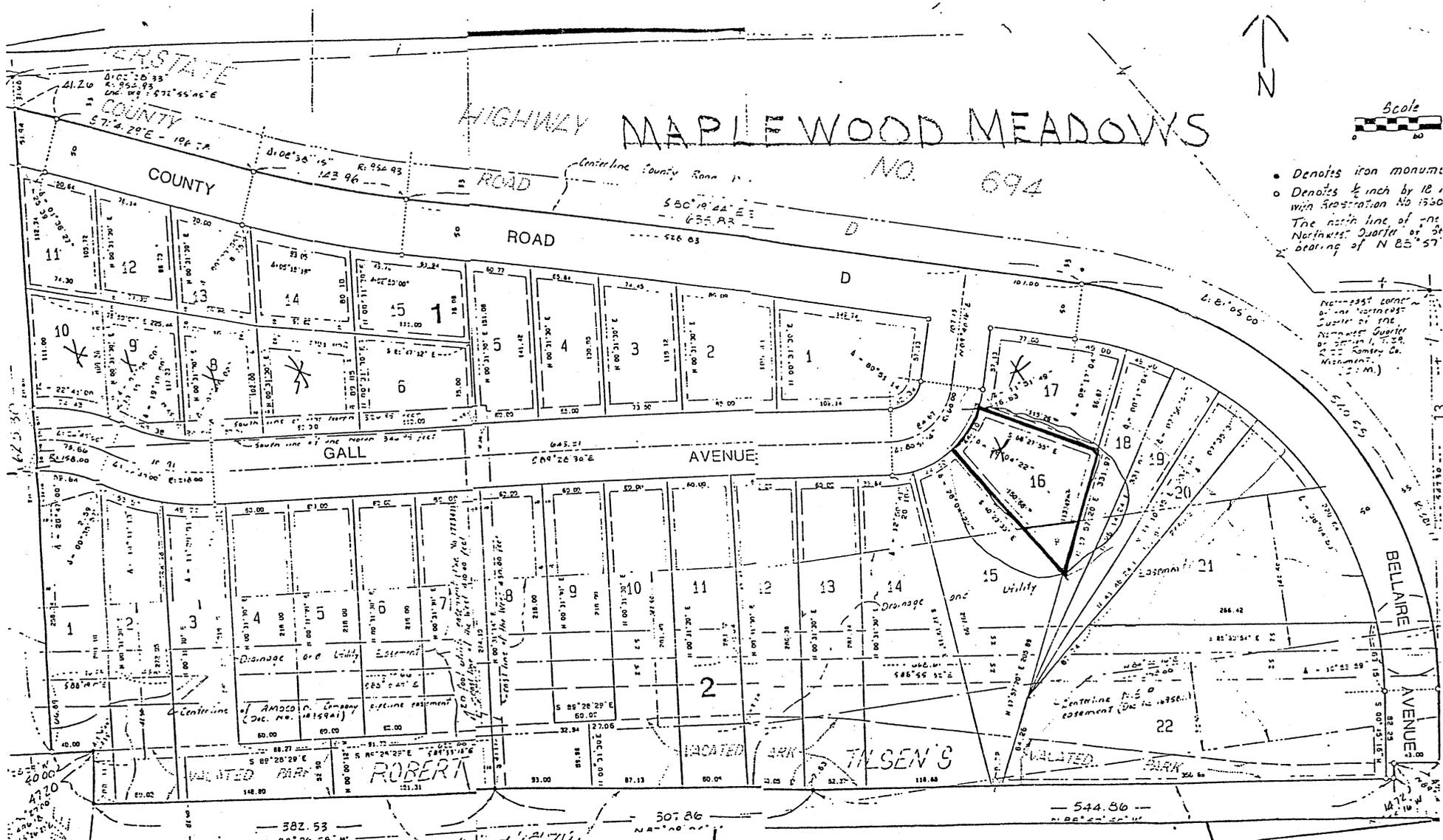
As we are constantly changing and upgrading our quality, National Builders, reserves the right to change the prices, plans, specification, material or construction techniques without prior notice or obligation.

**SOLD BY COLDWELL BANKER**

**PAUL REDLINGER**

**OFFICE 483-2010**

**HOME 631-2457**



- Denotes iron monumt
  - Denotes 1/2 inch by 12, with Registration No 1330
- The north line of the Northwest Quarter of Sec 20 bearing of N 85° 57'

North-east corner of the Northwest Quarter of Section 1, T22N, R22E, County of Washington, D.C.

MAPLEWOOD HEIGHTS

Exhibit 2

5/88



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: PUD Termination and Time Extension  
LOCATION: County Road B and English Street  
APPLICANT/OWNER: Ed Cave and Sons, Inc.  
PROJECT: Caves English Street Second Addition  
DATE: June 19, 1990

INTRODUCTION

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

BACKGROUND

June 6, 1986: The City Council approved a PUD for five small-lot single dwellings and 16 condominiums for this site. Mr. Cave has built the single dwellings. He has not started the condominiums.

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

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

June 11, 1990: The City Council tabled this request to consider terminating part of the PUD for the 16 condominiums.

ORDINANCE REQUIREMENTS

Section 36-442(e) of the City Code states, "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 years, for subsequent reviews. The Council may impose new or additional conditions upon the permit at the time of the initial or subsequent reviews."

Section 36-446(a) states, "The Council may suspend or terminate the permit if the approved conditions have been violated or the use is no longer in effect."

DISCUSSION

The City approved the condominiums because this property is planned for RM, residential medium density use and the site was adjacent to the Burlington Northern Railroad tracks. The

developer stated that he could not get FHA financing for single-family homes that close to the tracks. Burlington Northern has since removed the tracks. The City Council could, therefore, base their termination of the condominiums on this changed condition. The developer would then have to apply for a revision to the PUD in the future for another land use. The City is planning this property for some type of medium density residential use. Small-lot single dwellings are a medium density use that would be consistent with the surrounding development.

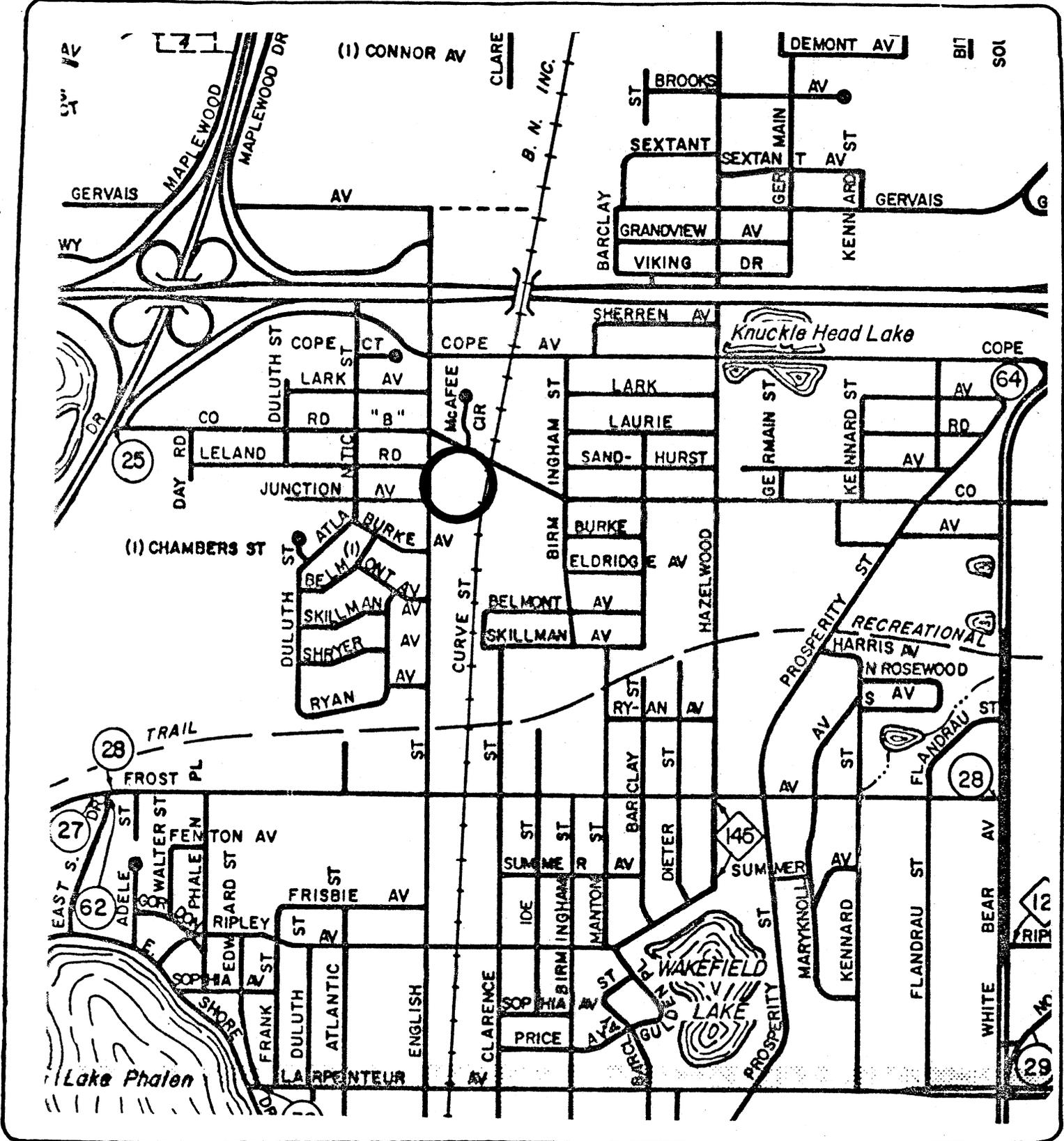
#### RECOMMENDATION

1. Terminate the approval for the 16 condominiums, since the City approved them on the basis that the railroad tracks would remain. Since the railroad has removed them, the original conditions for approval have changed.
2. Approve an indefinite time extension for the small-lot single dwellings on English Street.

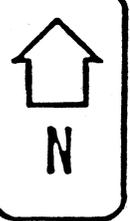
jl/timeex (section 10)

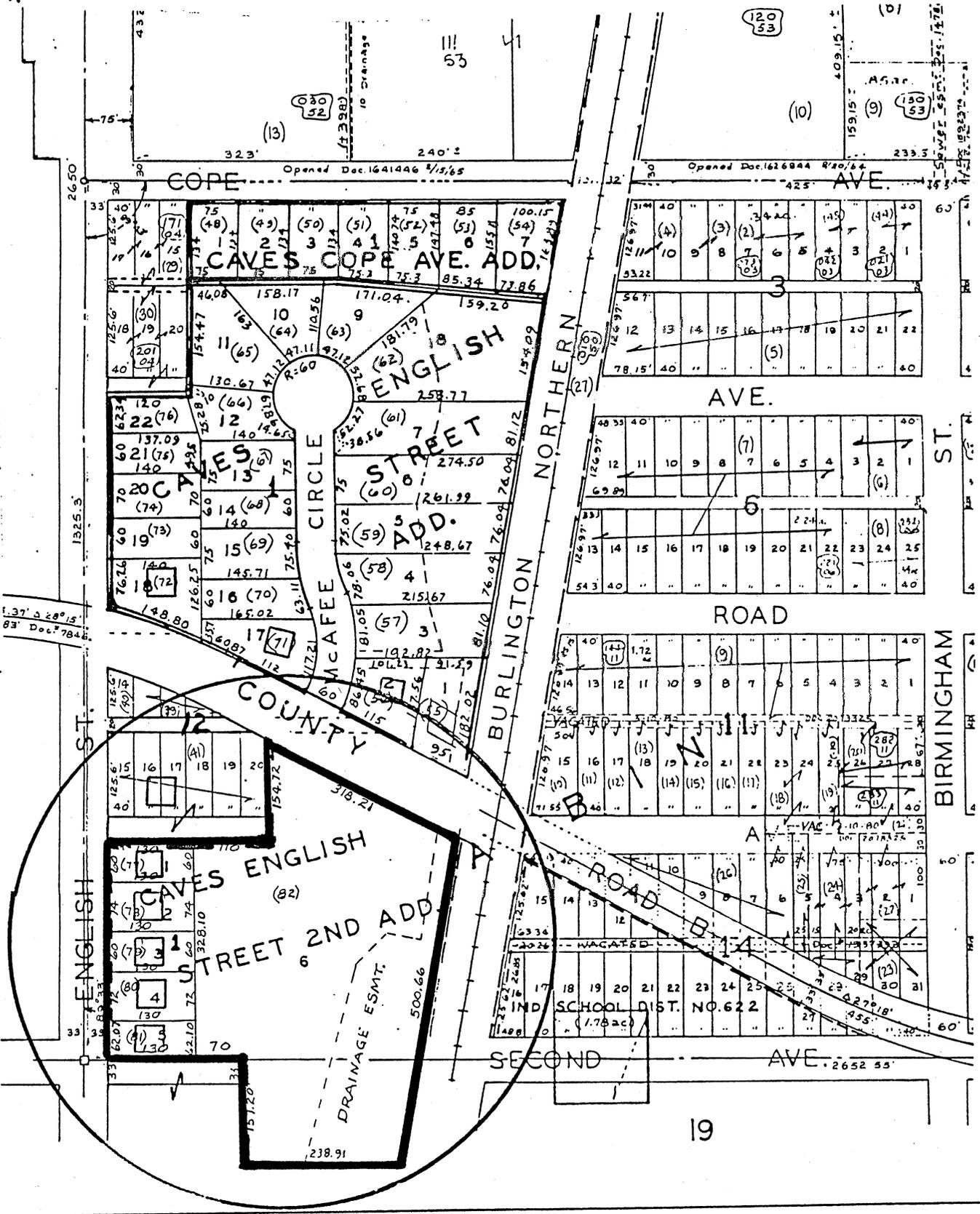
#### Attachments

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

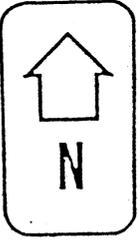


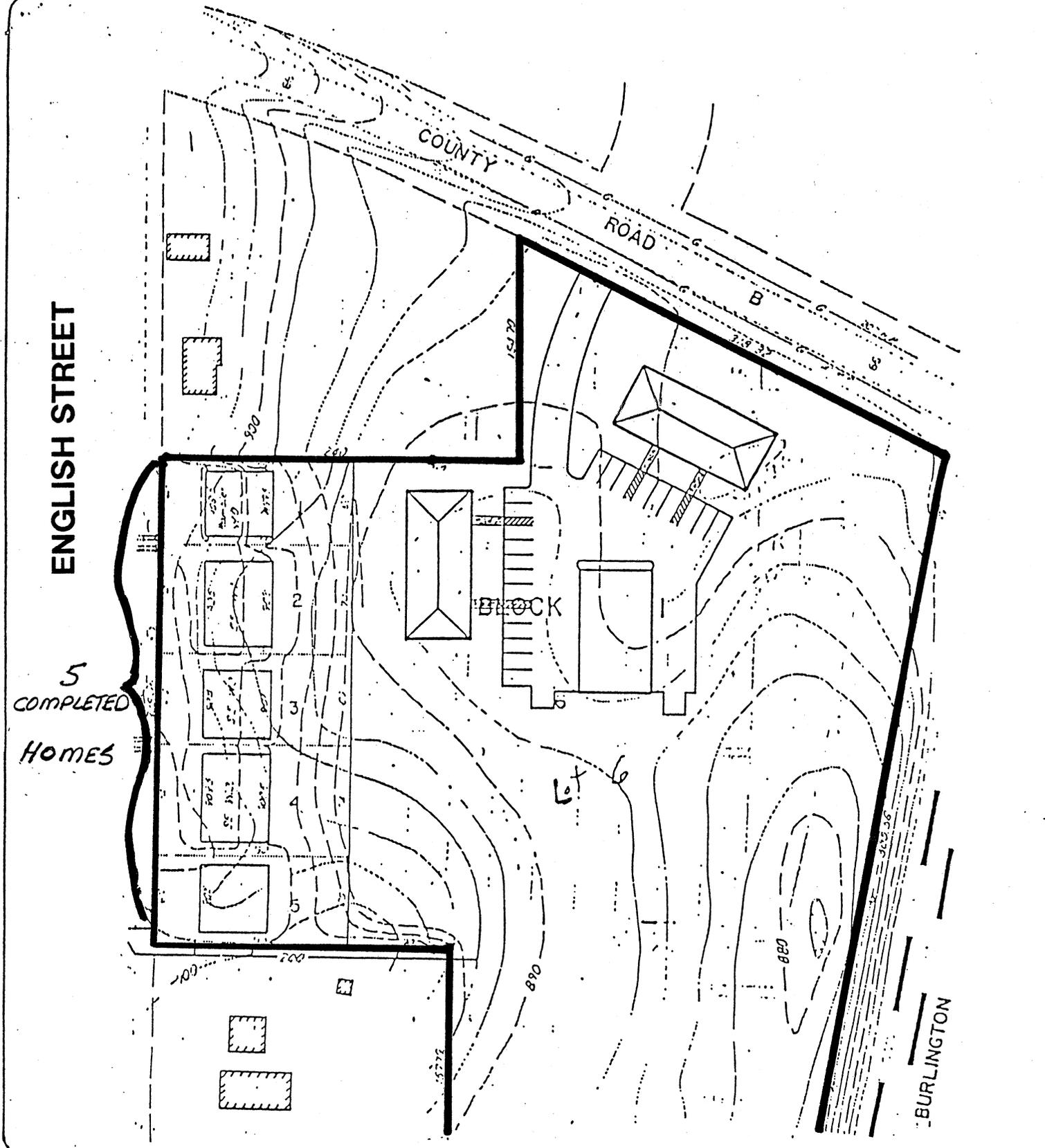
**LOCATION MAP**





PROPERTY LINE / ZONING MAP





SITE PLAN





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



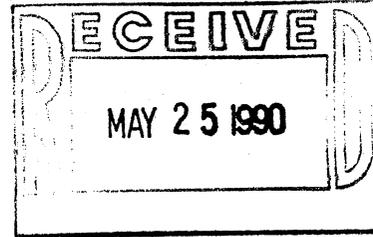
**NEW HOMES  
LAND DEVELOPMENT  
RENOVATION  
COMMERCIAL**

**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.

H-3

Action by Council:

MEMORANDUM

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Code Amendment: Motor Fuel Stations  
DATE: June 14, 1990

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

The City Council gave first reading to this ordinance on page 9 of the attached staff report on May 31. Council requested that the City Attorney make sure that the ordinance has the proper reference to State rules. The Attorneys suggestions have been made.

## MEMORANDUM

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Code Amendment - Motor Fuel Station Ordinance  
DATE: June 5, 1990

### INTRODUCTION

Bill Hentges, vice-president of the Hentges Company, is requesting that the City amend its motor fuel station ordinance. He is requesting that the City permit fiberglass tanks and piping. The Hentges Company represents Owens Corning Fiberglass Corporation. Mr. Hentges recommends that the City require double-walled tanks and piping if the City wants more protection against leaking tanks. He also recommends that the City require a system that detects leaks between the walls. The current ordinance permits single-walled tanks and requires in-tank monitoring equipment, as well as manual daily measurement and recording of tank levels. (Refer to Mr. Hentges letter on page 10.)

### BACKGROUND

The City Council adopted the motor fuel station ordinance on September 11, 1989. The Hoisington Group, a planning consulting firm, prepared the current ordinance. They met with representatives of the service station industry, the Minnesota Pollution Control Agency and the Minnesota Health Department.

### DISCUSSION

The Hoisington Group recommended that the City not allow fiberglass tanks because of the danger of cracks developing during installation and later from frost heaves. They also felt that fiberglass tanks are more susceptible to damage from higher alcohol blends of gasoline. While this is not a problem now, it may be in the future. Some of their information came from the steel tank institute. Mr. Hentges has provided me with information that fiberglass tanks are as safe, if not safer than steel tanks. Many service stations use fiberglass tanks. Public agencies, such as the Post Office, the State of Minnesota and public schools, also use them. It is difficult for a non-expert, however, to sort through the conflicting evidence from the steel tank institute and the fiberglass manufacturers.

I tried to get an impartial opinion by calling the Minnesota Pollution Control Agency. Mr. Tom Clark of that agency told me that the warranties and performance of new steel and fiberglass tanks are about equal. The installation of fiberglass tanks is more critical, especially in a high water table. Manufacturers

have reformulated new fiberglass tanks to withstand higher alcohol blends. His agency allows fiberglass and steel tanks. The Pollution Control Agency does not require double-walled tanks. They feel that with the adoption of the new rules requiring monitoring for all tanks and cathodic protection for steel tanks, single-walled tanks will provide enough protection. Mr. Clark also informed me that he was not aware of any other cities in Minnesota that prohibit fiberglass tanks or require double-walled tanks. Brooklyn Park requires a secondary containment system, such as an impervious liner under the tank. The State of California requires double-walled tanks. This may be due to the danger of earthquakes.

Double-walled tanks are at least 1 1/2 times the cost of a single-walled tanks. Without more evidence that they would be significantly safer than single-walled tanks, I cannot recommend that the City require them now.

#### RECOMMENDATION

Adopt the ordinance on page 13, which would permit the use of underground fiberglass tanks and piping.

## REFERENCE

**Brian Ettesvold:** Executive Director of the Minnesota Service Station Association

His association does not have a position on steel versus fiberglass tanks. He personally recommends against fiberglass tanks to his members because:

1. Fiberglass tanks are more susceptible to cracks from frost heaves in the severe Minnesota climate.
2. The ground that the contractor installs the tanks on must be perfect or a sharp rock could puncture the tank as it flexes with ground changes.

The Minnesota Service Station Association opposes double-walled tanks because they are not necessary and are much more expensive than single-walled tanks.

The following information is from the 1989 Hoisington Group report.

### COMPARISON OF TANK TYPES

There are four basic types of underground storage tanks:

1. Steel tanks cathodically protected by an impressed current, sacrificial anodes or some other type of equivalent protection.
2. A noncorrosive material such as fiberglass reinforced plastic (FRP) or equivalent.
3. Composite tanks - steel tanks with a fiberglass coating.
4. Double-walled tanks of steel or fiberglass.

### STEEL TANKS

STI-P3 tanks are manufactured under the specifications of the Steel Tank Institute and is the recommended steel tank. The tank is protected from corrosion in three ways:

- Via electrical isolation (nylon bushing) that insulates the tank from piping and other attachments and prevents the corrosive currents that might result from dissimilar metals
- Via a protective coating

- Via cathodic protection utilizing a sacrificial anode

Advantages:

- Long history (20-30 years) of no underground leaking
- Cheaper to install than fiberglass tanks

Impressed Current Cathodic Protection

Impressed current cathodic protection introduces an electric current into the ground through a series of anodes that the contractor attaches to the tank. The tank is protected from corrosion because the electric current flowing from these anodes to the tank system is greater than the corrosive current trying to flow from it.

Disadvantages:

- The station operator must check that the rectifier is in operation once a month.
- The system is subject to vandalism; the electric service may be disconnected by accident or deliberately.

Sacrificial Anodes

Sacrificial anodes are pieces of metal more electrically active than the steel tank. The electric current will exit from the anodes, rather than the tank, because the anodes are more active. Thus the tank is the cathode and is protected from corrosion while the attached anode is sacrificed.

Advantages:

- Once a year inspection by a qualified person
- Does not use a power supply

Disadvantages:

- Anodes must be monitored and replaced as they corrode.
- Anodes may not be able to produce an adequate electrical current to prevent tank corrosion under certain soil conditions.

## FIBERGLASS TANKS

### Advantages:

- Resistant to corrosion

### Disadvantages:

- Haulers must load the tank perfectly or it can develop cracks before it arrives on site.
- Proper installation is important due to the chances of tank rupture caused by uneven soil loading.
- Many installers do not want to install fiberglass tanks because of the liability involved in installation.
- Alcohol blend fuels weaken the walls if fiberglass is not coated with resin coatings; also chemicals and alcohol mix may change in the future.
- Shorter known history (17 years) than cathodically protected steel tanks (20-30 years).

## DOUBLE-WALLED TANKS

Double-walled tanks consist of one tank nested inside another tank. There are three basic types of double-walled tanks: double-walled steel tanks, double-walled coated steel tanks and double-walled fiberglass tanks.

### Advantages:

- The risk of leakage is reduced by the inner tank and by the leak detection system built between the walls.

### Disadvantages:

- Subject to the same problems described for fiberglass and steel tanks.
- If the cathodic protection system is not working properly, then the outside tank will also corrode.
- Humidity between the two walls can cause moisture build-up which creates conditions for corrosion.
- Very costly (up to one and one-half times as costly).

## LEAK DETECTION SYSTEM FOR TANKS

Federal and soon-to-be adopted State regulations require that tanks are checked at least once a month to see if they are leaking. One or more of the following monthly monitoring methods must be used:

- Automatic tank gauging (in tank)
- Monitoring for vapors in the soil (outside of tank)
- Interstitial monitoring (in tank)
- Monitoring for liquids in the groundwater (monitoring well outside of tank)
- Other approved methods

## AUTOMATIC INVENTORY SYSTEMS

### In-Tank

Automatic Tank Gauging - Electronically checks the motor fuel level in the tank continuously, records deliveries made to the underground storage tank, and checks for leaks and other sudden losses.

Interstitial Monitoring - Electronically monitors for leaks. Used in the spaces between double-walled tanks and containment facilities or vaults.

### Outside of Tank

Vapor Monitoring - Permanently installed monitoring system samples vapors in the soil gas surrounding the tanks. Leaked petroleum produces vapors that can be detected in the soil gas.

Monitoring Wells - Check the ground water table near an underground storage tank for the presence of released petroleum on the water table. The regulations allow manual and automatic methods for detecting petroleum in the monitoring well.

## LEAK DETECTION FOR PIPES

Pipes connect the underground storage tanks to dispensing islands. Federal regulations for leak detection for pressurized pipes require two things:

- Install an automatic line leak detector, and
- Conduct an annual line tightness test or conduct monthly leak detection monitoring using one of the

following methods: vapor monitoring, ground water monitoring or interstitial monitoring.

Leak detection for suction piping requires:

- Conduct line tightness test every three years or conduct leak detection monitoring as described for pressurized piping. You do not need to have leak detection if your suction piping meets some basic design requirements.

#### REGULATORY AGENCIES

The following agencies regulate underground storage tanks and other fuel station operations:

1. Environmental Protection Agency (Federal)

The U. S. Environmental Protection Agency (EPA) has written regulations for many of the nation's underground storage tank systems. One of the goals of the EPA is to make sure each state has a regulatory program for underground storage tanks that is as strict or stricter than the Federal regulations.

2. Minnesota Pollution Control Agency (MPCA)

The Minnesota Pollution Control Agency plans to adopt new Federal Environmental Protection Agency regulations on underground storage tanks this fall. The new regulations will require the following:

- Certification that the tank and piping are installed properly according to industry codes.
- Protection of the tank and piping from corrosion.
- Equip both the tank and piping with leak detection/monitoring systems.
- Report to the regulatory authority at the beginning and end of the tank's system operating life.
- Keep records on site that can be provided to an inspector for leak detection performance and upkeep as:
  - Last year's monitoring results and the most recent tightness tests.
  - Copies of performance claims provided by the leak detection manufacturer.

- Records of recent maintenance, repair and calibration of leak detection equipment.
- Records showing the last two inspections of the corrosion protection system.

3. Fire Marshal

The National Fire Code also regulates underground storage tanks and piping installations. This code requires that all underground tanks and piping be protected from corrosion by cathodic protection or constructed of an approved corrosion-resistant material. The Code also states that before being covered or placed in use, tanks and piping connected to underground tanks shall be tested for tightness in the presence of the Fire Chief. The fire code also requires that operators maintain accurate daily inventory records.

memo21.mem

Attachments:

1. Ordinance
2. Letter: William Hentges
3. Letter: Steel Tank Institute

ORDINANCE NO.

AN ORDINANCE AMENDING THE MOTOR FUEL STATION ORDINANCE TO PERMIT  
THE USE OF UNDERGROUND FIBERGLASS TANKS AND PIPING

THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS (additions are underlined and deletions are crossed out):

Section 1. Section 36-151(2)(i)(13) is amended as follows:

13. All new or replacement underground fuel storage tanks shall meet the standards of Minnesota Statutes and the standards of the Minnesota Pollution Control Agency. Such tanks shall also have a UL listing appropriate for their use. In addition, installation plans shall be submitted to the State Fire Marshall's Office for approval. ~~be STI-P3 or an equivalent steel tank manufactured by a licensee of the Steel Tank Institute. Fiberglass tanks and piping are not permitted.~~

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

Passed by the City Council on

, 1990.

Attachment 2

DEC 26 1989

# The Hentges

PETROLEUM, AUTOMOTIVE AND INDUSTRIAL EQUIPMENT FOR THE UPPER MIDWEST

6524 Walker Street Suite 131  
Minneapolis, Minnesota 55426  
Phone A. C. 612 929-1900  
FAX A. C. 612 929-0042

CITY OF MAPLEWOOD  
DIRECTOR OF COMMUNITY DEVELOPMENT  
1830 E. COUNTY ROAD B.  
MAPLEWOOD, MN. 55109

12/22/89

Attn: Geoff Olson

Dear Mr. Olson,  
I would like to thank you and Jim Embertson for taking the time to meet with me and discuss the new Maplewood ordinance covering motor vehicle fueling facilities. I have looked over the copy of the ordinance you provided and I would like to comment on a few of the provisions in it.

Under Division 7, Sec. 36-151(2),(i),13. "All new or replacement underground fuel storage tanks shall be STI-P3 or an equivalent steel tank manufactured by a licensee of the Steel Tank Institute. Fiberglass tanks and piping are not permitted. I asked you for the reasoning behind this provision and why the prohibition of fiberglass tanks and piping. After talking with you and going through the ordinance and the reference on pages 18 thru 24, I can see that you may have been given some mis-information by your consultants or from the Steel Tank Institute. I would like to take this opportunity to correct some of these misconceptions and to rebut some of the lies spread by the Steel Tank Institute.

Owens Corning first started to develop fiberglass tanks for underground gasoline storage in the late fifties and early sixties at the request of several major oil companies who knew that they would need non-corrosive tanks in the future. As early as 1968 the THE HENTGES COMPANY representing OWENS CORNING FIBERGLAS CORP. supplied fiberglass tanks to be installed in the Minneapolis/St. Paul area. By 1976 OWENS CORNING FIBERGLAS had ten times more tanks installed than STI-P3. In 1989 O/C TANKS manufactured it's 200,000th tank. These figures only concern OWENS CORNING tanks and do not include the many tanks supplied by other U.L. fiberglass tank manufacturers. O/C TANKS is still the worlds largest underground tank manufacturer.

A DIVISION OF HENTGES ENTERPRISES, INC.

Steel tank manufacturers would like you to believe that Fiberglass tanks only account for a small percent of the market when in reality it represents the fastest growing segment and supplies the majority of tanks to the major oil companies for their underground fuel storage needs, companies such as SHELL, CHEVRON, TEXACO, MOBIL, UNION, CONOCO require fiberglass tanks for their corporate owned locations, AMOCO, FINA, and many large fortune 500 companies are starting to require double wall fiberglass underground storage tanks to insure that they can meet future code requirements.

The steel tank manufacturers have become desperate in their struggle to retain market share and have started a propaganda campaign that borders upon being libelous. Claiming that fiberglass tanks will melt when alcohol is added to gasoline, when in fact there has never been a U.L. labeled fiberglass tank failure due to alcohol. They claim a longer history when in fact OWENS CORNING had U.L. Labeled tanks installed for years before the first STi-P3 tank was installed. They claim never to of had a failure, when in-fact many STi-P3 tanks have failed to provide the corrosion protection promised, provide no protection against internal corrosion, or corrosion caused by stray electrical currents, tanks have been found leaking product and have had structural failure.

Steel tank people like to over exaggerate the care that should be taken when handling fiberglass when that same care is required to protect the delicate coating on a STi-P3 tank and the anodes and leads. STi-P3 tanks must also be protected from hold-down straps and the damage they can cause if not installed properly. STi-P3 tanks also must have their cathodic protection systems carefully monitored and maintained by qualified corrosion engineers in order to meet the minimum federal requirements.

Most of the above information also applies to fiberglass pipe which has become the standard in the petroleum industry.

I also would question the decision to rely only on in-tank monitoring systems for leak detection and daily sticking of tanks. The main problem with this system is that the tank needs to be full whenever the leak detection program is run and this must be done every 30 days, and the margin of error allowed would permit small leaks to occur with out detection or large amounts could be lost over longer periods of time. Several systems are on the market, such as double wall tanks, vapor monitoring and other systems, which provide a more reliable method of leak detection.

The reason in-tank monitoring is popular within the industry is because it eliminates the need to daily stick the tank for inventory control purposes and the system can be tied into off-sites computers for management purposes, not because of superior leak detection capabilities.

I know the intent of this ordinance was to provide the city of Maplewood and its residences protection from possible environmental hazards caused by leaking underground fuel storage tanks and piping. In order to provide the best protection possible I would strongly recommend Double-Wall Fiberglass tanks which provide corrosion protection on both interior and exterior surfaces of the tank, along with containing any leaks so that the soil or water is not contaminated. Type II Steel double wall tanks with corrosion protection on all interior and exterior surfaces also will contain any leaks.

Double wall piping is also available to provide the maximum amount of protection.

Please look over the information I have provided regarding both fiberglass and STi-P3 tanks. I would like to have you and the council reconsider the ordinance and to amend it to allow the use of U.L. fiberglass tanks and piping and to consider double wall tanks and pipe. Also to consider alternate forms of leak detection for tanks and piping. I would be happy to make myself available for any meetings and to provide any additional information you may require.

Sincerely,  
THE HENTGES COMPANY

  
William E. Hentges  
Vice-President

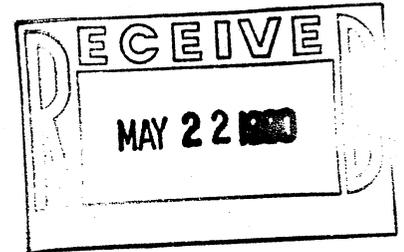
# Steel Tank Institute

728 Anthony Trail  
Northbrook, Illinois 60062-2542  
708 / 498-1980  
Fax 708/498-3173



May 21, 1990

Mr. William E. Hentges  
Vice President  
The Hentges Company  
6524 Walker Street, Suite 131  
Minneapolis, MN 55426



Dear Mr. Hentges:

I read with great interest your December 22, 1989 letter to Mr. Geoff Olson, director of community development for the city of Maplewood, Minn.

I understand that this letter during the last few days has been publicly distributed to other officials in the community, who are deliberating on regulatory questions relating to underground storage systems.

As such, the letter contains statements that, in my opinion, defame the Steel Tank Institute in general and could cause damage to companies doing business in the Greater Minneapolis area as members of the Institute.

The underground storage tank industry has suffered in recent years from the perception that fiberglass and steel tank manufacturers continually snipe at one another. Your letter reinforces the stereotype and does nothing to elevate the debate on underground storage tank quality.

You state that the letter will "rebut some of the lies spread by the Steel Tank Institute."

I hereby challenge you to present written, photographic or videotaped evidence to support your claims:

- That O/C Tanks manufactured its 200,000th tank in 1989. (See attached exhibit No. 1.)
- That fiberglass-reinforced plastic tanks represent "the fastest-growing segment" of the market. (See attached exhibit No. 2.)
- That Amoco is "starting to require double wall fiberglass underground storage tanks to insure that they can meet future code requirements." (See attached exhibit No. 3.)



Mr. William E. Hentges  
Page 2  
May 11, 1990

Particularly objectionable is the following passage:

"They claim never to of had a failure, when in fact many sti-P<sub>3</sub><sup>o</sup> tanks have failed to provide the corrosion protection promised, provide no protection against internal corrosion, or corrosion caused by stray electrical currents, tanks have been found leaking product and have had structural failure."

I am very interested in how you define "many sti-P<sub>3</sub><sup>o</sup> tanks."  
I am equally interested in your documentation of how these "many" tanks have failed to provide adequate protection against corrosion. (See attached Exhibit No. 4.)

By making an unsubstantiated, broad-brush contention of this sort in the public arena, you, in my opinion, may have caused irreparable harm to sti-P<sub>3</sub><sup>o</sup> manufacturers.

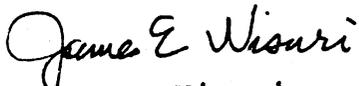
You are also wrong by claiming that "minimum federal requirements" mandate that qualified corrosion engineers maintain an sti-P<sub>3</sub><sup>o</sup> tank. (See attached Exhibit No. 5.)

Your conscious repetition of what I believe is inaccurate information gives clear indication of malicious intent. Because of the inaccuracies and misstatements cited, the members of the Steel Tank Institute demand a retraction and apology to be circulated to local newspapers and any public officials who have received the December 22, 1989 letter.

Please understand: STI does not make a habit of filing suit to rectify this type of behavior. We prefer to handle matters such as this without legal action. However, we have done in the past -- and will do in the future -- whatever it takes to protect our name. Therefore, a simple letter of apology and retraction from you will clean the slate.

I would appreciate a response by May 31. I look forward to your reply.

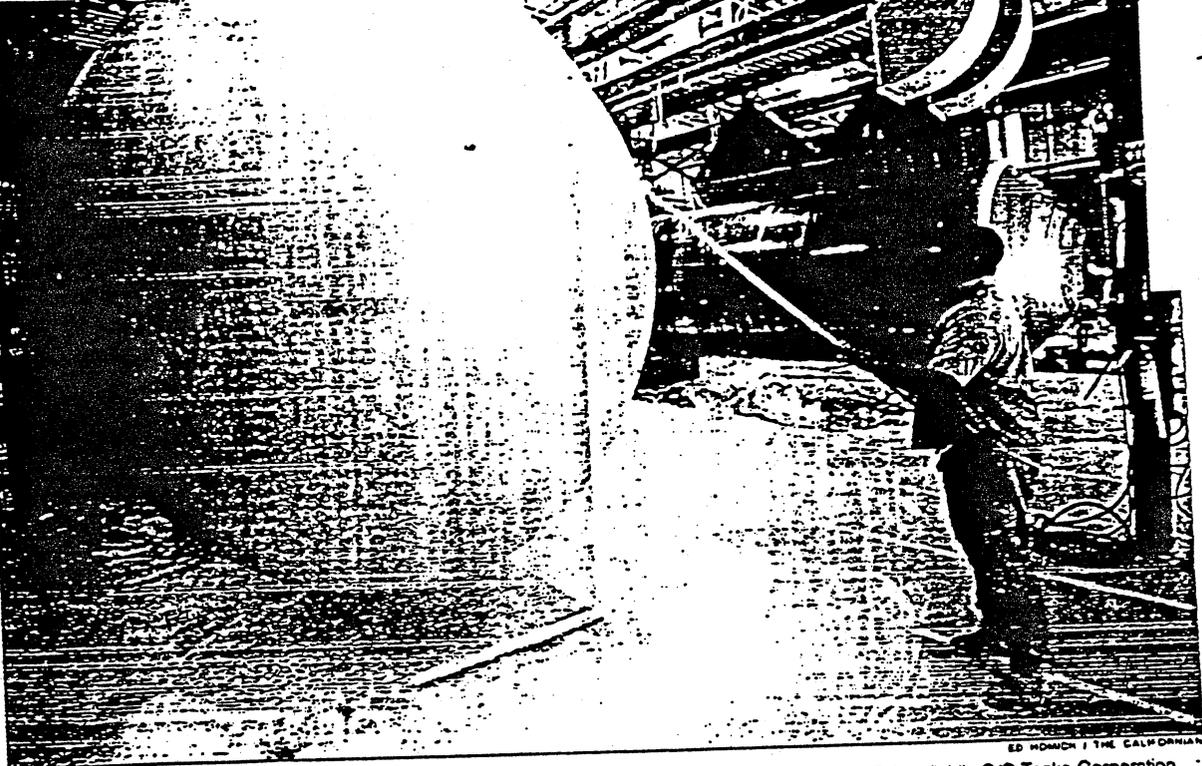
Sincerely,



James E. Wisuri  
Manager of Communications

enclosures

cc: ✓ B. Baran, Esq., Ross & Hardies  
Geoff Olson, City of Maplewood



Tyrone Powell helps apply glass fibers and resin to a metal form in the creation of a Fiberglas tank at Bakersfield's O/C Tanks Corporation

# Pollution fears spur Fiberglas tank work

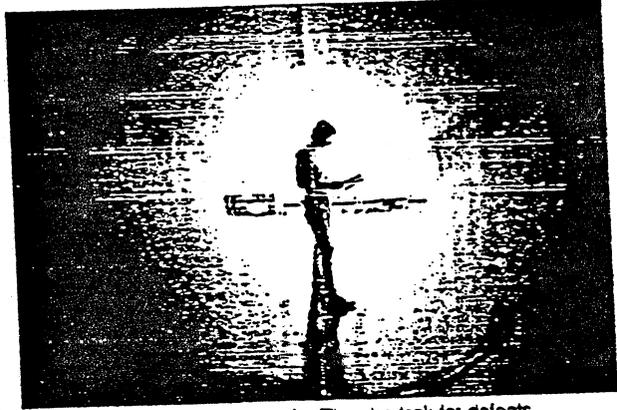
By **CHRISTOPHER KRUEGER**  
Californian staff writer

Concern about possible ground-water and soil contamination from leaking underground tanks is keeping a Bakersfield Fiberglas storage tank manufacturing plant busy.

O/C Tanks Corporation has seen business accelerate in recent years as the public has become more aware of the dangers of leaking underground metal tanks, said Mike Weaver, plant manager.

"Most of the metal tanks were installed in the 1950s and 1960s and those are being replaced now," he said.

The plant will celebrate production of the company's 150,000th Fiberglas tank Monday in a ceremony at the plant, located at 2600 Pegasus Road. Though the company, a subsidiary of Owens-Corning Fiberglas, has produced Fiberglas



Art Tovar inspects the interior of a Fiberglas tank for defects

tanks for 25 years, most of the production has occurred during the past five years, Weaver said. Most of the underground tanks

produced by the company are used by gasoline stations, he said. They range in capacity from 5,500 gallons to 50,000 gallons.

## FIBERGLAS: Underground metal tanks being replaced

(Continued from F1)  
er said. They are built so that a space between the inner and outer walls of the tank can be filled with highly pressurized water, he said.  
In the event of a leak, the water, which has a higher pressure than the fuel in the tank, enters the tank, settling off an alarm and preventing the contents of the tank from escaping, Weaver said.  
California requires double-walled tanks that sell for about \$1 per

Weaver moved west from Owens-Corning's Toledo, Ohio, headquarters in 1980 to supervise the building of the Bakersfield plant. For eight years before its opening, the company had shipped pieces of tanks from other facilities to a small Bakersfield office where the pieces were assembled, he said.

Today, the plant employs 90 people and manufactures about 3,000 tanks a year for distribution west of the Rockies. After the employees autograph the 150,000th tank Monday, it will be shipped to a Shell Oil retailer in the Southern California community of Anaheim Hills.

Though higher than a few years ago, production at the plant has slowed a bit since the first half of 1988 as potential customers wait to see how the Environmental Protection Agency will enforce a new underground tank replace-

Please turn to FIBERGLAS 7 EX

SPECIAL REPORT

EPA Survey Reconfirms Steel Tank Marketplace Preference

By Jim Wisuri  
Editor

During the last five years, three steel underground storage tanks have been registered for every fiberglass-reinforced plastic (FRP) model, according to an updated U.S. Environmental Protection Agency survey.

EPA officials for about two years have compiled a national profile of the underground storage tank system population. The national profile is based upon tank registration programs in 50 states and six U.S. territories.

The survey offers some questionable specific findings—for instance, a total of 105,978 steel tanks with cathodic protection and 37,385 FRP tanks employing corrosion protection. (Both numbers should be considerably higher.)

However, the 1990 edition illustrates some clear trends in underground storage tank usage:

- By a wide margin, steel remains the preferred material for underground storage tank construction. Even in an age when protection against corrosion became an industry byword, the marketplace has readily embraced

technologies that thwart the prime source of steel tank failure. The EPA survey says 222,006 steel tanks have been registered that are between 0 and 5 years old vs. 73,916 FRP tanks for the same period. Looking at all underground tanks, regardless of age, nearly 10 steel tanks have been registered nationally for every FRP vessel.

- About 45 percent (114,523) of piping systems installed within the last five years employed galvanized steel, which is no longer accepted as adequate technology to prevent corrosion. About 17,000 piping systems were installed with cathodic protection—a four-fold leap from the previous five years.
- As to volume of tanks, steel outpaces FRP in the 10,000 to 29,999 gallon category by 4 to 1. In EPA's other four capacity categories, the margin is wider. For tanks in the 110 to 1,999 gallon range, steel racks up a 25-to-1 advantage. For tanks in the 2,000 to 9,999 gallon category, steel stands with a 13-to-1 margin. For the categories representing the largest tanks—30,000 to 49,999 gallons and 50,000 gallons and above—steel commands a combined 15-to-1 advantage.

Number of Tanks by Age

	0-5 yrs.	6-10 yrs.	11-15 yrs.	16-20 yrs.	>20 or unknown	Totals
<b>Material of Construction:</b>						
Steel	222,006	250,789	248,320	210,303	454,084	1,385,502
FRP	73,916	30,354	14,363	6,546	15,809	140,988
Concrete	2,654	2,027	1,485	1,382	6,020	13,568
Unknown	16,102	9,399	10,468	10,608	96,051	142,628
Other	7,609	3,266	2,617	2,192	28,123	43,807
<b>Totals</b>	<b>322,287</b>	<b>295,835</b>	<b>277,253</b>	<b>231,031</b>	<b>600,087</b>	<b>1,726,493</b>
<b>Corrosion Protection:</b>						
Cathodic Protection	53,658	14,724	9,880	9,619	18,097	105,978
Interior Lining	12,690	7,005	5,434	4,618	10,764	40,511
FRP	22,756	6,462	3,021	1,233	3,913	37,385
None	79,633	98,402	87,706	73,325	158,623	497,689
Unknown	27,860	46,484	53,793	48,673	235,314	412,124
Other	30,137	40,359	38,721	30,803	67,336	207,356
<b>Totals</b>	<b>226,734</b>	<b>213,436</b>	<b>198,555</b>	<b>168,271</b>	<b>494,047</b>	<b>1,301,043</b>
<b>Piping:</b>						
Bare Steel	22,222	30,400	29,106	26,446	67,119	175,293
Galvanized Steel	114,523	133,367	126,930	101,596	173,226	649,642
FRP	49,875	10,095	4,308	3,164	7,309	74,751
Cathodic Protection	17,081	3,915	2,852	2,907	5,597	32,352
Unknown	35,557	37,831	40,241	39,315	241,683	394,627
Other	11,193	8,856	7,962	6,876	17,455	52,342
<b>Totals</b>	<b>250,451</b>	<b>224,464</b>	<b>211,399</b>	<b>180,304</b>	<b>512,389</b>	<b>1,379,007</b>

Figures collected by the U.S. Environmental Protection Agency show national tank registration figures that illuminate trends in market preferences.

Letter to the Editor

I have a great deal of respect for Marcel Moreau, and seldom disagree with his opinions. However, I do disagree with one point in his "The Problems with Piping-An Update" article in the February issue of Tank Talk. Under the heading of "Unions", he stated that flex connectors with swivel joints eliminate the need for unions at the tank and dispenser ends of piping runs.

I take exception to this conclusion at the dispenser end. The flex connector connects to the inlet or bottom of an impact valve. This valve is designed to shear upon impact and shut off product flow, and is required by NFPA 30A. This valve is rigidly anchored to the pump island below the shear section or break point of that valve, and must be rigidly piped to the dispenser above the shear point, according to NFPA 30A.

There must be a disconnect point in the dispenser/piping connection above the impact valve for several reasons.

One reason is simple accessibility. Another is that maintenance of the impact valve frequently requires replacement of the shear section, a job which would be extremely difficult if the disconnect point were below the main body of the valve which is anchored to the island.

A third problem is that installation and removal of dispensers would be very difficult with no disconnect point above the impact valve. This would require that the valves be installed and removed as part of the dispenser. Also, the current problems with UL and flex connectors installed directly to impact valves may be another consideration unfavorable to Marcel's proposal.

I certainly agree with the idea that unions are a problem, and that we should continue to seek solutions to this problem.

George H. Watkins  
President  
Watkins Service Company, Inc.  
East Point, Ga.

## SPECIAL REPORT: Tank Testing

Thanks to the technological prowess of a few industrial leaders, all of America can see a day when drinking water supplies will rarely be threatened by underground storage tanks.

This is most evident when you look at tank testing—whether it's monitoring the cathodic protection on metallic underground system components or detecting leaks on piping and tanks.

However, the technological wonders

provided by systems of the '80s have limits. We are the limits. Human error caused by inadequate understanding of what a tank tightness test shows, or what a structure-to-soil potential reading means, can unravel what appears to be a seamless technology.

Tank Talk this month offers several articles that address the limitations of monitoring underground systems. The articles beginning on page 1 are not meant

to imply that the current state of the art is subpar.

The special report merely underscores that leak detection and prevention measures are not inclined to supply tank owners and regulators with black and white answers in all cases. The gray areas are vast, which means that tank owners must continue to do their homework as tank testing technology evolves in the '90s.

## SPECIAL REPORT

### A Few Hints on What to Watch for After a Tank Tightness Test

By Wayne Geyer  
Contributing Editor

You are an underground storage tank owner. Your tank system was installed five years ago and meets today's corrosion control requirements. You have been keeping manual inventory control records, which seem to indicate a tight tank system.

However, you have not been able to install a release detection system. To become eligible for insurance, you want to prove your tank tight via a volumetric tightness test, formerly known in NFPA 329 as a "precision test."

The test provides a result of 0.15 GPH (gallons per hour) leakage rate. Federal regulations state that equipment must be able to detect a 0.10 GPH rate at a 95% accuracy level. The NFPA 329 recommended practice gives a 0.05 GPH criteria (presently under revision) to act as a minimum equipment accuracy level due to tightness testing noise.

You, the owner, must opt for one of the following plans of action:

- Remove and replace the tank immediately
  - Call the authority having jurisdiction to warn of a possible catastrophe
  - Sell your real estate and pretend nothing is wrong
  - Bury your head in the sand.
- Obviously, none of these plans will

Continued on page 5

Company	Tank Type	Special Liner For FRP
Exxon	FRP	No
Unocal	Dual Wall Composite Steel	n/a
Mobil	FRP	Yes
Chevron	Dual Wall Composite Steel or FRP	n/a
Shell	FRP	Yes
Occidental	Dual Wall Composite Steel	Yes
ARCO	FRP	n/a
Amoco	sti-P <sub>3</sub> <sup>*</sup>	n/a
Phillips	sti-P <sub>3</sub> <sup>*</sup>	n/a
Texaco	FRP	No
Conoco	FRP	No
Marathon	sti-P <sub>3</sub> <sup>*</sup>	n/a

Salesmen for fiberglass-reinforced plastic tanks often claim that FRP tanks command 90 percent of the underground storage tank orders from major oil companies. A Tank Talk survey of 12 leading "majors" paints a different picture. Contributing Editor Tom Lampros asked the listed companies the type of underground tank that was specified for corporate-owned facilities. If an FRP tank was specified, Lampros also asked if the oil company required a vinyl ester resin for storage of high concentrations of methanol. (Editor's note: n/a stands for not applicable.)

#### 4. GENERAL REQUIREMENTS

- 4.1. The responsibility for supplying a tank in strict accordance with these sti-P<sub>3</sub>® Specifications, including all current Tables, Supplements, Addenda, etc. is the sti-P<sub>3</sub>® Licensee's. ALSO careful inspection in accordance with current sti-P<sub>3</sub>® directives to assure compliance with sti-P<sub>3</sub>® is the Licensee's responsibility. Under no circumstances may any part of these responsibilities be delegated or assigned to a coater, buyer, installer, hauler or any other second party.
- 4.2. Underground tanks must meet the fabrication and performance requirements of the latest issue of Underwriters Laboratories, Inc. UL-58 Steel Underground Storage Tanks for Flammable and Combustible Liquids or the current edition of the ASME Code, Section VIII, Division I for Pressure Vessels. Otherwise a detailed drawing must be submitted to STI for approval prior to fabrication. All tanks and fabrications must meet the requirements of any applicable specifications, standards, codes or regulations.
- 4.2.1. UL-58 notwithstanding the minimum material thickness for any sti-P<sub>3</sub>® Tank shall be #10 gauge.
- 4.2.2. If a tank that otherwise meets the requirement of UL-58 but has an opening or openings below the top axis they may be considered standard and not require submission to, and approval of STI. However, any openings extending from the tank horizontally, beyond 30° from the Top centerline, must be flanged with flange isolation kits and nylon bushings may not be used. See Appendix N.
- 4.2.3. Satisfactory design and fabrication of the tank (or structure) for the purpose to which it is to be applied is the responsibility of the Licensee. Drawings submitted to STI for approval will only be checked for the correct application of the sti-P<sub>3</sub>® Corrosion Control System.
- 4.2.4. UL-58 describes weld joints without quality standards. STI has established weld quality standards for use on sti-P<sub>3</sub>® Tanks. See Appendix J for weld profile requirements. If difficulty is experienced in achieving quality welds, Licensees should consult their welding equipment and supplies dealer for guidance.
- 4.2.4.1. Head joints numbered 19, 20, 21 and 22 in UL Standard 58, 8th Edition, are not considered good practice due to the difficulty of adequately coating the ends of the shell. These joints are not recommended and will be prohibited for use on sti-P<sub>3</sub>® Tanks after July 1, 1987.
- 4.2.5. On all UL listed tanks carbon steel striker plates shall be installed on the interior bottoms under each opening.

Effective: 02-01-90  
 Supersedes: 03-01-89

sti-P<sub>3</sub>® SPECIFICATIONS  
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Page 5

- 4.2.5.1. The striker plates shall be 8" x 8" x 1/4" minimum size. Striker plates may be flat or rolled to conform to the internal surface of the tank. The effect of a flat striker plate placed in the bottom of small diameter tanks must be considered. Striker plates must also be placed under manways with fittings. The diameter of the striker plate must be equal to or greater than the diameter of the manway opening. The thickness must be a 1/4" minimum.
- 4.2.6. Stainless steel tanks that are not completely contained within a carbon steel outer tank are not authorized by these sti-P<sub>3</sub>® Specifications and may not bear the sti-P<sub>3</sub>® Label.
- 4.2.7. Only tanks made in strict accordance with these specifications and manufactured by fabricators licensed by Steel Tank Institute may be labelled "sti-P<sub>3</sub>®."
- 4.2.8. Variances from these specifications may not be made until such alterations or amendments have been submitted in writing to STI headquarters and approved in writing.
- 4.2.9. Licensees should consult STI for interpretations or solutions to individual difficult or unusual problems which do not seem to be covered by these sti-P<sub>3</sub>® Specifications. Assistance will be given on the specific problem but are not to be interpreted as setting precedents until, and if, revisions to the specifications are issued.
- 4.2.10. There are certain labelling requirements for sti-P<sub>3</sub>® Tanks. (See Appendix I).
- 4.3. Attachments to the tank shall be so designed that the coating will readily cover all surfaces. Such attachments shall be seal welded to eliminate cracks or crevices into which the protective coating is not likely to penetrate.
- 4.3.1. Lifting lugs shall be of the plate type, adequately designed for the load and seal welded as illustrated in Appendix R.
- 4.3.2. Major Metallic attachments to the tank, either by the fabricator or the installer, are not recommended. However, if such attachments are necessary, they shall be either electrically insulated from the tank or shall conform to the specifications for coating the tank on all surfaces that may be exposed to the underground environment. The surface area of the grounded attachments shall be included in selecting the proper size and number of anodes. Arrangements must be made so that attachments that are grounded to the tank, will be electrically isolated from the piping and other foreign structures when installed in the field.
- 4.4. A Protection Prover 2 (PP2®), Protection Prover 1 (PP1®) or equivalent custom design monitor, must be installed, as shown in Appendix H, and is required on each tank. (NOTE: The PPI can not be used with weld-on anodes). Prior to painting, any connection shall be protected to prevent coating from later interfering with the integrity of the electrical connection. (See Appendix D for proper connection procedure).

Effective: 02-01-90  
 Supersedes: 03-01-89

sti-P<sub>3</sub>® SPECIFICATIONS  
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Page 6

spills and overfills in accordance with § 280.53.

**§ 280.31 Operation and maintenance of corrosion protection.**

All owners and operators of steel UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

(a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

(b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(1) *Frequency.* All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and

(2) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

Note: National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used to comply with paragraph (b)(2) of this section.

(c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

(d) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained (in accordance with § 280.34) to demonstrate compliance with the performance standards in this section. These records must provide the following:

(1) The results of the last three inspections required in paragraph (c) of this section; and

(2) The results of testing from the last two inspections required in paragraph (b) of this section.

**§ 280.32 Compatibility.**

Owners and operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.

Note: Owners and operators storing alcohol blends may use the following codes to comply with the requirements of this section:

(a) American Petroleum Institute Publication 1626, "Storage and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"; and

(b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

**§ 280.33 Repairs allowed.**

Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

(a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

Note: The following codes and standards may be used to comply with paragraph (a) of this section: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines"; American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"; and National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection."

(b) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

(c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.

(d) Repaired tanks and piping must be tightness tested in accordance with § 280.43(c) and § 280.44(b) within 30 days following the date of the completion of the repair except as provided in paragraphs (d) (1) through (3), of this section:

(1) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or

(2) The repaired portion of the UST system is monitored monthly for

releases in accordance with § 280.53.

(3) Another test must be determined by the owner and operator to be no less precise and the environment above.

(e) Within 60 days of the repair of any cathodic protection UST system, the system must be tested in accordance with § 280.31 (b) and (c) to ensure that it is operating properly.

(f) UST system owners and operators must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this section.

**§ 280.34 Reporting and recordkeeping.**

Owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended.

(a) *Reporting.* Owners and operators must submit the following information to the implementing agency:

(1) Notification for all UST systems (§ 280.22), which includes certification of installation for new UST systems (§ 280.20(e)).

(2) Reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61);

(3) Corrective actions planned or taken including initial abatement measures (§ 280.62), initial site characterization (§ 280.63), free product removal (§ 280.64), investigation of soil and ground-water cleanup (§ 280.65), and corrective action plan (§ 280.66); and

(4) A notification before permanent closure or change-in-service (§ 280.71).

(b) *Recordkeeping.* Owners and operators must maintain the following information:

(1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (§ 280.20(a)(4); § 280.20(b)(3)).

(2) Documentation of operation of corrosion protection equipment (§ 280.31);

(3) Documentation of UST system repairs (§ 280.33(f));

(4) Recent compliance with release detection requirements (§ 280.45); and

(5) Results of the site investigation conducted at permanent closure (§ 280.74).

Exhibit 5

d. Code Amendment: Motor Fuel Stations

Secretary Olson presented the staff report.

Bill Hentges, vice president of the Hentges Company, spoke in favor of amending this ordinance.

Commissioner Anitzberger said that he has read information from the Environmental Protection Agency that in the next ten years their requirements will become more stringent for underground storage of tanks and will require underground monitoring systems.

The commissioners discussed with Mr. Hentges at what depth tanks and piping are buried at and compared the different types of underground storage tanks.

Commissioner Fischer moved the Planning Commission recommend approval of the ordinance requiring all new or replacement underground or above ground fuel storage tanks shall meet the standards of Minnesota Statutes Chapter 116 and rules promulgated thereunder. In addition, plans for installation shall be approved by the State Fire Marshal's office and shall have a UL listing appropriate for its use.

Commissioner Cardinal seconded

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

Nays--Gerke

The motion passed.

e. Land Use Classification

Secretary Olson presented the staff report for the proposed change to replace the land use classifications in the Comprehensive Plan with the City's zoning district classifications.

The commissioners discussed the advantages and disadvantages of implementing this change in the Comprehensive Plan. Commissioner Fischer asked staff to investigate what other metro cities use the same designations and if they have problems. The Commission agreed to refer this item to staff to investigate and to be placed on a future agenda for reconsideration.

Action by Council:

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Truth-in-Sale of Housing Ordinance
DATE: June 5, 1990

Endorsed
Modified
Rejected
Date

The City Council gave first reading to a truth-in-sale of housing ordinance on May 31. The Council needs to make several decisions before second reading. First, Council should decide on wording for high-voltage power lines. They tabled the following revised wording to section 9-238(b)(2)(i) on page 9:

- i. Whether the property is next to a high-voltage transmission line. If so, the disclosure form shall include the following statement: "This the subject property is located near a high-voltage electric transmission line. Purchasers should be aware that there is ongoing research on adverse exposure to a magnetic field generated by high-voltage lines. As of May 1990, no risk assessments have been made by scientific or health officials to resolve the health effects of long or short term exposures to magnetic fields. Purchasers with concerns about the exposures should contact competent medical or health inspectors or agencies for current risk assessment information. At this time no risk assessments have been made."

Secondly, the Council should approve the three housing disclosure reports. The form on page 39 is for single-family housing, the form on page 46 is for attached housing, such as town houses or condominiums, and the form on page 53 is for rental housing. Note that the bold wording on pages 42, 49 and 56 state that a City inspector may contact the owner to require compliance with the asterisked items. The City's housing code requires compliance with these items. The asterisked items for single-family homes are minimal and apply only to the exterior of the home and yard. The HRA is recommending that the City not do a follow-up inspection of these items for owner-occupied housing. The HRA does recommend doing follow-up inspections for rental housing. Staff is recommending that the City do these inspections for owner occupied housing as well. The City Attorney's opinion on page 68 is that if City officials are informed of a Code violation, it is their duty and obligation to insure compliance. Since the housing inspectors would be filing their disclosure reports with the City, the City would be informed of violations. If Council agrees with the Staff recommendation, Council should adopt the forms as shown. If the Council decides not to have staff do follow-up inspections on Code violations, Council should do the following:

- 1. Amend section 9-238(a) to require that housing inspectors only file disclosure reports with the City for rental housing. The City will then not be on

notice that there are housing code violations for owner occupied housing. This will avoid any liability.

2. Delete the bold wording on pages 42 and 49 and all the asterisks on these two forms.

The last action needed is to adopt the resolution on page 11 that authorizes a filing fee for housing disclosure reports. If the Council deletes the filing requirement, they should not take action on this resolution.

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## MEMORANDUM

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Truth-in-Sale of Housing Ordinance  
DATE: May 18, 1990

### SUMMARY

#### INTRODUCTION

The City Council asked the Housing and Redevelopment Authority (HRA) to consider the adoption of a truth-in-sale of housing ordinance. This type of ordinance requires that a property owner have a report prepared on the condition of their house before they can sell it. This report must be done by a certified housing inspector. Some cities require that the property owner correct all city code violations before the owner can sell the property. Some cities do not require this. The main benefit of this type of ordinance is to protect home buyers. If a copy of this report is filed with the City, a City inspector must require the correction of any Code violations. The City may or may not require this as a condition of the sale of the house. Some type of follow-up enforcement would improve the quality and value of housing that is sold.

#### BACKGROUND

September 5, 1989: The Maplewood HRA held a truth-in-sale of housing forum with realtors and other interested persons to discuss the proposed ordinance.

October 10, 1989: The Maplewood HRA held a meeting to discuss the ordinance with the Board of Realtors. The HRA recommended the adoption of a truth-in-housing ordinance.

October 23, 1989: The City Council held their first meeting to discuss the ordinance. The Council tabled the ordinance for further review.

November 13, 1989: The City Council again discussed the ordinance. The Council referred it back to the HRA to review the disclosure forms and to include a lead paint warning.

March 13, 1990: The HRA reviewed the ordinance and draft single-family inspection form. The HRA directed staff to revise the inspection form with their comments as well as with those received from the Board of Realtors.

April 10 and May 8, 1990: The HRA again reviewed the ordinance and housing forms and made suggestions for changes and requests for additional information.

## DISCUSSION

There are two main questions for the City to answer. Should the City use the housing report to enforce its housing maintenance ordinances or not? What types of housing should this ordinance apply to?

### Enforcement

Using the housing report to determine code violations would improve the quality and value of housing sold. The disadvantage is that it would take additional time from the environmental health officer and the clerical workers. There would be additional phone calls, inspections to make and housing reports to file. Since this is a new program, it is difficult to say how much additional time would be needed. It is important to note that the City's housing maintenance code is minimal for single dwellings. It only applies to the exterior condition of the house. Most sellers try to improve the exterior condition of their home before selling to increase the value. As a result, their may not be much code enforcement work needed. The City may want to try code enforcement on a trial basis to determine how much work it would involve.

If the City decides not to do any enforcement, housing reports should not be filed with the City. The City Attorney advises us that it is the duty of administrative officials to enforce code violations that they are made aware of. (Refer to the letter on page 68.) Filing a housing report that indicates a potential code violation is notification. If inspectors do not file reports with the City, we cannot determine the degree of compliance with the ordinance. The city of St. Paul keeps the Truth-in-Housing Disclosure Reports with their division of public health. Code compliance work in St. Paul is handled by their building inspections department. Thus if a potential code violation is revealed by a Truth-in-Housing inspection, it usually is not known by the building inspections department. An assistant St. Paul City Attorney stated that technically the Truth-in-Housing report is a notification to the City. He noted that their inspection form has enough disclaimers to protect the City from possible liability when a code compliance matter is raised.

### Type of Housing

If the City decides to use the housing reports for follow-up enforcement work, the ordinance should include apartment buildings. If not, truth-in-sale of housing should only apply to single and double dwellings, townhouses and condominiums. The people who buy these types of buildings are generally not as knowledgeable about housing as investors buying apartments. An enforcement program, however, would benefit apartment renters.

The attached ordinance requires that housing inspectors file their reports with the City. The City would then do a follow-up inspection of any potential housing maintenance code violations. The ordinance covers all types of residential buildings, including apartments. The attached Inspection Forms (pages 39, 46 and 53) include all of the applicable items covered by the St. Paul inspection form (page 35) and items of particular concern to Maplewood.

#### RECOMMENDATION

1. Adopt the attached truth-in-sale of housing ordinance and reevaluate it after it has been in effect for one year.
2. Adopt the attached resolution on page 11 approving a \$15 filing fee for each report.

## REFERENCE

### Resource Persons

1. Minneapolis, St. Paul, South St. Paul, New Hope and St. Louis Park have adopted some type of truth-in-sale of housing ordinance. Each of these communities has had their program in effect for at least ten years. These cities are convinced that their codes have improved routine maintenance of property. They also believe that they have resulted in the correction of many small deficiencies that could have led to larger problems. Perspective home buyers have been receptive to the requirement of disclosing code deficiencies as well.
2. The Board of Realtors supports the disclosure of housing defects, but are opposed to any follow-up code enforcement. They are particularly opposed to any enforcement that would delay the sale of a property.
3. Representative Alice Johnson of Spring Lake Park introduced a bill in the 1988 session of the legislature about housing disclosure. The proposed law would require every seller of residential property to complete a disclosure questionnaire form. It would warranty that the seller is not aware of any other problems than those noted on the form. The bill, however, did not get much support and is now dead. Representative Johnson said that she may introduce the bill again in the future but she is not sure when that might be. The housing inspector for New Hope believes that this law would complement their code compliance inspection program. This is because some code deficiencies are not detectable by an inspector.

### Lawsuits

An inspection cannot guarantee that a major problem will not occur. The inspector can only respond to the items that he or she can see. If a major problem arises, the buyer may try to sue to recover damages. This may happen even though the disclosure report clearly states that the inspector makes no guarantees. The suit could be against the seller, realtor, the City or all of the above. Unhappy buyers have sued New Hope and St. Louis Park because an undetected problem arose after the buyer took possession. These suits were not successful for the buyers, because the inspectors tried to identify deficiencies in these dwellings.

### Compliance with the Ordinance

Realtors will be the best people for making sure that housing reports are done. Sales that do not involve a realtor may not

have housing reports done. Realtors handle about 60 to 70 percent of the sales in the St. Paul area. These are usually higher valued homes. Minneapolis reports 100% compliance in better neighborhoods and 70% to 75% compliance in poorer neighborhoods. An inspection is in the realtor's interest, because it may reduce their liability if a problem arises after the sale of a property. Advertisement of the housing inspection requirement in the City's newsletter, sewer bill inserts and sale-by-owner magazines should improve compliance with the ordinance.

### Inspections

St. Paul, Minneapolis and South St. Paul use city-licensed, independent inspectors for disclosure inspections. The average cost to the homeowner ranges from \$80 to \$110. Most inspectors can do an inspection within 24 hours if needed. St. Paul has 42 licensed inspectors. Minneapolis has 65. St. Paul receives 4,500 to 6,000 truth-in-sale of housing reports each year. New Hope and St. Louis Park use city employees to run their programs. These communities subsidize the cost of their inspection programs. They each charge \$35 per property inspected. In St. Louis Park, an inspector is busy full-time with housing inspections. In New Hope, a certified building inspector charges about one-half of her time to their program. New Hope has about 250 to 300 inspections each year. The cost to New Hope is about \$10,000 to \$12,000 annually for this service.

### Structures Inspected in Other Cities

The code in New Hope applies to all residential units. The St. Paul code applies to single dwellings, townhouses, condominiums and mixed uses with two or fewer residential units. St. Louis Park and Minneapolis cover only single and double dwellings. South St. Paul's code only applies to single dwellings.

### Emphasis of Code

#### Code Compliance:

The New Hope and St. Louis Park codes require the correction of all code deficiencies before the sale of a residential property. The only time they do not require compliance before the sale is when the buyer agrees to make the corrections by a specific date after the sale. This gives the buyer time to make the required repairs. Richfield has recently adopted a similar ordinance. The age of Maplewood's housing is similar to that of New Hope and St. Louis Park. These cities use this program primarily to upgrade and maintain their housing stock.

## Disclosure Versus Compliance:

South St. Paul, St. Paul and Minneapolis have chosen not to require the correction of code violations. Code compliance is often not cost-effective in older cities, due to the age and number of dwellings. These cities adopted their codes to inform home buyers of any major deficiencies before they make a financial commitment. The purchasers may then take care of the problems on their own.

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### Attachments

1. Truth-in-Sale-of-Housing Ordinance
2. Resolution for Fees
3. Owner-occupied Housing Maintenance Code
4. Rental Housing Maintenance Code
5. St. Paul's truth-in-sale of housing disclosure form
6. Maplewood's single-family disclosure form
7. Maplewood's owner-occupied attached housing disclosure form
8. Maplewood's rental housing disclosure form
9. HRA Minutes, October 10, 1989
10. HRA Minutes, March 13, 1990
11. HRA Minutes, April 10, 1990
12. HRA Minutes, May 8, 1990
13. City Attorney's Letter

**ORDINANCE NO.**

**AN ORDINANCE CONCERNING TRUTH-IN-SALE OF HOUSING**

THE MAPLEWOOD CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Article XII, Truth-in-Sale of Housing Ordinance, is hereby added to Chapter 9 of the Code of Ordinances.

Article XII. Truth-in-Sale-of-Housing Ordinance.

Sec. 9-235. Purpose.

The purpose of this article is to protect the public health, safety and welfare and to promote decent, safe and sanitary dwelling accommodations. To help accomplish this, the City is requiring the disclosure of housing information and defects as a condition of the sale of housing. City inspectors may use this information to require the correction of code violations.

Sec. 9-236. Definitions.

For the purpose of this article, the following terms are defined as follows:

Adequate water flow: Enough pressure to maintain at least a one-quarter inch (1/4") diameter (pencil-sized) flow of water from each of at least three (3) or more plumbing fixtures at the same time.

Contractual agreement: An agreement, written or otherwise, between a buyer and seller for the conveyance of, or the intent to convey, all or part of a housing unit or residential building. A contractual agreement shall include, but not be limited to, an earnest money contract, deed or purchase agreement.

Housing unit: A single dwelling, a double-dwelling unit, a townhouse unit, a condominium unit (as defined by Minnesota Statutes), or any other attached housing unit designed for the occupancy of one family. A housing unit shall not include a manufactured home.

Owner: A person having a vested interest in the housing unit or residential building in question. This includes his or her duly-authorized agent or attorney, before a sale.

Residential building: A building containing one or more housing units.

Sale: The conveyance of a housing unit or residential building to a new owner.

Sec. 9-237. Applicability.

This article shall not apply to any newly constructed housing or residential building when the title is conveyed to the first owner, except that no owner shall convey or contract to convey a newly-constructed housing unit or residential building without first providing to the buyer:

1. A list of the names, addresses and telephone numbers of all contractors and subcontractors who constructed the building.
2. The items in Section 9-238 (b) (2) (a, b, c, e, f, g, h and i).

Sec. 9-238. Truth-in-Sale of Housing Disclosure Report.

- (a) An owner shall not show a housing unit or residential building to a prospective buyer without publicly displaying and making available a truth-in-sale of housing disclosure report. This report shall be at the housing unit or residential building at the time of showing and within three (3) days of listing. A copy of the disclosure report shall be issued to the buyer before the execution of a contractual agreement. A copy of such report must be filed within 15 days with the City to be valid. A double filing fee shall be collected by the City if the report is not filed within 15 days.
- (b) A housing disclosure report shall be prepared by the City. It shall include:
  - (1) An evaluation by a City-certified housing inspector of specific parts of the building and property listed on the housing disclosure report. This list shall include, but not be limited to, items addressed in the housing maintenance, siding and junk removal ordinances. The City shall be responsible for determining whether there is an ordinance violation.
  - (2) A signed statement by the owner that includes the following information:
    - a. Any damage to the building or its contents by flooding or sewer backup and any evidence of chronic water seepage of which the owner has knowledge.
    - b. The nature, extent and cause of any water seepage or flooding of any portion of the property.

- c. Whether or not there are pending housing orders from the City about the property.
  - d. Whether there is a homestead classification for real estate taxes payable.
  - e. Any other known defects or problems that are not visible..
  - f. Any deed restrictions or covenants running with the property.
  - g. Whether the property is subject to the City's pipeline, shoreland or flood plain ordinances.
  - h. The location and status of all known wells, including a map, stating whether the well is in use or abandoned and sealed.
  - i. Whether the property is next to a high-voltage transmission line. If so, the disclosure form shall include the following statement: "The subject property is located near a high-voltage electric transmission line. Purchasers should be aware that there is ongoing research on exposure to a magnetic field generated by high-voltage lines. At this time no risk assessments have been made."
- (c) A truth-in-sale of housing disclosure report shall be valid for no more than one year from the date of approval by the City. However, if there is substandard maintenance or subsequent damage to the building, the Director of Community Development may require a new inspection.

Sec. 9-239. Limitations.

- (a) In making a housing inspection, the inspector shall consider any concealed facilities to be adequate. The inspector shall base his or her evaluation on the functional operation of the facility and the condition of the equipment that is viewed. No other warrant is expressed or implied.
- (b) No one shall consider anything in a truth-in-sale of housing disclosure report to imply that a residential building or housing unit meets all minimum building standards. In addition, no one shall consider anything in the report to imply a warrant of the condition of

the housing evaluated. The inspector warrants that he or she has used reasonable care and diligence in inspecting and evaluating the building.

Sec. 9-240. Certificate of Competency.

- (a) No person shall fill out a truth-in-sale of housing disclosure report without having a valid certificate of competency. The City must issue the certificate of competency. The City will only approve housing inspectors that have passed competency tests as truth-in-housing evaluators in St. Paul. The housing inspectors must submit certification papers to Maplewood from the City of St. Paul as truth-in-housing evaluators. The City of Maplewood must license each housing inspector that works in the City. Maplewood will automatically revoke a housing inspector's license if it is revoked in St. Paul. The City of Maplewood may require the passing of a test that shows the inspector's knowledge of the City's housing code. The City may then issue a certificate of competency which is valid for one year. The City may issue renewals of all such certificates. If a certificate of competency lapses for one year or more, the person who held such certificate shall reapply to Maplewood for renewal of such certificate. No holder of a certificate of competency shall allow another person to use said certificate.
- (b) The City Council may revoke the certificate of competency of a housing inspector for cause. At least ten days before the hearing, the City shall send written notification to the mailing address used in the inspector's application. The notice shall list the date, time and place of the hearing and of the specific reasons for the suspension. The Community Development Director may, at his or her discretion, suspend the certificate of competency of a housing inspector pending a suspension hearing.

Sec. 9-241. Insurance.

- (a) No certificate of competency shall be issued or renewed without satisfactory proof of insurance insuring the applicant/evaluator.
- (b) The City shall be included as a named insured on the required insurance and any additional cost for including the City shall be at the expense of the applicant/evaluator.

- (c) The applicant's/evaluator's insurance shall remain in force continuously thereafter and no certificate of competency shall be deemed to be in effect during any period of time when such insurance and proof thereof are not also in effect.
- (d) Each applicant/evaluator shall have an individually-named insurance policy.
- (e) The insurance policy shall provide coverage of not less than \$250,000 per claim or \$500,000 per year, aggregate, against any and all liability imposed by law resulting from the performance of the duties as a certified Truth-in-Sale of Housing evaluator.

Sec. 9-242. Housing Evaluation Fees.

The City Council shall set up a fee schedule by resolution for the filing of truth-in-sale of housing disclosure reports.

Section 2. This ordinance shall take effect on January 1, 1991.

**RESOLUTION: FILING FEE**

WHEREAS, the City Council has approved a Truth-in-Sale-of-Housing Ordinance; and

WHEREAS, such ordinance requires the filing of certain forms which require administrative time.

NOW, THEREFORE, BE IT RESOLVED that a fee of \$15 for each truth-in sale housing disclosure report be required at the time of filing.

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

**ARTICLE VII. OWNER OCCUPIED  
HOUSING MAINTENANCE CODE**

**Sec. 9-130. Short title.**

This article shall be cited as the owner occupied housing maintenance code. (Ord. No. 496, § 215.010, 1-22-81)

**Sec. 9-131. Purpose.**

The purpose of this article is to establish minimum standards for the maintenance of exterior areas of owner occupied housing, as well as interior areas of attached owner occupied dwellings. The general objectives shall include the following:

- (1) To protect the character and stability of residential properties within the city;
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the city;

- (3) To provide minimum standards for the maintenance of existing residential buildings and to prevent deterioration and blight. (Ord. No. 496, § 215.020, 1-22-81)

**Sec. 9-132. Applicability and scope.**

This article shall apply to exterior areas of owner occupied dwellings and interior areas of attached owner occupied dwellings. The construction, repair or alteration of residential property shall comply with the provisions of this article and the building and zoning codes. (Ord. No. 496, § 215.030, 1-22-81)

**Sec. 9-133. Rules of construction.**

For the purposes of this article, the following rules of construction shall apply:

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (2) Where terms are not defined in this section and are defined in the building code or zoning code, they shall have the meanings ascribed to them in the building code or zoning code.
- (3) Where terms are not defined in this article or in the building or zoning code, their common dictionary definitions shall apply. (Ord. No. 496, § 215.040, 1-22-81)

**Sec. 9-134. Definitions.**

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

*Approved*, as applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

*Attached dwellings* shall mean two (2) or more dwelling units physically attached in construction such as condominiums, townhouses, double dwellings and quads.

*Building code* shall mean the building code of the city, including the fire code.

*Dwelling unit* is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Enforcement officer* shall mean the city manager or his authorized representative.

*Exterior property areas* shall mean open space on the premises under the control of owners of such premises.

*Extermination* shall mean the control and elimination of rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.

*Owner* shall mean owner or owners of the freehold of the premises or lessor estate therein.

*Premises* shall mean a lot, plot or parcel of land including the building or structures thereon.

*Workmanlike* shall mean the standards of the trade or industry involved. (Ord. No. 496, § 215.040, 1-22-81)

**Cross reference**—Rules of construction and definitions generally, § 1-41 et seq.

#### **Sec. 9-135. Exterior property areas.**

(a) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.

(b) *Free from noxious weeds and pests.* All exterior property areas shall be kept free from species of weeds or plant growth, rodents, vermin or other pests which are noxious or detrimental to the public health. (Ord. No. 496, § 215.050, 1-22-81)

#### **Sec. 9-136. Exterior of structures.**

(a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

(b) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, or substantial amounts of peeling paint.

(c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes. (Ord. No. 496, § 215.060, 1-22-81)

**Sec. 9-137. Interior areas of attached owner occupied dwellings.**

(a) The interior of every dwelling shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

(b) The interior of every dwelling shall be maintained free from infestation of noxious insects, rodents and other pests.

(c) All plumbing systems shall be properly installed, connected and maintained in good working order, and must be kept free from obstructions, leaks and defects.

(d) The storage of hazardous flammable liquids shall be prohibited. (Ord. No. 496, § 215.070, 1-22-81)

**Sec. 9-138. Vacated dwellings.**

The owner of any dwelling which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any such dwelling open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this article. Upon failure of the owner to comply, the city may have such dwelling made safe and secure and assess the cost to the owner. (Ord. No. 496, § 215.080, 1-22-81)

**Sec. 9-139. Hazardous building declaration.**

If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of state law. (Ord. No. 496, § 215.090, 1-22-81)

**Sec. 9-140. Enforcement officer.**

It shall be the duty of the enforcement officer to enforce the provisions of this article. (Ord. No. 496, § 215.100, 1-22-81)

**Sec. 9-141. Inspection of dwellings generally.**

The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in order to safeguard the health, safety and welfare of the public. The enforcing officer, or his designated representatives, shall, with the permission of the owner, be authorized to inspect the exterior areas of any premises and the interior areas of attached dwellings at any reasonable time for the purpose of performing his duties under this article. If the owner, operator or person in possession of the dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained. (Ord. No. 496, § 215.110, 1-22-81)

**Sec. 9-142. Compliance order.**

Whenever the enforcement officer determines that any dwelling or the premises, fails to meet the provisions of this article, he may issue a compliance order setting forth the violations of the article and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violations of this article;
- (3) Establish a time for the correction of such violation and notify of appeal recourse;
- (4) Be served upon the owner. Such notice shall be deemed to be properly served upon such owner if a copy thereof is:
  - a. Served upon him personally; or
  - b. Sent by registered or certified mail; or
  - c. Upon failure to effect notice through a. and b. as set out in this section, posted at a conspicuous place in or about the dwelling which is affected by the notice. (Ord. No. 496, § 215.120, 1-22-81)

**Secs. 9-77—9-90. Reserved.**

## **ARTICLE VI. RENTAL HOUSING MAINTENANCE CODE**

### **Sec. 9-91. Short title.**

This article shall be cited as the rental housing maintenance code. (Ord. No. 486, § 214.010, 6-5-80)

### **Sec. 9-92. Purpose; objectives.**

The purpose of this article is to assume a minimum level of standards and levels of maintenance for rental housing in the city. The general objectives shall include the following;

- (1) To protect the character and stability of residential properties within the city.
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the city.
- (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of the buildings.
- (4) To provide minimum standards for light and ventilation, necessary for health and safety.
- (5) To provide minimum standards for the maintenance of existing residential buildings, and to thus prevent deterioration and blight. (Ord. No. 486, § 214.020, 6-5-80)

### **Sec. 9-93. Applicability and scope.**

This article shall apply in the city to rental housing only. The construction, repair or alteration of residential property shall comply with the provisions of the rental housing maintenance code. Any alterations thereof or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with applicable sections of the building code and zoning code. (Ord. No. 486, § 214.030, 6-5-80)

**Sec. 9-94. Rules of construction.**

For the purposes of this article, the following rules of construction shall apply:

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (2) Where terms are not defined in this article and are defined in the building code or zoning code, they shall have the meanings ascribed to them in the building code or zoning code.
- (3) Where terms are not defined in this article or in the building or zoning code, their common dictionary definitions shall control. (Ord. No. 486, § 214.040(1)—(3), 6-5-80)

**Sec. 9-95. Definitions.**

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

*Approved*, as applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

*Basement* is that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

*Building code* shall mean the building code of the city, including the fire code.

*Cellar* is that portion of the building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.

*Dwelling unit* is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Enforcement officer* shall mean the city manager or his authorized representative.

*Exterior property areas* shall mean open space on the premises under the control of owners or operators of such premises.

*Extermination* shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.

*Grade* shall mean the vertical location of the ground surface.

*Gross floor area* is the sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings.

*Habitable space (room)* is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

*Infestation* shall mean the presence, within or contiguous to a dwelling or premises, of noxious insects, rodents, vermin or other pests.

*Multiple dwelling*. a building or portion thereof containing two (2) or more dwelling units.

*Occupant* shall mean any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

*Openable area* shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* shall mean any person who has charge, care or control of a multiple residence or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

*Owner* shall mean owner or owners of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person,

firm or corporation in control of a building, including their managers and agents.

*Person* shall mean an individual, firm, corporation, association or partnership.

*Plumbing or plumbing fixtures* shall mean water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

*Premises* shall mean a lot, plot or parcel of land, including the building or structures thereon.

*Rental dwelling.* Any building or portion thereof which is designated or used primarily for residential purposes, which is rented or leased to another and not owner-occupied.

*Residence building* shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

*Residential property* shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

*Rooming house* shall mean any residence building, or any part thereof, containing one or more rooming units, in which space is rented by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not having standard kitchen facilities.

*Supplied* shall mean installed, furnished or provided by the owner or operator.

*Ventilation* shall mean the process of supplying and removing air by natural or mechanical means to or from any space.

*Workmanlike.* Whenever the words "workmanlike state of maintenance and repair" are used in this chapter, they shall mean the standards of the trade or industry involved.

*Yard* shall mean all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a residence building. (Ord. No. 486, § 214.040(4), 6-5-80)

**Cross reference**—Rules of construction and definitions generally, § 1-41 et seq.

### **Sec. 9-96. Exterior property areas.**

All properties in the city under this article and the owners thereof shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water, except in natural occurring ponding areas on said premises, or within any building or structure located thereon.
- (3) *Removal of snow and ice.* The owner of a multiple family dwelling shall remove, or cause to be removed, all snow and ice from parking lots, driveways, steps and walkways on the premises, which may create a hazard to the public.
- (4) *Free from noxious weeds.* All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
- (5) *Insects and rodents.* Every owner of a dwelling shall be responsible for the extermination of noxious insects, rodents, vermin or other pests in all exterior areas of the premises.
- (6) *Accessory structures.* All accessory structures, including detached garages, shall be maintained structurally sound and in good repair. (Ord. No. 486, § 214.060, 6-5-80)

### **Sec. 9-97. Exteriors of structures.**

All properties in the city under this article and the owners thereof shall comply with the following requirements:

- (1) *Foundations, walls and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair:
- a. The foundation elements shall adequately support the building at all points.
  - b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture to the interior portions of the walls or to the interior spaces of the dwelling.
  - c. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls.
- (2) *Stairs, porches and railings.*
- a. Every outside stair, every porch and every appurtenance attached thereto shall be so constructed as to be safe in use and capable of supporting a load as determined in the building code, and shall be kept in sound condition and good repair.
  - b. Every flight of stairs which is more than four (4) risers high shall have hand rails which are to be so located as determined by the building code; and every porch which is more than eighteen (18) inches above grade shall have rails so located and capable of restraining a horizontal pressure, as determined by the provisions of the building code.
- (3) *Windows, doors and hatchways.* Every window, exterior door and hatchway shall be substantially tight and shall be kept in sound condition and repair.
- a. Every window shall be fully supplied with window panes which are without open cracks or holes.
  - b. Every window sash shall be in good condition and fit reasonably tight within its frame.
  - c. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in an open or closed position by window hardware.

- d. Every exterior door, door hinges or door latch shall be in good condition.
- e. Every exterior door, when closed, shall fit reasonably well within its frame.
- f. Every window, door and frame shall be constructed and maintained in relation to the adjacent wall constructions, as to exclude rain, and substantially to exclude wind from entering the dwelling.
- g. Every hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.
- h. Every door available as an exit in a dwelling shall be capable of being opened from the inside, easily and without the use of a key, or special knowledge or effort. (Ord. No. 486, § 214.070, 6-5-80)

### Sec. 9-98. Interior structures.

All occupied dwellings in the city under this article shall meet the following requirements:

- (1) *Free from dampness.* All cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay and deterioration of the structure.
- (2) *Structural members.* The supporting structural members shall be maintained structurally sound; that is, showing no evidence of deterioration and being capable of bearing imposed loads in accordance with the provisions of the building code.
- (3) *Interior stairs and railings.*
  - a. All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load, as determined by the provisions of the building code.
  - b. Every stairwell and every flight of stairs, which is more than four (4) risers high, shall have handrails or railings so located in accordance with the provisions of the building code.

- c. Every handrail or railing must be firmly fastened and must be maintained in good condition. Properly secured railings, capable of bearing normally imposed loads as determined by the building code, shall be placed on the open portions of the stairs, balconies, landings and stairwells.
- (4) *Bathroom floors.* Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (5) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from accumulation of refuse or garbage.
- (6) *Insect and rodent harborage.* The owner of every dwelling shall be responsible for the extermination of noxious insects, rodents, vermin or other such pests whenever an infestation exists in the interior of the dwelling.
- (7) *Interior walls, floors, ceilings and woodwork.* All interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in a workmanlike repair. (Ord. No. 486, § 214.080, 6-5-80)

#### **Sec. 9-99. Basic facilities.**

The following facilities shall be required in every occupied dwelling unit in the city under this article:

- (1) *Kitchen facilities.* Every kitchen shall include the following:
  - a. A kitchen sink in good working condition, properly connected to an approved water supply system, which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
  - b. Cabinets or shelves for the storage of eating, drinking and cooking equipment and utensils and for food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, finished with surfaces that are

easily cleanable and that will not impart any toxic or deleterious effect to food.

- c. A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that, such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.
- (2) *Toilet facilities.* Within every dwelling unit there shall be a nonhabitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to operate properly, and shall be connected to an approved sewer system.
- (3) *Lavatory sink.* Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to an approved sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.
- (4) *Bathtub or shower* Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working conditions. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and

shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

- (5) *Door locks and security.* All exterior doors of dwelling shall be equipped with functional locking devices. Multiple family dwellings shall be furnished with door locks as follows:
- a. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or door knobs) on the inside of the building entrance doors and with key cylinders on the outside of the building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
  - b. Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that is a dead-locking bolt that cannot be retracted by end pressure; provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.
- (6) *Removal of basic equipment or facilities.* No owner, operator or occupant shall cause any facility or equipment, which is required under this ordinance, to be removed from or shut off from any occupied dwelling unit, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies.
- (7) *Connection to water and sewer system.* Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of this section shall be properly con-

nected to a public water and sewer system or to an approved private water and sewer system and shall be supplied with hot and cold running water.

- (8) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are installed in an approved manner, properly maintained, properly connected with hot water lines, and which are capable of heating and delivering water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facilities or other similar units at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- (9) *Heating facilities.* Every dwelling shall have heating facilities. The owner of said heating facilities shall be required to see that said heating facilities are properly installed, safely maintained, and in good working condition. Said facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature consistent with state and federal guidelines at three (3) feet above the floor at all times when occupied.
- (10) *Operation of heating facility and incinerator.* Every heating or water heating facility and incinerator must be installed and must operate in accordance with the requirements of the building code. (Ord. No. 486, § 214.090, 6-5-80)

**Sec. 9-100. Installations and maintenance.**

All occupied dwellings in the city under this article shall meet the following requirements:

- (1) *Plumbing fixtures.* Every waterline, plumbing fixture and drain shall be properly installed, connected and maintained in working order, and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed. All repairs and installations must be made in accordance with the provisions of the building code.
- (2) *Plumbing systems.* Every stack, waste and sewer line shall be so installed and maintained as to function properly and be kept free from obstructions, leaks and defects to prevent

structural deterioration or a health hazard. All repairs and installations must be made in accordance with the provisions of the building code.

- (3) *Heating equipment.* Every space heating, cooking and water heating device located in a dwelling shall be properly installed, connected, maintained and capable of performing the function for which it was designed in accordance with the provisions of the building code.
- (4) *Electrical service, outlets, fixtures.* All dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure in accordance with the provisions of the building code. Every electrical outlet and fixture shall be installed, maintained and connected to the source of electrical power, in accordance with the provisions of the building code.
- (5) *All facilities and equipment.* All required equipment and all building space and parts in every dwelling shall be constructed in accordance with the provisions of the building code. All housing facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors. (Ord. No. 486, § 214.100, 6-5-80)

**Sec. 9-101. Light and ventilation.**

All occupied dwellings in the city under this article shall meet the following requirements:

*Codes  
As of date  
of construction*

- (1) *Natural light in dwellings.* Every dwelling unit shall have at least one window of approved size facing directly to the outdoors or to a court; provided that, if connected to a room or area used seasonably (e.g. porch), then adequate daylight must be possible through this interconnection.
- (2) *Light in nonhabitable work space.* In multiple dwellings, every furnace room, and all similar nonhabitable work space shall have one supplied electric light fixture available at all times.
- (3) *Light in public halls and stairways.* Every public hall and inside stairway shall be lighted at all times with an illumina-

tion of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

- (4) *Electric outlets required.* All dwellings shall have an adequate number of electrical outlets and electrical lighting fixtures for normal usage, subject to the approval of the electrical inspector.
- (5) *Adequate ventilation.* Every dwelling shall have at least one window which can be easily opened or such other device as will adequately ventilate the dwelling.
- (6) *Ventilation and light in bathroom and water closet compartment.* Every bathroom and water closet compartment shall have at least one window for light and ventilation, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (Ord. No. 486, § 214.110, 6-5-80)

#### **Sec. 9-102. Minimum standards for safety from fire.**

All occupied dwellings in the city under this article shall comply with the applicable provisions of the fire prevention ordinances of the city and the following additional standards for safety from fire:

- (1) *Exclusion of residence building from storing flammable liquid.* No dwelling shall be located within a building containing any business handling, dispensing or storing flammable liquids with a flash point of one hundred (100) degrees Fahrenheit, as defined by the 1976 Edition of the NFPA Life Safety Code #101.
- (2) *Exits.* All exit requirements of the building code shall be complied with.
- (3) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories, in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, be properly vented and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the regulations of the building code.

- (4) *Smoke alarms.* Approved U.L. smoke alarms, which are functional and in good working order, shall be provided in all dwellings, where required by state law. (Ord. No. 486, § 214.120, 6-5-80)

Cross reference—Fire prevention and protection, Ch. 12.

**Sec. 9-103. Responsibilities relating to the maintenance of dwelling units.**

All properties in the city under this article, and the owners or occupants thereof, shall comply with the following requirements:

- (1) *Maintenance of private areas.* Every occupant of a dwelling shall keep in a clean and sanitary condition, that part of the dwelling and premises thereof, which he occupies, controls or uses.
- (2) *Maintenance of shared or public areas.* Every owner of a dwelling, containing two (2) or more dwelling units, shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (3) *Disposal of garbage and refuse.* Every occupant of a dwelling shall dispose of all his rubbish in a clean and sanitary manner consistent with chapter 16 of this Code.
- (4) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (5) *Installation and care of plumbing fixtures furnished by occupant.* Every plumbing fixture furnished by the occupant shall be properly installed; maintained in good working condition; clean and sanitary; and free from defects, leaks or obstructions. (Ord. No. 486, § 214.130, 6-5-80)

**Sec. 9-104. Rooming houses.**

No person in the city shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this section:

- (1) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and be directly accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (2) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by two (2) or more persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- (3) *Bed linen and towels.* The operator of every rooming house shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (4) *Shades, drapes, etc.* Every window of every rooming unit shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.
- (5) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises, where the entire structure of building within which the rooming house is contained is leased or occupied by the operator.
- (6) Every water closet, flush urinal, lavatory basin and bathtub or shower shall meet the design standards of section 9-99 of this article and shall be located within a room or rooms which:
  - a. Afford privacy and are separate from the habitable rooms.

- b. Are accessible from a common hall and without going outside the rooming house. (Ord. No. 486, § 214.140, 6-5-80)

**Sec. 9-105. Vacant and unfit dwellings.**

The owner of any dwelling in the city, which has been declared unfit for human habitation, or which is otherwise vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this article. (Ord. No. 486, § 214.150, 6-5-80)

**Sec. 9-106. Hazardous buildings.**

In the event that a dwelling in the city under this article has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes. (Ord. No. 486, § 214.160, 6-5-80)

**Sec. 9-107. Enforcement officer.**

It shall be the duty of the environmental health official and his authorized representatives to enforce the provisions of this article. Authorized representatives shall include the building inspectors, the director of public safety or his representatives, or the health officer. (Ord. No. 486, § 214.170, 6-5-80)

**Sec. 9-108. Inspections.**

The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in the city under this article in order to safeguard the health, safety and welfare of the public. The enforcing officer, or his designated representatives, shall be authorized to enter any dwelling or premises at any reasonable time for the purpose of performing his duties under this article. If the owner, operator or person in

possession of the dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists within the particular structure, a search warrant may be obtained. (Ord. No. 486, § 214.180, 6-5-80)

**Sec. 9-109. Access by owner or operator.**

Every occupant of a dwelling in the city under this article shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit or its premises, at reasonable times, for the purpose of affecting inspection and maintenance, making such repairs, or making such alterations as are necessary to comply with the provisions of this article. (Ord. No. 486, § 214.190, 6-5-80)

**Sec. 9-110. Compliance orders.**

Whenever the enforcement officer determines that any dwelling, dwelling unit or rooming unit in the city under this article, or the premises surrounding any of these, fails to meet the provisions of this article, he may issue a compliance order setting forth the violations of the article and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:

- (1) Be in writing.
  - (2) Describe the location and nature of the violations of this article.
  - (3) Establish a time for the correction of such violation and notify of appeal recourse.
  - (4) Be served upon the owner, his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent or upon any such occupant, if a copy thereof is:
    - a. Served upon him personally, or
    - b. Sent by registered or certified mail to his last known address, or
    - c. Upon failure to effect notice through a. or b. above, as set out in this section, posted at a conspicuous place in or about the dwelling which is affected by the notice.
- (Ord. No. 486, § 214.200, 6-5-80)

**Sec. 9-111. Variances.**

Appeals of interpretation or variance under this article shall be made to the city manager. If not satisfied, further appeal may be made to the board of adjustments and appeals according to established city procedures. The board will hear requests for variance and interpretation of this article. The board may grant variances in instances where the strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and when it is demonstrated that such action will be in keeping with the spirit and intent of this article. (Ord. No. 486, § 214.210, 6-5-80)

**Sec. 9-112. Violations.**

Any person, firm or corporation failing to comply with the provisions of this article shall be guilty of a misdemeanor, and subject to prosecution. (Ord. No. 486, § 214.211, 6-5-80)

**Secs. 9-113—9-129. Reserved.**

Notice: A copy of this Report must be publicly displayed at the premises when the house is shown to prospective buyers, and a copy of this Report must be provided to the buyer prior to the time of signing a Purchase Agreement.

**THIS REPORT IS NOT A WARRANTY, BY THE CITY OF ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR THE FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.**

Address of Evaluated Dwelling: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Listing Agent and Agency: \_\_\_\_\_

Type of Dwelling: Single Family \_\_\_\_\_ Duplex \_\_\_\_\_ Townhouse \_\_\_\_\_ Condo \_\_\_\_\_

Comments:

This report is NOT VALID unless the following declaration is signed and a copy is submitted to the buyer.

**HOMEOWNER/AGENT DISCLOSURE STATEMENT:**

I, THE OWNER OR AGENT OF THE OWNER, DECLARE THAT AS OF THIS DATE, THERE ARE \_\_\_\_ ARE NOT \_\_\_\_ CODE VIOLATION ORDERS PENDING ON THIS PROPERTY FROM THE DIVISION OF PUBLIC HEALTH, HOUSING CODE ENFORCEMENT OR OTHER ST. PAUL CITY AGENCIES.

I FURTHER DECLARE, TO THE BEST OF MY KNOWLEDGE, THE FOLLOWING INFORMATION REGARDING ANY FLOOD DAMAGE, SEWER BACK-UP OR WATER SEEPAGE AT THIS PROPERTY: \_\_\_\_\_

Signature of the Owner or Legal Representative \_\_\_\_\_ Date \_\_\_\_\_

**This Report:**

1. is intended to provide basic information to the home buyer and seller prior to the time of sale. Minimum standards for this report are as contained in the Saint Paul Housing Maintenance Code (Chapter 34). This report WILL NOT be used to enforce the requirements of the Housing Maintenance Code.
2. is not warranty, by the City of St. Paul, of the condition of the building or any building component, nor of the accuracy of this report.
3. covers only the items listed on the form and only those items visible at the time of the evaluation. The Evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
4. may be based upon different standards than the lender, Federal Housing Administration (FHA) or Veterans Administration (VA).
5. is valid for one year from the date of issue and only for the owner named on this report.

Questions regarding this report should be directed to the evaluator.

Complaints regarding this report should be directed to the Division of Public Health, Truth - in - Sale of Housing, 555 Cedar Street, St. Paul, MN 55101, Phone No. 298-4153.

EVALUATOR: \_\_\_\_\_ DATE: \_\_\_\_\_

Pass Date

- "M" = Meets minimum requirements - the item complies with the minimum Housing Code requirements.
- "B" = Below minimum requirements - the item is below minimum Housing Code requirements.
- "C" = Comments - the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum requirements.
- "H" = Hazardous - the item in its present condition may endanger the health and safety of the occupant.
- "Y" = Yes
- "N" = No

Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

Item #

Comments

**BASEMENT/CELLAR**

- 1. Stairs and Handrails ..... \_\_\_\_\_
- 2. Basement/cellar floor ..... \_\_\_\_\_
- 3. Foundation ..... \_\_\_\_\_
- 4. Evidence of dampness or staining ..... \_\_\_\_\_
- 5. First floor, floor system ..... \_\_\_\_\_
- 6. Beams and columns ..... \_\_\_\_\_

**ELECTRICAL SERVICE(S) # of Services** .. \_\_\_\_\_

- 7. Service size:  
 Amps: 30 \_\_\_\_\_ 60 \_\_\_\_\_ 100 \_\_\_\_\_ 150 \_\_\_\_\_ Other \_\_\_\_\_  
 Volts: 115 \_\_\_\_\_ 115/230 \_\_\_\_\_
- 8. Electrical service installation/grounding ..... \_\_\_\_\_
- 9. Electrical wiring, outlets and fixtures ..... \_\_\_\_\_

**PLUMBING SYSTEM**

- 10. Floor drain(s) ..... \_\_\_\_\_
- 11. Waste and vent piping ..... \_\_\_\_\_
- 12. Water piping ..... \_\_\_\_\_
- 13. Gas piping (all floors) ..... \_\_\_\_\_
- 14. Water heater(s) installation ..... \_\_\_\_\_
- 15. Water heater(s) venting ..... \_\_\_\_\_
- 16. Plumbing fixtures ..... \_\_\_\_\_

**HEATING SYSTEM**

- 17. Heating plant(s): Fuel: \_\_\_\_\_ Type: \_\_\_\_\_
  - a. Installation and visible condition ..... \_\_\_\_\_
  - b. Viewed in operation ..... \_\_\_\_\_
  - c. Combustion venting ..... \_\_\_\_\_

The Evaluator is not required to ignite the heating plant(s).
- 18. Additional heating unit(s) Fuel: \_\_\_\_\_ Type: \_\_\_\_\_
  - a. Installation and visible condition ..... \_\_\_\_\_
  - b. Viewed in operation ..... \_\_\_\_\_
  - c. Combustion venting ..... \_\_\_\_\_

19. ADDITIONAL COMMENTS ..... \_\_\_\_\_

Item #

Comments

- 20. Walls and ceiling .....
- 21. Floor condition and ceiling height .....
- 22. Evidence of dampness or staining .....
- 23. Electrical outlets and fixtures .....
- 24. Plumbing fixtures .....
- 25. Water flow .....
- 26. Window size and openable area .....
- 27. Window condition .....

**LIVING AND DINING ROOM(S)**

- 28. Walls and ceiling .....
- 29. Floor condition and ceiling height .....
- 30. Evidence of dampness or staining .....
- 31. Electrical outlets and fixtures .....
- 32. Window size and openable area .....
- 33. Window condition .....

**HALLWAYS, STAIRS AND ENTRIES**

- 34. Walls, ceilings and floors .....
- 35. Evidence of dampness or staining .....
- 36. Stairs and handrails to upper floors .....
- 37. Electrical outlets and fixtures .....
- 38. Window condition .....
- 39. Smoke detector(s) .....
- Properly located .....

**BATHROOM(S) # of:** Full \_\_\_\_\_ Partial \_\_\_\_\_

- 40. Walls and ceiling .....
- 41. Floor condition .....
- 42. Evidence of dampness or staining .....
- 43. Electrical outlets and fixtures .....
- 44. Plumbing fixtures .....
- 45. Water flow .....
- 46. Window size and openable area or mechanical exhaust .....
- 47. Condition of windows or mechanical exhaust .....

**SLEEPING ROOM(S) No. of:** \_\_\_\_\_

- 48. Walls and ceiling .....
- 49. Floor condition, area, and ceiling height ..
- 50. Evidence of dampness or staining .....
- 51. Electrical outlets and fixtures .....
- 52. Window size and openable area .....
- 53. Window condition .....

**ENCLOSED PORCHES AND OTHER ROOMS**

(Evaluator shall identify each additional room separately and comment when necessary.)

- 54. Walls, floor condition and ceiling height ..
- 55. Evidence of dampness or staining .....
- 56. Electrical outlets and fixtures .....
- 57. Window condition .....

**ATTIC SPACE (Visible Areas)**

- 58. Roof boards and rafters .....
- 59. Evidence of dampness or staining .....
- 60. Electrical wiring/outlets/fixtures .....
- 61. Ventilation .....

62. **ADDITIONAL COMMENTS** .....



**MAPLEWOOD TRUTH-IN-SALE  
OF SINGLE-FAMILY HOUSING DISCLOSURE REPORT**  
(Carefully read this entire report)

Address of Evaluated Dwelling \_\_\_\_\_  
\_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Listing Agent and Agency: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

**IMPORTANT NOTICES**

1. This report is intended to provide basic information to the property buyer and seller prior to the time of sale. A copy of this report must be publicly displayed at the premises when the property is shown to prospective buyers, and a copy of this report must be provided to the buyer prior to the time of sale or the signing of a purchase agreement or other contractual agreement. Applicable parts of this report may be used to enforce the requirements of the Maplewood City Code. Such enforcement will not effect the sale of the property.
2. This report is not a warranty of the current or future condition of the building or any building component nor is it a warranty of compliance with the building code.
3. The City of Maplewood does not guarantee the accuracy of this report.
4. The lender, FHA or VA may have different standards.
5. This report is valid for one year from the date it is issued and only for the owner named on this report.
6. Questions regarding this report should be directed to the evaluator, owner or the owner's agent.
7. Complaints regarding this report should be directed to the Community Development Department, Maplewood City Hall, 1830 E. County Road B, Maplewood, MN 55109, (612) 770-4560.

## PROPERTY OWNER/AGENT'S DISCLOSURE

This report is **NOT VALID** unless the following declarations are signed on the original copy submitted to the buyer.

I, the owner or legal representative of the owner, declare, as of this date, the following information:

1. The following is a listing of the nature, extent, causes and damage of any water seepage, flooding or sewer backup due to flooding of any portion of this residential property:
  
2. There are \_\_\_\_\_ are not \_\_\_\_\_ city code violations or pending housing orders from the City for this property. If there are any orders, list the date and nature of these orders or attach a copy of the order(s) to this report.
  
3. This property does \_\_\_\_\_ does not \_\_\_\_\_ have a current homestead classification as of \_\_\_\_\_ (date). For further information, contact Ramsey County Taxation and Records, Administration Department.
  
4. The following is a listing of the deed restrictions and covenants that apply to this property (attach a copy if necessary):
  
5. This property is \_\_\_\_\_ is not \_\_\_\_\_ subject to the Maplewood pipeline, shoreland, or flood plain ordinances. If so, the City's Community Development Department should be contacted for special development restriction information.
  
6. The location of all known wells on the property, the date the well water was last tested, if the well(s) are in use, or abandoned and sealed (State law requires abandoned wells to be sealed under certain conditions by a licensed water-well contractor). Please contact the Minnesota Department of Health for more information. The following is a description of where all known wells on the property are located (attach a map if necessary):

7. This residential property is \_\_\_\_\_ is not \_\_\_\_\_ connected to and served by municipal sanitary sewer service. If the property is not served by municipal sanitary sewer service, I declare that the septic tank was last pumped on \_\_\_\_\_ and that the attached map shows the approximate location of the septic tank and drain fields on the property to the best of the owner's knowledge.
8. The property is \_\_\_\_\_ is not \_\_\_\_\_ directly abutting to high voltage (69,000 volts or more) transmission lines. Please contact NSP, Electric Engineering Department, at 779-3100 for more information.

Signature of the legal owner or owner's designated representative:

\_\_\_\_\_ Date \_\_\_\_\_

#### HOUSING INSPECTOR'S DISCLOSURE

Please note the following:

1. This report covers only the items listed on the form and only those items visible at the time of the evaluation. The evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
2. Any structure built before 1950 may have lead paint on/in it. If children eat lead paint, they can be poisoned. For more information, call the Environmental Health Officer, 770-4560.
3. The City of Maplewood or the evaluator are not responsible for the determination of the presence of airborne particles such as asbestos, noxious gases, such as radon or other conditions of air quality that may be present, or the conditions which may cause the above.
4. If the subject property is located near a high-voltage electrical transmission line, purchasers should be aware that there is ongoing research on exposure to a magnetic field generated by high-voltage transmission lines. At this time, no risk assessment has been made.
5. Automatic garage doors should reverse upon striking an object. If it does not reverse, it poses a serious hazard and should be repaired or replaced immediately.
6. If this building is used for any purpose other than a single-family dwelling, it may be illegally zoned. To determine your legal uses under the Maplewood City Code, contact the Community Development Department at 770-4560.

Key:

- "M" = Meets minimum housing code requirements, if applicable, or is in a safe, workmanlike condition, without an apparent deficiency.
- "B" = Below minimum housing code requirements, if applicable, or has a deficiency that may effect its intended use.
- "H" = Hazardous--the item may endanger the health or safety of the occupant.
- "C" = Comments--the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum housing code requirements or to effect its intended use.
- "Y" = Yes
- "N" = No

Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

(\*) = The items marked with an asterisk (\*) are required to meet the standards of the Maplewood owner-occupied housing maintenance code for single dwellings. If any of these items do not appear to meet the applicable standard(s), a City Inspector may contact you to require compliance. Compliance orders will not effect the sale of the property.

Item #    Comments

**EXTERIOR PROPERTY AREAS**

- \*1. Sanitation ..... \_\_\_\_\_
- 2. Grading and drainage..... \_\_\_\_\_
- \*3. Evidence of noxious weeds..... \_\_\_\_\_

**EXTERIORS OF STRUCTURES (Visible Areas)**

- 4. Foundations..... \_\_\_\_\_
- \*5. Walls and siding..... \_\_\_\_\_
- 6. Roof covering and flashing..... \_\_\_\_\_
- 7. Porches, stairways, railings and decks..... \_\_\_\_\_
- \*8. Windows, doors and hatchways..... \_\_\_\_\_
- 9. Door locks and security..... \_\_\_\_\_
- 10. Gutters and downspouts..... \_\_\_\_\_
- 11. Chimneys..... \_\_\_\_\_
- 12. Electrical outlets, fixtures and service entrance..... \_\_\_\_\_

Evaluator: \_\_\_\_\_

Date \_\_\_\_\_

**GARAGE(S) OR ACCESSORY STRUCTURES**

- 13. Roof structure and covering.....\_\_\_\_\_
- \*14. Walls and siding.....\_\_\_\_\_
- 15. Slab or floor condition.....\_\_\_\_\_
- 16. Garage doors.....\_\_\_\_\_
- 17. Garage door opener (See note No. 5.).....\_\_\_\_\_
- 18. Electrical wiring, outlets and fixtures.....\_\_\_\_\_

**INTERIOR OF STRUCTURES--BASEMENT/CELLAR**

- 19. Evidence of dampness or staining.....\_\_\_\_\_
- 20. Structural members (beams, columns and first floor system).....\_\_\_\_\_
- 21. Stairs and handrails.....\_\_\_\_\_
- 22. Basement/cellar floor.....\_\_\_\_\_
- 23. Foundation.....\_\_\_\_\_
- 24. Walls and ceilings.....\_\_\_\_\_

**ELECTRICAL SERVICE(S)    # of Services.....\_\_\_\_\_**

- 25. Service size:  
     Amps: 60 \_\_\_\_\_ 100 \_\_\_\_\_ 150 \_\_\_\_\_ Other \_\_\_\_\_  
     Volts: 115 \_\_\_\_\_ 115/230 \_\_\_\_\_
- 26. Electrical service installation/grounding....\_\_\_\_\_
- 27. Electrical wiring, outlets and fixtures.....\_\_\_\_\_

**PLUMBING SYSTEM**

- 28. Floor drain(s).....\_\_\_\_\_
- 29. Waste and vent piping.....\_\_\_\_\_
- 30. Water piping.....\_\_\_\_\_
- 31. Gas piping (all floors).....\_\_\_\_\_
- 32. Water heater(s) (installation and venting)...\_\_\_\_\_
- 33. Plumbing fixtures.....\_\_\_\_\_
- 34. Water flow.....\_\_\_\_\_

**HEATING SYSTEM**

- 35. Heating plant(s): Fuel: \_\_\_\_\_ Type: \_\_\_\_\_
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

**NOTE: The Evaluator is not required to ignite the heating plant(s).**

- 36. Additional heating unit(s) Fuel: \_\_\_\_\_ Type: \_\_\_\_\_
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**KITCHEN**

- 37. Sink/water supply system..... \_\_\_\_\_
- 38. Cabinets or shelves..... \_\_\_\_\_
- 39. Walls and ceiling..... \_\_\_\_\_
- 40. Floor condition and ceiling height..... \_\_\_\_\_
- 41. Evidence of dampness or staining..... \_\_\_\_\_
- 42. Electrical outlets and fixtures..... \_\_\_\_\_
- 43. Window size and openable area..... \_\_\_\_\_
- 44. Window condition..... \_\_\_\_\_

**BATHROOM(S)    # of:    Full \_\_\_\_\_    Partial \_\_\_\_\_**

- 45. Flush water closet..... \_\_\_\_\_
- 46. Lavatory sink..... \_\_\_\_\_
- 47. Bathtub or shower..... \_\_\_\_\_
- 48. Walls and ceiling..... \_\_\_\_\_
- 49. Floor condition..... \_\_\_\_\_
- 50. Evidence of dampness or staining..... \_\_\_\_\_
- 51. Electrical outlets and fixtures..... \_\_\_\_\_
- 52. Window or mechanical exhaust..... \_\_\_\_\_
- 53. Condition of windows or mechanical exhaust... \_\_\_\_\_

**LIVING AND DINING ROOM(S)**

- 54. Walls and ceiling..... \_\_\_\_\_
- 55. Floor condition and ceiling height..... \_\_\_\_\_
- 56. Evidence of dampness or staining..... \_\_\_\_\_
- 57. Electrical outlets and fixtures..... \_\_\_\_\_
- 58. Window size and openable area..... \_\_\_\_\_
- 59. Window condition..... \_\_\_\_\_

**SLEEPING ROOM(S) No. of: \_\_\_\_\_**

- 60. Walls and ceiling..... \_\_\_\_\_
- 61. Floor condition and ceiling height..... \_\_\_\_\_
- 62. Evidence of dampness or staining..... \_\_\_\_\_
- 63. Electrical outlets and fixtures..... \_\_\_\_\_
- 64. Window size and openable area..... \_\_\_\_\_
- 65. Window condition..... \_\_\_\_\_

**ENCLOSED PORCHES AND OTHER ROOMS**

(Evaluator shall identify each additional room separately and comment when necessary.)

- 66. Walls, floor condition and ceiling height.... \_\_\_\_\_
- 67. Evidence of dampness or staining..... \_\_\_\_\_
- 68. Electrical outlets and fixtures..... \_\_\_\_\_
- 69. Window condition..... \_\_\_\_\_

**HALLWAYS, STAIRS AND ENTRIES**

- 70. Walls, ceiling and floors..... \_\_\_\_\_
- 71. Evidence of dampness or staining..... \_\_\_\_\_
- 72. Stairs and handrails..... \_\_\_\_\_
- 73. Electrical lights, outlets and fixtures..... \_\_\_\_\_
- 74. Window condition..... \_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTIC SPACE (Visible Areas)**

- 75. Roof boards and rafters..... \_\_\_\_\_
- 76. Evidence of dampness or staining..... \_\_\_\_\_
- 77. Electrical wiring/outlets/fixtures..... \_\_\_\_\_
- 78. Ventilation..... \_\_\_\_\_

**INTERIOR AREAS**

- 79. Sanitation..... \_\_\_\_\_
- 80. Smoke detector(s)..... \_\_\_\_\_  
     Properly located..... \_\_\_\_\_

**ENERGY INFORMATION**

	Type of Insulation	Approx. Inches	<u>NV</u> <u>NA</u>
<b>INSULATION</b>			
81. Attic insulation..... _____	_____	_____	_____
82. Wall insulation..... _____	_____	_____	_____
83. Kneewall insulation..... _____	_____	_____	_____
84. Rim Joist insulation..... _____	_____	_____	_____
85. Storm doors..... _____			
86. Storm windows..... _____			

**WEATHERSTRIPPING**

- 87. Doors..... \_\_\_\_\_
- 88. Windows..... \_\_\_\_\_

NV = Not Visible  
 NA = Not Applicable

**FIREPLACE/WOODSTOVES**

- 89. Dampers installed in  
     fireplaces..... \_\_\_\_\_
- 90. Installation..... \_\_\_\_\_
- 91. Condition..... \_\_\_\_\_

I hereby certify that the above report is made in compliance with the MAPLEWOOD CITY CODE and that I have utilized the care and diligence, reasonable and ordinary, for meeting the certification standards prescribed by the Truth-In-Sale of Housing Ordinance, Article XII of Chapter 9. I have found no instance of noncompliance with the items listed above as of the date of this report, except those designated herein.

\_\_\_\_\_  
 Evaluator Signature

\_\_\_\_\_  
 Phone number

\_\_\_\_\_  
 Date

**MAPLEWOOD TRUTH-IN-SALE  
OF OWNER-OCCUPIED ATTACHED HOUSING DISCLOSURE REPORT  
(Carefully read this entire report)**

Address of Evaluated Dwelling \_\_\_\_\_  
\_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Listing Agent and Agency: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Type of Residential Building: \_\_\_\_\_ Number of Units: \_\_\_\_\_

_____ Single dwelling	_____ Townhouse
_____ Double dwelling	_____ Other
_____ Apartment	_____ Explain _____

**IMPORTANT NOTICES**

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6. Questions regarding this report should be directed to the evaluator, owner or the owner's agent.

7. Complaints regarding this report should be directed to the Community Development Department, Maplewood City Hall, 1830 E. County Road B, Maplewood, MN 55109, (612) 770-4560.

#### PROPERTY OWNER/AGENT'S DISCLOSURE

This report is **NOT VALID** unless the following declarations are signed on the original copy submitted to the buyer.

I, the owner or legal representative of the owner, declare, as of this date, the following information:

1. The following is a listing of the nature, extent, causes and damage of any water seepage, flooding or sewer backup due to flooding of any portion of this residential property:
2. There are \_\_\_\_\_ are not \_\_\_\_\_ city code violations or pending housing orders from the City for this property. If there are any orders, list the date and nature of these orders or attach a copy of the order(s) to this report.
3. This property does \_\_\_\_\_ does not \_\_\_\_\_ have a current homestead classification as of \_\_\_\_\_ (date). For further information, contact Ramsey County Taxation and Records Administration Department.
4. The following is a listing of the deed restrictions and covenants that apply to this property (attach a copy if necessary):
5. This property is \_\_\_\_\_ is not \_\_\_\_\_ subject to the Maplewood pipeline, shoreland, or flood plain ordinances. If so, the City's Community Development Department should be contacted for special development restriction information.
6. The location of all known wells on the property, the date the well water was last tested, if the well(s) are in use, or abandoned and sealed (State law requires abandoned wells to be sealed under certain conditions by a licensed water-well contractor). Please contact the Minnesota Department of Health for more information. The following is a description of where all known wells on the property are located (attach a map if necessary):

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8. The property is \_\_\_\_\_ is not \_\_\_\_\_ directly abutting to high voltage (69,000 volts or more) transmission lines. Please contact NSP, Electric Engineering Department, at 770-3100 for more information.

Signature of the legal owner or owner's designated representative:

\_\_\_\_\_ Date \_\_\_\_\_

#### HOUSING INSPECTOR'S DISCLOSURE

Please note the following:

1. This report covers only the items listed on the form and only those items visible at the time of the evaluation. The evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
2. Any structure built before 1950 may have lead paint on/in it. If children eat lead paint, they can be poisoned. For more information, call the Environmental Health Officer, 770-4560.
3. The City of Maplewood or the evaluator are not responsible for the determination of the presence of airborne particles such as asbestos, noxious gases, such as radon or other conditions of air quality that may be present, or the conditions which may cause the above.
4. If the subject property is located near a high-voltage electrical transmission line, purchasers should be aware that there is ongoing research on exposure to a magnetic field generated by high-voltage transmission lines. At this time, no risk assessment has been made.
5. Automatic garage doors should reverse upon striking an object. If it does not reverse, it poses a serious hazard and should be repaired or replaced immediately.

Key:

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- "B" = Below minimum housing code requirements, if applicable, or has a deficiency that may effect its intended use.
- "H" = Hazardous--the item may endanger the health or safety of the occupant.
- "C" = Comments--the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum housing code requirements or to effect its intended use.
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Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

(\*) = The items marked with an asterisk (\*) are required to meet the standards of the Maplewood owner-occupied housing maintenance code. If any of these items do not appear to meet the applicable standard(s), a City Inspector may contact you to require compliance. Compliance orders will not effect the sale of the property.

Item #    Comments

**EXTERIOR PROPERTY AREAS**

- \*1. Sanitation ..... \_\_\_\_\_
- 2. Grading and drainage..... \_\_\_\_\_
- \*3. Evidence of noxious weeds..... \_\_\_\_\_

**EXTERIORS OF STRUCTURES (Visible areas)**

- 4. Foundations..... \_\_\_\_\_
- \*5. Walls and siding..... \_\_\_\_\_
- 6. Roof covering and flashing..... \_\_\_\_\_
- 7. Porches, stairways, railings and decks..... \_\_\_\_\_
- \*8. Windows, doors and hatchways..... \_\_\_\_\_
- 9. Door locks and security..... \_\_\_\_\_
- 10. Gutters and downspouts..... \_\_\_\_\_
- 11. Chimneys..... \_\_\_\_\_
- 12. Electrical outlets, fixtures and service entrance..... \_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**GARAGE(S) OR ACCESSORY STRUCTURES**

- 13. Roof structure and covering.....\_\_\_\_\_
- \*14. Walls and siding.....\_\_\_\_\_
- 15. Slab or floor condition.....\_\_\_\_\_
- 16. Garage doors.....\_\_\_\_\_
- 17. Garage door opener (See Note No. 5).....\_\_\_\_\_
- 18. Electrical wiring, outlets and fixtures.....\_\_\_\_\_

**INTERIOR OF STRUCTURES--BASEMENT/CELLAR**

- 19. Evidence of dampness or staining.....\_\_\_\_\_
- 20. Structural members (beams, columns and first floor system).....\_\_\_\_\_
- 21. Stairs and handrails.....\_\_\_\_\_
- 22. Basement/cellar floor.....\_\_\_\_\_
- 23. Foundation.....\_\_\_\_\_
- 24. Walls and ceilings.....\_\_\_\_\_

**ELECTRICAL SERVICE(S)    # of Services.....\_\_\_\_\_**

- 25. Service size:  
     Amps:    60\_\_\_\_  100\_\_\_\_  150\_\_\_\_  Other\_\_\_\_  
     Volts:    115\_\_\_\_  115/230\_\_\_\_
- 26. Electrical service installation/grounding....\_\_\_\_\_
- 27. Electrical wiring, outlets and fixtures.....\_\_\_\_\_

**PLUMBING SYSTEM**

- 28. Floor drain(s).....\_\_\_\_\_
- 29. Waste and vent piping.....\_\_\_\_\_
- 30. Water piping.....\_\_\_\_\_
- 31. Gas piping (all floors).....\_\_\_\_\_
- 32. Water heater(s) (installation and venting)....\_\_\_\_\_
- 33. Plumbing fixtures.....\_\_\_\_\_
- 34. Water flow.....\_\_\_\_\_

**HEATING SYSTEM**

- 35. Heating plant(s): Fuel:\_\_\_\_  Type:\_\_\_\_
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

**NOTE: The Evaluator is not required to ignite the heating plant(s).**

- 36. Additional heating unit(s) Fuel:\_\_\_\_  Type:\_\_\_\_
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

**KITCHEN**

- 37. Sink/water supply system.....\_\_\_\_\_
- 38. Cabinets or shelves.....\_\_\_\_\_
- 39. Walls and ceiling.....\_\_\_\_\_
- 40. Floor condition and ceiling height.....\_\_\_\_\_
- 41. Evidence of dampness or staining.....\_\_\_\_\_
- 42. Electrical outlets and fixtures.....\_\_\_\_\_
- 43. Window size and openable area.....\_\_\_\_\_
- 44. Window condition.....\_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**BATHROOM(S)**    # of:    Full \_\_\_\_\_    Partial \_\_\_\_\_

- 45. Flush water closet..... \_\_\_\_\_
- 46. Lavatory sink..... \_\_\_\_\_
- 47. Bathtub or shower..... \_\_\_\_\_
- 48. Walls and ceiling..... \_\_\_\_\_
- 49. Floor condition..... \_\_\_\_\_
- 50. Evidence of dampness or staining..... \_\_\_\_\_
- 51. Electrical outlets and fixtures..... \_\_\_\_\_
- 52. Window or mechanical exhaust..... \_\_\_\_\_
- 53. Condition of windows or mechanical exhaust... \_\_\_\_\_

**LIVING AND DINING ROOM(S)**

- 54. Walls and ceiling..... \_\_\_\_\_
- 55. Floor condition and ceiling height..... \_\_\_\_\_
- 56. Evidence of dampness or staining..... \_\_\_\_\_
- 57. Electrical outlets and fixtures..... \_\_\_\_\_
- 58. Window size and openable area..... \_\_\_\_\_
- 59. Window condition..... \_\_\_\_\_

**SLEEPING ROOM(S) No. of: \_\_\_\_\_**

- 60. Walls and ceiling..... \_\_\_\_\_
- 61. Floor condition and ceiling height..... \_\_\_\_\_
- 62. Evidence of dampness or staining..... \_\_\_\_\_
- 63. Electrical outlets and fixtures..... \_\_\_\_\_
- 64. Window size and openable area..... \_\_\_\_\_
- 65. Window condition..... \_\_\_\_\_

**ENCLOSED PORCHES AND OTHER ROOMS**

(Evaluator shall identify each additional room separately and comment when necessary.)

- 66. Walls, floor condition and ceiling height.... \_\_\_\_\_
- 67. Evidence of dampness or staining..... \_\_\_\_\_
- 68. Electrical outlets and fixtures..... \_\_\_\_\_
- 69. Window condition..... \_\_\_\_\_

**PUBLIC HALLWAYS, STAIRS AND ENTRIES**

- 70. Walls, ceiling and floors..... \_\_\_\_\_
- 71. Evidence of dampness or staining..... \_\_\_\_\_
- 72. Stairs and handrails..... \_\_\_\_\_
- 73. Electrical lights, outlets and fixtures..... \_\_\_\_\_
- 74. Window condition..... \_\_\_\_\_

**ATTIC SPACE (Visible Areas)**

- 75. Roof boards and rafters..... \_\_\_\_\_
- 76. Evidence of dampness or staining..... \_\_\_\_\_
- 77. Electrical wiring/outlets/fixtures..... \_\_\_\_\_
- 78. Ventilation..... \_\_\_\_\_

**INTERIOR AREAS**

- \*79. Sanitation..... \_\_\_\_\_
- 80. Smoke detector(s)..... \_\_\_\_\_  
    Properly located..... \_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**ENERGY INFORMATION**

	Type of Insulation	Approx. Inches	<u>NV</u> NA
<b>INSULATION</b>			
81. Attic insulation.....	_____	_____	_____
82. Wall insulation.....	_____	_____	_____
83. Kneewall insulation.....	_____	_____	_____
84. Rim Joist insulation.....	_____	_____	_____
85. Storm doors.....	_____		
86. Storm windows.....	_____		
<b>WEATHERSTRIPPING</b>			
87. Doors.....	_____		
88. Windows.....	_____		
<b>FIREPLACE/WOODSTOVES</b>			
89. Dampers installed in fireplaces.....	_____		
90. Installation.....	_____		
91. Condition.....	_____		

NV = Not Visible  
NA = Not Applicable

I hereby certify that the above report is made in compliance with the MAPLEWOOD CITY CODE and that I have utilized the care and diligence, reasonable and ordinary, for meeting the certification standards prescribed by the Truth-In-Sale of Housing Ordinance, Article XII of Chapter 9. I have found no instance of noncompliance with the items listed above as of the date of this report, except those designated herein.

\_\_\_\_\_  
Evaluator Signature

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Date

**MAPLEWOOD TRUTH-IN-SALE  
OF RENTAL HOUSING DISCLOSURE REPORT  
(Carefully read this entire report)**

Address of Evaluated Dwelling \_\_\_\_\_  
\_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Listing Agent and Agency: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Type of Residential Building: \_\_\_\_\_ Number of Units: \_\_\_\_\_

_____ Single dwelling	_____ Townhouse
_____ Double dwelling	_____ Other
_____ Apartment	_____ Explain _____

**IMPORTANT NOTICES**

1. This report is intended to provide basic information to the property buyer and seller prior to the time of sale. A copy of this report must be publicly displayed at the premises when the property is shown to prospective buyers, and a copy of this report must be provided to the buyer prior to the time of sale or the signing of a purchase agreement or other contractual agreement. Applicable parts of this report may be used to enforce the requirements of the Maplewood City Code. Such enforcement will not effect the sale of the property.
2. This report is not a warranty of the current or future condition of the building or any building component nor is it a warranty of compliance with the building code.
3. The City of Maplewood does not guarantee the accuracy of this report.
4. The lender, FHA or VA may have different standards.
5. This report is valid for one year from the date it is issued and only for the owner named on this report.
6. Questions regarding this report should be directed to the evaluator, owner or the owner's agent.

7. Complaints regarding this report should be directed to the Community Development Department, Maplewood City Hall, 1830 E. County Road B, Maplewood, MN 55109, (612) 770-4560.

#### PROPERTY OWNER/AGENT'S DISCLOSURE

This report is **NOT VALID** unless the following declarations are signed on the original copy submitted to the buyer.

I, the owner or legal representative of the owner, declare, as of this date, the following information:

1. The following is a listing of the nature, extent, causes and damage of any water seepage, flooding or sewer backup due to flooding of any portion of this residential property:
2. There are \_\_\_\_\_ are not \_\_\_\_\_ city code violations or pending housing orders from the City for this property. If there are any orders, list the date and nature of these orders or attach a copy of the order(s) to this report.
3. This property does \_\_\_\_\_ does not \_\_\_\_\_ have a current homestead classification as of \_\_\_\_\_ (date). For further information, contact Ramsey County Taxation and Records Administration Department.
4. The following is a listing of the deed restrictions and covenants that apply to this property (attach a copy if necessary):
5. This property is \_\_\_\_\_ is not \_\_\_\_\_ subject to the Maplewood pipeline, shoreland, or flood plain ordinances. If so, the City's Community Development Department should be contacted for special development restriction information.
6. The location of all known wells on the property, the date the well water was last tested, if the well(s) are in use, or abandoned and sealed (State law requires abandoned wells to be sealed under certain conditions by a licensed well-water contractor). Please contact the Minnesota Department of Health for more information. The following is a description of where all known wells on the property are located (attach a map if necessary):

7. This residential property is \_\_\_\_\_ is not \_\_\_\_\_ connected to and served by municipal sanitary sewer service. If the property is not served by municipal sanitary sewer service, I declare that the septic tank was last pumped on \_\_\_\_\_ and that the attached map shows the approximate location of the septic tank and drain fields on the property to the best of the owner's knowledge.
8. The property is \_\_\_\_\_ is not \_\_\_\_\_ directly abutting to high voltage (69,000 volts or more) transmission lines. Please contact NSP, Electric Engineering Department, at 779-3100 for more information.

Signature of the legal owner or owner's designated representative:

\_\_\_\_\_ Date \_\_\_\_\_

#### HOUSING INSPECTOR'S DISCLOSURE

Please note the following:

1. This report covers only the items listed on the form and only those items visible at the time of the evaluation. The evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
2. Any structure built before 1950 may have lead paint on/in it. If children eat lead paint, they can be poisoned. For more information, call the Environmental Health Officer, 770-4560.
3. The City of Maplewood or the evaluator are not responsible for the determination of the presence of airborne particles such as asbestos, noxious gases, such as radon or other conditions of air quality that may be present, or the conditions which may cause the above.
4. If the subject property is located near a high-voltage electrical transmission line, purchasers should be aware that there is ongoing research on exposure to a magnetic field generated by high-voltage transmission lines. At this time, no risk assessment has been made.
5. Automatic garage doors should reverse upon striking an object. If it does not reverse, it poses a serious hazard and should be repaired or replaced immediately.

Key:

- "M" = Meets minimum housing code requirements, if applicable, or is in a safe, workmanlike condition, without an apparent deficiency.
- "B" = Below minimum housing code requirements, if applicable, or has a deficiency that may effect its intended use.
- "H" = Hazardous--the item may endanger the health or safety of the occupant.
- "C" = Comments--the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum housing code requirements or to effect its intended use.
- "Y" = Yes
- "N" = No

Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

(\*) = The items marked with an asterisk (\*) are required to meet the standards of the Maplewood rental housing maintenance code. If any of these items do not appear to meet the applicable standard(s), a City Inspector may contact you to require compliance. Compliance orders will not effect the sale of the property.

Item #    Comments

**\*EXTERIOR PROPERTY AREAS**

- 1. Sanitation ..... \_\_\_\_\_
- 2. Grading and drainage..... \_\_\_\_\_
- 3. Evidence of noxious weeds..... \_\_\_\_\_

**EXTERIORS OF STRUCTURES (Visible Areas)**

- \*4. Foundations..... \_\_\_\_\_
- \*5. Walls and siding..... \_\_\_\_\_
- \*6. Roof covering and flashing..... \_\_\_\_\_
- \*7. Porches, stairways, railings and decks..... \_\_\_\_\_
- \*8. Windows, doors and hatchways..... \_\_\_\_\_
- \*9. Door locks and security..... \_\_\_\_\_
- 10. Gutters and downspouts..... \_\_\_\_\_
- 11. Chimneys..... \_\_\_\_\_
- 12. Electrical outlets, fixtures and service entrance..... \_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**GARAGE(S) OR ACCESSORY STRUCTURES**

- 13. Roof structure and covering.....\_\_\_\_\_
- 14. Walls and siding.....\_\_\_\_\_
- 15. Slab or floor condition.....\_\_\_\_\_
- 16. Garage doors.....\_\_\_\_\_
- 17. Garage door opener(s) (See Note No. 5).....\_\_\_\_\_
- 18. Electrical wiring, outlets and fixture.....\_\_\_\_\_

**INTERIOR OF STRUCTURES--BASEMENT/CELLAR**

- \*19. Evidence of dampness or staining.....\_\_\_\_\_
- \*20. Structural members (beams, columns and floor system(s)).....\_\_\_\_\_
- \*21. Stairs and handrails.....\_\_\_\_\_
- \*22. Bathroom floors.....\_\_\_\_\_
- 23. Basement/cellar floor.....\_\_\_\_\_
- 24. Foundation.....\_\_\_\_\_
- \*25. Walls, floors, ceilings and woodwork.....\_\_\_\_\_

**\*ELECTRICAL SERVICE(S)    # of Services.....\_\_\_\_\_**

- 26. Service size:  
     Amps: 60 \_\_\_\_\_ 100 \_\_\_\_\_ 150 \_\_\_\_\_ Other \_\_\_\_\_  
     Volts: 115 \_\_\_\_\_ 115/230 \_\_\_\_\_
- 27. Electrical service installation/grounding....\_\_\_\_\_
- 28. Electrical wiring, outlets and fixtures.....\_\_\_\_\_

**\*PLUMBING SYSTEM**

- 29. Floor drain(s).....\_\_\_\_\_
- 30. Waste and vent piping.....\_\_\_\_\_
- 31. Water piping.....\_\_\_\_\_
- 32. Gas piping (all floors).....\_\_\_\_\_
- 33. Water heater(s) (installation and venting)...\_\_\_\_\_
- 34. Hot water temperature.....\_\_\_\_\_
- 35. Plumbing fixtures.....\_\_\_\_\_
- 36. Water flow.....\_\_\_\_\_

**\*HEATING SYSTEM**

- 37. Heating plant(s): Fuel: \_\_\_\_\_ Type: \_\_\_\_\_  
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

**NOTE: The Evaluator is not required to ignite the heating plant(s).**

- 38. Additional heating unit(s) Fuel: \_\_\_\_\_ Type: \_\_\_\_\_  
     a. Installation and visible condition.....\_\_\_\_\_
- b. Viewed in operation.....\_\_\_\_\_
- c. Combustion venting.....\_\_\_\_\_

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**KITCHEN**

- \*39. Sink/water supply system.....
- \*40. Cabinets or shelves.....
- \*41. Stove/cooking device and refrigerator.....
- 42. Walls and ceiling.....
- 43. Floor condition and ceiling height.....
- 44. Evidence of dampness or staining.....
- \*45. Electrical outlets and fixtures.....
- 46. Window size and openable area.....
- 47. Window condition.....

**BATHROOM(S)    # of:    Full \_\_\_\_\_    Partial \_\_\_\_\_**

- \*48. Flush water closet.....
- \*49. Adequate water flow.....
- \*50. Lavatory sink.....
- \*51. Bathtub or shower.....
- 52. Walls and ceiling.....
- 53. Floor condition.....
- 54. Evidence of dampness or staining.....
- \*55. Electrical outlets and fixtures.....
- \*56. Window or mechanical exhaust.....
- \*57. Condition of windows or mechanical exhaust...

**LIVING AND DINING ROOM(S)**

- 58. Walls and ceiling.....
- 59. Floor condition and ceiling height.....
- 60. Evidence of dampness or staining.....
- \*61. Electrical outlets and fixtures.....
- \*62. Window size and openable area.....
- \*63. Window condition.....

**SLEEPING ROOM(S) No. of: \_\_\_\_\_**

- 64. Walls and ceiling.....
- 65. Floor condition, area, and ceiling height....
- 66. Evidence of dampness or staining.....
- \*67. Electrical outlets and fixtures.....
- \*68. Window size and openable area.....
- \*69. Window condition.....

**ENCLOSED PORCHES AND OTHER ROOMS**

(Evaluator shall identify each additional room separately and comment when necessary.)

- 70. Walls, floor condition and ceiling height....
- 71. Evidence of dampness or staining.....
- \*72. Electrical outlets and fixtures.....
- 73. Window condition.....

**PUBLIC HALLWAYS, STAIRS AND ENTRIES**

- 74. Walls, ceiling and floors.....
- 75. Evidence of dampness or staining.....
- \*76. Stairs and handrails.....
- \*77. Electrical lights, outlets and fixtures.....
- 78. Window condition.....

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTIC SPACE (Visible Areas)**

- 79. Roof boards and rafters..... \_\_\_\_\_
- 80. Evidence of dampness or staining..... \_\_\_\_\_
- 81. Electrical wiring/outlets/fixtures..... \_\_\_\_\_
- 82. Ventilation..... \_\_\_\_\_

**INTERIOR AREAS**

- 83. Sanitation..... \_\_\_\_\_
- \*84. Smoke detector(s)..... \_\_\_\_\_
- \*Properly located..... \_\_\_\_\_

**ENERGY INFORMATION**

	Type of Insulation	Approx. Inches	<u>NV</u> <u>NA</u>
<b>INSULATION</b>			
85. Attic insulation..... _____	_____	_____	_____
86. Wall insulation..... _____	_____	_____	_____
87. Kneewall insulation..... _____	_____	_____	_____
88. Rim Joist insulation..... _____	_____	_____	_____
89. Storm doors..... _____			
90. Storm windows..... _____			

**WEATHERSTRIPPING**

- 91. Doors..... \_\_\_\_\_
- 92. Windows..... \_\_\_\_\_

NV = Not Visible  
NA = Not Applicable

**FIREPLACE/WOODSTOVES**

- 93. Dampers installed in  
fireplaces..... \_\_\_\_\_
- 94. Installation..... \_\_\_\_\_
- 95. Condition..... \_\_\_\_\_

I hereby certify that the above report is made in compliance with the MAPLEWOOD CITY CODE and that I have utilized the care and diligence, reasonable and ordinary, for meeting the certification standards prescribed by the Truth-In-Sale of Housing Ordinance, Article XII of Chapter 9. I have found no instance of noncompliance with the items listed above as of the date of this report, except those designated herein.

\_\_\_\_\_  
Evaluator Signature

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Date

MINUTES

MAPLEWOOD HOUSING AND REDEVELOPMENT AUTHORITY

OCTOBER 10, 1989

1. CALL TO ORDER

Chairman Fischer called the meeting to order at 7:05 p.m.

2. ROLL CALL

HRA Commissioners: Lorraine Fischer, Dale Carlson,  
Tom Connelly

City Staff: Geoff Olson, Ken Roberts

6. UNFINISHED BUSINESS

A. Truth-in-Housing Ordinance

Geoff Olson presented the staff report concerning the adoption of a truth-in-housing ordinance.

Dan Niezgocki, a Maplewood resident and a truth-in-housing evaluator, asked if this ordinance would apply to residential single-family homes only.

Geoff Olson said this proposed ordinance would apply to all residential properties.

A representative of the Minnesota Board of Realtors acknowledged Geoff Olson for his time and efforts in his prior meeting with a number of the realty members.

Commissioner Dale Carlson moved the Maplewood Housing and Redevelopment Authority:

1. Adopt the truth-in-sale of housing ordinance and reevaluate it after it has been in effect for one year.
2. Adopt the resolution establishing a \$15 filing fee for each report.

Commissioner Tom Connelly seconded                      Ayes--all

3. APPROVAL OF MINUTES

A. November 15, 1988

Commissioner Carlson moved approval of the minutes of November 15, 1989, as submitted.

Commissioner Connelly seconded Ayes--all

D. Per Diem for Board Members

After discussion by the commissioners, the consensus of the commission was to have an annual dinner with the other commissions and City Council.

8. Interviews for New Commission Members

Ken Roberts informed the commissioners that Steve Jelinek has withdrawn his name for appointment to the HRA and, also, that he was unable to contact Evan Coobs and does not know if Mr. Coobs is still a candidate for appointment.

Commissioner Fischer said she was contacted by a housing inspector who asked if the HRA would be interested in a tour demonstrating the duties of a housing inspector.

The truth-in-housing ordinance, as it applies to mobile homes, was discussed. Ken Roberts said he would investigate which jurisdiction will handle the mobile home area regarding the proposed truth-in-housing ordinance.

Gary Pearson and Larry Whitcomb were interviewed as possible HRA commission members.

Commissioner Connelly moved the HRA recommend to the City Council the appointment of Gary Pearson and Larry Whitcomb to the HRA to fill the two existing vacancies.

Commissioner Carlson seconded Ayes--all

6. Unfinished Business

A. Truth-in-Housing Ordinance

At this time the commission reintroduced the proposed truth-in-housing ordinance and discussed the possibility of including the owner's disclosure of covenants.

Commissioner Carlson moved the inclusion on page 7 of the proposed truth-in-housing ordinance of Item (b) (2) f. "Disclosure of any private covenants that run with the property".

Commissioner Connelly seconded Ayes--all

MINUTES

MAPLEWOOD HOUSING AND REDEVELOPMENT AUTHORITY

MARCH 13, 1990

1. CALL TO ORDER

Chairman Fischer called the meeting to order at 7:05 p.m.

2. ROLL CALL

HRA Commissioners: Lorraine Fischer, Dale Carlson,  
Tom Connelly, Gary Pearson, Larry Whitcomb  
City Staff: Ken Roberts

3. APPROVAL OF MINUTES

A. October 10, 1989

Commissioner Connelly moved approval of the minutes of  
October 10, 1989, as submitted.

Commissioner Carlson seconded           Ayes--all

4. APPROVAL OF AGENDA

Commissioner Fischer moved approval of the agenda as  
submitted.

Commissioner Carlson seconded           Ayes--all

5. COMMUNICATIONS

6. UNFINISHED BUSINESS

A. Truth-in-Housing Ordinance

Ken Roberts presented the staff report, including a  
draft single-family residential inspection form,  
regarding the truth-in-housing ordinance.

Dan Niezgocki, a Maplewood resident and a truth-in-  
housing evaluator, commented on a number of specific  
items in the proposed inspection form.

Karen Christopherson of the Minnesota Board of Realtors  
noted that her group is for truth-in-housing disclosure  
but is against any code compliance with truth-in-  
housing disclosure activities.

The realtors also questioned staff and the  
commissioners on the contents of the proposed single-

family residential housing inspection form. Points of concern included the wording in the proposed inspection form regarding the possibility of code compliance, homestead taxes, wells, and high voltage electric transmission lines. The wording for a number of the items, including sanitation, vermin, weeds, smoke detectors, ice and snow removal, to be inspected were also discussed. Staff, the HRA, and the realtors discussed revised wording for the areas of concern.

The HRA recommended that truth-in-housing have disclosure only for owner-occupied units.

7. NEW BUSINESS

A. Housing Plan Update

Steve Riley of BRW presented the first draft of the housing plan update.

Commissioner Fischer commented on the housing goals in the plan.

The HRA directed Mr. Riley to revise the draft plan with their comments and staff comments.

B. HRA Incorporation into the Planning Commission Report

The commissioners tabled comment on this matter until their next meeting.

C. Commission Appreciation Dinner

The commissioners were notified of the dinner planned for April 21.

8. Date of Next Meeting

The date of the next meeting was discussed with staff and the commissioners.

10. Adjournment

Meeting adjourned at 10:35 p.m.

MINUTES

MAPLEWOOD HOUSING AND REDEVELOPMENT AUTHORITY

APRIL 10, 1990

1. CALL TO ORDER

Chairperson Fischer called the meeting to order at 7:05 p.m.

2. ROLL CALL

HRA Commissioners: Lorraine Fischer, Dale Carlson,  
Tom Connelly, Gary Pearson, Larry Whitcomb  
City Staff: Geoff Olson

3. APPROVAL OF MINUTES

A. March 13, 1990

The HRA tabled the approval of these minutes until the next meeting.

4. APPROVAL OF AGENDA

Commissioner Fischer moved approval of the agenda as submitted.

5. COMMUNICATIONS

6. UNFINISHED BUSINESS

A. Truth-in-Housing Ordinance

Geoff Olson presented the staff report, including draft inspection forms, regarding the truth-in-housing ordinance.

The HRA, Board of Realtors and Dan Niezgocki (a Maplewood resident and truth-in-housing evaluator) discussed many changes to the truth-in-housing ordinance and inspection forms. They are as follows:

- (1) In Section 9-238 (a), it was recommended that a statement be added which states that the inspection form is to be filed with the City within 15 days of it being prepared and that if it is not a double filing fee would be collected.
- (2) Section 9-240 (a): Including a statement that if an inspectors license is revoked in St. Paul that it would be automatically be revoked in Maplewood.
- (3) Section 9-243: The validity of this section was questioned. It was recommended that the City Attorney review this section.

- (4) In the Housing Inspector's Disclosure section of the inspection form(s), item #4 regarding high-voltage electric transmission lines, the wording was revised so that approximately one-half of the wording was eliminated.
- (5) In the listing of the items to be checked by an inspector, items 1, 25, 47, 55, 64, 71, 77, 84 and 89 were revised by dropping "including evidence of insects, rodents or pests."
- (6) Item 3 was changed from "Free from" to "Evidence of noxious weeds."
- (7) Item 10 was dropped.
- (8) Under the Plumbing System section, a new item for water flow was added.
- (9) Items 72 and 83, smoke detector(s) were moved to a new section titled "Interior Areas".
- (10) A new section was added after "Attic Space" titled "Interior Areas". This section is to have an item on sanitation and an item on smoke detectors.
- (11) On the Owner-occupied inspection form, item 3, snow and ice removal, was deleted.

In addition to the changes listed above, a question was raised about the inspection of manufactured homes. Staff was directed to investigate what other communities do in this regard. Commissioner Pearson agreed to also research this matter and report back at the next HRA meeting.

The realtors association felt that a certificate of occupancy program for rental properties would be a benefit to the City and to renters.

#### B. Housing Plan Update.

Steve Riley of BRW presented the second draft of the housing plan update.

The HRA and Mr. Riley discussed a number of changes for the plan. They are:

- (1) Updating the housing characteristics table to include more current information and changing the term tenure to type of occupancy.
- (2) Adding a table on the number of subsidized housing units in the City, County and region.
- (3) Adding information on the City's use of PUD provisions.

MINUTES

MAPLEWOOD HOUSING AND REDEVELOPMENT AUTHORITY

MAY 8, 1990

1. CALL TO ORDER

Chairperson Fischer called the meeting to order at 7:07 p.m.

2. ROLL CALL

HRA Commissioners: Lorraine Fischer, Tom Connelly,  
Gary Pearson, Larry Whitcomb  
City Staff: Ken Roberts

Commissioner Carlson was absent.

3. APPROVAL OF MINUTES

- A. March 13, 1990
- B. April 10, 1990

The HRA moved the approval of these minutes until later in the meeting.

4. APPROVAL OF AGENDA

Commissioner Connelly moved, and Commissioner Whitcomb seconded approval of a revised agenda. This included moving the approval of the minutes to after the new business so that the applicants and interested persons could be heard sooner. Ayes all.

5. COMMUNICATIONS

6. UNFINISHED BUSINESS

A. Truth-in-Housing Ordinance

Ken Roberts, Associate Planner, presented the latest staff report, including revised inspection forms, regarding the truth-in-housing ordinance.

The HRA, Board of Realtors and Dan Niezgocki (a Maplewood resident and truth-in-housing evaluator) discussed changes to the latest truth-in-housing ordinance and inspection forms. They are as follows:

- (1) In Section 9-238 (a), it was recommended that a statement be added which states that the disclosure report is to be at the residential building within 3 days of the property being listed.

- (2) On the single-family disclosure form, the asterisk on item #79, sanitation, was removed.

In addition to the changes listed above, a question was raised about the inspection of manufactured homes. Mr. Roberts and Commissioner Pearson explained that since these units are very unique in their construction, they should not be included in the truth-in-housing inspections. Mr. Pearson also explained how units for sale have to meet the standards of the state as well as those of the park in which they are going to be located.

The realtors association felt that a certificate of occupancy program for rental properties would be a benefit to the City and to renters.

The HRA and the realators association recommend the use of disclosure only (no code enforcement) of information gathered through the truth-in-housing inspections.

A question was raised about the City of St. Paul truth-in-housing disclosure information and how it is used. This specifically was a concern with code enforcement activities and the designation of a "City officer" responsible for code enforcement. Staff was requested to investigate how St. Paul handles disclosure verses code enforcement if a potential problem is identified by a truth-in-housing inspection.

Commissioner Connelly moved and Commissioner Whitcomb seconded the following recommendations:

1. The City Council adopt the truth-in-housing ordinance for rental housing and that they adopt a truth-in-housing ordinance for owner occupied housing with disclosure only.
2. The City Council adopt the resolution approving a \$15 filing fee for each report.

Ayes all. The motion passed.

It was noted that the ordinance should get its first reading with the City Council meeting on May 31, 1990.

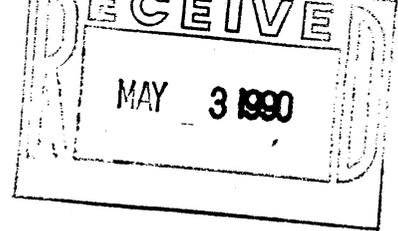
ITEM 7A. Tax-exempt financing request for the Maplewood Rental Townhouses

The HRA moved this item up since the applicant was present.

Ken Roberts, Associate Planner, presented the staff report regarding the request by the SB Multifamily Fund 11 Limited partnership to receive preliminary approval for a

**BANNIGAN & KELLY, P.A.**

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



FAX (612) 223-8019

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

May 2, 1990

**FAX TRANSMISSION**

Mr. Geoff Olson  
Maplewood City Hall  
1830 East County Road B  
Maplewood, MN 55109

Re: *Truth-in-Housing Code Enforcement*

Dear Mr. Olson:

This is in reference to our previous telephone conversations with respect to code enforcement. It is the duty and obligation of Maplewood officials to assure that all buildings and structures within the City comply with City Code.

**If a City Official is informed of a code violation, it is the duty and obligation of that official to investigate and insure compliance.**

Sincerely yours,

BANNIGAN & KELLY, P.A.

A handwritten signature in cursive that reads "Patrick J. Kelly".

Patrick J. Kelly

PJK:ks

C: Michael McGuire, City Manager

H-5

Action by Council

MEMORANDUM

To: Michael A. McGuire, City Manager  
From: Robert D. Odegard, Director of Parks & Recreation  
Subj: Open Space and Wetlands  
Date: June 19, 1990

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

Introduction

The City Council on April 9, 1990, passed a motion to refer the subject of Open Space to the Park and Recreation Commission for research and report back to the Council in 90 days with their recommendation.

The Park and Recreation Commission at their April 16th meeting decided to act as a committee of the whole to discuss Open Space. The committee met on April 30th; May 8th with Clif Aichinger, Ramsey/Washington Watershed District; and May 15th with Ken Haider, Public Works Director; and June 12th to prepare the attached report. Discussion was also a major part of the May 21st and June 18th Park and Recreation Commission meetings.

The attached report is for City Council information and the recommendation of the Park and Recreation Commission.

At the June 18th Park and Recreation Commission meeting, Commissioner Christianson made a motion to approve and send to the City Council the Committee Draft on Open Space; second by Commissioner Ewald; Ayes: All.

SUBJECT: OPEN SPACE

IT IS THE RECOMMENDATION OF THE PARK AND RECREATION COMMISSION THAT A NEW ADVISORY COMMISSION BE APPOINTED BY THE CITY COUNCIL AND IDENTIFIED AS:

OPEN SPACE AND WETLAND PRESERVATION COMMISSION

IT IS FURTHER RECOMMENDED THAT THIS COMMISSION CONSIST OF A MINIMUM OF 6 MEMBERS TO WORK DIRECTLY WITH STAFF OF THE PUBLIC WORKS DEPARTMENT IN CONNECTION WITH THE WATER MANAGEMENT PLAN AND WITH OTHER SPECIAL INTEREST GROUPS. IT IS ALSO RECOMMENDED THAT ONE MEMBER OF THE PARK AND RECREATION COMMISSION BE ASSIGNED TO THIS COMMISSION TO ASSIST IN COORDINATING THE ACTIVITIES OF THESE TWO GROUPS.

THE PURPOSE OF THE COMMISSION WOULD BE TO IDENTIFY ALL WETLANDS AND OPEN SPACE WITHIN THE CITY OF MAPLEWOOD AND TO ESTABLISH A SPECIFIC PLAN TO PRESERVE SUCH LANDS FOR FUTURE GENERATIONS.

- A. THE PRIMARY GOAL WOULD BE TO IDENTIFY AND DEVELOP AN INVENTORY OF ALL OPEN SPACE AND WETLANDS THAT:
1. ARE NEEDED FOR FUTURE WATER MANAGEMENT PURPOSES;
  2. WOULD BE NATURAL EXTENSIONS OF PRESENTLY-HELD PUBLIC SPACE SUCH AS PARKS, TRAILS, ETC.;
  3. CONTAIN SPECIAL FEATURES SUCH AS WOODLANDS, PLAINS, OR NATURAL HABITATS FOR WILDLIFE AND VEGETATION, ETC.;

METHODS OF IDENTIFYING SUCH LANDS WOULD REQUIRE FIELD INSPECTIONS, REVIEW OF EXISTING MAPS OF OTHER GROUPS SUCH AS THE DNR, WATERSHED DISTRICT, ETC., AND NEW MAPPING PROCEDURES. (IT IS RECOMMENDED THAT SOME OF THE LOCAL COLLEGES BE CONTACTED TO SEE IF THIS WOULD BE OF INTEREST TO ANY STUDENT OR CLASS AS A PROJECT.)

- B. ONCE IDENTIFIED, THESE LANDS WOULD NEED TO BE PRIORITIZED BY:
1. SECTORS OF THE CITY, INFLUENCED BY PRESENT, PAST AND FUTURE DEVELOPMENT PLANS
  2. SIZE OF AREAS IDENTIFIED
  3. TYPE OF LAND (WET - DRY)

C. CONCURRENT WITH GOALS A & B, IT WOULD BE NECESSARY TO DEVELOP TWO BUDGETS. ONE FOR EXPENSES INVOLVED IN DEVELOPING THE PLAN AND ONE FOR IMPLEMENTING THE PLAN, INCLUDING ACQUISITION AND MANAGEMENT COSTS.

1. PLAN BUDGET - MILEAGE, MAPPING COSTS, MATERIALS, DRAFTING EXPENSES, COMPUTER COSTS, PER DIEMS
2. ACQUISITION & MANAGEMENT BUDGET - APPRAISAL FEES, LEGAL FEES, LAND COSTS

D. ONCE COSTS ARE ESTABLISHED, IT WILL BE NECESSARY TO IDENTIFY METHODS OF FUNDING THESE COSTS.

1. REFERENDUM/TAXES
2. SEWER CHARGES/ASSESSMENTS
3. TAX INCREMENT FINANCING
4. GRANTS (FOUNDATIONS, MEMORIALS, CHARITABLE GAMBLING) AND OTHER DONATIONS

IN ADDITION, WE WOULD RECOMMEND THAT THESE COMMISSION MEMBERS BE PAID AT THE RATE OF \$5 PER HOUR UP TO A MAXIMUM OF \$50 PER MONTH FOR THE FIRST SIX MONTHS OF SERVICE AS THE START-UP TIME WILL REQUIRE SIGNIFICANT TIME COMMITMENT, ABOVE AND BEYOND THE NORMAL VOLUNTEER EXPECTATIONS. AFTER SIX MONTHS, THEY WILL CONTINUE ON A VOLUNTEER BASIS FOR AN ADDITIONAL 2.5 YEARS, AT WHICH TIME THEY WILL BE UP FOR RE-APPOINTMENT.

AGENDA REPORT

TO: City Manager  
FROM: City Engineer  
SUBJECT: Mall Area Traffic  
DATE: June 20, 1990

Information on this item will be presented later.

KGH

jw

ITEM

H-6

Talle

**SRF** STRGAR-ROSCOE-FAUS  
CONSULTING ENGINEERS  
TRANSPORTATION ■ CIVIL ■ STRUCTURAL ■ PARKING ■

June 25, 1990

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

RE: REVISED 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 AND PRELIMINARY ENGINEERING FOR MINOR INTERSECTION CHANNELIZATION AND SIGNAL REVISIONS ALONG WHITE BEAR AVENUE AT BEAM AVENUE, LYDIA AVENUE AND WOODLYN AVENUE

Dear Mr. Haider:

We are pleased to submit this revised 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 Layouts

1. Prepare 1" = 50' concept layouts of the I-694 - County Road "D" project area for each of three alternative designs.
2. Prepare preliminary engineering cost estimates for each of those alternatives.

June 25, 1990

3. Prepare preliminary layouts for restriping, constructing median revisions and making traffic signal loop detector and phasing modifications for the following three intersections on White Bear Avenue:
  - a. Woodlynn Avenue
  - b. Lydia Avenue
  - c. Beam Avenue

This task assumes that base layout sheets of the intersections are available (road construction or traffic signal plans).

4. Attend meetings with the City of Maplewood, Ramsey County and Mn/DOT Metro East to present and discuss the layouts.
5. Issue a summary memorandum and make a presentation of the alternates to the Maplewood City Council.

#### **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 \$15,500. We will not exceed this figure without your approval.

The estimate of our fee is based 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 client in writing.

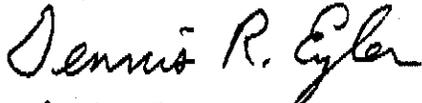
Mr. Kenneth G. Haider, P.E. - 3 -

June 25, 1990

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 \_\_\_\_\_

AGENDA ITEM H-7

AGENDA REPORT

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

TO: City Manager  
FROM: Assistant City Engineer Irish  
SUBJECT: City-Wide Water Main Extensions and Miscellaneous  
Improvements, Project 90-07--Schedule Public Hearing  
DATE: June 19, 1990

Introduction

The request to schedule a public hearing for this project was tabled at the June 11, 1990, council meeting due to late submission of the feasibility report. It is requested that a public hearing be scheduled.

Background

A question was previously raised regarding impact of usage of the hydrant fund on utility rates. The feasibility report identifies a total hydrant fund expenditure of \$354,500 for all recommended improvements out of an apparent unencumbered hydrant fund balance of approximately \$533,537. However, according to the finance director, the apparent unencumbered balance may not reflect approved allocations of funds to other projects. If the actual existing fund balance is significantly less than the apparent balance, then utility rates may have to be raised to generate additional revenue to the hydrant fund. It is not possible to accurately quantify potential utility rate increases without knowing the existing unencumbered balance.

Recommendation

It is recommended that a public hearing be scheduled in accord with the attached resolution.

BAI

jc  
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 \$5,371,000.
3. A public hearing will be held in the council chambers of the city hall at 1830 East County Road B on Monday, the 23rd 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  
 SUBJECT: Footprint Lake Storm Sewer, Project 87-32--Approve  
 Plans and Authorize MSA Off-System Expenditure  
 DATE: June 19, 1990

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

Introduction

The plans for the subject project are presented for review and approval. Resolutions to approve plans and authorize expenditure of city Municipal State Aid funds on eligible items associated with drainage of county and state roadways within the project drainage area are attached.

Background

The scope of the project was increased significantly since the feasibility report. The attached June 14, 1990 letter from David Pillatzke identifies the added elements included in the plans. The additional costs are itemized.

Financial Impact

A major part of the increased project costs is for sanitary sewer repairs. The sanitary sewers were televised during the design and were found to be deficient. The extra cost of \$665,000 associated with repair/replacement of existing sanitary sewers in the project area is proposed to be funded through the sanitary sewer depreciation fund. The fund currently has an unencumbered balance of approximately \$2,364,000.

Additional financing will be available through state aid. It is estimated that \$665,000 will be eligible for state aid funding. To obtain this full amount of funding, it is necessary that resolutions appropriating city Municipal State Aid funds for costs associated with county and state roads be approved.

The balance of increased project costs is proposed to be financed from the ten million dollar general obligation budget item for storm sewer capital improvements. The following table summarizes revised costs and financing. The financial summary presented at the time of the feasibility study is also attached for reference.

	Proposed Revision	Original as Shown in 8/8/89 Agenda Report
Construction Cost	\$2,386,600	\$1,094,100
Administrative, Engineering, Legal, Land Acquisition, and Other Indirect Costs	<u>575,000</u>	<u>350,100</u>
TOTAL PROJECT COST	\$2,961,600	\$1,444,200
Assessments	\$ 700,000	\$ 708,000
State Aid	665,000	361,000
General Obligation	1,042,600	375,200
Sanitary Sewer Depreciation	<u>554,000</u>	<u>--</u>
TOTAL FINANCING	\$2,961,600	\$1,444,200

Recommendation

It is recommended that the attached resolutions be adopted. It is recommended that the project funding be increased to a total of \$2,961,600.

BAI

jw  
Attachments

RESOLUTION

APPROVING PLANS  
ADVERTISING FOR BIDS

WHEREAS, pursuant to resolution passed by the city council on November 20, 1989, plans and specifications for Footprint Lake Outlet and Miscellaneous Improvements, Project 87-32, have been prepared by (or under the direction of) the city engineer, who has presented such plans and specifications to the council for approval,

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

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the city clerk.

2. The city clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least ten days before the date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the council on the 27th day of July, 1990, at the city hall and that no bids shall be considered unless sealed and filed with the clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota for 5% of the amount of such bid.

3. The city clerk and city engineer are hereby authorized and instructed to receive, open, and read aloud bids received at the time and place herein noted, and to tabulate the bids received. The council will consider the bids, and the award of a contract, at the regular city council meeting of August 13, 1990.

R E S O L U T I O N

CITY OF MAPLEWOOD

WHEREAS, It has been deemed advisable and necessary for the City of Maplewood, Minnesota to participate in the cost of a construction project located on T.H. No. 36 within the limits of said municipality, and

WHEREAS, Said construction project has been approved by the Commissioner of Transportation and identified in his records as S.A.P. No. 138-010-04.

NOW, THEREFORE, BE IT RESOLVED: That we do hereby appropriate from our Municipal State-Aid Street Funds the sum of \$37,800 (estimated) to apply toward the construction of said project and request the Commissioner of Transportation to approve this authorization.

C E R T I F I C A T I O N

I, Lucille E. Aurelius, duly appointed and qualified Clerk in and for the City of Maplewood, State of Minnesota, do hereby certify that the above is a true and full copy of a resolution duly adopted by the City Council of said City assembled in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
City Clerk

(SEAL)

City of Maplewood, Minnesota

R E S O L U T I O N

CITY OF MAPLEWOOD

WHEREAS, It has been deemed advisable and necessary for the City of Maplewood, Minnesota to participate in the cost of a construction project located on C.S.A.H. Nos. 25 and 64 within the limits of said municipality, and

WHEREAS, Said construction project has been approved by the Commissioner of Transportation and identified in his records as S.A.P. No. 138-108-05.

NOW, THEREFORE, BE IT RESOLVED: That we do hereby appropriate from our Municipal State-Aid Street Funds the sum of \$197,250 (estimated) to apply toward the construction of said project and request the Commissioner of Transportation to approve this authorization.

C E R T I F I C A T I O N

I, Lucille E. Aurelius, duly appointed and qualified Clerk in and for the City of Maplewood, State of Minnesota, do hereby certify that the above is a true and full copy of a resolution duly adopted by the City Council of said City assembled in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
City Clerk

(SEAL)

City of Maplewood, Minnesota



ENGINEERS ■ ARCHITECTS ■ PLANNERS

3535 VADNAIS CENTER DRIVE, ST. PAUL, MINNESOTA 55110 612 490-2000

June 14, 1990

RE: MAPLEWOOD, MINNESOTA  
FOOTPRINT LAKE OUTLET AND  
MISCELLANEOUS IMPROVEMENTS  
CITY PROJECT NO. 87-32  
S.A.P.'S 138-010-04,  
138-020-01, 138-108-05 AND  
138-112-01  
SEH FILE 88053

Mr. Bruce Irish  
City of Maplewood  
1830 East County Road B  
Maplewood, Minnesota 55109

Dear Mr. Irish:

The final plans and specifications for the referenced project have been completed in accordance with your staff's direction. Enclosed for your reference are the following items:

1. Proposed Project Schedule
2. Resolutions for Off System State-Aid Expenditures
3. Engineer's Estimates of Construction cost.

Proposed Project Schedule

The schedule identifies that advertising for construction bids should commence on July 4, 1990. Construction is anticipated to start in September, 1990 and carry over into the summer of 1991.

Off System State-Aid Resolutions

These resolutions are required to be made by the City Council in order to use Municipal State-Aid Funds for the costs to construct the storm sewer within County State-Aid and State Trunk Highways.

Engineer's Estimate of Construction Cost

Construction costs, based on plan quantities and average unit price amounts from similar past projects, have been estimated.

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 2

The purpose of the estimate is to approximate the value of the construction as designed.

<u>Feasibility Study Estimate</u> <u>March 30, 1988</u>	<u>Final Plans Estimate</u> <u>June 14, 1990</u>
\$1,094,101	\$2,386,607

The increase is due to additional features added to the project during the design process as follows:

Sanitary Sewer

The City's sanitary sewer system along the storm sewer route was televised to identify deficient pipe. Those pipes requiring reconstruction and restoration of the disturbed surfaces have been included in the plans along the following routes;

1. County Road B (Hazelwood to Prosperity) - Complete sanitary sewer, services and street replacement and partial watermain reconstruction. \$263,910
2. Eldridge right-of-way (Barclay to Hazelwood) - Sanitary sewer - Complete replacement. \$ 53,785
3. Hazelwood Street (DNR trail to County Road B) - Sanitary sewer replacement and Partial street patching. \$ 30,660
4. Birmingham Street (Laurie to Lark) - Complete sanitary sewer, services and street replacement. \$ 39,810
5. Sherwood Park - Partial sanitary sewer replacement. \$ 2,195
6. Germain Street (County Road B to Sherwood Park) - Partial sanitary sewer and service replacements. \$ 2,875

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 3

7.	Burke Street (Barclay to Birmingham) - Complete sanitary sewer and service replacement.	\$ 36,435
8.	Sandhurst Street (cul-de-sac to Germain) - Sanitary service replacement.	\$ 2,875
9.	Birmingham (Eldridge to Burke) - Sanitary sewer replacement.	\$ 1,000
10.	County Road B (Burlington Northern right-of-way - Birmingham) - Replace sanitary sewer service.	\$ 2,985
	SUBTOTAL	\$442,545

Storm Sewer

Based on requests by Ramsey County Engineers and City maintenance staff storm sewer was added along the following routes;

1.	County Road B (English to Birmingham) - Based on request by Ramsey County to resolve roadway drainage problems.	\$ 97,160
2.	County Road B (Germain to Prosperity) - Storm sewer and ditch grading as requested by Ramsey County to resolve roadway drainage problems.	\$106,815
3.	DNR Trail (Dieter to Hazelwood) - Requested by DNR and City staff to provide localized drainage.	\$ 26,640
4.	Cope Avenue (English to Burlington Northern right-of-way) - Reconstruct inplace storm sewer and partial street replacement to resolve a failing outlet piping system.	\$ 38,605
5.	Hazelwood - County Road B Intersection - Based on request by City personnel to eliminate problems with the existing drainage system at this intersection.	\$ 14,265
	SUBTOTAL	\$283,485

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 4

Surface Water Management Plan - Upgrade

The City is currently preparing a SWMP to provide long-term guidance on water-related issues of flood control and water quality. Standards being developed as part of this plan were incorporated into the final plans as follows;

1. Larger capacity outlet pipe from Footprint Lake to accommodate overflow in excess of the 100-year design event. \$ 46,225
  
  2. Creation of a regional pond at the Weaver Lake Elementary School pond site. Regional ponding results in elimination of local ponding areas west of the Burlington Northern right-of-way and south of County Road B. Excavation is required at the Weaver site to provide increased storage capacity. A cross culvert under the Burlington Northern right-of-way is also required to drain the westerly area to the Weaver Pond. \$140,490
- SUBTOTAL \$186,715

Sherwood Park Grading

The Sherwood Park site grading was never completed in order to provide a temporary ponding area until an outlet could be provided to the park. Material was stockpiled onsite during the initial park grading to allow for the economical filling of the temporary pond. The filling and grading of the park is proposed to be completed under this contract. \$ 33,170

Streets

The feasibility study contemplated partial street replacement, or where the entire surface required removal, to replace the street to the existing grade. In order to reduce City expenditures, when the local roadways are reconstructed, Sandhurst, Germain, Burke and Birmingham Streets are proposed to be reconstructed to the future street grades at this time. The savings is realized by spending slightly extra expenditures now to replace the entire

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 5

street surfaces and lower the grades to accept future curb and gutter. Future street reconstruction can then forego removing street surfaces replaced under this project.

1.	Burke (Barclay - Birmingham)	\$ 8,795
2.	Birmingham (Burke - County Road B)	\$ 5,805
3.	Sandhurst and Germain	\$ 35,940
4.	Birmingham (Lark - Laurie)	<u>\$ 5,300</u>
	SUBTOTAL	\$55,840

#### Pond Excavation

The State-Aid section of MnDOT recently changed their requirements regarding easements for purposes of ponding. In lieu of permanent easements, fee title taking is now required. This philosophy has a significant impact, not only to this project, but on all future improvements. With easements, water can be temporarily stored on private property within the confines of the easements. As long as permanent structures are not within the easement, no grading is required to confine the water. With fee title, the City must subdivide existing parcels to create lots over which ponding occurs. In areas of irregular topography, the size and shape is determined by the perimeter of the edge of the high water. This could result in substandard lot size and noncompliance to City set back requirements for the existing dwelling. It may also result in significant acquisition costs due to damages to the decrease in value of the property. This is the case for the Footprint Lake and Prosperity Pond areas of the project. In order to avoid significant acquisition expense in fee title takings, the project proposes to grade the ponding areas to confine the water. The water will be confined on newly created lots that will not significantly subtract from the value of the existing dwellings.

1.	Prosperity Pond	\$ 40,310
2.	Footprint Lake Pond	<u>\$123,790</u>
	SUBTOTAL	\$164,100

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 6

Design Changes

During the course of the design period, changes in field conditions and refinement in the design assumptions made during the feasibility study stage required changes in the design. The changes that resulted in additional construction costs are identified as follows:

1. Junction structure at Gervais Avenue - The feasibility report proposed a multiple culvert crossing at Gervais Avenue. During the subsequent construction of Gervais, the actual culverts installed were of a different size than those proposed. This change in pipe size and elevation require the construction of a special sized junction structure to be able to interconnect the different pipe sizes. \$ 34,610
2. Cope Avenue Street Reconstruction - The alignment for the storm sewer reconstruction on Cope Avenue was changed from the boulevard to the street to avoid removal of a private landscape area for the Maples Park Shores townhouses. \$ 24,900
3. Birmingham Watermain - The alignment of the trunk storm sewer over the Weaver School property was changed to minimize encroachment onto school property. The change in alignment was toward County Road B and will require the relocation of the in-place watermain at the Birmingham - County Road B intersection. \$ 12,275
4. Germain Storm Sewer (Mid-block and Backyards) - Storm sewer catch basins were added midblock between Sandhurst and County Road B to drain a low point created by the street reconstruction. Drainage structures were also added to intercept low points in the backyards on both sides of the streets. \$ 5,025

Mr. Bruce Irish  
City of Maplewood  
June 14, 1990  
Page 7

5. Trunk Line Alignment Change (Between Cope Avenue and County Road B) - The alignment was changed from the west side of the Burlington Northern right-of-way to the east side to avoid disturbance to an existing developed neighborhood. The properties situated along the easterly alignment are undeveloped at this time. \$ 5,065
6. Overage from Feasibility Study - The feasibility study was completed in March, 1988. Unit prices used in the current Engineer Estimate have been updated to project current costs. These higher unit prices result in an estimated cost increase due to inflation of \$ 44,776
- SUBTOTAL \$126,651
- TOTAL \$1,292,506

If you have any questions or if you require any further information, please contact me.

Sincerely,



David J. Pillatzke, P.E.

DJP:11c  
Enclosures

**PROJECT SCHEDULE**

**FOOTPRINT LAKE OUTLET AND  
MISCELLANEOUS DRAINAGE IMPROVEMENTS**

**MAPLEWOOD, MINNESOTA  
CITY PROJECT NO. 87-32**

**SEH FILE 88053**

Submit Final Plans and Specifications to City	Jun 4, 1990
Submit Final Plans and Specifications to MnDOT	Jun 6, 1990
Council Approves Plans and Authorizes Ad for Bids	Jun 25, 1990
Advertise in Maplewood Review	Jul 4 & 11, 1990
Advertise in Construction Bulletin	Jul 6 & 13, 1990
Receive and Open Bids	Jul 27, 1990
Council Considers Bids, Awards a Construction Contract	Aug 13, 1990
Begin Construction	Sep 1, 1990
Interim Completion (Winter Shutdown)	Nov 16, 1990
Substantial Completion	Aug 1, 1991
Final Completion	Sep 1, 1991

AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: City Engineer *KSH*  
SUBJECT: Southlawn Drive and Mall Driveway  
DATE: June 19, 1990

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

There has been a concern about the intersection where the Maplewood Mall driveway and the Birch Run driveway connect to Southlawn Drive. This intersection appears to be somewhat confusing for drivers. Since the intersection is new and is not yet heavily used, it is important at this time to establish traffic control that will handle the intersection for some time into the future.

The intersection handles many turning movements. Given that fact, it is appropriate to make the intersection a 4-way stop. This establishes who has the right of way and will provide for safer left turn movements.

It is recommended the city council authorize placing 4-way stop signs at the intersection of Southlawn Drive and the Maplewood Mall/Birch Run driveways.

KGH

jw

Action by Council:

AGENDA REPORT

TO: City Manager  
FROM: City Engineer *KSA*  
SUBJECT: Municipal State Aid Streets  
DATE: June 19, 1990

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

Funds for MSA streets are apportioned to cities using a number of factors such as population and needs to complete the proposed streets. There are also factors that negatively affect the apportionment. For Maplewood, the leading negative factor is a large unencumbered balance in our construction fund. Since we have not used our funds, what money that would have been put in our account is distributed to all the other cities.

The large unencumbered balance started to be a real problem in 1987. That year we avoided a reduction in apportionment due to our intentions of reducing the balance to acceptable levels. The money, however, was not spent so reductions in apportionment began in 1988 as follows:

1988	\$153,018
1989	\$590,669
1990	\$467,643

In order to avoid future reductions, we must spend approximately \$2,000,000 this year and continue to use our annual allotments of about \$600,000.

KGH

jw

AGENDA REPORT

AGENDA ITEM I-4  
Action by Council

TO: City Manager  
FROM: Assistant City Engineer Irish  
SUBJECT: Keller Parkway/County Road C Water Main, Project 88-10  
Accept Project  
DATE: June 19, 1990

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

Introduction

The Keller Parkway/County Road C water main project is complete. The attached resolution accepts the project, authorizes release of retainage with final payment, and adjusts project budget.

Background

A copy of the final application for payment is attached. The final total construction cost increased to \$130,998.52 from the original contract amount of \$112,663.40. This includes previously executed Change Order Number One in the amount of \$2,480. A review of the final quantities of the bid items shows that significant additional costs above the original contract were incurred for polyethylene encasement, granular borrow, bituminous paving, and sod.

Additional polyethylene encasement was used to protect the pipe from borderline potentially corrosive soil. Greater extent of unsuitable peat and saturated silt was encountered on Keller Parkway than anticipated. This material could not be compacted to a stable condition. Granular borrow was used to replace this unsuitable material. The existing silty subgrade material was utilized to the maximum extent judged to be workable during construction. There were several settlement areas that required resurfacing/repair with bituminous paving. This accounts for the additional bituminous paving material used. Additional sod was used to restore the relocated Keller Parkway ditch just north of Palm Court.

Most of the additional project cost is absorbed by the contingency included in the budget. However, it is necessary to increase the hydrant fund expenditure by \$9,500 to final out the project.

Project 88-10

2

June 19, 1990

Recommendation

It is recommended that the attached resolution be adopted.

BAI

jc  
Attachments

RESOLUTION  
ACCEPTANCE OF PROJECT

WHEREAS, the city engineer for the City of Maplewood has determined that Keller Parkway/County Road C Water Main, City Project 88-10, is complete and recommends acceptance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that City Project 88-10 is complete and maintenance of these improvements is accepted by the city. Release of any retainage or escrow is hereby authorized.

FURTHERMORE, the budget for City Project 88-10 is revised to:

Special assessments	\$134,940
Hydrant fund	<u>\$ 47,060</u>
Total budget	\$182,000

CITY OF MAPLEWOOD  
DEPARTMENT OF PUBLIC WORKS  
1830 EAST COUNTY ROAD B  
MAPLEWOOD, MINNESOTA 55109

ESTIMATE FOR PARTIAL PAYMENT

Estimate No. Final period Ending June 18 19 90 Sheet 1 of 3

Project No. 88-10 Original Contract Amount

Project Keller Parkway--County Road C \$ 112,663.40

Water Main

Contractor \_\_\_\_\_

Work Completed to Date

Item	Description	Unit	Contract Quantity	Quantity To Date	Unit Price	Total To Date
1	Connect to Existing Watermain	EA.	2	2	\$350.00	700.00
2	8" SJ DIP Watermain Class 52	LF	1,518	1,530.783	17.25	26,406.01
3	8" RJ DIP Watermain Class 52	LF	867	887	20.25	17,961.75
4	6" SJ DIP Watermain Class 53	LF	54	74	20.00	1,480.00
5	6" MJ Hydrant Assembly	EA.	5	5	1,100.00	5,500.00
6	8" MJ Gate Valve and Box	EA.	4	5	500.00	2,500.00
7	6" MJ Gate Valve and Box	EA.	5	5	400.00	2,000.00
8	MJ DIP Watermain Fittings	LB	3,050	2,595	1.40	3,633.00
9	Replace Sanitary Sewer Main or Service with DIP	LF	80	40	30.00	1,200.00
10	Polyethylene Encasement over 6" and 8" WM	LF	415	2,457	0.65	1,597.05
11	Water Service Trench Exc. or Pneuma-Gopher	LF	703	699	9.00	6,291.00
12	Air Vent Install.--Trench-B.Fil	EA	2	3	350.00	1,050.00
13	Saw Cut Existing Bituminous Coarse Agg. Foundation for Trench Stabilization	LF	2,061	2,057	1.00	2,057.00
14	Trench Stabilization	LF	250	220	1.20	264.00
15	Granular Borrow	CY	100	1,485	8.00	11,880.00
16	Aggregate Base, Class 5	TON	1,608	1,632.76	8.90	14,531.56
17	2331 Bituminous Base Course	TON	260	383.17	15.00	5,747.55
18	2341 Bituminous Wear Course	TON	350	438.07	20.00	8,761.40
19	Bituminous Material for Mix.	TON	32.7	34.76	130.00	4,518.80
20	Bituminous Material for T. Coal	GAL	107	150	1.20	180.00

CITY OF MAPLEWOOD  
DEPARTMENT OF PUBLIC WORKS  
1830 EAST COUNTY ROAD B  
MAPLEWOOD, MINNESOTA 55109

ESTIMATE FOR PARTIAL PAYMENT

Estimate No. final Period Ending June 18 1990 Sheet 2 of 3

Project No. 88-10 Original Contract Amount

Project Keller Parkway--County Road C \$ 112,663.40

Water Main

Contractor \_\_\_\_\_

Work Completed to Date

Item	Description	Unit	Contract Quantity	Quantity To Date	Unit Price	Total To Date
21	Traffic Control	LUMP	Lump Sum	100%	\$1,000.00	1,000.00
22	Remove and Reinstall 24" RCP FES	EA	1	-	300.00	-
23	2" Rigid Insulation	SF	64	64	2.10	134.40
24	Calcium Chloride for Dist Control	TON	1.5	-	300.00	-
25	Topsoil Borrow	CY	346	278	8.00	2,224.00
26	Sodding	SY	1,300	2,550	1.75	4,462.50
27	Seeding	AC	.56	.37	200.00	74.00
28	Seed	LB	28	22	4.00	88.00
29	Wood Fiber Blanket	SY	1,262	315	1.45	456.76
30	Mulch, Type 1	TON	.50	.74	200.00	148.00
31	Commercial Fertilizer	TON	.21	.16	425.00	68.00
32	Disk Anchoring	AC	.23	-	100.00	-
33	Silt Fench	LF	413	375	2.25	843.75
34	Bale Checks for Eros. Control	EA	4	-	10.00	-
35	Mechanical Street Sweeping	HRS	4	4	65.00	260.00
36	Palm Court Water Main Tests	LUMP	Lump Sum	100%	500.00	500.00

CITY OF MAPLEWOOD  
DEPARTMENT OF PUBLIC WORKS  
1830 EAST COUNTY ROAD B  
MAPLEWOOD, MINNESOTA 55109

ESTIMATE FOR PARTIAL PAYMENT

Estimate No. final Period Ending June 18, 19 90 Sheet 3 of 3

Project No. 88-10

Project Keller Parkway/County Road C

Original Contract Amount \$ 112,663.40

Total Contract Work Completed to Date \$ 128,518.52

Change Order 1 \$ 2,480.00  
Change Order 2 \$ \_\_\_\_\_  
Change Order 3 \$ \_\_\_\_\_  
Change Order 4 \$ \_\_\_\_\_

Total Approved Extra Work \$ 2,480.00

Approved Extra Work Amount Completed \$ 2,480.00

Total Amount Earned This Estimate \$ 130,998.52

Less 0 Percent Retained \$ 0.00

Less Previous Payments \$ 122,057.82

Total Deductions \$ 122,057.82

Amount Due This Estimate \$ 8,940.70

Contractor \_\_\_\_\_ Date \_\_\_\_\_

Engineer Paul A. Doud Date 6/19/90

City Engineer Paul A. Doud Date 6/19/90

AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: Assistant City Engineer Irish  
SUBJECT: County Road D--Shoulder Paving Agreement  
DATE: June 19, 1990

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

Introduction

A proposed agreement with Ramsey County for city cost participation in shoulder paving on County Road D is attached.

Background

The proposed agreement amends the shoulder paving agreement that was previously approved. The original agreement provided for city cost participation to construct four-foot wide shoulders on both sides of County Road D and several other county roads in conjunction with milling and overlay. Under the original agreement, the work on County Road D extended from Labore Road to the designated termination of County Road D at approximately 600 feet west of T.H. 61. Subsequently, the decision to terminate work at the designated limit of County Road D instead of extending work to T.H. 61 has been reevaluated.

Since it may be a considerable time before the proposed southern extension of County Road D to connect to T.H. 61 is constructed, it is appropriate to provide shoulder paving together with milling and overlay to the segment between T.H. 61 and the officially designated limit. The agreement specifies city cost contribution of \$3,832.

Recommendation

It is recommended that the mayor be authorized to execute the proposed agreement.

BAI

jc  
Attachment

Ramsey County Agreement No. 90-04 Amended  
City of Maplewood Agreement No. \_\_\_\_\_

Agreement for Construction of Paved Road Shoulders

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

WHEREAS, In 1990 the County plans to improve County Road D from Labore Road to T.H. 61 via pavement recycling and overlay; and

WHEREAS, The improvement work is proposed to include the installation of bituminous shoulder paving; and

WHEREAS, Under the County cost participation policy as outlined in Resolution 9-1272 the City is to pay 75% of the cost of shoulder paving.

The parties mutually agree as follows:

1. The County will construct four foot width paved shoulders on County Road D from Labore Road to T.H. 61 as part of the recycling and overlay improvement of this roadway.
2. The estimated cost of the portion of the shoulder paving in the City is \$5,110 for 3,216 lineal feet.
3. The 75% City share of the shoulder paving cost shall be \$3,832.
4. The City shall pay its share of the shoulder paving costs to the County after completion of the shoulder paving and upon submission of a bill to the City.
5. This agreement, designated "90-04 Amended", shall supersede previous agreement no. 90-04.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective duly authorized officers.

CITY OF MAPLEWOOD, MINNESOTA

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

Date \_\_\_\_\_

COUNTY OF RAMSEY

By \_\_\_\_\_

Executive Director

Date \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Assistant County Attorney

Recommended for Approval

\_\_\_\_\_  
Director of Public Works and  
County Engineer

AGENDA REPORT

Action by Council:

TO: City Manager  
FROM: City Engineer  
SUBJECT: City Hall Update  
DATE: June 20, 1990

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

There are two items to consider at this meeting. The first is Change Order 6 and the second is a reduction of retainage.

Change Order 6 concerns a number of miscellaneous electrical items and alarm items as identified on the attached sheet. The total amount is \$1749.

The retainage reduction recommended by the architect is from five percent to two and one-half percent. This would leave a balance on the contract of \$78,632.66 for the remaining work and retainage.

It is recommended the Change Order 6 and retainage reduction be approved.

KGH

jc  
Attachments

CHANGE ORDER NO. <sup>6</sup> - ATTACHMENT  
CITY OF MAPLEWOOD - TKDA COMM. 9424  
JUNE 18, 1990

<u>Item #1</u>	Provide one additional Type A light fixture located as directed in the remodeled area.	Add	\$ 182
<u>Item #2</u>	Provide 3 receptacles on two separate circuits on north wall of Room 224.	Add	\$ 493
<u>Item #3</u>	Add one additional power pole in Room 227 as directed by Owner.	Add	\$ 316
<u>Item #4</u>	On wall between Rooms 120 and 117 near area where door was relocated, relocate one receptacle, two single pole switches and one 3-way switch.	Add	\$ 413
<u>Item #5</u>	Replace 2 defective/damaged Simplex fire alarm horns in the new Public Works Area. The existing units did not function.	Add	\$ 170
<u>Item #6</u>	The exit alarm scheduled for Door 505C did not interface with the lockset furnished. Return the Detex EA-500 and provide Detex Model ECL230C.	Add	\$ 175
<u>Item #7</u>	Delete the Signage Allowance of \$3,000, the Artwork Allowance of \$5,000 and the Telephone Service Allowance of \$10,000. These will be provided by the Owner.	Deduct	\$ (18,000)
<u>Total This Change Order =</u>			\$(16,251)

# TKDA

ENGINEERS ARCHITECTS PLANNERS

JUN 12 1990

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED

2500 AMERICAN NATIONAL BANK BUILDING  
SAINT PAUL, MINNESOTA 55101  
612/292-4400  
FAX 612/292-0063

June 7, 1990

Mr. Michael McGuire  
City Manager  
City of Maplewood  
1830 E. County Road B  
Maplewood, Minnesota 55109

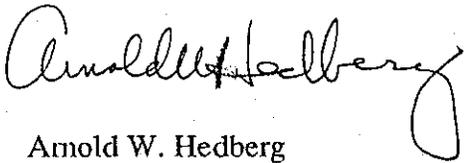
Re: Maplewood City Hall Expansion  
TKDA Commission No. 9424

Dear Mr. McGuire:

We are enclosing Certificate for Payment No. 8 in the amount of \$79,994.39 issued to Merrimac Construction Company, Inc. for work done on the above project. This is being sent to you for processing and payment.

Please note that Merrimac has requested reduction of retainage from 5% to 2-1/2%. We are in agreement, considering the amount of work done and per our partial final inspections of the various areas.

Sincerely,



Arnold W. Hedberg  
Construction Administrator

AWH/l

Enclosures

cc: Dean Johnson  
Marge Ostrom

Com. No. 9424 Cert. No. 8 St. Paul, Minn., June 7 1990

To City of Maplewood, Minnesota Owner

This Certifies that Merrimac Construction Company, Inc. Contractor

For Maplewood City Hall Expansion

Is entitled to SEVENTY-NINE THOUSAND SIX HUNDRED THIRTY-TWO AND 39/100 (\$ 79,994.39)

being 8th estimate for partial payment on contract with you dated Sept. 18 1989

Received payment in full of above certificate.

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED  
ENGINEERS AND ARCHITECTS

2500 American National Bank Bldg.  
St. Paul, Minnesota 55101

*Arnold W. Hedberg*

Arnold W. Hedberg

CONTRACTOR

19

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS		PAYMENTS		CREDITS	
Contract price plus extras	1,063,544.	66				
All previous payments			924,284.	61		
All previous credits						
Extra No. 4	8,857.	00				
" " 5	10,510.	00				
" "						
" "						
" "						
Credit No.						
" "						
" "						
" "						
AMOUNT OF THIS CERTIFICATE			79,994.	39		
Totals	1,082,911.	66	1,004,279.	00		
Credit Balance						
There will remain unpaid on contract after payment of this Certificate			78,632.	66		
	1,082,911.	66	1,082,911.	66		